



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

Subject: MONTHLY SUMMARY OF COUNCIL ACTS JANUARY 2014

This document lists the acts adopted by the Council in January 2014.^{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 JANUARY 2014

Written procedure completed on 10 January 2014

NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
Council Regulation (EU) No 24/2014 of 10 January 2014 fixing for 2014 the fishing opportunities for certain fish stocks and groups of fish stocks in the Black Sea OJ L 9, 14.1.2014, p. 1–4	17956/13

Adoption of legislative act following the European Parliament's Second Reading (Strasbourg, 13 to 16 January 2014)

LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
Regulation of the European Parliament and of the Council on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and the Council on the harmonisation of certain social legislation relating to road transport	11532/4/13 REV 4	Not applicable	Not applicable

Written procedure completed on 20 January 2014	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
COUNCIL REGULATION fixing for 2014 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in certain non-EU waters	18118/13 5232/14 - text of statements 5232/14 COR 1
3288th meeting of the Council of the European Union (FOREIGN AFFAIRS) held in Brussels on 20 January 2014	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT
Council Regulation (EU) No 45/2014 of 20 January 2014 amending Regulation (EU) No 204/2011 concerning restrictive measures in view of the situation in Libya OJ L 16, 21.1.2014, p. 1-2	17298/13
Council Decision 2014/22/CFSP of 20 January 2014 amending Decision 2013/353/CFSP amending and extending the mandate of the European Union Special Representative for the South Caucasus and the crisis in Georgia OJ L 16, 21.1.2014, p. 30–30	17120/13
Council Decision 2014/23/CFSP of 20 January 2014 repealing Decision 2013/350/CFSP amending and extending the mandate of the European Union Special Representative for the Middle East peace process OJ L 16, 21.1.2014, p. 31–31	17287/13

Council Decision authorising the opening of negotiations with Georgia for an agreement between the European Union and Georgia on the security of classified information	17986/13
Council Decision authorising the opening of negotiations with Albania for an agreement between the European Union and Albania on the security of classified information	17992/13
Council Decision 2014/21/CFSP of 20 January 2014 amending Council Decision 2010/413/CFSP concerning restrictive measures against Iran OJ L 15, 20.1.2014, p. 22–23	18162/13
2014/42/EU: Council Regulation of 20 January 2014 amending Regulation (EU) No 267/2012 concerning restrictive measures against Iran OJ L 15, 20.1.2014, p. 18–21	18164/13
Council Implementing Decision 2014/24/CFSP of 20 January 2014 implementing Decision 2012/642/CFSP concerning restrictive measures against Belarus OJ L 16, 21/01/2014, p. 32–33	5168/14
Council Implementing Regulation (EU) No 46/2014 of 20 January 2014 implementing Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus OJ L 16, 21/01/2014, p. 3–4	5230/14
2014/50/EU: Council Decision of 20 January 2014 concerning the renewal of the Agreement on cooperation in science and technology between the European Community and the Government of the Russian Federation OJ L 32, 01/02/2014, p. 1–2	13152/13
Council Conclusions on Syria	5449/14

Council Conclusions on Afghanistan	5186/14		
Council Conclusions on Ukraine	5453/14		
Council Conclusions on the Central African Republic	5381/14		
Council Conclusions on South Sudan	5380/14		
3290th meeting of the Council of the European Union (ECONOMIC AND FINANCIAL AFFAIRS) held in Brussels on 28 January 2014			
LEGISLATIVE ACTS			
ACT	DOCUMENT	VOTING RULE	VOTES
Directive of the European Parliament and of the Council on credit agreements for consumers relating to residential immovable property and amending Directives 2008/48/EC and 2013/36/EU and Regulation (EU) No 1093/2010 (first reading)	PE-CONS 25/13	Qualified majority	All Member States in favour except: Abstained: CZ, LV and LU

Statement by Bulgaria

Bulgaria will not object to the approval of the MCD compromise text. Nevertheless Bulgaria points out its remaining concerns regarding the amendment of Regulation 1093/2010/EU and Directive 2013/36/EU by a sectorial directive.

