



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 3 May 2013

9246/13

PUBLIC 24

NOTE

Subject: MONTHLY SUMMARY OF COUNCIL ACTS DECEMBER 2012

This document consists of the following:

- ANNEX I containing a list of acts adopted by the Council in DECEMBER 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 DECEMBER 2012****3204th meeting of the Council of the European Union (TRANSPORT,
TELECOMMUNICATIONS AND ENERGY) held in Brussels on 3 December 2012**

Regulation (EU) No 1216/2012 of the European Parliament and of the Council of 12 December 2012 introducing, on the occasion of the accession of Croatia, special temporary measures for the recruitment of officials and temporary staff of the European Union
OJ L 351, 20.12.2012, p.33–33

Regulation (EU) No 1217/2012 of the European Parliament and of the Council of 12 December 2012 on the allocation of tariff-rate quotas applying to exports of wood from the Russian Federation to the European Union
OJ L 351, 20.12.2012, p. 34–35

Regulation (EU) No 1218/2012 of the European Parliament and of the Council of 12 December 2012 concerning the implementation of the Agreement in the form of an Exchange of Letters between the European Union and Brazil pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions with respect to processed poultry meat provided for in the EU Schedule annexed to GATT 1994, and of the Agreement in the form of an Exchange of Letters between the European Union and Thailand pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions with respect to processed poultry meat provided for in the EU Schedule annexed to GATT 1994, and amending and supplementing Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff
OJ L 351, 20.12.2012, p. 36–39

Council Regulation (EU) No 1259/2012 of 3 December 2012 on the allocation of the fishing opportunities under the Protocol between the European Union and the Islamic Republic of Mauritania setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force and amending Regulation 1801/2006
OJ L 361, 31.12.2012, p. 87–88

Council Decision 2012/827/EU of 18 December 2012 on the signature, on behalf of the European Union, and the provisional application of the Protocol between the European Union and the Islamic Republic of Mauritania setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force
OJ L 361, 31.12.2012, p. 43–84

Council Regulation (EU) No 1220/2012 of 3 December 2012 on trade related measures to guarantee the supply of certain fishery products to Union processors from 2013 to 2015 amending Regulation (EC) No 104/2000 and (EU) No 1344/2011 and repealing Regulation (EC) No 1062/2009
OJ L 349, 19.12.2012, p. 4–8

Council Implementing Decision 2012/745/CFSP of 3 December 2012 implementing Decision 2011/486/CFSP concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan
OJ L 332, 4.12.2012, p. 22–28

Council Implementing Regulation (EU) No 1139/2012 of 3 December 2012 implementing Article 11(1) and (4) of Regulation (EU) No 753/2011 concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan
OJ L 332, 4.12.2012, p. 1–7

Council Decision 2012/749/EU of 3 December 2012 extending the application period of Decision 2010/371/EU of 7 June 2010 concerning the conclusion of consultations with the Republic of Madagascar under Article 96 of the ACP-EU Partnership Agreement
OJ L 333, 5.12.2012, p. 46–47

Council Decision 2013/7/EU of 3 December 2012 on the conclusion of the Agreement between the European Union and the Republic of Moldova on the protection of geographical indications of agricultural products and foodstuffs
OJ L 10, 15.1.2013, p. 1–2

Council Implementing Regulation (EU) No 1153/2012 of 3 December 2012 imposing a definitive anti-dumping duty on imports of chamois leather originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009
OJ L 334, 6.12.2012, p. 31–43

Council Decision 2012/747/EU of 3 December 2012 on the position to be adopted, on behalf of the European Union, in the EEA Joint Committee concerning an amendment to Protocol 31 (on cooperation in specific fields outside the four freedoms) to the EEA Agreement
OJ L 333, 5.12.2012, p. 1–2

Council Conclusions on Renewable Energy: a major player in the European energy market
16205/11

