



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 15 March 2013

**6272/1/13
REV 1**

PUBLIC 2

NOTE

Subject: MONTHLY SUMMARY OF COUNCIL ACTS OCTOBER 2012

This document consists of the following:

- ANNEX I containing a list of acts adopted by the Council in OCTOBER 2012.^{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 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 only the minutes concerning the definitive adoption of legislative acts are authentic. These are available via the Internet at:

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

**LIST OF ACTS ADOPTED BY THE COUNCIL
IN OCTOBER 2012**

3188th meeting of the Council of the European Union (Employment, Social policy, Health and Consumer Affairs) held in Luxembourg on 4 October 2012

Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC (‘the IMI Regulation’) (Text with EEA relevance)
OJ L 316, 14.11.2012, p. 1–11

Decision No 994/2012/EU of the European Parliament and of the Council of 25 October 2012 establishing an information exchange mechanism with regard to intergovernmental agreements between Member States and third countries in the field of energy (Text with EEA relevance)
OJ L 299, 27.10.2012, p. 13–17

Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (Text with EEA relevance)
OJ L 316, 14.11.2012, p. 12–33

Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on certain permitted uses of orphan works (Text with EEA relevance)
OJ L 299, 27.10.2012, p. 5–12

Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (Text with EEA relevance)
OJ L 315, 14.11.2012, p. 1–56

Regulation (EU) No 1027/2012 of the European Parliament and of the Council of 25 October 2012 amending Regulation (EC) No 726/2004 as regards pharmacovigilance (Text with EEA relevance)
OJ L 316, 14.11.2012, p. 38–40

Directive 2012/26/EU of the European Parliament and of the Council of 25 October 2012 amending Directive 2001/83/EC as regards pharmacovigilance (Text with EEA relevance)
OJ L 299, 27.10.2012, p. 1–4

Position (EU) No 10/2012 of the Council at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency Adopted by the Council on 4 October 2012
OJ C 352E , 16.11.2012, p. 1–22

Regulation (EU) No 1028/2012 of the European Parliament and of the Council of 25 October 2012 amending Council Regulation (EC) No 1234/2007 as regards the regime of the single payment scheme and support to vine-growers
OJ L 316, 14.11.2012, p. 41–42

Position (EU) No 11/2012 of the Council at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council establishing transitional arrangements for bilateral investment agreements between Member States and third countries Adopted by the Council on 4 October 2012
OJ C 352E , 16.11.2012, p. 23–32

Regulation (EU) No 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation (EC) No 732/2008
OJ L 303, 31.10.2012, p. 1–82

Regulation (EU, Euratom) No 979/2012 of the European Parliament and of the Council of 25 October 2012 relating to temporary Judges of the European Union Civil Service Tribunal
OJ L 303, 31.10.2012, p. 83–84

Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA
OJ L 315, 14.11.2012, p. 57–73

Regulation (EU) No 1029/2012 of the European Parliament and of the Council of 25 October 2012 introducing emergency autonomous trade preferences for Pakistan
OJ L 316, 14.11.2012, p. 43–53

2012/624/EU: Council Implementing Decision of 4 October 2012 authorising Hungary to introduce a special measure derogating from Article 193 of Directive 2006/112/EC on the common system of value added tax
OJ L 274, 9.10.2012, p. 26–27

Council Implementing Regulation (EU) No 924/2012 of 4 October 2012 amending Regulation (EC) No 91/2009 imposing a definitive anti-dumping duty on imports of certain iron or steel fasteners originating in the People's Republic of China
OJ L 275, 10.10.2012, p. 1–22

Council Conclusions on "Towards a job-rich recovery and giving a better chance to Europe's youth"
13907/12

Council Conclusions on "Preventing and tackling child poverty and social exclusion and promoting children's well-being"
13445/12 COR 1 COR 2 (hu) + REV 1 (el)

3189th meeting of the Council of the European Union (Economic and Financial Affairs) held in Luxembourg on 9 October 2012

Council Regulation (EU) No 967/2012 of 9 October 2012 amending Implementing Regulation (EU) No 282/2011 as regards the special schemes for non-established taxable persons supplying telecommunications services, broadcasting services or electronic services to non-taxable persons
OJ L 290, 20.10.2012, p. 1–7

Proposal for transfer of appropriations No DEC 29/2012 within Section III - Commission - of the general budget for 2012
13947/12

Proposal for transfer of appropriations No 2/2012 within Section X - European External Action Service - of the general budget for 2012
14306/12

2012/669/EU: Council Decision of 9 October 2012 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, on the one hand, and the Republic of Kiribati, on the other
OJ L 300, 30.10.2012, p. 2–2

Council Regulation on the allocation of fishing opportunities under the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other
13332/12

2012/670/EU: Council Decision of 9 October 2012 on the signing, on behalf of the European Union, of the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius
OJ L 300, 30.10.2012, p. 34–34

Council Regulation (EU) No 999/2012 of 9 October 2012 on the allocation of fishing opportunities under the Protocol to the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius
OJ L 300, 30.10.2012, p. 37–38

2012/658/EU: Council Implementing Decision of 9 October 2012 amending Implementing Decision 2011/344/EU on granting Union financial assistance to Portugal
OJ L 295, 25.10.2012, p. 14–19

3190th meeting of the Council of the European Union (Competitiveness) held in Luxembourg on 10 and 11 October 2012

Directive 2012/30/EU of the European Parliament and of the Council of 25 October 2012 on coordination of safeguards which, for the protection of the interests of members and others, are required by Member States of companies within the meaning of the second paragraph of Article 54 of the Treaty on the Functioning of the European Union, in respect of the formation of public limited liability companies and the maintenance and alteration of their capital, with a view to making such safeguards equivalent (Text with EEA relevance)

OJ L 315, 14.11.2012, p. 74–97

Council Decision on establishing the European Union position within the Ministerial Council of the Energy Community

13989/12

2012/646/EU: Council Decision of 10 October 2012 concerning the renewal of the Agreement for scientific and technological cooperation between the European Community and the Federative Republic of Brazil

OJ L 287, 18.10.2012, p. 4–4

2012/645/EU: Council Decision of 10 October 2012 on the conclusion of the Agreement between the European Union and the People's Democratic Republic of Algeria on scientific and technological cooperation

OJ L 287, 18.10.2012, p. 3–3

Council Conclusions on Key Enabling Technologies and the European Innovation Partnership on Raw Materials

14887/12

3191st meeting of the Council of the European Union (Foreign Affairs) held in Luxembourg on 15 October 2012

Council Decision authorising the Commission to open negotiations on a framework agreement with Kosovo concerning its participation in Union programmes

14613/12

Council Conclusions on Bosnia and Herzegovina

14670/12

Council Conclusions on relations with Belarus

14739/12

Council Conclusions on relations with Georgia

14741/12

Council Decision 2012/632/CFSP of 15 October 2012 amending Decision 2010/127/CFSP concerning restrictive measures against Eritrea
OJ L 282, 16.10.2012, p. 46–46

Council Regulation (EU) No 942/2012 of 15 October 2012 amending Regulation (EU) No 667/2010 concerning certain restrictive measures in respect of Eritrea
OJ L 282, 16.10.2012, p. 3–5

Council Decision 2012/633/CFSP of 15 October 2012 amending Decision 2010/231/CFSP concerning restrictive measures against Somalia
OJ L 282, 16.10.2012, p. 47–49

Council Implementing Regulation (EU) No 943/2012 of 15 October 2012 implementing Article 12(1) and 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 282, 16.10.2012, p. 6–8

Council Regulation (EU) No 941/2012 of 15 October 2012 amending Regulation (EC) No 147/2003 concerning certain restrictive measures in respect of Somalia
OJ L 282, 16.10.2012, p. 1–2

Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures against Belarus
OJ L 285, 17.10.2012, p. 1–52

Council Decision 2012/634/CFSP of 15 October 2012 amending Decision 2011/782/CFSP concerning restrictive measures against Syria
OJ L 282, 16.10.2012, p. 50–57

Council Implementing Regulation (EU) No 944/2012 of 15 October 2012 implementing Article 32(1) of Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria
OJ L 282, 16.10.2012, p. 9–15

Council Decision 2012/635/CFSP of 15 October 2012 amending Decision 2010/413/CFSP concerning restrictive measures against Iran
OJ L 282, 16.10.2012, p. 58–69

Council Implementing Regulation (EU) No 945/2012 of 15 October 2012 implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran
OJ L 282, 16.10.2012, p. 16–22

2012/649/EU: Council Decision of 15 October 2012 concerning the signing, on behalf of the Union, of the Agreement between the European Union and the Republic of Cape Verde on facilitating the issue of short-stay visas to citizens of the Republic of Cape Verde and of the European Union
OJ L 288, 19.10.2012, p. 1–1

Council Conclusions on the Annual Report 2012 on the European Union's Development and External Assistance Policies and their Implementation in 2011
14443/12

Council Conclusions on the roots of Democracy and sustainable development: Europe's engagement with Civil Society in external relations
14451/12

Council Conclusions on Social Protection in European Union Development Cooperation
14444/12

Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on Financing for Development
14272/12

Relations with Lebanon - European Union's position for the Association Council's sixth meeting
14924/12

Council Conclusions on the situation in Mali
14566/12 COR 1

Council Conclusions on Syria
14927/12

Council Conclusions on Iran
14929/12 REV 1

3192nd meeting of the Council of the European Union (General Affairs) held in Luxembourg on 16 October 2012

Proposal for transfer of appropriations No DEC 31/2012 within Section III - Commission - of the general budget for 2012
14388/12

Proposal for transfer of appropriations No DEC 32/2012 within Section III - Commission - of the general budget for 2012
14389/12

Proposal for transfer of appropriations No DEC 33/2012 within Section III - Commission -
of the general budget for 2012
14391/12

2012/682/EU: Decision of the European Parliament and of the Council of 25 October 2012 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/2011/015 SE/AstraZeneca from Sweden)
OJ L 307, 7.11.2012, p. 76–76