We are of the opinion that introducing material changes in a Union regulation by a Union directive does not serve as a good legislative example and is not in line with the generally accepted principles of legislative drafting. We recall that the Regulation 1093/2010/EU constitutes one of the major elements in the EU supervisory architecture and it strikes a balance between the views and interests of the different Member States. Therefore, any subsequent amendments thereof should be subject to a discussion on the respective level.

Furthermore, we are concerned about the proposed changes in Directive 2013/36/EC, since the transposition process of the Directive 2013/36/EC in Bulgaria is already on a very advanced stage and any subsequent amendments in the Directive 2013/36/EC would lead to disruptions in the legislative process and in the finalisation of transposition measures.

Statement by Austria

Austria still has concerns about the MCD compromise text because the requirements for pre-contractual information, which has to be provided on a mandatory form, and the obligation to assess the creditworthiness of the consumer contained in the MCD differ from those in the CCD. Like other Member States, Austria – when implementing Directive 2008/48/EC on credit agreements for consumers (CCD) – extended the scope of its new law on credit agreements for consumers to also apply to mortgage credit agreements. The MCD compromise text contains deviations from the CCD, which are not justified by the particularities of mortgage credit agreements, but would cause considerable additional costs for creditors and would be counterproductive as to a consistent legal situation (and thus equally for consumer understanding).

Moreover, in the area of pre-contractual matters (information and creditworthiness assessment) and with respect to concrete individual cases, it will frequently be unclear (at pre-contractual stage) whether the credit is to be collateralised by a mortgage or not, and therefore whether this case would fall within the scope of the CCD or of the MCD. Different regulations/rules in the two Directives would result in great uncertainty as to which Directive to apply in a concrete case. As regards the APRC-calculation, we have problems with the restrictive interpretation of time intervals which would lead to the exclusion of day intervals from the scope of yearly fractions. This interpretation is currently incompatible with the methodologies used by many lending institutions across Europe. Any changes to the time intervals currently applied by lending institutions would impose a considerable and disproportionate administrative and financial burden with no obvious benefit for consumers.

Statement by Estonia

Estonia strongly supports the single European market and its further integration. Thus it is necessary to harmonise the differing legislations and rules to ensure a level playing field throughout the EU.

We must underline that several countries including Estonia have already enlarged the scope of consumer credit directive 2008/48/EU (CCD) for mortgage credits. However Estonia also believes that harmonising the principles of responsible mortgage lending and borrowing can enhance the mortgage credit market by improving reliability and confidence and ensuring a high and uniform standard of consumer protection at the European level. Therefore we agree with the objectives of the proposal of MCD and support the EU Commission initiative. Estonia also accepted and was satisfied with European Council general approach on 30th May 2012 concerning proposal of credit agreements relating to residential property directive. The later amendments to the original proposal deviate too far from the approach we agreed to at the Council level. The impact assessment of the amendments is lacking and their appropriateness to cover all of these provisions through the mortgage credit directive proposal is questionable. We are especially worried about the changes which are not directly related to mortgage credit and therefore do not fulfil objectives of the original proposal. We have reiterated our positions to the Presidency several times both orally and in writing, however there have been no improvement in the texts.

Proposed compromise solutions should contribute to endorsing responsible lending, but on the other hand it should provide the Member States with the flexibility needed to avoid negative consequences to consumers. Although Estonia is not against the MCD package as a whole, we must stress that we have serious doubts regarding the current compromise text.

Statement by the Czech Republic

The Czech Republic, though aware of the importance and the need of the proposed directive, hereby declares its refusal of the current text of the proposal for Directive on Credit Agreements for Consumers Relating to Residential Immovable Property (further referred to as „MCD“).