3205th meeting of the Council of the European Union (ECONOMIC AND FINANCIAL AFFAIRS) held in Brussels on 4 December 2012

Council Conclusions on Code of Conduct (Business Taxation)
16489/12

Council Conclusions on the EU Joint Transfer Pricing Forum
16380/12

Council Implementing Decision 2012/769/EU of 4 December 2012 amending Decision 2009/790/EC authorising the Republic of Poland to apply a measure derogating from Article 287 of Directive 2006/112/EC on the common system of value added tax
OJ L 338, 12.12.2012, p. 27–28

Council Decision 2012/778 of 4 December 2012 abrogating Decision 2009/587/EC on the existence of an excessive deficit in Malta
OJ L 342, 14.12.2012, p. 43–44

Council Decision 2013/6/ of 4 December 2012 amending Decision 2011/734/EU addressed to Greece with a view to reinforcing and deepening fiscal surveillance and giving notice to Greece to take measures for the deficit reduction judged necessary to remedy the situation of excessive deficit
OJ L 4, 9.1.2013, p. 40–45

3206th meeting of the Council of the European Union (EMPLOYMENT, SOCIAL POLICY, HEALTH AND CONSUMER AFFAIRS) held in Brussels on 6 and 7 December 2012

Council Decision 2012/773 of 6 December 2012 on the position to be taken on behalf of the European Union within the Stabilisation and Association Council established by the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part, with regard to the provisions on the coordination of social security systems
OJ L 340, 13.12.2012, p. 1–6

Council Decision 2012/774 of 6 December 2012 on the position to be taken on behalf of the European Union within the Stabilisation and Association Council established by the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part, with regard to the provisions on the coordination of social security systems
OJ L 340, 13.12.2012, p. 7–12

Council Decision 2012/775 of 6 December 2012 on the position to be taken by the European Union within the Cooperation Committee established by the Agreement on Cooperation and Customs Union between the European Economic Community and its Member States, of the one part, and the Republic of San Marino, of the other part, with regard to the adoption of provisions on the coordination of social security systems

OJ L 340, 13.12.2012, p. 13–18

Council Decision 2012/776 of 6 December 2012 on the position to be taken on behalf of the European Union within the Association Council set up by the Agreement establishing an association between the European Economic Community and Turkey with regard to the provisions on the coordination of social security systems

OJ L 340, 13.12.2012, p. 19–25

Council Decision 2012/792/EU of 6 December 2012 on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and Brazil pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions with respect to processed poultry meat provided for in the EU Schedule annexed to GATT 1994, and of the Agreement in the form of an Exchange of Letters between the European Union and Thailand pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions with respect to processed poultry meat provided for in the EU Schedule annexed to GATT 1994

OJ L 351, 20.12.2012, p. 47–47

Council Decision 2012/763 of 6 December 2012 on the signing, on behalf of the European Union, 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 337, 11.12.2012, p. 1–1

Council Conclusions on Combating Violence Against Women, and the Provision of Support Services for Victims of Domestic Violence

16382/12

Council Declaration on the European Year (2012) on Active Aging and Solidarity between Generations: The Way Forward

17468/12

Council Conclusions on Organ Donation and Transplantation

OJ C 396, 21.12.2012, p. 12–14

Council Conclusions on Healthy Ageing across the Lifecycle

OJ C 396, 21.12.2012, p. 8–11

**3207th meeting of the Council of the European Union (JUSTICE AND HOME AFFAIRS)
held in Brussels on 6 and 7 December 2012**

Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters

OJ L 351, 20.12.2012, p. 1–32

Regulation (EU) No 1168/2012 of the European Parliament and of the Council of 12 December 2012 amending Council Regulation (EC) No 1225/2009 on protection against dumped imports from countries not members of the European Community

OJ L 344, 14.12.2012, p. 1–2

Council Decision of 6 December 2012 adopting the Council's Position on the draft amending budget No 6 to the general budget for 2012