Proposal for transfer of appropriations No DEC 15/2012 within Section III - Commission -
of the general budget for 2012
13353/12

2012/685/EU: Decision of the European Parliament and of the Council of 25 October 2012 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/2012/001 IE/Talk Talk from Ireland)
OJ L 307, 7.11.2012, p. 79–79

Proposal for transfer of appropriations No DEC 16/2012 within Section III - Commission -
of the general budget for 2012
14067/12

Proposal for transfer of appropriations No DEC 17/2012 within Section III - Commission -
of the general budget for 2012
13354/12

2012/681/EU: Decision of the European Parliament and of the Council of 25 October 2012 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/2011/009 NL/Gelderland Construction 41 from the Netherlands)
OJ L 307, 7.11.2012, p. 75–75

Proposal for transfer of appropriations No DEC 20/2012 within Section III - Commission -
of the general budget for 2012
13355/12

2012/683/EU: Decision of the European Parliament and of the Council of 25 October 2012 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/2011/019 ES/Galicia Metal from Spain)
OJ L 307, 7.11.2012, p. 77–77

Proposal for transfer of appropriations No DEC 22/2012 within Section III - Commission - of the general budget for 2012
14068/12

2012/680/EU: Decision of the European Parliament and of the Council of 25 October 2012 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/2010/015 FR/Peugeot from France)
OJ L 307, 7.11.2012, p. 74–74

Proposal for transfer of appropriations No DEC 26/2012 within Section III - Commission - of the general budget for 2012
14069/12

Council Conclusions on the European Council (18-19 October 2012)
13390/12

3193rd meeting of the Council of the European Union (Agriculture and Fisheries) held in Luxembourg on 22 and 23 October 2012

Amendments of the European Parliament to the Council's position on the draft budget for 2013
14682/12

Council Conclusions on the follow-up to the adoption of a standard setting maximum residue levels (MRLs) on ractopamine by the Codex Alimentarius Commission at its 35th session
14981/12 + COR 1 (es)

Council Conclusions on Special report No 7/2012 from the European Court of Auditors entitled 'The reform of the common organisation of the market in wine: Progress to date'
14227/12 + ADD1

Council Implementing Regulation (EU) No 986/2012 of 22 October 2012 clarifying the scope of the definitive anti-dumping duties imposed by Regulation (EC) No 383/2009 on imports of certain PSC wires and strands originating in the People's Republic of China
OJ L 297, 26.10.2012, p. 1–4

Council Implementing Regulation (EU) No 987/2012 of 22 October 2012 reimposing a definitive anti-dumping duty on imports of ironing boards originating in the People's Republic of China, manufactured by Zhejiang Harmonic Hardware Products Co. Ltd
OJ L 297, 26.10.2012, p. 5–8

2012/656/EU: Council Decision of 22 October 2012 establishing the position to be taken by the European Union within the General Council of the World Trade Organisation on the accession of the Lao People's Democratic Republic to the WTO
OJ L 294, 24.10.2012, p. 7–7

3194th meeting of the Council of the European Union (Environment) held in Luxembourg on 25 October 2012

Council Conclusions on Rio+20: Outcome and follow-up to the UNCSD 2012 Summit
14700/12

3195th meeting of the Council of the European Union (Justice and Home Affairs) held in Luxembourg on 25 October 2012

Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002
OJ L 298, 26.10.2012, p. 1–96

Revised Council Conclusions on the new EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016
11838/6/12 REV 6 +REV 6 COR 1 REV 1 + REV 6 COR 2 REV 1

2012/672/EU: Council Decision of 25 October 2012 on the launch of automated data exchange with regard to dactyloscopic data in Cyprus
OJ L 302, 31.10.2012, p. 11–11

2012/673/EU: Council Decision of 25 October 2012 on the launch of automated data exchange with regard to DNA data in Cyprus
OJ L 302, 31.10.2012, p. 12–12

2012/664/EU: Council Decision of 25 October 2012 on the launch of automated data exchange with regard to Vehicle Registration Data (VRD) in Sweden
OJ L 299, 27.10.2012, p. 44–44

Council Decision 2012/662/CFSP of 25 October 2012 in support of activities to reduce the risk of illicit trade in, and excessive accumulation of, Small Arms and Light Weapons in the region covered by the Organisation for Security and Cooperation in Europe (OSCE)
OJ L 297, 26.10.2012, p. 29–33

Council Decision 2013/12/CFSP of 25 October 2012 on the signing and conclusion of the Agreement between the European Union and the Republic of Moldova establishing a framework for the participation of the Republic of Moldova in European Union crisis management operations
OJ L 8, 12.1.2013, p. 1–1

Council Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and Council Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism - Amended statements of reasons
15186/12 ADD 1 REV 1

Council Decision on the establishment of the Union position to be adopted in the framework of the Southern Indian Ocean Fisheries Agreement (SIOFA)
14404/12

Council Decision on the establishment of the Union position to be adopted in the framework of the South Pacific Regional Fisheries Management Organisation (SPRFMO)
14405/12

Council Conclusions on the Report of the Commission to the Council on the exception clause (Article 10 of Annex XI to the Staff Regulations)
14913/12

Council Conclusions on the protection of soft targets from terrorist activities
14591/12

Written procedure completed on 26 October 2012

Council Decision 2012/665/CFSP of 26 October 2012 amending Decision 2010/638/CFSP concerning restrictive measures against the Republic of Guinea
OJ L 299, 27.10.2012, p. 45–45

3196th meeting of the Council of the European Union (Transport, Telecommunications and Energy) held in Luxembourg on 29 October 2012

Directive 2012/33/EU of the European Parliament and of the Council of 21 November 2012 amending Council Directive 1999/32/EC as regards the sulphur content of marine fuels
OJ L 327, 27.11.2012, p. 1–13

Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area Text with EEA relevance
OJ L 343, 14.12.2012, p. 32–77

Proposal for transfer of appropriations No 3/2012 within Section VIII - European Ombudsman - of the general budget for 2012
14718/12

Proposal for transfer of appropriations No DEC 34/2012 within Section III - Commission - of the general budget for 2012
15079/12

Proposal for transfer of appropriations No DEC 36/2012 within Section III - Commission - of the general budget for 2012
15080/12

Proposal for transfer of appropriations No DEC 37/2012 within Section III - Commission - of the general budget for 2012
15081/12

Proposal for transfer of appropriations No DEC 38/2012 within Section III - Commission - of the general budget for 2012
15082/12

2012/732/EU: Decision of the European Parliament and of the Council of 21 November 2012 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/2012/002 DE/manroland from Germany)
OJ L 328, 28.11.2012, p. 20–20

Proposal for transfer of appropriations No DEC 27/2012 within Section III - Commission - of the general budget for 2012
14834/12

2012/731/EU: Decision of the European Parliament and of the Council of 21 November 2012 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/2012/003 DK/Vestas from Denmark)
OJ L 328, 28.11.2012, p. 19–19

Proposal for transfer of appropriations No DEC 28/2012 within Section III - Commission - of the general budget for 2012
14835/12

Council Implementing Regulation (EU) No 1039/2012 of 29 October 2012 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of aluminium radiators originating in the People's Republic of China
OJ L 310, 9.11.2012, p. 1–12

2013/36/EU: Council Decision of 29 October 2012 on the signing, on behalf of the Union, and provisional application of the Agreement providing a general framework for enhanced cooperation between the European Union and the European Organisation for the Safety of Air Navigation
OJ L 16, 19.1.2013, p. 1–1

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS OCTOBER 2012			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
3188th meeting of the Council of the European Union (Employment, Social policy, Health and Consumer Affairs) held in Luxembourg on 4 October 2012 Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation') (Text with EEA relevance) Decision No 994/2012/EU of the European Parliament and of the Council of 25 October 2012 establishing an information exchange mechanism with regard to intergovernmental agreements between Member States and third countries in the field of energy (Text with EEA relevance)	PE-CONS 25/12 REV 1(de) PE-CONS 30/1/12	Qualified majority Qualified majority	All Member States in favour All Member States in favour
Statement by the Commission The Commission considers that the adoption of the Decision of the European Parliament and of the Council setting up an information exchange mechanism with regard to intergovernmental agreements between Member States and third countries in the field of energy represents a first step towards more transparency, solidarity and consistency with internal market rules. The Commission will continue to encourage – as outlined in the original proposal – a more ambitious approach that would reflect and be more consistent with the EU's challenges and far reaching objectives in the area of energy policy. In particular as provisions proposed as mandatory by the Commission have been made voluntary by the legislator, notably as regards an ex ante compatibility assessment mechanism to ensure that new intergovernmental agreements which have an impact on the operation or the functioning of the internal market are in compliance with Union law, the Commission will closely monitor the effectiveness of the adopted legislation, reserving its Treaty rights, and make use of its review clause as appropriate.			

**INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS
OCTOBER 2012**

TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (Text with EEA relevance)	PE-CONS 32/12 REV 1 (de)	Qualified majority	All Member States in favour
Commission statement While the Commission welcomes the overall agreement on the standardisation regulation, it regrets the inclusion of unnecessary and burdensome comitology procedures for the sending of standardisation requests to the European standardisation organisations. The Commission will make full use of the review clause to evaluate the impact of these procedures, especially on the time and resources needed to finalise standardisation requests, and will report back to the Council and Parliament with its conclusions and any further proposals which it considers necessary in that regard within two years from the date of entry into force of the Regulation. Furthermore the Commission underlines that regulation 182/2011 is the legal framework that lays out the conditions under which comitology must be applied and the Commission therefore considers recital 51 to be not necessary. Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on certain permitted uses of orphan works (Text with EEA)relevance			
Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on certain permitted uses of orphan works (Text with EEA)relevance	PE-CONS 36/2/12 REV 2	Qualified majority	All Member States in favour except: Against: IT
Unilateral Statement by the Italian Delegation regarding Articles 1(5), 10 and 1(3) "In casting its negative vote, Italy notes that Article 1(5) of the Directive allows the coexistence of two parallel and alternative legislative systems: firstly the system of exception introduced by the Directive, and secondly the framework defined by individual national legislation, in which the system introduced by the Directive cannot interfere. Italy remains convinced that such an arrangement would lead to serious mismatches within the internal market and would compromise the harmonising function of the Directive. This harmonising function is further compromised by the review clause proposed in Article 10, since this establishes that in the event that a Member State reports a case of incompatibility between the national system and that of the Directive, the European Commission will be asked to consider a possible review of the Directive. Moreover, the introduction of the "unpublished works" category (Article 1(3)) seems to fall outside the objective scope of the Directive, as well as being incompatible with and far-removed from the general principles of copyright. This provision could in fact infringe the author's personality rights,			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS OCTOBER 2012			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
the so-called "moral rights", which are exercised on the basis of legislation of the Union's Member States, in accordance with the provisions of the Berne Convention for the Protection of Literary and Artistic Works, the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty."			
Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (Text with EEA relevance)	PE-CONS 35/2/12 REV 2	Qualified majority	All Member States in favour except: Against: ES, PT Abstention: FI
Statement by the European Parliament, the Council and the Commission on the exemplary role of their buildings in the context of the Energy Efficiency Directive The European Parliament, the Council and the Commission declare that, due to the high visibility of their buildings and the leading role they should play with regard to their buildings' energy performance, they will, without prejudice to applicable budgetary and procurement rules, undertake to apply the same requirements to the buildings they own and occupy as those applicable to the buildings of Member States' central government under Articles 5 and 6 of Directive 2012/XX/EU of the European Parliament and of the Council on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC. Commission statement in relation to energy audits As explained in its Communication to the European Parliament, the Council, the Economic and Social Committee and the Committee of Regions on EU State Aid Modernisation (COM(2012) 209 final of 8.5.2012), the Commission has identified the Union Guidelines on State Aid for Environmental Protection as one of the instruments which can contribute to the Europe 2020 Growth Strategy and objectives and which may be revised by the end of 2013. In such context, the Commission may verify that the future rules on State Aid for Environmental Protection continue to promote in an optimal way sustainable growth, inter alia through promotion of energy efficiency in line with the objectives of the present Directive. Commission statement in relation to Union ETS In the light of the need to maintain the incentives in the Union's Emissions Trading Scheme the Commission undertakes: - to urgently present the first report pursuant to Article 10(5) of Directive 2003/87/EC on the carbon market accompanied by a review of the auction time profile of phase 3 - to examine in this report options, including among others permanent withholding of the necessary amount of allowances, for action with a view to adopting as soon as possible further appropriate structural measures to strengthen the ETS during phase 3, and make it more effective.			

**INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS
OCTOBER 2012**

TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Statement by Finland Finland has for decades worked systematically in order to improve energy efficiency. Due to Finland's climatic conditions and high share of energy intensive industries energy efficiency is a necessity. Finland's second National Energy Efficiency Action Plan, adopted in June 2011 compiled the ongoing energy policy measures and actions. Thanks to these measures Finland will before 2016 exceed the 9 % target, set by the Energy Services Directive (ESD). Finland has underlined that the Energy Efficiency Directive (EED) should have taken into account, without restrictions, the early actions since 2008 taken by Member States with the aim of meeting the targets laid down by the ESD. Finland considers that neglecting the savings that the Member States have already achieved through ESD is not the fairest way forward. According to Finland locally produced renewable energy which reduces the amount of energy purchased, is to be regarded as energy saving also within the framework of the EED, being clearly such a saving from the end-user's viewpoint. The EED's broad scope, large number of individual obligations and stringent timelines are a challenge not only to the Member States, but to the Commission as well. Finland fears that problems might emerge as far as compliance costs, including administrative burden, and general acceptance by the target groups is concerned. The Commission should ensure that the extensive calculation, verification, monitoring and reporting regime is kept at reasonable level. Finland is also looking forward to hearing whether and how the EU institutions themselves intend to fulfill the Directive's obligations to public bodies, within the timelines set. Statement by Portugal Portugal has during the past years achieved good results in terms of development of energy efficiency and Renewable Energy Sources (RES). In fact, before the current economic crisis, specifically between 2007 and 2010, Portugal put great effort in implementing its energy efficiency national plan. There should be no doubt that Portugal supports energy efficiency policies, what Portugal underlines is that executing the specific measures established in the Energy Efficiency Directive (EED) is not the most efficient way to achieve energy savings in Portugal since: a) Disregarding the savings that the Member States have already achieved through Energy Services Directive (ESD) - and will still achieve until 31st December 2013 - will penalize those Member States (such as Portugal) that have already implemented energy efficiency policies; b) The EED privileges measures related with building renovation, which are tailor-made for countries whose climatic conditions make it indispensable to use cooling and heating systems, but are not so appropriate - from a cost-benefit perspective - for countries that experience moderate temperatures through all the year. Moreover, building renovation related measures entail substantial upfront investment costs. Considering that capital in Portugal is more expensive than in other Member States and combining with the fact that Portuguese consumers spend less in cooling and heating, it results that investments' pay-back will be much harder to achieve in Portugal than in other Member States;			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS OCTOBER 2012			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
c) Finally, EED implies an increase of public expenditures; in particular it involves renovation of governmental buildings, compliance costs and administrative burden. Portugal is concerned on how to cope with such public spending obligations under the severe budgetary restrictions that result from the Financial Assistance Program we have signed. Achieving EED implementation and acceptance by its target groups will be very challenging. Portugal is looking forward to working together with the Commission and expects to receive its support on how to fulfill the Directive's obligations, within the timelines set. Statement by the German and Austrian delegations With regard to the German version of the EU Energy Efficiency Directive, the German and Austrian Governments wish to point out once again that the term "cost effective" should have been translated as "kosteneffizient" in this Directive. Statement by Spain Spain remains fully committed towards achieving the European target of 20% of savings in primary energy by 2020. In the last decade, Spain has taken decisive action to significantly improve the energy efficiency of its economy. We met already in 2010 the 2006 Energy Services Directive (ESD 2006/32/EC) target of reducing by 9% final energy consumption, thus 6 years in advance. More recently, Spain enacted a very ambitious Energy Savings and Efficiency National Plan for the 2011-2020 period. However, given the current economic context and past efforts, Spain considers that the new Energy Efficiency Directive (EED) does not provide a cost-effective approach to achieving further energy savings, otherwise imposing a disproportionate burden on certain countries: • Disregarding past efforts and savings achieved before 2014 penalises countries like Spain that have been in recent years at the forefront of promoting energy efficiency, with significant financial effort. • The new accounting methodology represents an unjustified change from the already established and commonly accepted methodology -agreed by all Member States and the Commission together- which will entail important transaction costs and a significant administrative burden in order to adapt existing policies. • Furthermore, it incentivises the adoption of short term measures that in the longer run may not be the most effective. This is particularly true for the buildings sector, where there is the greatest untapped energy efficiency potential in Europe, but has very long pay-back periods, which savings beyond 2020 are similarly disregarded by the EED. The Spanish Energy Efficiency National Plan 2011-2020 estimates that the buildings sector will account for 60% of the total financing needs up to 2020. • The EED binding target for renovation of public buildings not only overlaps with the targets of the Directive 2010/31/EC on energy performance of buildings; experience in several EU countries shows that Governments can not rely entirely in Energy Services Companies (ESCOs) to externalise the cost of public building renovation and therefore this target will put short term additional pressure on public budgets. • Promotion on CHP for district heating or cooling requires infrastructures that are already in place in countries with specific climate conditions			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS OCTOBER 2012			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
but not widely available in other countries and which are unaffordable in the current economic context. Furthermore, the promotion of high efficiency cogeneration has to be balanced against the flexibility needs of the electricity system, particularly in countries such as Spain where renewable energy sources account today for more than 30% of total power generation. Spain is nevertheless looking forward to working together with the Commission in order to find the most cost-effective solutions in order to fulfil the Energy Efficiency Directive's obligations.			
Regulation (EU) No 1027/2012 of the European Parliament and of the Council of 25 October 2012 amending Regulation (EC) No 726/2004 as regards pharmacovigilance (Text with EEA relevance)	PE-CONS 42/12 REV 1 (sl)	Qualified majority	All Member States in favour
Statement by the Commission on establishing fees related to pharmacovigilance activities On 18 June 2012, the Commission launched a public consultation on a concept paper concerning the introduction of fees for Pharmacovigilance, as set out in Regulation (EU) No 1235/2010 and Directive 2010/84/EU, which is open for comments until 15 September 2012. After examination of the comments received, the Commission will prepare an impact assessment which is one of the necessary steps in the legislative process before the Commission puts forward a legislative proposal. The Commission will continue to work on this file as a priority with the intention of presenting a legislative proposal as soon as possible to the European Parliament and the Council.			
Directive 2012/26/EU of the European Parliament and of the Council of 25 October 2012 amending Directive 2001/83/EC as regards pharmacovigilance (Text with EEA relevance)	PE-CONS 43/2/12 REV 2	Qualified majority	All Member States in favour
Position (EU) No 10/2012 of the Council at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency Adopted by the Council on 4 October 2012	10090/2/12 COR 1 (hu) REV 1 (bg) ADD 1	Qualified majority	All Member States in favour except: Against: UK
Council statement on recital 44 and article 2a(2)(e) "With regard to recital (44), the Council notes that the Commission should examine the Agency's potential contribution with regard to the prevention of pollution from offshore oil and gas installations in the context of the implementation of a possible future legislative act on safety of offshore oil and gas activities. In this respect, the Council takes the view that the Agency should continue to operate under its current mandate focussed on maritime safety and shipping-related tasks and under the transport legal basis.			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS OCTOBER 2012			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Furthermore, with regard to Article 2a(2)(e) the Council reiterates the fact that the examination of IMO requirements and the gathering of basic information on potential threats to maritime transport and the marine environment does not include any inspection activities or any activities specifically related to the exploration or exploitation of mineral resources." Statements by the Commission "At the stage of Council's general approach of 16 June 2011, the Commission announced to make 4 statements, at the time of the adoption of the Regulation, on Article 2(2)(b), on Article 2(4)(h), on Article 2a(2)(a) and (b) as well as on Article 2a(2)(f). 1. Maritime security inspections With regard to the technical assistance the Agency is providing to the Commission in the performance of maritime security inspection tasks as referred to in Article 2(2)(b), the Commission confirms that this provision does not affect the character of maritime security inspections as foreseen by Commission Regulation (EC) No 324/2008 of 9 April 2008 laying down revised procedures for conducting Commission inspections in the field of maritime security. In particular, this provision does neither extend the Commission powers to undertake inspections nor does it confer any power to EMSA for carrying out maritime security inspections on its own. 2. Union competence With regard to the technical assistance for the Member States and the Commission to contribute to the relevant work of the technical bodies of IMO, the Commission understands the notion of competence in the sense of the Treaty as encompassing the notion of Union interest currently used in the EU coordination practice with regard to IMO. 3. Marine Strategy Framework Directive and greenhouse gas emissions from ships With regard to the ancillary tasks listed in Article (2a), the Commission recalls the following: (1) The Marine Strategy Framework Directive has the objective to achieve good environmental status of marine waters. Some of the pressures and impacts listed in Table 2 of Annex III are shipping related. The Commission, which has inter alia to measure progress in the implementation of the various areas covered by the Directive, considers it useful to receive the Agency's technical assistance for the shipping-related elements, in particular through exploiting the results of existing tools such as SafeSeaNet and CleanSeaNet; (2) With regard to greenhouse gas emissions from ships, the Commission considers that the Agency's potential technical assistance should not be limited to the calculation of emissions, as this could be seen as an EU preference for a certain market-based instrument. Furthermore, the Commission considers that any technical assistance provided by EMSA will not affect the EU's position with regard to a global or regional situation. 4. Classification societies for inland waterway vessels			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS OCTOBER 2012			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
The Commission takes the view that the provision of relevant information by the Agency to the Commission as foreseen in Article 2a (2) (f) can be undertaken on the basis of EMSA's existing expertise and therefore does not require additional resources for inspections."			
Regulation (EU) No 1028/2012 of the European Parliament and of the Council of 25 October 2012 amending Council Regulation (EC) No 1234/2007 as regards the regime of the single payment scheme and support to vine-growers	PE-CONS 46/1/12 REV 1	Qualified majority	All Member States in favour
Position (EU) No 11/2012 of the Council at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council establishing transitional arrangements for bilateral investment agreements between Member States and third countries Adopted by the Council on 4 October 2012	11917/1/12 REV 1 ADD 1	Qualified majority	All Member States in favour
Statement by the European Parliament, the Council and the Commission "The fact that this Regulation, including recitals 17, 18 and 19, provides for the use of the procedures referred to in Regulation (EU) No 182/2011 does not constitute a precedent as to future regulations allowing the Union to empower the Member States under Article 2(1) TFEU to legislate and adopt legally binding acts in areas of Union exclusive competence. Furthermore, in this Regulation, the use of the advisory as opposed to the examination procedure shall not be considered as setting a precedent for future regulations establishing the framework for the common commercial policy."			
Regulation (EU) No 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation (EC) No 732/2008	PE-CONS 26/1/12 REV 1	Qualified majority	All Member States in favour
Statement by Luxembourg "Luxembourg would point out that, although the objective of the reform of the scheme of generalised tariff preferences is to assist those countries which need it most, the main pillar of the current proposal does not entirely do justice to this principle. Luxembourg regrets the exclusion of all middle-income countries, since this does not take sufficient account of the diverse nature of this category of countries. However, recognising the importance of adopting the scheme of generalised tariff preferences as broadly as possible, Luxembourg can accept this instrument."			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS OCTOBER 2012			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Regulation (EU, Euratom) No 979/2012 of the European Parliament and of the Council of 25 October 2012 relating to temporary Judges of the European Union Civil Service Tribunal	PE-CONS 29/1/12 REV 1	Qualified majority	All Member States in favour
Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA	PE-CONS 37/1/12 REV 1	Qualified majority	All Member States in favour Not participating: DK
Statement by Denmark "Article 30 of the Directive of the European Parliament and of the Council of establishing minimum standards on the rights, support and protection of victims of crime is based on an understanding of the Protocol No 22 on the position of Denmark annexed to the Treaty on the European Union and to the Treaty on the Functioning of the European Union which Denmark does not agree with. Denmark has noted the solution found in Article 30, which consists in specifying that the Directive amends Framework Decision 2001/220/JHA through replacing it, whereas the solution is without prejudice to the outcome of the ongoing discussion concerning future comparable situations."			
Regulation (EU) No 1029/2012 of the European Parliament and of the Council of 25 October 2012 introducing emergency autonomous trade preferences for Pakistan	PE-CONS 47/1/12 REV 1	Qualified majority	All Member States in favour
Statement by Sweden "Sweden welcomes the adoption of a regulation on autonomous trade preferences for Pakistan. Trade is a vital driving force for growth and development, and has benefits for all parties. However, remembering that this particular regulation is the end-product of the European Council's decision on 16 September 2010, to ease trade as an emergency response for recovery after the devastating floods in Pakistan that year, Sweden regrets that the adoption of the regulation comes late, is limited in scope, and will endure, de facto, only a short period of time. Given the EU's commitment to use trade as a tool for development and economic recovery, the Council will revert to the matter of autonomous trade preferences for Pakistan before the end of 2013. Sweden remains committed to Pakistan's eligibility to GSP+ in 2014 provided it meets the necessary criteria."			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS OCTOBER 2012			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
3190th meeting of the Council of the European Union (Competitiveness) held in Luxembourg on 10 and 11 October 2012 Directive 2012/30/EU of the European Parliament and of the Council of 25 October 2012 on coordination of safeguards which, for the protection of the interests of members and others, are required by Member States of companies within the meaning of the second paragraph of Article 54 of the Treaty on the Functioning of the European Union, in respect of the formation of public limited liability companies and the maintenance and alteration of their capital, with a view to making such safeguards equivalent (Text with EEA relevance)	PE-CONS 50/12 REV 1 (lt)	Qualified majority	All Member States in favour
Joint statement by the Commission and the Council Article 6(2) of Directive 77/91/EEC addressed i.a. the short-term volatility of national currencies against the ECU and the time necessary for legislative adaptation where needed. When compliance with Article 6(1) is examined due account will be taken of those conditions.			
3193rd meeting of the Council of the European Union (Agriculture and Fisheries) held in Luxembourg on 22 and 23 October 2012 Amendments of the European Parliament to the Council's position on the draft budget for 2013 14682/12		Qualified majority	All Member States in favour
3195th meeting of the Council of the European Union (Justice and Home Affairs) held in Luxembourg on 25 October 2012 Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002	PE-CONS 45/12	Qualified majority	All MS in favour except: Abstention: NL