Already in May 2012, the Czech Republic declared its only conditional acceptance of the MCD text provided that during the trilogue the text would be improved as regards the cooperation of the supervisory bodies.

According to our view there was and there still is a remaining issue in involving EBA (and excluding the cooperation of the consumer protection oversight bodies within the frame of the Regulation 2006/2004), namely in disputes where oversight bodies that are not EBA members are engaged. The agreed solution comprising of the duty of all non-EBA supervisory bodies to be subordinate to EBA (including binding mediation by EBA) is not simply acceptable, especially once there is a clear frame for cooperation of such consumer protection oversight bodies in Regulation No. 2006/2004. Moreover, there are other important issues which support our disapproval of the text. These are:

1. the duty to impose caps on sanctions in the case of borrower's default (Arrears and Foreclosure Article 28 para 3); we are of the opinion that regulation of sanctions in case of borrower's default is a matter of private law and as such should be at the full discretion of a Member State;
2. the reinclusion of the word “residential”;
3. the inclusion of a legally binding text on Financial Education in Article 6; this directive is not a proper place to stipulate for financial education;
4. obligatory provision on Foreign Currency Loans, CZ supports discretionary provision;
5. the obligatory reflection period of 7 days which, regarding the lengthy and stressful process of obtaining a mortgage credit under time pressure from the side of the property seller, does not seem to be reasonable and will not be used by consumers.

Statement by the UK

The UK would like to express appreciation to all the Presidencies that have driven forward negotiations on the Mortgage Credit Directive, and for the pragmatic and practical way in which they have done so.

The UK, like many Member States, already benefits from an existing high level of consumer protection for mortgage borrowers, and as a result will see no benefit from this Directive.

The UK is concerned that the case for such a prescriptive, EU-wide intervention was not sufficiently made by the Commission given the ongoing differences between national mortgage markets. For example, the requirement for Member States to use the European Standardised Information Sheet (ESIS) disclosure document, even where national regulation already requires the use of a national disclosure document with equivalent information, appears onerous and will add unnecessary costs on UK businesses.

The UK strongly believes that the Commission should only bring forward future proposals where there is a clear single market justification for EU-wide intervention. These should ensure that there are no adverse impacts on already developed national markets.

Statement by Latvia and Luxembourg

Latvia and Luxembourg were not able to vote in favour of this Directive because its content was significantly watered down as compared to the Commission's initial proposal. The initial proposal aimed to create an efficient and competitive internal market for mortgage credit for consumers, creditors and credit intermediaries. Proposal sought to ensure both a well-functioning single market and a high level of consumer protection through a high level of harmonisation, which would have substantially reduced differences between national laws that act as barriers in the internal market. Even though the initial proposal did not contain the mutual recognition principle, it formed a good basis for discussion. The text adopted today is a missed opportunity to achieve these two objectives, which were to be mutually reinforcing.

The lack of far-reaching harmonisation and mutual recognition, together with the large room for manoeuvre for Member States, will lead to serious legal uncertainty for the parties concerned. It is also contrary to the declared objectives of creating a fully integrated single market for mortgage credit and of ensuring a high and harmonised level of consumer protection. Both professionals and consumers stand to lose as a result of this text which has no added value. For businesses and consumers to take full advantage of their opportunities in the European Union, borders and barriers have to be lifted -and not to be reinforced.

Apart from having no clearly defined objective, the text as adopted is highly complex and at odds with the principles of "better regulation". It obliges Member States to change their rules without offering any benefits in return for businesses or consumers.