OJ C 378, 8.12.2012, p. 3–3

Council Decision of 6 December 2012 adopting the Council's Position on the new draft budget of the European Union for the financial year 2013

OJ C 378, 8.12.2012, p. 4–4

Council Conclusions on the follow-up to the Schengen evaluation of the Principality of Liechtenstein conducted in 2011

16366/12

2012/764/EU: Council Decision of 6 December 2012 concerning the request of Ireland to take part in some of the provisions of the Schengen acquis relating to the establishment of a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice

OJ L 337, 11.12.2012, p. 48–49

Decision 2013/18/EU of the European Parliament and of the Council of 12 December 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/2012/005 SE/Saab from Sweden)

OJ L 8, 12.1.2013, p. 17–17

Decision 2013/17/EU of the European Parliament and of the Council of 12 December 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/2011/026 IT/Emilia-Romagna Motorcycles from Italy)

OJ L 8, 12.1.2013, p. 16–16

Decision 2013/14/EU of the European Parliament and of the Council of 12 December 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/2011/013 DK/Flextronics from Denmark)
OJ L 8, 12.1.2013, p. 13–13

2013/15/EU: Decision of the European Parliament and of the Council of 12 December 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/2011/014 RO/Nokia from Romania)
OJ L 8, 12.1.2013, p. 14–14

Decision 2013/16/EU of the European Parliament and of the Council of 12 December 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/2011/018 ES/País Vasco Productos metálicos from Spain)
OJ L 8, 12.1.2013, p. 15–15

Decision 2013/19/EU of the European Parliament and of the Council of 12 December 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/2012/006 FI/Nokia Salo from Finland)
OJ L 8, 12.1.2013, p. 18–18

Decision 2013/13/EU of the European Parliament and of the Council of 12 December 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/2011/011 AT/Soziale Dienstleistungen from Austria)
OJ L 8, 12.1.2013, p. 12–12

Council Conclusions on aviation security against terrorist threats
17008/12

EU Drugs Strategy (2013-2020)
OJ C 402, 29.12.2012, p. 1–10

3208th meeting of the Council of the European Union (COMPETITIVENESS) held in Brussels on 10 and 11 December 2012

Council Conclusions on the communication from the Commission on "A Stronger European Industry for Growth and Economic Recovery Industrial Policy Communication Update"
17566/12

Council Resolution on EU Customs Action Plan to combat Intellectual Property Rights (IPR) infringements for the years 2013-2017
17311/12

Council Conclusions on progress on the Strategy for the evolution of the Customs Union
17302/12

Council Conclusions on Single Market Act II
16617/12

Council Conclusions on the communication from the Commission on "A Reinforced European Research Area Partnership for Excellence and Growth"
17003/12

3209th meeting of the Council of the European Union (FOREIGN AFFAIRS) held in Brussels on 10 December 2012

Council Decision 2012/777 of 10 December 2012 on the signing, on behalf of the European Union, of a Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Armenia, of the other part, on a Framework Agreement between the European Union and the Republic of Armenia on the general principles for the participation of the Republic of Armenia in Union programmes
OJ L 340, 13.12.2012, p. 26–26

Council Conclusions on Ukraine
17082/12

Council Decision 2012/765/CFSP of 10 December 2012 updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Decision 2012/333/CFSP
OJ L 337, 11.12.2012, p. 50–52

Council Implementing Regulation (EU) No 1169/2012 of 10 December 2012 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Implementing Regulation (EU) No 542/2012
OJ L 337, 11.12.2012, p. 2–5

Council Conclusions on the situation in the eastern Democratic Republic of the Congo
17390/12

Council Conclusions on the situation in Mali
17391/12

Council Conclusions on the Democratic People's Republic of Korea (DPRK)
17478/1/12 REV 1

Council Conclusions on MEPP
17516/12

Council Conclusions on Syria
17515/12

3210th meeting of the Council of the European Union (GENERAL AFFAIRS) held in Brussels on 11 December 2012

Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors (Text with EEA relevance)
OJ L 39, 9.2.2013, p. 1–11

Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (Text with EEA relevance)
OJ L 60, 2.3.2013, p. 52–128

Position (EU) No 1/2013 of the Council at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council amending Annex I to Council Regulation (EC) No 1528/2007 as regards the exclusion of a number of countries from the list of regions or states which have concluded negotiations Adopted by the Council on 11 December 2012
OJ C 39E , 12.2.2013, p. 1–6

Council Conclusions on Integrated Maritime Policy - Marine and Maritime Agenda for Growth and Jobs
16553/12

2012/793/EU: Council Decision of 11 December 2012 on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the Russian Federation relating to the administration of tariff-rate quotas applying to exports of wood from the Russian Federation to the European Union and the Protocol between the European Union and the Government of the Russian Federation on technical modalities pursuant to that Agreement
OJ L 349, 19.12.2012, p. 3–3

Council Implementing Regulation (EU) No 1241/2012 of 11 December 2012 amending Implementing Regulation (EU) No 1138/2011 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain fatty alcohols and their blends originating in India, Indonesia and Malaysia
OJ L 352, 21.12.2012, p. 1–5

Council Conclusions on the new CBRNE Agenda
16980/12

2013/4/Euratom: Council Decision of 11 December 2012 approving the conclusion, by the European Commission, of the Agreement on scientific and technological cooperation between the European Atomic Energy Community, of the one part, and the Swiss Confederation, of the other part, associating the Swiss Confederation to the Framework Programme of the European Atomic Energy Community for nuclear research and training activities (2012-2013)
OJ L 4, 9.1.2013, p. 1–2

Council conclusions on Enlargement and Stabilisation and Association Process
17604/12

Adoption of Legislative Act following the European Parliament's Second Reading (Strasbourg, 10 to 13 December 2012)

Regulation (EU) No 100/2013 of the European Parliament and of the Council of 15 January 2013 amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency
OJ L 39, 9.2.2013, p. 30–40

Regulation (EU) No 1219/2012 of the European Parliament and of the Council of 12 December 2012 establishing transitional arrangements for bilateral investment agreements between Member States and third countries
OJ L 351, 20.12.2012, p. 40–46

3211th meeting of the Council of the European Union (ENVIRONMENT) held in Brussels on 17 December 2012

Regulation (EU) No 1257/2012 of the European Parliament and of the Council of 17 December 2012 implementing enhanced cooperation in the area of the creation of unitary patent protection
OJ L 361, 31.12.2012, p. 1–8

Council Regulation (EU) No 1260/2012 of 17 December 2012 implementing enhanced cooperation in the area of the creation of unitary patent protection with regard to the applicable translation arrangements
OJ L 361, 31.12.2012, p. 89–92

Council Regulation (EU) No 55/2013 of 17 December 2012 concerning the extension of the scope of Regulation (EU) of the European Parliament and of the Council n° 1214/2011 on the professional cross-border transportation of euro cash by road between euro-area Member States
OJ L 21, 24.1.2013, p. 1–2

2013/5/EU: Council Decision of 17 December 2012 on the accession of the European Union to the Protocol for the Protection of the Mediterranean Sea against pollution resulting from exploration and exploitation of the continental shelf and the seabed and its subsoil
OJ L 4, 9.1.2013, p. 13–14

Council Regulation (EU) No 1231/2012 of 17 December 2012 amending Regulation (EU) No 7/2010 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products
OJ L 350, 20.12.2012, p. 1–7

Council Regulation (EU) No 1232/2012 of 17 December 2012 amending Regulation (EU) No 1344/2011 suspending the autonomous Common Customs Tariff duties on certain agricultural, fishery and industrial products
OJ L 350, 20.12.2012, p. 8–35