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS OCTOBER 2012			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Joint Statement on MFF-related issues "The European Parliament, the Council and the Commission agree that the Financial Regulation would be revised in order to include amendments made necessary by the outcome of the negotiations on the multiannual financial framework for the years 2014-2020, including on the following issues: - the carry-over rules for the Emergency Aid Reserve and for projects financed under the Connecting Europe Facility; - the carry-over of unused appropriations and of the budgetary balance, as well as the related proposal to enter these in a reserve for payments and commitments; - the possible inclusion of the European Development Fund in the Union budget; - the treatment of funds resulting from the agreements on the fight against the illegal traffic in tobacco products." Joint Statement on expenditure related to buildings with reference to Article 203 "The European Parliament, the Council and the Commission agree that: 1. the early warning procedure foreseen in Article 203(4) and the prior approval procedure foreseen in Article 203(5) do not apply to the acquisition of land free of charge or for a symbolic amount; 2. any reference to "buildings" in Article 203 shall only apply to non residential buildings. The European Parliament and the Council may request any information related to residential buildings; 3. in exceptional or urgent political circumstances the information concerning building projects relating to EU delegations or offices in third countries foreseen in Article 203(4) may be submitted jointly with the building project under Article 203(5); In such cases the European Parliament, the Council and the Commission commit themselves to deal with the building project at the earliest possible opportunity; 4. the prior approval procedure foreseen in Article 203(5) and (6) does not apply to preparatory contracts or studies necessary to evaluate the detailed cost and financing of the building project; 5. the thresholds of EUR 750 000 or EUR 3 000 000 referred to in points (ii) to (iv) of Article 203(7) include the fitting out of the building; for rent contracts, these thresholds apply to the rent without charges but include costs related to the fitting out of the building; 6. the expenditure mentioned under Article 203(3)(a) does not include charges; 7. one year after the date of entry into application of the Financial Regulation, the Commission shall report on the application of the procedures foreseen in Article 203." Joint Statement by the European Parliament, the Council and the Commission on Article 203(3) "The European Parliament, the Council and the Commission agree that equivalent provisions will be included in the Framework Financial Regulation for bodies set up under the TFEU and the Euratom Treaty."			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS OCTOBER 2012			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Council Statement on Articles 34 and 40 with reference to the Court of Justice Case C-77/1 "The Council recalls that the agreed text of the Financial Regulation shall be without prejudice to the issues raised in case C-77/11 on the adoption and publication of budgets; such agreed text shall be revised, should it prove necessary, to align it to the judgment of the Court of Justice in that case." Commission Statement on Article 59(5) and (6) "The Commission confirms that - the submission of information to the Commission on a yearly basis as provided for in Article 59(5), gives a view, inter alia, of the accounts on the expenditure incurred during the relevant reference period as defined in the sector-specific rules; - this submission of information is distinct from the procedure of examination and acceptance of the accounts as provided for in Article 59(6). The Financial Regulation does not prejudice the modalities for the examination and acceptance of the accounts nor the modalities for the closure of expenditure which are to be defined in the sector specific rules." Commission Statement on the deadline for the submission of the required information by the Member States under Article 59(5) "The submission of the annual information after 15 February implies the corresponding postponement of the deadline for the signature of the annual activity reports of the Directorates-General implementing Union funds under shared management and for their transmission to the Court of Auditors in the context of its annual report. Consequently, it jeopardizes the timely submission of the summary of annual reports to the European Parliament and the Council by 15 June as provided in Article 66(9) and of the observations by the Court of Auditors, according to Article 162(1)." Commission Statement on Article 59(5), last sub-paragraph "The Commission recalls that as foreseen by Article 59(1) of the Financial Regulation, it shall respect the principle of non-discrimination in fulfilling its responsibilities concerning the implementation of the budget under shared management. Accordingly, the absence of a voluntary declaration by a Member State signed at the appropriate national or regional level shall not have any consequences on the Commission's examination and assessment of the documentation provided under Article 59(5)." Commission Statement on the application of Article 77(3) to Structural Funds "Wherever a Member State detects and corrects on its own account the irregularities, it may reuse the contribution from the Funds cancelled within the operational programme concerned, except for any operation that was subject of the correction or, where a financial correction is made for a systemic irregularity, for any operation affected by the systemic error."			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS OCTOBER 2012			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Commission Statement on financial corrections by Commission extrapolation with reference to Article 77(4) "Wherever possible, the financial corrections shall be calculated on the basis of the amounts unduly spent. The Commission confirms that it will resort to extrapolated or flat rate corrections solely where it is not possible with proportionate effort to precisely quantify the amounts unduly spent." Commission Statement on grant reduction or recovery in the case of systemic or recurrent error or irregularity by a grant beneficiary - extrapolation with reference to Article 135(6) "The Commission confirms that, in the case of proven systemic or recurrent errors or irregularities by a beneficiary, calculation of the amounts to be reduced or recovered by way of extrapolation shall be seen as a last resort solution. Wherever possible, the amounts to be reduced or recovered shall be calculated on the basis of the revised financial statements submitted by the beneficiary. Extrapolation of the reduction or recovery rate shall be used solely where it is not possible or where it could create significant administrative difficulty for the beneficiary to precisely quantify the amounts of ineligible costs. In addition, the Commission confirms that, before any reduction or recovery is decided, any substantiated alternative method or rate proposed by the beneficiary shall be duly examined by the Commission." Commission Statement on eligibility of non recoverable VAT with reference to point (c) of Article 126(3) "The Commission confirms that, as indicated in Article 121(2)(e), provisions of Title VI - including Article 126(3)(c) on eligibility of non recoverable VAT - do not apply to expenditure implemented under shared management within the meaning of Articles 58(1)(b) and 59." Commission Statement on the comitology for Union trust funds with reference to Article 187(8) "The Commission confirms that: - the creation of Union trust funds shall be duly justified in terms of added value of the Union intervention and additionality; - the draft decisions to create, extend and liquidate Union trust funds will be submitted to the examination procedure in accordance with the provisions of the relevant basic acts."			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS OCTOBER 2012			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Commission Statement on loans with reference to Article 203(8) "The Commission underlines that using loans for the acquisition of buildings is not contrary to the principle of equilibrium according to Article 17 of the Financial Regulation. The borrowing of the funds constitutes an off-budget operation: The amount of the loan is not recorded in the budget as revenue and the full amount of the building price is not recorded as expenditure. Only the annual instalments to be paid to the bank are included as expenditure matched by the annual administrative budget (revenue). From an accounting point of view, the loan does not finance the budget expenditures, but the acquisition of an asset. The loan (debt) is compensated by the value of the building (asset). Therefore, loans for the acquisition of buildings do not create a deficit." Statement by the European Parliament "The amount of EUR 85,9 million repaid by Belgium to the European Parliament at the beginning of 2010 and earmarked for building projects is to be considered as external assigned revenue under Article 18 of the Financial Regulation."			
3196th meeting of the Council of the European Union (Transport, Telecommunications and Energy) held in Luxembourg on 29 October 2012 Directive 2012/33/EU of the European Parliament and of the Council of 21 November 2012 amending Council Directive 1999/32/EC as regards the sulphur content of marine fuels	PE-CONS 31/12 COR 1 (ro)	Qualified majority	All MS in favour except: Against: DE Abstention: EE, FI
Statements by the European Commission "1. Recital 27. Commission statement on the revision of Directive 2000/59/EC on port reception facilities for ship-generated waste and cargo residues The Commission recalls that the inclusion of scrubber waters collection in a future revision of Directive 2000/59/EC falls entirely under its exclusive right of initiative. While the Commission indeed intends to consider such inclusion, this in no way prejudices the result of its deliberations or the contents of a future proposal, in particular as regards whether or not for waste a 'no special fee policy' should be applied. 2. Commission statement on the procedure of adoption of implementing acts The Commission considers that in the case of no opinion, Article 5 paragraph 4, subparagraph 2, point a) of Regulation 182/2011 (OJ L 55 of 28.2.2011, p. 13) applies as the aim of the Directive is to protect human health and environment. Therefore, there is no need to make a reference to the fact that the draft implementing act may not be adopted by the Commission where no opinion is delivered. 3. Commission statement concerning the use of dynamic reference to international agreements			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS OCTOBER 2012			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
The Commission considers that the dynamic reference on the establishment of new Sulphur Emission Control Zones (SECA) to the IMO decision through Art. 2(3e) of the Directive is not legally sound as it results in automatic acceptance of the IMO decision outside the scope of the ordinary legislative procedure. 4. Commission statement concerning the use of implementing acts The Commission considers that the measures for the frequency of sampling, the definition of a representative sample (Article 6(1b) points (a) and (c)), and the information to be included in a report (Article 7(1a)) are not of an implementing nature and thus shall not fall under Article 291 TFEU. The Commission is of the view that Article 290 is the appropriate procedure in relation to these issues given that they entail measures of general application which would modify or supplement the non-essential elements of the Directive. It reserves all its legal rights in that respect. 5. Commission statement concerning the request to the Commission to develop new measures supporting the implementation of the Directive by end 2012 The Commission recalls that the Commission's Staff Working Paper on the sustainable waterborne transport toolbox was published in September 2011 and that this toolbox contained several measures that could be applied in the short, medium, and long-term and that meanwhile the Commission is actively pursuing further actions and has already moved forward on several actions including short term actions, for example by ensuring increased funding appropriations for existing programmes such as Marco Polo and TEN-T. The Commission considers that it is not realistic, credible, nor possible to develop and propose meaningful new initiatives in the few months remaining before the end of 2012. The Commission regrets that Council and EP rejected the Commission's proposal to report progress by mid 2013 so as to leave space for the Commission and Member States to work more on substance rather than on reporting only. 6. Commission statement concerning ongoing work in the context of reviewing the EU Thematic Strategy on Air Pollution Without prejudice to the ultimate outcome of the review, the Commission confirms that it is assessing, amongst several scenarios, the costs and benefits of additional measures to reduce air pollution from shipping, including the impacts of applying a maximum fuel sulphur standard of 0.1% in territorial waters." Statement by Poland "In principle, Poland supports the initiative to review the Directive of the European Parliament and of the Council amending Directive 1999/32/EC as regards the sulphur content of marine fuels with regard to include IMO regulations in the EU law. However, it is being estimated that both the revised MARPOL Annex VI and the revised directive will lead to significant rise in fuel price and distortions in competitiveness between SECA and non SECA regions. The issue of the competitiveness of maritime transport as an environmentally friendly alternative to the road transport and possible modal shift are of great concern to Poland. Therefore, the elaboration of the Staff Working Paper "Pollutant emission reduction from maritime transport and the sustainable waterborne transport			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS OCTOBER 2012			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
toolbox” (<i>The Toolbox document</i> – art. 7 para. 3), financial measures as in the art. 4f, as well as future legislative proposals (as in art. 7 para. 2) in favour of operators affected by this directive are of very high importance. Additionally, Poland is of the opinion that the word "operators" covers both ship operators and port operators as ports will be equally affected by the above-mentioned distortions and therefore eligible for financial aid." Statement by Germany "Germany welcomes the proposal, which brings European law into line with Annex VI of MARPOL as revised by the International Maritime Organization in 2008 (MARPOL Resolution MEPC.176 (58)). In the interests of marine protection and air quality, in the IMO negotiations Germany voiced strong support for the limits laid down in Annex VI of MARPOL. This particularly applies to the maximum sulphur content of marine fuels which may be used on board ships within sulphur emission control areas (SECAs). This is why Germany transposed the requirements of the revised Annex VI into national law in 2010. In the negotiations of the Commission's proposal for reasons of environmental protection and to avoid distortions of competition, Germany argued for uniformly applying the SECA limits to the territorial seas and exclusive economic zones of all the Member States. In addition, due to reasons of air quality and also with a view to compliance with the binding European limit values for particulate concentrations (PM 10) Germany proposed to align the limit value for the sulphur content of marine fuels used by sea-going vessels operating on inland waterways to the limit value for the sulphur content of fuels for inland waterway vessels. Germany welcomes that the IMO global standard of 0.5% will apply in 2020 in Europe, regardless of the 2018 IMO review. However, stricter fuel standards for passenger ships, especially for passenger ships on a regular service, which operate mostly in ports or close to shore, would ensure improvement of air quality in coastal areas. Germany finds it regrettable that the requirements for passenger ships in the compromise are not ambitious. Germany also objects that the possibility of granting state aid is no longer strictly linked to exceeding the requirements of the directive. Germany therefore considers that state aid may only be granted in cases where the standards laid down in the directive are implemented at a considerably earlier stage, or where the sulphur content is significantly lower than the prescribed maximum. In Germany's view, the fact that meeting the required limit values for sulphur can lead to reductions of other emissions cannot be used to justify the granting of state aid. Therefore, taken as a whole, Germany does not support the proposal."			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS OCTOBER 2012			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Statement by Finland "Finland welcomes the Directive on the sulphur content of marine fuels as well as the revised MARPOL Annex VI in order to improve air quality and gain positive impacts on health and environment. However, the new rules will have a severe effect on the shipping sector and industries relying on sea transportation, due to the estimated costs of low-sulphur fuel and vessel conversions when abatement technology is installed. The geographical location of Finland within the SECA area, but very far from the main European market area, together with the timetable for implementation constitute a huge challenge in respect of the new rules. Finland therefore considers it of utmost importance for the Member States to be able to adopt financial measures, in an interim period, to reduce the negative impact on operators affected in order to avoid competition distortion otherwise caused by the new rules. These measures should be in line with the state aid rules applicable and to be adopted by the Commission in this area as stated in article 4f of the Directive. Also, the elaboration of the Staff Working Paper "Pollutant emission reduction from maritime transport and the sustainable waterborne transport toolbox" (<i>The Toolbox document</i>– art. 7 para. 3) is paramount." Joint statement by Bulgaria, Spain, France, Greece, Italy, Malta, Portugal and Romania "Bulgaria, Spain, France, Greece, Italy, Malta, Portugal and Romania are prepared to endorse the compromise. We would however like to express our reservations regarding the 2013 review clause provided for in Article 7(2) and (3) of the revised Directive as well as regarding the new recital concerning air quality policy review in 2013, that specifically targets the issue of air pollution in EU territorial waters. We feel that before embarking on any form of review process it is essential to evaluate initial results from the implementation of the new standards, which are only due to come into force in the SECAs as of 2015. The chosen date of 2013 is highly premature and we would like to emphasise that we are opposed to the principle of a new legislative initiative that would go against the European Commission's "better regulation" strategy, and the objectives of legal certainty and proportionality. This premature measure would in fact disturb the stability of the legal framework that is needed by maritime operators and industrial stakeholders in marine fuel supply so that they can make the necessary investments. We would like to highlight that should the IMO make use of the 2018 review clause on justified grounds, in particular technical ones, such as a compliant fuel not being available, in view of current supply and demand on the global fuel market, market trends or any other relevant factors, the European Union will have to take into account this particular situation if it wants to preserve the competitiveness of the European maritime industry. In this instance, the Commission should propose relevant provisions including the necessary development of the legal framework and its implementation schedule."			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS OCTOBER 2012			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Joint statement by France, Italy and Malta "In the context of intermodal competition, France, Italy and Malta feel that care should be taken to ensure that the European maritime transport sector is not excessively weakened. We therefore call on the Commission to develop its work on the toolbox, in particular incorporating European financial instruments and the legal monitoring framework for State aid into its reflection. " Statement by Latvia and Sweden "Latvia and Sweden recognize the importance in achieving the compromise on the draft Directive to align the European Union law with the Annex VI of MARPOL as revised by the International Maritime Organization in 2008. In the negotiations Latvia and Sweden argued for uniformly applying the requirements applicable within sulphur emission control areas (SECAs) to the territorial seas and exclusive economic zones of all the Member States. Such an approach would have ensured significant environmental and human health benefits, as well as would have helped to avoid potential distortion of competition. Latvia and Sweden are also of the opinion that for reasons of environmental protection and to avoid distortions of competition further work is necessary in supporting the establishment of new SECAs within the framework of the International Maritime Organization. Latvia and Sweden support the adoption of the draft Directive since it provides the framework for further consideration of the potential economic impact of the requirements of the draft Directive, especially in relation to the distortion of competition and potential risk of modal backshift from sea to land based transport resulting in an increased harm to the environment. In order to avoid the above mentioned risks, Latvia and Sweden would like to invite the European Commission to pay particular attention to the elaboration of the appropriate measures which would substantially minimize the negative impacts and closely cooperate with Member States in this regard." Statement by Estonia "Estonia supports the aim of the Directive on the sulphur content of marine fuels and the revised MARPOL Annex VI. Estonia welcomes the steps taken to improve air quality and strengthen marine protection. We believe that policies outlined in the Directive will have significant positive impact both on human health and the environment. Good ecological status and adequate protection of the Baltic Sea area are of particular interest for Estonia. However, Estonia stresses that these important policy objectives must be realistic and achievable. We are concerned about the ambitious timetable set in the Directive in the context of the remaining issues of fuel availability and technological challenges. We are confident that the Directive will accelerate much needed technological innovation, but it will take time for the results to emerge. Therefore, it has been Estonia's position during the negotiations that 2020 would be a more appropriate deadline for the new rules to enter into force. In addition, Estonia supports uniform application of the requirements applicable within the sulphur emission control areas (SECAs) to the territorial			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS OCTOBER 2012			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
seas and exclusive economic zones of all the Member States. This would have significantly increased the positive impact of the Directive both in terms of health and environmental benefits. It would also have ensured fairer competition conditions all over the European Union."			
Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (Text with EEA relevance)	PE-CONS 44/12 REV 1 (lv) REV 2 (sv) REV 3 (da)	Qualified majority	All MS in favour except: Against: DE, LU, AT Abstention: EE, PL, SK
Commission statement "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(4), 2), 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(4) recourse to subparagraph 2, 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. While the Commission supports the agreement reached by the European Parliament and the Council on the recourse to this provision in nine specific cases which they have justified by reasons of their potential impact on the functioning of the rail market and public finances, it regrets that such justification is not reflected in a recital."			
Statement by Germany "The provision in Article 32(4) continues to make a binding differentiation between charges for railway lines in order to give incentives to trains equipped with the ETCS. Germany is opposed to Member States taking over any "liability" for financial deficits incurred by rail infrastructure managers as a result of this price differentiation between railway lines. Germany assumes that the statement made by the European Commission in the Council meeting on 16 June 2011 in connection with the adoption of the general approach on the proposed Directive still stands, namely, that the budget reservations (recitals 10 and 37) specifically apply to Article 8(4). Germany also assumes that the third subparagraph of Article 31(5) does not limit the introduction of a noise-differentiated railway line price component within the meaning of subparagraph 1 only in order to finance the equipping of freight wagons, but that this provision can provide a general incentive on noise reduction and does not exclude other measures. Germany would point out that subparagraph 2 of Article 13(3) provides for the introduction of separate balance sheets and profit and loss accounts for "all service facilities referred to in (...) Annex II", and that the definition of service facilities in Annex II includes storage sidings, for instance. Germany assumes that the intention of subparagraph 2 of Article 13(3) is not to prescribe separate balance sheets and profit and loss accounts for every single service facility, but rather to separate service facilities into different categories."			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS OCTOBER 2012			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Joint statement by Poland and the Slovak Republic "Poland and the Slovak Republic attach high importance to the development of the rail sector. Poland and the Slovak Republic are in the process of conducting difficult and expensive restructuring process of the infrastructure manager. Poland and the Slovak Republic will also gradually increase the investments in the rail infrastructure within the financial capability. <i>The Directive of the European Parliament and of the Council establishing a single European railway area</i> is an important document, constituting the basis for the development of rail transport. At the same time, it should take into account the difficult financial situation of the Member States and contain appropriate transitional periods. Poland and the Slovak Republic make an assumption that obligations arising from the directive cannot be contradictory to the commitments resulting from the Stability and Growth Pact, in particular regarding the binding Excessive Deficit Procedure for some Member States. From this point of view, the transitional periods foreseen in the directive are not sufficient. Moreover, Poland and the Slovak Republic believe that some of the directive's provisions should not apply to already existing lines used solely for freight operations, having untypical for the EU technical characteristics, and which connect only one Member State with a bordering 3rd country. However, adequate exclusion has not been included in the directive. Taking the foregoing into account, Poland and the Slovak Republic cannot support the directive and abstain from voting." Statement by Latvia "Latvia fully supports the initiative to simplify, clarify and modernize the regulatory framework of the European railway area by recasting the first railway package. Nevertheless, Latvia still maintains concerns regarding some provisions of the Directive: - Article 7, point 1 sets an obligation for the Member States to show that the independence of essential functions of an infrastructure manager have been achieved. Lack of clearly defined criteria in the Directive and a general requirement for Member States to ensure that the essential functions are entrusted to bodies or firms that do not themselves provide any rail transport services gives possibility for a broad interpretation and will not decrease ambiguity and gaps of the current regulatory framework. Transposition of the current Directive and related infringement procedures prove that Member States have difficulties in this regard. Clearly defined criteria would have allowed a better transposition of the provisions of the Directive as well as ensured the railway sector that national measures are not excessive <i>vis-à-vis</i> regulatory framework of the European Union. Latvia considers that the task given to the Commission in Article 63, point 1 to, if appropriate, propose legislative measures in relation to the opening of the domestic rail passenger market and to develop appropriate conditions to ensure non-discriminatory access to the infrastructure, building on the existing separation requirements between infrastructure management and transport operations while respecting the right of initiative is a step in the right direction, but at the same time does not ensure the necessary certainty that the issue will be solved in a future.			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS OCTOBER 2012			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
- Latvia also maintains concerns with regard to the inclusion of the function of collection of infrastructure charges in the list of essential functions (Article 7, point 1). Latvia fully understands the necessity to protect the commercially sensitive information, however in case of Latvia this function would have to be transferred from the infrastructure manager, who at the same time is an owner of the infrastructure, to the performer of essential functions. Such an action would hinder the ability of the infrastructure manager to properly control its finances and would also have a negative impact on its existing or future financial obligations as well as financing of the infrastructure development. - Latvia also believes that the solution to the issue raised by the European Parliament on Article 17, point 1 concerning licensing in respect of relations with third countries and on a network whose track gauge is different from the main rail network within the Union and which is either geographically detached or peripherally located from the Union is not sufficient, and still believes that clear rules for a possibility to apply limitations concerning railway undertakings which are directly or indirectly effectively controlled through the ownership shares of third country or nationals of third country should have been set in the main text of the Directive. Notwithstanding the above mentioned concerns, Latvia understands the importance of advancing the creation of Single European Railway area and therefore expresses its support to the final compromise of the Directive, while calling on the European Commission to take the issues mentioned above into account when preparing future legislative acts in this area."			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS OCTOBER 2012			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Statement by Austria "In principle, Austria supports the initiative to recast the first railway package with the aim of simplifying the regulatory environment in the European railway sector. The competitiveness of rail transport as an environmentally friendly alternative to the road is of crucial importance to Austria. For this reason, like many other Member States, Austria also fully supports the European objectives concerning the ETCS. At a national level, this is demonstrated by the Austrian ETCS migration plan and to an even greater extent by the Austrian support programme for equipping trains with ETCS Level Two. This scheme, which was notified and launched in 2011 and which corresponds to the version pursuant to Commission Decision 2008/386/EC already provides a direct incentive for equipping trains with ETCS Level Two. In this context it should be emphasised that Article 32(4) can only be interpreted as meaning that Member States or infrastructure managers in Member States who have already launched an ETCS support programme for equipping trains with ETCS do not have the same obligation to differentiate the rail use charge on ETCS corridors pursuant to 2009/561/EC as those Member States that do not provide any direct incentives to rail companies for equipping trains with ETCS. In general, at European level only the framework principles should be laid down for the sector and it should be left to states to organise their rail sector within the framework of the European objectives. Any mandatory separation of bodies, beyond separate accounts and balance sheets, leads to disproportionate additional financial and organisational burdens and to disproportionate interference in railway undertakings' freedom of economic decision making, which Austria does not support. For this reason, Austria also rejects the wordings of Articles 13(3) and (6) and cannot accept the legislative act as it stands."			