Position (EU) No 1/2014 of the Council at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Serbia, of the other part Adopted by the Council on 28 January 2014 OJ C 49E , 21/02/2014, p. 1–6	17930/13	Qualified majority	All Member States in favour
NON-LEGISLATIVE ACTS			
ACT		DOCUMENT	
2014/68/EU: Council Decision of 28 January 2014 amending Decision 1999/70/EC concerning the external auditors of the national central banks, as regards the external auditors of the Latvijas Banka OJ L 39, 8.2.2014, p. 59–59		17570/13	
2014/44/EU: Council Decision of 28 January 2014 on the conclusion 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 27, 30.1.2014, p. 1-1		14374/13	
2014/116/EU: Council Decision of 28 January 2014 on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the People’s Republic of China pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union OJ L 64, 04/03/2014, p. 1–1		16112/12	

Council Decision on the signing and conclusion of the Agreement between the European Union and the Republic of Korea establishing a framework for the participation of the Republic of Korea in European Union crisis management operations	13552/1/13 REV 1
Council Decision 2014/42/CFSP of 28 January 2014 amending Decision 2012/281/CFSP in the framework of the European Security Strategy in support of the Union proposal for an international Code of Conduct on outer-space activities OJ L 26, 29.1.2014	5313/14
Council Implementing Decision 2014/41/CFSP of 28 January 2014 implementing Decision 2011/137/CFSP concerning restrictive measures in view of the situation in Libya OJ L 26, 29.1.2014, p. 41–41	17319/13
Council Implementing Regulation (EU) No 74/2014 of 28 January 2014 implementing Article 16(2) of Regulation (EU) No 204/2011 concerning restrictive measures in view of the situation in Libya OJ L 26, 29.1.2014, p. 1–1	17320/13
Council Implementing Decision 2014/40/CFSP of 28 January 2014 implementing Decision 2011/423/CFSP of 18 July 2011 concerning restrictive measures against Sudan and South Sudan OJ L 26, 29.1.2014, p. 38–40	16899/13
Council Conclusions on Special report No 6/2013 from the European Court of Auditors entitled "Have the Member States and the Commission achieved value for money with the measures for diversifying the rural economy?"	17496/13
Council Conclusions on Special Report No 8/2013 from the European Court of Auditors entitled "Support for the improvement of the economic value of forests from the European Agricultural Fund for Rural Development"	17497/13

Council Conclusions on Special Report No 3/2013 from the European Court of Auditors entitled "Have the Marco Polo programmes been effective in shifting traffic off the road?"	17701/13
Council Decision on the signing, on behalf of the Union, and provisional application of the Agreement between the European Union and the Government of the Republic of Peru on certain aspects of air services	16251/13
Joint statement by the Council and the Commission Inter alia for pragmatic reasons, it is preferable that the Community alone should conclude the Agreement with the Government of the Republic of Peru on certain aspects of air services. The same considerations would apply in respect of similar agreements as long as they are concluded in accordance with and within the limits of the mandate on the replacement of certain provisions in existing bilateral agreements adopted by the Council Decision of 5 June 2003. This Decision does not constitute a precedent as to the exercise of the respective competencies of the Community and its Member States in respect of agreements other than those referred to above, such as, for example, agreements of the type envisaged by the Council Decision of 5 June 2003 authorising the Commission to open negotiations with the United States in the field of air transport, which shall be concluded as mixed agreements. This Decision does not create any new Community competences as far as external agreements on air services are concerned, nor does it affect the division of competences between the Community and its Member States.	
2014/60/EU: Council Decision of 28 January 2014 on the conclusion 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 38, 7.2.2014, p. 1–1	13331/1/12 REV 1

Statement by the Commission

The Commission maintains its position and is therefore opposed to the Council's amendment replacing the legal basis of Article 43(2) in conjunction with Article 218(6)a with Article 43 (without mentioning the paragraph) in conjunction with Article 218(6)a.

The Commission also considers that "Article 43(2) in conjunction with Article 218 (6)(a)" should be used as the correct legal basis in those cases where international fisheries agreements shall be concluded with the consent of the European Parliament given that the material legal basis of Article 43(2) determines the requirement of the consent of the European Parliament pursuant to the operational legal basis of Article 218(6)(a).