2012/794/EU: Council Implementing Decision of 17 December 2012 authorising Bulgaria and Romania to apply measures derogating from Article 5 of Directive 2006/112/EC on the common system of value added tax
OJ L 349, 19.12.2012, p. 55–56

2013/2/EU: Council Decision of 17 December 2012 on the signing, on behalf of the European Union, of the Agreement between the European Union and the Republic of Armenia on the facilitation of the issuance of visas
OJ L 3, 8.1.2013, p. 1–2

Council Conclusions on A Blueprint to Safeguard Europe's Water Resources
17282/12

**3212th meeting of the Council of the European Union (AGRICULTURE AND FISHERIES)
held in Brussels on 18, 19 and 20 December 2012**

Council Regulation (EU) No 1242/2012 of 18 December 2012 fixing for the 2013 fishing year the guide prices and Union producer prices for certain fishery products pursuant to Regulation (EC) No 104/2000

OJ L 352, 21.12.2012, p. 6–9

Council Conclusions on the Special report No 11/2012 of the European Court of Auditors on "Suckler cow and ewe and goat direct aids under partial implementation of SPS arrangements" 17806/12

Council Conclusions on the Special report No 14/2012 of the European Court of Auditors on the "Implementation of EU hygiene legislation in slaughterhouses of countries that joined the EU since 2004" 17807/12

Council Conclusions on Towards the Secure Supply of Radioisotopes for Medical Use in the European Union 17453/12

2013/11/EU: Council Decision of 18 December 2012 on the position to be adopted, on behalf of the European Union, in the EEA Joint Committee concerning an amendment to Annex IV (Energy) and to Annex XXI (Statistics) to the EEA Agreement OJ L 7, 11.1.2013, p. 1–2

Council Regulation (EU) No 1243/2012 of 19 December 2012 amending Regulation (EC) No 1342/2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks OJ L 352, 21.12.2012, p. 10–12

**3213th meeting of the Council of the European Union (TRANSPORT,
TELECOMMUNICATIONS AND ENERGY) held in Brussels on 20 December 2012**

Regulation (EU) No 174/2013 of the European Parliament and of the Council of 5 February 2013 amending Regulation (EC) No 106/2008 on a Community energy-efficiency labelling programme for office equipment (Text with EEA relevance) OJ L 63, 6.3.2013, p. 1–4

Regulation (EU) No 99/2013 of the European Parliament and of the Council of 15 January 2013 on the European statistical programme 2013-17 (Text with relevance for the EEA and for Switzerland) OJ L 39, 9.2.2013, p. 12–29

Regulation (EU) No 19/2013 of the European Parliament and of the Council of 15 January 2013 implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part
OJ L 17, 19.1.2013, p. 1–12

Regulation (EU) No 20/2013 of the European Parliament and of the Council of 15 January 2013 implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other
OJ L 17, 19.1.2013, p. 13–24

Council Directive 2013/1/EU of 20 December 2012 amending Directive 93/109/EC as regards certain detailed arrangements for the exercise of the right to stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals
OJ L 26, 26.1.2013, p. 27–29

Council Regulation (EU) No 1262/2012 of 20 December 2012 fixing for 2013 and 2014 the fishing opportunities for EU vessels for certain deep-sea fish stocks
OJ L 356, 22.12.2012, p. 22–33

2013/64/EU: Council Implementing Decision of 20 December 2012 amending Implementing Decision 2011/344/EU on granting Union financial assistance to Portugal
OJ L 26, 26.1.2013, p. 30–33

Council Conclusions on EU relations with the Principality of Andorra, the Principality of Monaco and the Republic of San Marino
17783/12

Council Implementing Decision 2012/809/CFSP of 20 December 2012 implementing Decision 2011/486/CFSP concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan
OJ L 352, 21.12.2012, p. 47–48

Council Implementing Regulation (EU) No 1244/2012 of 20 December 2012 implementing Article 11(1) of Regulation (EU) No 753/2011 concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan
OJ L 352, 21.12.2012, p. 13–14