INFORMATION ON THE ADOPTION OF OTHER ACTS OCTOBER 2012	
OTHER ACTS	Votes/Statements made public
3188th meeting of the Council of the European Union (Employment, Social policy, Health and Consumer Affairs) held in Luxembourg on 4 October 2012 2012/624/EU: Council Implementing Decision of 4 October 2012 authorising Hungary to introduce a special measure derogating from Article 193 of Directive 2006/112/EC on the common system of value added tax 13642/1/12 REV 1 Council Implementing Regulation (EU) No 924/2012 of 4 October 2012 amending Regulation (EC) No 91/2009 imposing a definitive anti-dumping duty on imports of certain iron or steel fasteners originating in the People's Republic of China 13695/12 Council Conclusions on "Towards a job-rich recovery and giving a better chance to Europe's youth" 13907/12 Council Conclusions on "Preventing and tackling child poverty and social exclusion and promoting children's well-being" 13445/12 COR 1 COR 2 (hu) + REV 1 (el) 3189th meeting of the Council of the European Union (Economic and Financial Affairs) held in Luxembourg on 9 October 2012 Council Regulation (EU) No 967/2012 of 9 October 2012 amending Implementing Regulation (EU) No 282/2011 as regards the special schemes for non-established taxable persons supplying telecommunications services, broadcasting services or electronic services to non-taxable persons 12596/12 COR1 (el) + COR 1 (el) + COR 2 (fi) + COR 3 (sv) + REV 1 (cs, fr, lt) + REV 2 (hu) + REV 3 (lv)	

