



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

Subject: MONTHLY SUMMARY OF COUNCIL ACTS OCTOBER 2013

This document lists the acts adopted by the Council in October 2013.^{1 2}

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

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

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

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

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

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

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

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

INFORMATION ON THE ACTS ADOPTED BY THE COUNCIL IN OCTOBER 2013

3260th meeting of the Council of the European Union (JUSTICE AND HOME AFFAIRS) held in Luxembourg on 7 and 8 October 2013

LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty OJ L 294, 6.11.2013, p. 1–12	PE-CONS 40/13	Qualified majority	All Member States in favour except: Abstained: BE Not participating: DK, IE and UK
Regulation (EU) No 1051/2013 of the European Parliament and of the Council of 22 October 2013 amending Regulation (EC) No 562/2006 in order to provide for common rules on the temporary reintroduction of border control at internal borders in exceptional circumstances OJ L 295, 6.11.2013, p. 1–10	PE-CONS 30/13	Qualified majority	All Member States in favour Not participating: DK, IE and UK

Statement from the European Parliament, the Council and the Commission

The European Parliament, the Council and the Commission welcome the adoption of the Regulation amending the Schengen Borders Code in order to provide for common rules on the temporary reintroduction of border control at internal borders in exceptional circumstances and of the Regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis.

They believe that these new mechanisms address adequately the call of the European Council in its Conclusions of 24 June 2011 for an enhancement of the cooperation and the mutual trust between the Member States in the Schengen area and for an effective and reliable monitoring and evaluation system in order to ensure the enforcement of common rules and the strengthening, adaptation and extension of the criteria based on the EU acquis, while recalling that Europe's external borders must be effectively and consistently managed, on the basis of common responsibility, solidarity and practical cooperation.

They state that this amendment to the Schengen Borders Code will reinforce the coordination and cooperation at the level of the Union by providing on the one hand for criteria for any reintroduction of border controls by Member States and on the other hand for an EU-based mechanism to respond to truly critical situations where the overall functioning of the area without internal border controls is put at risk.

They underline that this new evaluation system is an EU-based mechanism and that it will cover all aspects of the Schengen acquis and involve experts from the Member States, the Commission and relevant EU agencies.

They understand that any future proposal from the Commission for amending this evaluation system would be submitted to the consultation of the European Parliament in order to take into consideration its opinion, to the fullest extent possible, before the adoption of a final text.

Statement by the Commission on article 33a - committee procedure

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, subparagraph 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.

Statement by the Republic of Croatia

Croatia supports the adoption of the Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 in order to provide for common rules on the temporary reintroduction of border control at internal borders in exceptional circumstances.

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

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

Statement by Greece

Greece has supported from the outset the call of the European Council in its Conclusions of 24.6.2011 for an enhancement of the cooperation and mutual trust between the Member states in the Schengen area. It has also supported the establishment of an effective and reliable monitoring and evaluation mechanism so as to strengthen the Schengen governance, taking into consideration that Europe's external borders must be effectively and consistently managed, on the basis of common responsibility, solidarity and practical cooperation.

However, Greece wishes to reiterate its position, regarding the deletion of the reference to “the closing of a specific border crossing-point” on recital (8), former recital (5a), of the proposal for a Regulation amending Regulation (EC) No 562/2006 in order to provide for common rules on the temporary reintroduction of border control at internal borders in exceptional circumstances.

Greece has consistently underlined that the recommendation for the closing of a specific border crossing-point is an excessive and not proportionate measure of no particular added value. Furthermore, it should be noted that in many cases border crossing-points are set up following bilateral agreements with third countries. This could have negative implications to the relations of Member States with third countries.

Moreover, Greece wishes to point out again that the opening and the closure of border crossing-points is a matter of Member States competence, in accordance with Article 77.4 of the TFEU.

Decision No 1082/2013/EU of the European Parliament and of the Council of 22 October 2013 on serious cross-border threats to health and repealing Decision No 2119/98/EC
OJ L 293, 5.11.2013, p. 1–15

PE-CONS 29/13

Qualified
majority

All Member States
in favour

Statement by the Commission

Where a risk assessment concerning a serious cross-border threat to health falls outside the mandates of the agencies of the Union, the Commission undertakes obtaining such a risk assessment by means of expert groups.

The Commission will, as a priority, have recourse to the Scientific Committees established by Commission Decision 2008/721/EC of 5 August 2008 setting up an advisory structure of Scientific Committees and experts in the field of consumer safety, public health and the environment and repealing Decision 2004/210/EC.

Where the specific expertise needed is not immediately available in the advisory structures of Scientific Committees and where the urgency so requires, the Commission will inform without delay the Member States and relevant scientific bodies about the particular expertise needed to help identify the experts it is looking for. The Commission will then appoint experts to contribute to the risk assessment needed.