Council Decision 2012/811/CFSP of 20 December 2012 amending Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo
OJ L 352, 21.12.2012, p. 50–53

Council Decision amending Decision 2011/235/CFSP concerning restrictive measures directed against certain persons and entities in view of the situation in Iran
OJ L 352, 21.12.2012, p. 49–49

Council Regulation (EU) No 1245/2012 of 20 December 2012 amending Regulation (EU) No 359/2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Iran
OJ L 352, 21.12.2012, p. 15–15

Council Conclusions on a request to the European Union Agency for Fundamental Rights in accordance with Article 4 (1) c) and d) of the Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights
OJ C 400, 28.12.2012, p. 3–3

2013/3/EU: Council Decision of 20 December 2012 on the launch of automated data exchange with regard to DNA data in Poland
OJ L 3, 8.1.2013, p. 5–6

Council Regulation (EU) No 1273/2012 of 20 December 2012 on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) (recast)
OJ L 359, 29.12.2012, p. 32–44

Council Recommendation on the validation of non-formal and informal learning
OJ C 398, 22.12.2012, p. 1–5

Council Conclusions on the European Court of Auditors' Special Report No 13/2012: "European Union Development Assistance for Drinking-Water Supply and Basic Sanitation in Sub-Saharan Countries"
17288/12

Council Conclusions on EU relations with EFTA countries
17151/12

Conclusions of the Council of the European Union and of the Representatives of the Governments of the Member States meeting within the Council - Future Swiss Financial Contribution for the benefit of Croatia
17723/12

Council Decision 2012/812/CFSP of 20 December 2012 amending Common Position 2003/495/CFSP on Iraq
OJ L 352, 21.12.2012, p. 54–54

Council Conclusions on EU's External Aviation Policy - Addressing Future Challenges
17558/12

Council Decision on the signature, on behalf of the European Union, and provisional application of the Euro-Mediterranean Aviation Agreement between the European Union and its Member States, of the one part, and the State of Israel, of the other part
16826/12

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS DECEMBER 2012			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
3204th meeting of the Council of the European Union (TRANSPORT, TELECOMMUNICATIONS AND ENERGY) held in Brussels on 3 December 2012			
Regulation (EU) No 1216/2012 of the European Parliament and of the Council of 12 December 2012 introducing, on the occasion of the accession of Croatia, special temporary measures for the recruitment of officials and temporary staff of the European Union	PE-CONS 58/12	Qualified majority	All Member States in favour
Regulation (EU) No 1217/2012 of the European Parliament and of the Council of 12 December 2012 on the allocation of tariff-rate quotas applying to exports of wood from the Russian Federation to the European Union	PE-CONS 59/12	Qualified majority	All Member States in favour

Regulation (EU) No 1218/2012 of the European Parliament and of the Council of 12 December 2012 concerning the implementation of the Agreement in the form of an Exchange of Letters between the European Union and Brazil pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions with respect to processed poultry meat provided for in the EU Schedule annexed to GATT 1994, and of the Agreement in the form of an Exchange of Letters between the European Union and Thailand pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions with respect to processed poultry meat provided for in the EU Schedule annexed to GATT 1994, and amending and supplementing Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff 3207th meeting of the Council of the European Union (JUSTICE AND HOME AFFAIRS) held in Brussels on 6 and 7 December 2012	PE-CONS 61/12	Qualified majority	All Member States in favour
Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters	PE-CONS 56/12	Qualified majority	All Member States in favour

Regulation (EU) No 1168/2012 of the European Parliament and of the Council of 12 December 2012 amending Council Regulation (EC) No 1225/2009 on protection against dumped imports from countries not members of the European Community	PE-CONS 60/12	Qualified majority	All Member States in favour
Council Decision of 6 December 2012 adopting the Council's Position on the draft amending budget No 6 to the general budget for 2012	17145/1/12 REV 1	Qualified majority	All Member States in favour, except: against: DE, NL, SE, UK
Statement by the Commission on amending budget no 6/2012 and the GNI own resources The Commission confirms that Member States' contributions corresponding to the GNI-based own resources required to finance amending budget No 6/2012 will be booked by Eurostat to the 2012 national budgets and accounts, even if the actual disbursement was to take place in January 2013, in accordance with the relevant accounting rules as applied by Eurostat.			