Council Decision on the conclusion of the Protocol between the European Union and the Republic of Côte d'Ivoire setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the two Parties currently in force

8701/13

Statement by the Commission

The Commission maintains its position and is therefore opposed to the Council's amendment replacing the legal basis of Article 43(2) in conjunction with Article 218(6)a with Article 43 (without mentioning the paragraph) in conjunction with Article 218(6)a.

The Commission also considers that "Article 43(2) in conjunction with Article 218 (6)(a)" should be used as the correct legal basis in those cases where international fisheries agreements shall be concluded with the consent of the European Parliament given that the material legal basis of Article 43(2) determines the requirement of the consent of the European Parliament pursuant to the operational legal basis of Article 218(6)(a).

2014/48/EU: Council Decision of 28 January 2014 on the conclusion 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 Government of Denmark and the Home Rule Government of Greenland, on the other hand
OJ L 28, 31.1.2014, p. 1–1

11119/1/12 REV 1

Statement by the Commission

The Commission maintains its position and is therefore opposed to the Council's amendment replacing the legal basis of Article 43(2) in conjunction with Article 218(6)a with Article 43 (without mentioning the paragraph) in conjunction with Article 218(6)a.

The Commission also considers that "Article 43(2) in conjunction with Article 218 (6)(a)" should be used as the correct legal basis in those cases where international fisheries agreements shall be concluded with the consent of the European Parliament given that the material legal basis of Article 43(2) determines the requirement of the consent of the European Parliament pursuant to the operational legal basis of Article 218(6)(a).

Council Decision on the conclusion of a new Fishery Partnership Agreement and of a new Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius	13501/1/12 REV 1
Statement by the Commission The Commission maintains its position and is therefore opposed to the Council's amendment replacing the legal basis of Article 43(2) in conjunction with Article 218(6)a with Article 43 (without mentioning the paragraph) in conjunction with Article 218(6)a. The Commission also considers that "Article 43(2) in conjunction with Article 218 (6)(a)" should be used as the correct legal basis in those cases where international fisheries agreements shall be concluded with the consent of the European Parliament given that the material legal basis of Article 43(2) determines the requirement of the consent of the European Parliament pursuant to the operational legal basis of Article 218(6)(a).	
Council Conclusions on the progress in customs cooperation with the Eastern Neighbouring Countries	16955/2/13 REV 2
2014/51/EU: Council Decision of 28 January 2014 authorising Member States to ratify, in the interests of the European Union, the Convention concerning decent work for domestic workers, 2011, of the International Labour Organisation (Convention No 189) OJ L 32, 1.2.2014, p. 32–32	11462/13
2014/52/EU: Council Decision of 28 January 2014 authorising Member States to ratify, in the interests of the European Union, the Convention concerning Safety in the Use of Chemicals at Work, 1990, of the International Labour Organization (Convention No 170) OJ L 32, 1.2.2014, p. 33–33	11463/13
2014/56/EU: Council Decision of 28 January 2014 on the existence of an excessive deficit in Croatia OJ L 36, 6.2.2014, p. 13–14	17908/13
Council Recommendation with a view to bringing an end to the situation of an excessive government deficit in Croatia	17904/13

Written procedure completed on 30 January 2014	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision 2014/49/CFSP of 30 January 2014 amending Decision 2011/72/CFSP concerning restrictive measures directed against certain persons and entities in view of the situation in Tunisia OJ L 28, 31.1.2014, p. 38–50	5328/14
Council Implementing Regulation (EU) No 81/2014 of 30 January 2014 implementing Regulation (EU) No 101/2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Tunisia OJ L 28, 31.1.2014, p. 2–14	5329/14
Written procedure completed on 31 January 2014	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision authorising the Commission to negotiate a Convention on the application of the rules on transparency for investor-state arbitration under the auspices of UNCITRAL in respect of the provisions falling within the Union's exclusive competence on foreign direct investment and investor-state arbitration against the Union	5446/14