The Commission will ensure the independence of the experts providing this assessment, in accordance with its established internal rules.

Statement by Luxembourg Luxembourg regrets that references to the Commission's Scientific Committees in the context of risk assessments concerning serious cross-border threats to health have been removed from the version submitted to the Counfor approval. It is insufficient to include a statement setting out the Commission's commitment to using the services of these committees as an annex to the decision when it would have been preferable to sanction their indisputable role and expertise in the body of the decision itself, as is the case for the competent European Union agencies concerned.			
Regulation (EU) No 1318/2013 of the European Parliament and of the Council of 22 October 2013 amending Council Regulation (EC) No 1217/2009 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Community OJ L 340, 17.12.2013, p. 1–6	PE-CONS 32/13	Qualified majority	All Member States in favour
Position on Draft Amending budget No 7 to the general budget for 2013 - General statement of revenue - Statement of expenditure by section - Section III - Commission	DAB 7/2013	Qualified majority	All Member States in favour except: Abstained: SE and UK Against: NL
Unilateral declaration by Austria Austria takes its decision on amending budget No 7/2013 without prejudice to the financing of any deployments of the European Union Solidarity Fund (EUSF) in the future. In this context Austria underlines that the decision for its position on amending budget No 5/2013 was taken based on the information from the European Commission in document COM(2013) 258, assuming that the payment appropriations for the deployment of the EUSF are financed from the existing margin under the payments ceiling of the multiannual financial framework.			
NON-LEGISLATIVE ACTS			
ACT		DOCUMENT	
Council conclusions on Cooperation between the website of the European Judicial Network in criminal matters and e-Justice		13407/13	
2013/496/EU: Council Implementing Decision of 7 October 2013 on subjecting 5-(2-aminopropyl)indole to control measures OJ L 272, 12/10/2013, p. 44–45		13590/13	

Council Decision of 7 October 2013 on the conclusion of the Agreement between the European Union and the Republic of Cape Verde on the readmission of persons residing without authorisation OJ L 282, 24.10.2013, p. 13–14	13569/13
Council Decision of 7 October 2013 on the conclusion 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 282, 24.10.2013, p. 1–2	13594/13
Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen OJ L 295, 6.11.2013, p. 27–37	10597/13
Statement by the European Parliament, the Council and the Commission The European Parliament, the Council and the Commission welcome the adoption of the Regulation amending the Schengen Borders Code in order to provide for common rules on the temporary reintroduction of border control at internal borders in exceptional circumstances and of the Regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis. They believe that these new mechanisms address adequately the call of the European Council in its Conclusions of 24 June 2011 for an enhancement of the cooperation and the mutual trust between the Member States in the Schengen area and for an effective and reliable monitoring and evaluation system in order to ensure the enforcement of common rules and the strengthening, adaptation and extension of the criteria based on the EU acquis, while recalling that Europe’s external borders must be effectively and consistently managed, on the basis of common responsibility, solidarity and practical cooperation. They state that this amendment to the Schengen Borders Code will reinforce the coordination and cooperation at the level of the Union by providing on the one hand for criteria for any reintroduction of border controls by Member States and on the other hand for an EU-based mechanism to respond to truly critical situations where the overall functioning of the area without internal border controls is put at risk. They underline that this new evaluation system is an EU-based mechanism and that it will cover all aspects of the Schengen acquis and involve experts from the Member States, the Commission and relevant EU agencies. They understand that any future proposal from the Commission for amending this evaluation system would be submitted to the consultation of the European Parliament in order to take into consideration its opinion, to the fullest extent possible, before the adoption of a final text.	

Statement by the Commission on article 21 - committee procedure

The Commission underlines that it is contrary to the letter and to the spirit of Regulation (EU) No 182/2011 (OJ L 55, 28.2.2011, p. 13) to invoke Article 5(4), subparagraph 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.

Statement by Germany

Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) is based in particular on Article 62(1) and (2)(a) of the Treaty establishing the European Community, which has now been replaced by Article 77 of the Treaty on the Functioning of the European Union. According to those provisions, the Union is to develop a policy with a view to, inter alia, ensuring the absence of any controls on persons, whatever their nationality, when crossing internal borders.

Article 72 of the TFEU makes it clear that Title V of the TFEU, to which Article 77 belongs, does not affect the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security. Thus while the legislative powers of the European Union do extend to regulating the crossing of the internal borders, they do not stretch to the exercise of police powers to maintain law and order and safeguard internal security.

The Federal Republic of Germany therefore expects that the evaluation mechanism will also deal only with whether there really is an absence of any controls when crossing internal borders and not with the exercise of police powers within the territory. The exercise of police powers within the territory falls exclusively within the scope of national sovereignty and is not covered by the evaluation mechanism.