Council Decision of 6 December 2012 adopting the Council's Position on the new draft budget of the European Union for the financial year 2013	17146/1/12 REV 1	Qualified majority	All Member States in favour, except: against: NL, AT, SE, UK
Joint statements by the Council and the European Parliament			
1. Payment appropriations for 2013			
Taking into account the ongoing fiscal consolidation efforts in Member States, the European Parliament and the Council, taking note of the level of payments proposed by the Commission for 2013, agree on a reduction of the level of payment appropriations for 2013 as compared to the Commission's draft budget. They ask the Commission to initiate any necessary action according to the Treaty and, in particular, to request additional payment appropriations in an amending budget if the appropriations entered in the 2013 budget prove insufficient to cover expenditure under sub-heading 1a (Competitiveness for growth and employment), sub heading 1b (Cohesion for growth and employment), heading 2 (Preservation and management of natural resources), heading 3 (Citizenship, freedom, security and justice) and heading 4 (The EU as a global player). Moreover, the European Parliament and the Council urge the Commission to present by mid-October 2013 at the latest updated figures concerning the state of play and estimates regarding payment appropriations under sub-heading 1b and rural development under heading 2, and, if necessary, to present a draft amending budget. The European Parliament and the Council are aware that a draft amending budget may possibly be required as early as mid-2013. With a view to facilitate the decision on the level of payment appropriations in the context of the annual budgetary procedure, the three institutions agree to explore how to better match payment appropriations estimates under shared management with the corresponding needs.			

The European Parliament and the Council will take position on any draft amending budget as quickly as possible in order to avoid any shortfall in payment appropriations. In addition, the European Parliament and the Council undertake to process swiftly any possible transfer of payment appropriations, including across financial framework headings, in order to make the best possible use of payment appropriations entered in the budget and align them to actual execution and needs. In accordance with Point 18 of the Interinstitutional Agreement on budgetary discipline and sound financial management, the European Parliament and the Council recall the need to ensure, in the light of implementation, an orderly progression of the total appropriations for payments in relation to the appropriations for commitments, so as to avoid any abnormal evolution of outstanding commitments ("RAL").

The European Parliament, the Council and the Commission will actively monitor the state of implementation of the 2013 budget, throughout the year, focussing on payment implementation, reimbursement claims received and revised forecasts, on the basis of detailed information provided by the Commission.

In any event, the European Parliament, the Council and the Commission recall their shared responsibility, as laid down in Article 323 TFEU, that "the European Parliament, the Council and the Commission shall ensure that the financial means are made available to allow the Union to fulfil its legal obligation in respect of third parties.

2. Payment needs for 2012

The European Parliament and the Council note that the level of payments, proposed by the Commission in its 2013 draft budget, was based on the assumption that payment needs in 2012 would have been addressed with appropriations available in the 2012 budget. However, the additional payment appropriations authorised in amending budget No 6/2012 were lowered by EUR 2.9 billion with respect to the amount proposed by the Commission, and are not at the level of all payment claims received.

Therefore, the Commission undertakes to present at an early stage in the year 2013 a draft amending budget devoted to the sole purpose of covering the 2012 suspended claims, as soon as the suspensions are lifted, and the other pending legal obligations without prejudice to the proper implementation of the 2013 budget.

To ensure sound and accurate EU budgeting, the European Parliament and the Council will take position on this draft amending budget as quickly as possible in order to cover any outstanding gap.