INFORMATION ON THE ADOPTION OF OTHER ACTS OCTOBER 2012	
OTHER ACTS	Votes/Statements made public
Statements by the Council and the Commission <u>Re Article 57c</u> "The Council and the Commission agree that Article 192a in Council Directive 2006/112/EC has no effect on the rules for the special schemes for non-established taxable persons supplying telecommunications services, broadcasting services or electronic services to non-taxable persons." 2. <u>Re Article 58</u> "For the purpose of the application of Article 58, the Council and the Commission agree that a Member State of consumption may request the exclusion of a taxable person from a special scheme, forwarding any information supporting the exclusion to the Member State of identification in accordance with Article 13 of Council Regulation (EU) No 904/2010. For the purpose of the application of Article 58, the Council and the Commission agree that where a Member State of identification has received a request for exclusion of a taxable person from a special scheme, that Member State shall send a feedback to the requesting Member State of consumption under the conditions laid down in Article 16 of Council Regulation (EU) No 904/2010." 3. <u>Re Article 58b</u> "The Council and the Commission agree that an evaluation of the implementation of Article 58b shall be carried out by the Commission no later than 1 January 2018 on the basis of detailed information provided by Member States." Proposal for transfer of appropriations No DEC 29/2012 within Section III - Commission - of the general budget for 2012 13947/12 Proposal for transfer of appropriations No 2/2012 within Section X - European External Action Service - of the general budget for 2012 14306/12	