Statement by the UK

The UK has consistently supported this measure but at this time cannot support its adoption given it remains under scrutiny in our national Parliament, where it will be debated in November.

2014/94/EU: Decision of the European Parliament and of the Council of 20 November 2013 on the mobilisation of the Flexibility Instrument
OJ L 48, 19.2.2014, p. 8–8

12770/13
All Member States in favour, except:
Abstained: SE and UK
Against: NL

Council Implementing Regulation (EU) No 1042/2013 of 7 October 2013 amending Implementing Regulation (EU) No 282/2011 as regards the place of supply of services
OJ L 284, 26.10.2013, p. 1–9

11543/13

Council Decision of 7 October 2013 establishing the position to be taken by the European Union within the General Council of the World Trade Organization on the request for extending the WTO waiver on additional autonomous trade preferences granted by the Union to the Republic of Moldova OJ L 273, 15.10.2013, p. 31–34	12998/13
Council Decision of 7 October 2013 on the signing, on behalf of the European Union and its Member States, and provisional application of the Protocol to the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part, regarding the participation, as a contracting party, of the Republic of Croatia, following its accession to the European Union OJ L 322, 3.12.2013, p. 1–1	13243/13
Council Decision authorising the Commission to open negotiations on an agreement between the European Union and Iceland, Norway and Liechtenstein on the future financial contributions of the EEA EFTA States to economic and social cohesion in the European Economic Area	12239/13
Statement by the Commission The Commission considers that a Council Decision authorising the opening of negotiations should not indicate a substantive legal basis. It is premature to determine at such early stage the correct substantive legal basis for signature and conclusion of a future agreement. The choice of the substantive legal basis will need to be done, according to settled case-law of the Court of Justice, on the basis of objective factors such as the aim and content of the agreement.	
Council Decision to authorise the Commission to open negotiations on behalf of the European Union for a new Protocol to the Fisheries Partnership Agreement with the Democratic Republic of São Tomé and Príncipe	13624/13
Statement by the Commission The Commission does not consider it necessary that a Council Decision authorising the opening of negotiations indicates a substantive legal basis.	
Statement by the Netherlands and the United Kingdom The Netherlands and the United Kingdom are of the view that the ex post evaluation of the current protocol to the Fisheries Partnership Agreement with the Democratic Republic of São Tomé and Príncipe raises concerns for the negotiation of a new protocol, which is why they cannot support this. These delegations wish, in particular, to express their concern about the level of shark fishing in the waters of the Democratic Republic of São Tomé and Príncipe. It would appear that there is no clear management system in force to provide for the necessary protection of these species. Also, the ex post evaluation raises doubts that the protocol provides sufficient benefits to the local fishing industry. Furthermore, the economic return for the European Union does not appear to represent good value for money.	

Adoption of legislative act following the European Parliament's Second Reading (Strasbourg, 21 to 24 October 2013)			
LEGISLATIVE ACTS			
ACT	DOCUMENT	VOTING RULE	VOTES
Decision No 1025/2013/EU of the European Parliament and of the Council of 22 October 2013 providing macro-financial assistance to the Kyrgyz Republic OJ L 283, 25.10.2013, p. 1–6	11703/13	Not applicable	Not applicable
Written procedure completed on 24 October 2013			
NON-LEGISLATIVE ACTS			
ACT	DOCUMENT/ STATEMENTS		
Council Decision 2013/527/CFSP of 24 October 2013 amending and extending the mandate of the European Union Special Representative for the Horn of Africa OJ L 284, 26.10.2013, p. 23–26	14564/13		
Written procedure completed on 28 October 2013			
NON-LEGISLATIVE ACTS			
ACT	DOCUMENT/ STATEMENTS		
Council Decision 2013/533/CFSP of 28 October 2013 amending Decision 2012/392/CFSP on the European Union CSDP mission in Niger (EUCAP Sahel Niger) OJ L 288, 30.10.2013, p. 68–68	14236/13		
Written procedure completed on 29 October 2013			
NON-LEGISLATIVE ACTS			
ACT	DOCUMENT/ STATEMENTS		
Council Decision 2013/534/CFSP of 29 October 2013 amending Decision 2012/642/CFSP concerning restrictive measures against Belarus OJ L 288, 30/10/2013, p. 69–124	14679/13		

Council Implementing Regulation (EU) No 1054/2013 of 29 October 2013 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus OJ L 288, 30/10/2013, p. 1–56		14681/13 REV 2	
3261st meeting of the Council of the European Union (TRANSPORT, TELECOMMUNICATIONS AND ENERGY) held in Luxembourg on 10 October 2013			
LEGISLATIVE ACTS			
ACT	DOCUMENT	VOTING RULE	VOTES
Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013 amending the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union OJ L 287, 29/10/2013, p. 15–62	PE-CONS 60/13	Qualified majority	All Member States in favour except: Against: CZ, DK, NL, AT, UK
Statement by the United Kingdom, the Netherlands, the Czech Republic, Austria and Denmark As Council votes on the Staff Regulations today, it is a good opportunity to reflect on the negotiations and the next steps. The delegations which voted against the Presidency compromise want to outline why they did so and their hopes for the future of the EU civil service. The review of the Staff Regulations was an opportunity to modernise the EU civil service, to rein in administrative spend and to ensure that the EU Institutions will be able to afford their future commitments on pensions and salaries. This is an opportunity that only comes every few years. Unfortunately, after nearly two years of intensive work by all parties, and despite broad agreement for those objectives, our delegations felt that the compromise presented did not match the comprehensive reforms which many Member States are already delivering in their domestic civil services. All of our public services are changing and the EU civil service will be left behind at its peril. A modern, effective and dynamic civil service is vital for the EU to be able to deliver on the important issues which matter to our citizens. We should not under-estimate how strongly the public’s support for the EU is linked to their perception of the EU Civil Service. In the next few years, we will continue to work constructively to ensure that EU citizens have the EU civil service they should expect, one that reflects our 21st century EU and one that the EU can afford to maintain.			
NON-LEGISLATIVE ACTS			
ACT	DOCUMENT		
Council Decision to authorise the Commission to negotiate on behalf of the European Union amendments to the Energy Community Treaty	13177/13		
Council Decision 2013/497/CFSP of 10 October 2013 amending Decision 2010/413/CFSP concerning restrictive measures against Iran OJ L 272, 12.10.2013, p. 46–46	14146/13		

Council Regulation (EU) No 971/2013 of 10 October 2013 amending Regulation (EU) No 267/2012 concerning restrictive measures against Iran OJ L 272, 12.10.2013, p. 1–2		14194/13	
3262nd meeting of the Council of the European Union (ENVIRONMENT) held in Luxembourg on 14 October 2013			
NON LEGISLATIVE ACTS			
ACT		DOCUMENT	
Council conclusions on the Preparations for the 19th session of the Conference of the Parties (COP 19) to the United Nations Framework Convention on Climate Change (UNFCCC) and the 9th session of the Meeting of the Parties to the Kyoto Protocol (CMP 9) (Warsaw, 11 - 22 November 2013)		14856/13	
3263rd meeting of the Council of the European Union (EMPLOYMENT, SOCIAL POLICY, HEALTH AND CONSUMER AFFAIRS) held in Luxembourg on 15 October 2013			
NON LEGISLATIVE ACTS			
ACT		DOCUMENT	
Council conclusions on the Special report No 7/2013: Has the European Globalisation Adjustment Fund delivered EU added value in re-integrating redundant workers?		14987/13	
3264th meeting of the Council of the European Union (ECONOMIC and FINANCIAL AFFAIRS) held in Luxembourg on 15 October 2013			
LEGISLATIVE ACTS			
ACT	DOCUMENT	VOTING RULE	VOTES
Regulation (EU) No 1022/2013 of the European Parliament and of the Council of 22 October 2013 amending Regulation (EU) No 1093/2010 establishing a European Supervisory Authority (European Banking Authority) as regards the conferral of specific tasks on the European Central Bank pursuant to Council Regulation (EU) No 1024/2013 OJ L 287, 29/10/2013, p. 5–14	PE-CONS 22/13	Qualified majority	All Member States in favour

Statement by the Council

The Council welcomes the adoption of the SSM and the EBA Amending regulations. This represents a decisive step towards the banking union. The Council reiterates the principle of non-discrimination of Member States regarding banking supervision and resolution as stated by the European Council in October 2012 and reconfirms the agreed new voting arrangements in the EBA regulation for these matters, which is reflecting an appropriate balance between the participating and non-participating Member States. The Council also reconfirms its agreement that the review on the operation of the voting arrangements will take place from the date on which the number of non-participating Member States reaches four.

Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions OJ L 287, 29/10/2013, p. 63–89	9044/13	Unanimity	All Member States in favour
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Statement by Luxembourg

Luxembourg would point out that the establishment of the banking union must be supported by an integrated, coherent and unified operational framework, to achieve the objective stated in the conclusions of the European Council meetings in October and December 2012 of breaking the vicious circle between sovereign debt and bank failures. Such an operational framework must be based on the three inseparable pillars of the banking union, namely, a single supervisory mechanism, a single resolution mechanism and a common deposit-guarantee scheme.