INFORMATION ON THE ADOPTION OF OTHER ACTS OCTOBER 2012	
OTHER ACTS	Votes/Statements made public
2012/669/EU: Council Decision of 9 October 2012 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, on the one hand, and the Republic of Kiribati, on the other 13330/12 Statement by Sweden "Explanation of vote – Kiribati Sweden has been involved for some time in ensuring that ex-ante and ex-post evaluations are completed in good time ahead of decisions on new Protocols. In May 2012, an ex-post evaluation of the existing Protocol to the Fisheries Partnership Agreement between the EU and the Republic of Kiribati was presented, along with an ex-ante evaluation which included an analysis of the future Protocol's effect on sustainability. The evaluation describes the scientific assessment carried out by the regional fisheries organisation (WCPFC). According to the WCPFC assessment, stocks of yellowfin tuna are approaching their maximum level of exploitation and fishing for juvenile fish is under pressure. As for bigeye tuna, the WCPFC assessment shows that the species is being overfished and that current levels of fishing are not sustainable. According to the Council conclusions of March 2012, fishing under the Fisheries Partnership Agreement should be directed exclusively at surplus resources, and overfishing of stocks should be prevented. Since it cannot be guaranteed that the EU's fishing activities will be directed at a documented surplus, Sweden cannot support the proposal for a new Protocol for the Republic of Kiribati. Sweden has no fishing interests of its own in the Pacific and therefore abstains from the vote." Council Regulation on the allocation of fishing opportunities under the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other 13332/12 2012/670/EU: Council Decision of 9 October 2012 on the signing, on behalf of the European Union, of the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius 13500/12	

INFORMATION ON THE ADOPTION OF OTHER ACTS OCTOBER 2012	
OTHER ACTS	Votes/Statements made public
Council Regulation (EU) No 999/2012 of 9 October 2012 on the allocation of fishing opportunities under the Protocol to the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius 13502/12 2012/658/EU: Council Implementing Decision of 9 October 2012 amending Implementing Decision 2011/344/EU on granting Union financial assistance to Portugal 13936/12 3190th meeting of the Council of the European Union (Competitiveness) held in Brussels on 10 and 11 October 2012 Council Decision on establishing the European Union position within the Ministerial Council of the Energy Community 13989/12 2012/646/EU: Council Decision of 10 October 2012 concerning the renewal of the Agreement for scientific and technological cooperation between the European Community and the Federative Republic of Brazil 10475/12 COR 1 (pl) 2012/645/EU: Council Decision of 10 October 2012 on the conclusion of the Agreement between the European Union and the People's Democratic Republic of Algeria on scientific and technological cooperation 8283/12 Council Conclusions on Key Enabling Technologies and the European Innovation Partnership on Raw Materials 14887/12	

INFORMATION ON THE ADOPTION OF OTHER ACTS OCTOBER 2012	
OTHER ACTS	Votes/Statements made public
3191st meeting of the Council of the European Union (Foreign Affairs) held in Luxembourg on 15 October 2012 Council Decision authorising the Commission to open negotiations on a framework agreement with Kosovo concerning its participation in Union programmes 14613/12 Council Conclusions on Bosnia and Herzegovina 14670/12 Council Conclusions on relations with Belarus 14739/12 Council Conclusions on relations with Georgia 14741/12 Council Decision 2012/632/CFSP of 15 October 2012 amending Decision 2010/127/CFSP concerning restrictive measures against Eritrea 13886/12 Council Regulation (EU) No 942/2012 of 15 October 2012 amending Regulation (EU) No 667/2010 concerning certain restrictive measures in respect of Eritrea 13959/12 Council Decision 2012/633/CFSP of 15 October 2012 amending Decision 2010/231/CFSP concerning restrictive measures against Somalia 13940/12 REV 1 (lv) + REV 2 (sl) Council Implementing Regulation (EU) No 943/2012 of 15 October 2012 implementing Article 12(1) and 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 13942/12 REV 1 (sl)	

INFORMATION ON THE ADOPTION OF OTHER ACTS OCTOBER 2012	
OTHER ACTS	Votes/Statements made public
Council Regulation (EU) No 941/2012 of 15 October 2012 amending Regulation (EC) No 147/2003 concerning certain restrictive measures in respect of Somalia 13945/12 REV 1 (lv, sl) Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures against Belarus 14523/12 Council Decision 2012/634/CFSP of 15 October 2012 amending Decision 2011/782/CFSP concerning restrictive measures against Syria 14527/12 ADD 1 REV 1 Council Implementing Regulation (EU) No 944/2012 of 15 October 2012 implementing Article 32(1) of Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria 14529/12 ADD 1 Council Decision 2012/635/CFSP of 15 October 2012 amending Decision 2010/413/CFSP concerning restrictive measures against Iran 14553/12 ADD 1 Council Implementing Regulation (EU) No 945/2012 of 15 October 2012 implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran 14804/12 ADD 1 2012/649/EU: Council Decision of 15 October 2012 concerning the signing, on behalf of the Union, of the Agreement between the European Union and the Republic of Cape Verde on facilitating the issue of short-stay visas to citizens of the Republic of Cape Verde and of the European Union 14202/12 Council Conclusions on the Annual Report 2012 on the European Union's Development and External Assistance Policies and their Implementation in 2011 14443/12	