The adoption of the two regulations aimed at establishing a single supervisory mechanism for banks is one, but not the only precondition for the establishment of the banking union. The three pillars of the banking union need to be integrated in a balanced way. In this regard, we would recall the undertaking by the 27 Heads of State or Government in December 2012 to examine as a matter of priority the proposal for a single resolution mechanism, which the Commission intends to submit in the next few weeks, with a view to adopting it during the current parliamentary cycle.

NON-LEGISLATIVE ACTS

ACT	DOCUMENT
Council Decision on establishing the European Union position within the Ministerial Council of the Energy Community (Belgrade, 24th October 2013)	13627/13
Council conclusions on the Preparation of the 19th Conference of Parties to the United Nations Framework Convention on Climate Change (UNFCCC) in Warsaw from 11 to 22 November 2013	14459/13

3265th meeting of the Council of the European Union (AGRICULTURE AND FISHERIES) held in Luxembourg on 17 October 2013**LEGISLATIVE ACTS**

ACT	DOCUMENT	VOTING RULE	VOTES
Position (EU) No 10/2013 of the Council at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000	12005/13	Unanimity	All Member States in favour

Statement by the European Parliament and by the Council on control rules in the area of product traceability and consumer information

As a follow-up to the reform of the Regulation on Common Organisation of the Markets for fishery and aquaculture products, the European Parliament and the Council invite the European Commission to submit to them a proposal aiming at amending the Control Regulation (Regulation No 1224/2009). Such amendment should take into account the need for regulating the provision of gear type information as regards products derived from wild capture fisheries.

The European Parliament and the Council also invite the Commission to adopt, in due time, the necessary amendments to the Commission Implementing Regulation (EU) No 404/2011 as regards the mandatory information to the consumer in order to take into account the provisions of this Regulation, the Control Regulation, as amended, and Regulation 1169/2011 on the provision of food information to consumers.

Statements by the Commission

Ad Article 35 - paragraph 1 (e)

The Commission does not agree with the change introduced by the lawyer linguists to Article 42(1)(e) of the text of the political agreement reached at the informal trilogue on 8 May 2013 on the Commission's proposal for a regulation on the common organisation of the markets in fishery and aquaculture products (new Article 35(1)(e) of document 12005/13).

The Commission's position is that, as agreed during the informal trilogue on 8 May 2013, appropriate marking or labelling should indicate the date of minimum durability, without any further qualification, for all fishery and aquaculture products referred to in Article 42(1) (new Article 35(1) of document 12005/13) offered for sale to the final consumer. Introducing the words "where appropriate" at the end of Article 42(1)(e) (new Article 35(1)(e) of document 12005/13) will create legal uncertainty and jeopardise reaching the objective of improving transparency for consumers.

Ad Article 35

The Commission regrets that the agreement between the co-legislators has removed from the Commission's proposal the obligation to indicate the "date of catch" and the "date of harvest" for fishery and aquaculture products, respectively. The Commission considers that these dates provide essential information for consumers. The indication of dates of catch and harvest clearly benefit the Union's small-scale fishermen and farmers, and promote short distribution channels for fishery and aquaculture products.

The Commission also regrets that the co-legislators have removed from the Commission's proposal the application of certain labelling requirements to preserved and prepared products, i.e. commercial name, production method and provenance. The Commission believes that these requirements respond to the growing public demand for information about the content of preserved and prepared products. This is also an essential matter for the credibility and value of the Union's production.

The Commission would like to reiterate that the above labelling improvements proposed by the Commission would not impose any disproportionate burden on the fishing industry as they build on the existing traceability requirements.

Statement by Austria on mandatory consumer information concerning the date of minimum durability for fresh fishery products

Austria would like to express its concerns with the new mandatory consumer information in particular on the date of minimum durability, the gear category used by fishermen, the indication of the catch or production area, as well as concerning freshwater fishery, the reference to the body of water, that are likely to generate excessive constraints and administrative burdens for Member States and their operators (see also statement brought forward by France, Germany, Spain, Belgium, Denmark, Portugal, Greece and Malta on 8 July 2013).

In particular, Austria would like to express its concerns with the mandatory information on the date of minimum durability (DMD) respectively the “use by date” (UBD) in Art. 42 par. 1 point (e) of the CMO Regulation for non-prepacked fishery products. DMD/UBD cannot be used reliably with non-prepacked food as its accuracy depends on the kind of packaging and the storage conditions. Therefore a standardized declaration on expectable durability for non-prepacked fish is impossible to obtain.

As a consequence it is very likely that a very short DMD/UBD would be used on retail level which might lead to big quantities of fish to be destroyed because consumers might prefer to buy products with a longer DMD/UBD. In this respect, Austria would like to point to the Union’s initiatives regarding the reduction of food waste. Furthermore, Austria would like to point out that regulation 1169/2011 on consumer information only requires allergen information as the only mandatory information for non-prepacked food. For the very same reason, that other elements of labelling are either very hard or - as in this case – impossible – to obtain.

Statement by France, Germany, Spain, Belgium, Denmark, Portugal, Greece and Malta on mandatory consumer information

France, Germany, Spain, Belgium, Denmark, Portugal, Greece and Malta consider that new mandatory consumer information, in particular on the gear category used by fishermen, the date of minimum durability or the indication of the catch or production area, as well as concerning freshwater fishery, a reference to the body of water must not generate excessive constraints and administrative burdens for Member States and their operators.

Statement by Spain concerning mandatory consumer information on the fishing gear used - Article 35

Spain considers that the new mandatory information for consumers should not have any detrimental effect on the fishing industry and, more specifically, underlines that the obligation to include information on the type of fishing gear used must not prejudice or discriminate against the use of other types of fishing gear authorised by the Union and used in accordance with existing Community legislation.

Position (EU) No 9/2013 of the Council at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002, (EC) No 639/2004 and Council Decision 2004/585/EC	12007/13	Qualified majority	All Member States in favour
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Council Statement on multi-annual plans

The Council is committed to working with the European Parliament and the Commission to address inter-institutional issues and agree a way forward that respects the legal position of both the Parliament and the Council to facilitate the development and introduction of multi-annual plans on a priority basis under the terms of the Common Fisheries Policy.

The Council further proposes that an inter-institutional taskforce be established to help find the most appropriate way forward.

Statement by the European Parliament and by the Council on data collection

The European Parliament and Council request the Commission to fast track the adoption of a proposal to amend EU Regulation 199/2008 in order that the principles and objectives for data collection that are essential to support the reformed Common Fisheries Policy and set out in the new CFP Reform Regulation can be given practical effect as early as possible

Statements by the Commission**Ad Article 18**

(on paragraphs 1 and 3) The Commission underlines that the empowerment of the Commission to adopt measures set out in the Member States' joint recommendations by means of implementing or delegated acts cannot affect the Commission's discretion to adopt such acts.

(on paragraph 7) The ability of the Member States having a direct management interest to prepare common joint recommendations cannot affect the Commission's exclusive right of initiative to submit proposals in the Common Fisheries Policy field.

(on paragraph 8) In the light of Article 2(1) TFEU, paragraph 8 cannot be understood as conferring automatically, in the absence of further Union legislation, an authorization on Member States to adopt legally binding acts in an area of exclusive Union competence. In case the Commission considers that such acts are not compatible with the Common Fisheries Policy objectives, Member States should act in accordance with the principle of loyal cooperation in order to remove any incompatibility with Union law.

Ad Part VI and in particular Article 28 paragraph 3

The provisions of Part VI on the External policy are not susceptible to affect the validity of Council decisions or negotiating directives from the Council to the Commission in accordance with Article 218 TFEU or of agreements concluded with third states or organizations in accordance with Article 218 TFEU.

Ad Article 47 paragraph 2 second part

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, subparagraph 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.

Statements by Spain**Ad Article 2**

Spain considers that, since the maximum sustainable yield cannot be obtained simultaneously for all the species in a mixed fishery, a level that maximizes the yields of the different species of each fishery must be sought, keeping the stocks within safe biological limits.

Ad Articles 10(1) and 15(5)

Spain considers that *de minimis* exception, the upper limit of which is 5 % of the annual catches of species subject to an obligation to land, should be implemented in a flexible way by setting different percentages, either higher or lower than 5 %, in each of the different management plans at the time of their approval.

Ad Article 15

Spain would point out that a serious incentive for illegal trade in undersized catches is created by the obligation to land such catches in the Mediterranean and in the Gulf of Cádiz. For this reason, Spain will argue for the adoption of special measures in the management plans for these fisheries so that, within the current legal framework, they prevent this illegal trade.

Ad Article 28

Spain reaffirms that investments by EU companies in third countries constitute one of the instruments through which the objectives of the external fisheries policy of the EU are fulfilled and that, therefore, they must be defended by the institutions of the EU.

Directive 2013/50/EU of the European Parliament and of the Council amending Directive 2004/109/EC of the European Parliament and of the Council on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market	PE-CONS 37/13	Qualified majority	All Member States in favour
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NON-LEGISLATIVE ACTS

ACT	DOCUMENT
Council Decision to authorise the Commission to open negotiations on behalf of the European Union for a new Protocol to the Fisheries Partnership Agreement with the Republic of Cape Verde	13363/1/13 REV 1

Statement by the Commission

The Commission does not consider it necessary that a Council Decision authorising the opening of negotiations indicates a substantive legal basis.