INFORMATION ON THE ADOPTION OF OTHER ACTS OCTOBER 2012	
OTHER ACTS	Votes/Statements made public
Council Conclusions on the roots of Democracy and sustainable development: Europe's engagement with Civil Society in external relations 14451/12 Council Conclusions on Social Protection in European Union Development Cooperation 14444/12 Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on Financing for Development 14272/12 Relations with Lebanon -European Union's position for the Association Council's sixth meeting 14924/12 Council Conclusions on the situation in Mali 14566/12 COR 1 Council Conclusions on Syria 14927/12 Council Conclusions on Iran 14929/12 REV 1 3192nd meeting of the Council of the European Union (General Affairs) held in Luxembourg on 16 October 2012 Proposal for transfer of appropriations No DEC 31/2012 within Section III - Commission - of the general budget for 2012 14388/12 Proposal for transfer of appropriations No DEC 32/2012 within Section III - Commission - of the general budget for 2012 14389/12	

INFORMATION ON THE ADOPTION OF OTHER ACTS OCTOBER 2012	
OTHER ACTS	Votes/Statements made public
Proposal for transfer of appropriations No DEC 33/2012 within Section III - Commission - of the general budget for 2012 14391/12 2012/682/EU: Decision of the European Parliament and of the Council of 25 October 2012 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/2011/015 SE/AstraZeneca from Sweden) OJ L 307, 7.11.2012, p. 76–76 Proposal for transfer of appropriations No DEC 15/2012 within Section III - Commission - of the general budget for 2012 13353/12 2012/685/EU: Decision of the European Parliament and of the Council of 25 October 2012 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/2012/001 IE/Talk Talk from Ireland) OJ L 307, 7.11.2012, p. 79–79 Proposal for transfer of appropriations No DEC 16/2012 within Section III - Commission - of the general budget for 2012 14067/12 Proposal for transfer of appropriations No DEC 17/2012 within Section III - Commission - of the general budget for 2012 13354/12	

INFORMATION ON THE ADOPTION OF OTHER ACTS OCTOBER 2012	
OTHER ACTS	Votes/Statements made public
2012/681/EU: Decision of the European Parliament and of the Council of 25 October 2012 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/2011/009 NL/Gelderland Construction 41 from the Netherlands) OJ L 307, 7.11.2012, p. 75–75 Proposal for transfer of appropriations No DEC 20/2012 within Section III - Commission - of the general budget for 2012 13355/12 2012/683/EU: Decision of the European Parliament and of the Council of 25 October 2012 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/2011/019 ES/Galicia Metal from Spain) OJ L 307, 7.11.2012, p. 77–77	

INFORMATION ON THE ADOPTION OF OTHER ACTS OCTOBER 2012	
OTHER ACTS	Votes/Statements made public
Proposal for transfer of appropriations No DEC 22/2012 within Section III - Commission - of the general budget for 2012 14068/12 2012/680/EU: Decision of the European Parliament and of the Council of 25 October 2012 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/2010/015 FR/Peugeot from France) OJ L 307, 7.11.2012, p. 74–74 Proposal for transfer of appropriations No DEC 26/2012 within Section III - Commission - of the general budget for 2012 14069/12 Council Conclusions on the European Council (18-19 October 2012) 13390/12 3193rd meeting of the Council of the European Union (Agriculture and Fisheries) held in Brussels on 22 and 23 October 2012 Council Conclusions on the follow-up to the adoption of a standard setting maximum residue levels (MRLs) on ractopamine by the Codex Alimentarius Commission at its 35th session 14981/12 + COR 1 (es) Council Conclusions on Special report No 7/2012 from the European Court of Auditors entitled 'The reform of the common organisation of the market in wine: Progress to date' 14228/12 + ADD1 Statement by Hungary "Hungary takes note of the report by the European Court of Auditors on 'The reform of the common organisation of the market in wine: Progress to date' and of the statement in the report, that the planned liberalisation of planting rights lacked sufficient research."	

INFORMATION ON THE ADOPTION OF OTHER ACTS OCTOBER 2012	
OTHER ACTS	Votes/Statements made public
Council Implementing Regulation (EU) No 986/2012 of 22 October 2012 clarifying the scope of the definitive anti-dumping duties imposed by Regulation (EC) No 383/2009 on imports of certain PSC wires and strands originating in the People's Republic of China 14251/12 Council Implementing Regulation (EU) No 987/2012 of 22 October 2012 reimposing a definitive anti-dumping duty on imports of ironing boards originating in the People's Republic of China, manufactured by Zhejiang Harmonic Hardware Products Co. Ltd 14349/12 2012/656/EU: Council Decision of 22 October 2012 establishing the position to be taken by the European Union within the General Council of the World Trade Organisation on the accession of the Lao People's Democratic Republic to the WTO 14172/12 3194th meeting of the Council of the European Union (Environment) held in Luxembourg on 25 October 2012 Council Conclusions on Rio+20: Outcome and follow-up to the UNCSD 2012 Summit 14700/12 3195th meeting of the Council of the European Union (Justice and Home Affairs) held in Luxembourg on 25 October 2012 Revised Council Conclusions on the new EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016 11838/6/12 REV 6 +REV 6 COR 1 REV 1 + REV 6 COR 2 REV 1 2012/672/EU: Council Decision of 25 October 2012 on the launch of automated data exchange with regard to dactyloscopic data in Cyprus 13676/12	

INFORMATION ON THE ADOPTION OF OTHER ACTS OCTOBER 2012	
OTHER ACTS	Votes/Statements made public
2012/673/EU: Council Decision of 25 October 2012 on the launch of automated data exchange with regard to DNA data in Cyprus 13677/12 2012/664/EU: Council Decision of 25 October 2012 on the launch of automated data exchange with regard to Vehicle Registration Data (VRD) in Sweden 14135/12 Council Decision 2012/662/CFSP of 25 October 2012 in support of activities to reduce the risk of illicit trade in, and excessive accumulation of, Small Arms and Light Weapons in the region covered by the Organisation for Security and Cooperation in Europe (OSCE) 11979/12 Council Decision 2013/12/CFSP of 25 October 2012 on the signing and conclusion of the Agreement between the European Union and the Republic of Moldova establishing a framework for the participation of the Republic of Moldova in European Union crisis management operations 13890/12 Council Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and Council Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism - Amended statements of reasons 15186/12 ADD 1 REV 1 Council Decision on the establishment of the Union position to be adopted in the framework of the Southern Indian Ocean Fisheries Agreement (SIOFA) 14404/12 Council Decision on the establishment of the Union position to be adopted in the framework of the South Pacific Regional Fisheries Management Organisation (SPRFMO) 14405/12	

INFORMATION ON THE ADOPTION OF OTHER ACTS OCTOBER 2012	
OTHER ACTS	Votes/Statements made public
Council Conclusions on the Report of the Commission to the Council on the exception clause (Article 10 of Annex XI to the Staff Regulations) 14913/12 Council Conclusions on the protection of soft targets from terrorist activities 14591/12 Written procedure completed on 26 October 2012 Council Decision 2012/665/CFSP of 26 October 2012 amending Decision 2010/638/CFSP concerning restrictive measures against the Republic of Guinea 14189/12 3196th meeting of the Council of the European Union (Transport, Telecommunications and Energy) held in Luxembourg on 29 October 2012 Proposal for transfer of appropriations No 3/2012 within Section VIII - European Ombudsman - of the general budget for 2012 14718/12 Proposal for transfer of appropriations No DEC 34/2012 within Section III - Commission - of the general budget for 2012 15079/12 Proposal for transfer of appropriations No DEC 36/2012 within Section III - Commission - of the general budget for 2012 15080/12 Proposal for transfer of appropriations No DEC 37/2012 within Section III - Commission - of the general budget for 2012 15081/12	

INFORMATION ON THE ADOPTION OF OTHER ACTS OCTOBER 2012	
OTHER ACTS	Votes/Statements made public
Proposal for transfer of appropriations No DEC 38/2012 within Section III - Commission - of the general budget for 2012 15082/12 2012/732/EU: Decision of the European Parliament and of the Council of 21 November 2012 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/2012/002 DE/manroland from Germany) 14834/12 Proposal for transfer of appropriations No DEC 27/2012 within Section III - Commission - of the general budget for 2012 14834/12 2012/731/EU: Decision of the European Parliament and of the Council of 21 November 2012 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/2012/003 DK/Vestas from Denmark) 14835/12 Proposal for transfer of appropriations No DEC 28/2012 within Section III - Commission - of the general budget for 2012 14835/12 Council Implementing Regulation (EU) No 1039/2012 of 29 October 2012 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of aluminium radiators originating in the People's Republic of China 14704/12	

INFORMATION ON THE ADOPTION OF OTHER ACTS OCTOBER 2012	
OTHER ACTS	Votes/Statements made public
2013/36/EU: Council Decision of 29 October 2012 on the signing, on behalf of the Union, and provisional application of the Agreement providing a general framework for enhanced cooperation between the European Union and the European Organisation for the Safety of Air Navigation 13792/12 REV 1 (pl) + REV 2 (hu) Statement by UK – EU/Eurocontrol HLA "The UK strongly welcomes the Draft Agreement between the European Union and the European Organisation for the Safety of Air Navigation providing a general framework for enhanced cooperation, which will establish and strengthen cooperation in this key area for European aviation. However, the UK objects to the inclusion of the citation of Articles 218 and 220 TFEU in the recitals to the Draft Agreement. The citation of specific TFEU articles in an international agreement risks undermining the EU decision-making process, which must consider the appropriate legal bases to cite for the Council Decisions on signature and conclusion. The risks associated with this approach are highlighted in this case by the discrepancies in the legal bases cited in the recitals to the Draft Agreement and those cited in the original negotiating mandate for the Draft Agreement and the Council Decision on signature. The Draft Agreement cites Articles 218 and 220 TFEU, the negotiating mandate cites Article 100 and the Council Decision on signature and provisional application of the Agreement cites Articles 218(5) and Article 100. The UK does not consider that the citation of Article 220 in the Draft Agreement is correct in this context. Article 220 concerns administrative cooperation between the EU and international organisations, but is not the appropriate legal base under the TFEU for the negotiation of legally binding agreements with international organisations on behalf of the EU."	