Statement by the Netherlands Following the ex post evaluation of the current protocol to the Fisheries Partnership Agreement between the European Union and the Republic of Cape Verde, the Netherlands wishes to express its concern about the level of shark fishing in the waters of the Republic of Cape Verde. It would appear that there is no clear management system in force to provide for the necessary protection of these species. The Netherlands is of the view that the European Union should aim to include measures to protect shark species in a new protocol with the Republic of Cape Verde.	
2013/524/EU: Council Decision of 17 October 2013 on the position to be adopted, on behalf of the European Union, in the EU-EFTA Joint Committee on common transit concerning the adoption of a Decision amending the Convention of 20 May 1987 on a common transit procedure, as regards the modification of HS codes and package codes OJ L 282, 24/10/2013, p. 50–52	13453/13
3266th meeting of the Council of the European Union (FOREIGN AFFAIRS/TRADE) held in Luxembourg on 18 October 2013	
NON LEGISLATIVE ACTS	
ACT	DOCUMENT
2013/523/EU: Council Decision of 18 October 2013 on the signing, on behalf of the European Union, of the revised Memorandum of Understanding with the United States of America Regarding the Importation of Beef from Animals Not Treated with Certain Growth-Promoting Hormones and Increased Duties Applied by the United States to Certain Products of the European Union OJ L 282, 24.10.2013, p. 35–35	14371/13
3267th meeting of the Council of the European Union (FOREIGN AFFAIRS) held in Luxembourg on 21 October 2013	
NON LEGISLATIVE ACTS	
ACT	DOCUMENT
Ensuring the continued pursuit of an effective EU policy on the new challenges presented by the proliferation of weapons of mass destruction (WMD) and their delivery systems – Council conclusions	14001/13
Council conclusions on the Special Report No 4/2013 of the Court of Auditors concerning EU cooperation with Egypt in the field of Governance	13852/13
Council Conclusions on Yemen	14824/13

Council Decision 2013/515/CFSP of 21 October 2013 amending Decision 2010/638/CFSP concerning restrictive measures against the Republic of Guinea OJ L 280, 22/10/2013, p. 25–25	14234/13		
Council Decision 2013/517/CFSP of 21 October 2013 on the Union support for the activities of the International Atomic Energy Agency in the areas of nuclear security and verification and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction OJ L 281, 23/10/2013, p. 6–13	14050/13 REV 1		
Council conclusions on the Central African Republic	14641/13		
Council conclusions on Bosnia and Herzegovina	15041/13		
Council conclusions on Syria	15063/13		
3268th meeting of the Council of the European Union (GENERAL AFFAIRS) held in Luxembourg on 22 October 2013			
LEGISLATIVE ACTS			
ACT	DOCUMENT	VOTING RULE	VOTES
Regulation of the European Parliament and of the Council establishing the European Border Surveillance System (Eurosur) (first reading)	PE-CONS 56/13	Qualified majority	All Member States in favour, except: Against: ES DK, IE, UK not participating
Statement by the Council EUROSUR will contribute to improving the protection and the saving of lives of migrants. The Council recalls that search and rescue at sea is a competence of the Member States which they exercise in the framework of international conventions.			

Statement by Spain

Spain endorses the establishment of a European Border Surveillance System (EUROSUR) for the exchange of information and cooperation between the Member States and FRONTEX for the purpose of detecting, preventing and combating illegal immigration and cross border crime, contributing to ensuring the protection, and saving the lives, of migrants.

Since 2008, Spain has been working on the pilot project designed to improve situational awareness and increase reaction capability at its external borders.

Nevertheless, Spain cannot vote in favour of the text of the Regulation of the European Parliament and of the Council establishing the European Border Surveillance System (PE CONS 56/13) since, as that Regulation constitutes a development of Schengen, its Article 19 and recital 16 concerning the participation of Ireland and the United Kingdom contravene Protocol No 19 on the Schengen acquis integrated into the framework of the European Union.

Statement by Greece

Greece is working since 2008 in the pilot project of EUROSUR and has always contributed constructively during the negotiations in the Council, supporting the establishment of a European border surveillance system. Greece will continue its constructive approach during the operational phase of the system, as well.

From the beginning of the discussion, Greece has expressed its concerns regarding Art. 10(2) c) of the text, that indirectly refers to the Schengen Evaluation Mechanism, causes duplication and conflicts of competence between different legislative texts. Nevertheless, Greece is convinced that the operational phase of the system is a matter of priority. At the same time it will allow Member States to share operational information, to improve cooperation and to contribute to the protection and saving of lives of migrants. Thus Greece votes in favour of this Regulation.

NON-LEGISLATIVE ACTS

ACT	DOCUMENT
2013/525/EU: Council Implementing Decision of 22 October 2013 amending Implementing Decision 2011/77/EU on granting Union financial assistance to Ireland OJ L 282, 24/10/2013, p. 71–71	14376/13
COUNCIL DECISION providing precautionary EU medium-term financial assistance to Romania	14696/13
2013/532/EU: Council Decision of 22 October 2013 granting mutual assistance for Romania OJ L 286, 29/10/2013, p. 4–4	14699/13 14699/13 COR 1

2013/708/EU: Decision of the European Parliament and of the Council of 20 November 2013 on 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/2013/004 ES/Comunidad Valenciana building materials from Spain) OJ L 323, 4.12.2013, p. 33–33	13752/13
Council Decision on the financial contributions to be paid by the Member States to finance the European Development Fund (3rd instalment 2013)	14722/13
Council Implementing Regulation (EU) No 1026/2013 of 22 October 2013 terminating the partial interim review concerning the anti-dumping measures applicable to imports of certain iron or steel fasteners originating in the People's Republic of China, as extended to imports consigned from Malaysia, whether declared as originating in Malaysia or not OJ L 283, 25/10/2013, p. 7–8	14060/13
2013/629/EU: Council Decision of 22 October 2013 on the conclusion of the Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorisation OJ L 289, 31/10/2013, p. 12–12	5859/13
2013/628/EU: Council Decision of 22 October 2013 concerning the conclusion of the Agreement between the European Union and the Republic of Armenia on the facilitation of the issuance of visas OJ L 289, 31/10/2013, p. 1–1	5835/13
Council Directive 2013/51/Euratom of 22 October 2013 laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption OJ L 296, 07/11/2013, p. 12–21	7445/13
Council Decision to authorise the European Commission to open negotiations, on behalf of the European Union, with a view to an Agreement with the Republic of the Seychelles relating to the access, for fishing vessels flying the flag of the Republic of Seychelles, to waters and marine biological resources of the European Union, namely in the exclusive economic zone off the coast of Mayotte	14584/13 14584/13 ADD 1
Statement by the Commission The Commission does not consider it necessary that a Council Decision authorising the opening of negotiations indicates a substantive legal basis.	

Council Decision on the position to be taken by the European Union within the Administrative Committee of the United Nations Economic Commission for Europe regarding the draft Regulation on uniform provisions concerning the approval of Retrofit Emission Control Devices (REC) for heavy duty vehicles, agricultural and forestry tractors and non-road mobile machinery equipped with compression ignition engines	14654/13 14654/13 COR 1		
Council Decision on the position to be taken by the European Union within the Administrative Committee of the United Nations Economic Commission for Europe regarding the draft Regulation on uniform provisions concerning the recyclability of motor vehicles	14656/13 14656/13 COR 1		
Council Decision on the position to be adopted on behalf of the Union within the relevant Committees of the United Nations Economic Commission for Europe regarding the proposed amendments to Regulations Nos 3, 4, 5, 6, 7, 10, 12, 14, 16, 17, 19, 23, 31, 37, 38, 43, 48, 49, 50, 54, 67, 69, 70, 77, 83, 87, 91, 94, 95, 98, 99, 100, 101, 103, 107, 110, 112, 113, 115, 117, 119, 121, 123, 128, 129, and the Consolidated Resolution on the Construction of Vehicles (R.E.3), and regarding the draft Global Technical Regulation on Pole Side Impact	14644/13 14644/13 COR 1		
Adoption of Legislative Act following the European Parliament's second reading on 22 October 2013			
ACT	DOCUMENT	VOTING RULE	VOTES
Decision No 1025/2013/EU of the European Parliament and of the Council of 22 October 2013 providing macro-financial assistance to the Kyrgyz Republic OJ L 283, 25/10/2013, p. 1–6	14938/13	Not applicable	Not applicable

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

Written procedure completed on 24 October 2013

NON-LEGISLATIVE ACTS

ACT	DOCUMENT/ STATEMENTS
Council Decision 2013/527/CFSP of 24 October 2013 amending and extending the mandate of the European Union Special Representative for the Horn of Africa OJ L 284, 26/10/2013, p. 23–26	14564/13

Written procedure completed on 28 October 2013

NON-LEGISLATIVE ACTS

ACT	DOCUMENT/ STATEMENTS
Council Decision 2013/533/CFSP of 28 October 2013 amending Decision 2012/392/CFSP on the European Union CSDP mission in Niger (EUCAP Sahel Niger) OJ L 288, 30/10/2013, p. 68–68	14236/13

Written procedure completed on 29 October 2013

NON-LEGISLATIVE ACTS

ACT	DOCUMENT/ STATEMENTS
Council Decision 2013/534/CFSP of 29 October 2013 amending Decision 2012/642/CFSP concerning restrictive measures against Belarus OJ L 288, 30/10/2013, p. 69–124	14679/13 REV 1
Council Implementing Regulation (EU) No 1054/2013 of 29 October 2013 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus OJ L 288, 30/10/2013, p. 1–56	14681/13 REV 2