3. Heading 5 and the salary and pension adjustment

The European Parliament and the Council agree not to include at this stage the budgetary impact of the 2011 salary adjustment in the 2013 budget. Without prejudice to Council's position in cases c-66/12, c-63/12, c-196/12 and c-453/12, they jointly request the Commission, should the Court rule in favour of the Commission and as soon as it does, to submit a draft amending budget devoted to finance, as needed, the impact of the 2011 adjustment for the institutions, including its retroactive effect on previous years and possible late interest.

The European Parliament and the Council thus commit to approve such draft amending budget as soon as possible and to provide the necessary additional appropriations without jeopardising political priorities.

Statement by the Netherlands, Swedish and United Kingdom delegations

The Netherlands, Sweden and the United Kingdom note that given the lack of a formal adoption procedure in Union law for political documents, such as conclusions and statements, the Council decides on such political documents by consensus. This reflects the long-standing practice of the Council that they are not passed if any Council member opposed them. As such, if the statements proceed without agreement by the Council by consensus, the Netherlands, Sweden and the United Kingdom do not consider such statements to have been adopted and do not consider themselves, or the Council, to be bound by the content of those statements.

Statement by the Danish delegation

Denmark votes in favour of the 2013 budget. At the same time Denmark does not support the declaration concerning suspension of payments in 2012, which Denmark regards as related to amending budget No 6/2012 to which Denmark votes no.

**3210th meeting of the Council of the European Union (GENERAL AFFAIRS)
held in Brussels on 11 December 2012**

Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors (Text with EEA relevance)

PE-CONS 48/12

Qualified majority

All Member States in favour, except:
abstention: AT

Statements by Germany

1. In view of both recital 4 and our understanding that it is not the objective of this Regulation to prohibit other measures taken by Member States to protect the public from the risks posed by the listed chemicals and particularly from the health risks involved, Germany regrets that it was not possible to make it clear, in either the wording of the Regulation or in the recitals, that existing European or national provisions, particularly those on the protection of health, remain unaffected. We acknowledge that recital 4 has been amended to include a reference to existing provisions for the protection of the environment and of workers' safety as an alternative to any such regulation. However, the reference to rules concerning workers' safety does not go far enough.
2. Germany points out that a greater harmonisation of the rules on the labelling of affected products would have been desirable with a view to the internal market and the avoidance of unnecessary bureaucracy for businesses. In addition, in line with the purpose of the Regulation and in order to avoid red tape, only the distributor should be subject to the labelling requirement provided for in the Regulation.

Statement by Bulgaria

Bulgaria fully recognises the importance of establishing a common legislative framework with harmonized rules for marketing and use of explosive precursors, which would also aim at strengthening the level of public security and reducing the risk of terrorist attacks throughout the Union.

Bulgaria will therefore support the adoption of the Regulation.

However, we would like to express our regrets that the proposed Regulation does not fully achieve its goals.

Bulgaria believes that the aim of the Regulation both as regards the functioning of the Internal market and the security issues, could best be achieved with a simpler regime.

Bulgaria therefore considers that the option which would cause least administrative burden would be not to derogate from the EU-wide restrictions at all.

Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (Text with EEA relevance)

PE-CONS 52/12

Qualified majority

All Member States in favour, except:
abstention: UK

Statement by the United Kingdom and Bulgaria

The United Kingdom and Bulgaria regret that in introducing the Euro 5 stage of emissions restrictions without evidence of proportionate benefits, the principles of Better Regulation and evidence-based policy-making have not been followed.

Position (EU) No 1/2013 of the Council at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council amending Annex I to Council Regulation (EC) No 1528/2007 as regards the exclusion of a number of countries from the list of regions or states which have concluded negotiations Adopted by the Council on 11 December 2012	16737/1/12 REV 1	Qualified majority	All Member States in favour
<u>Statement by France</u> In France's view, the deadline for ratification of economic partnership agreements set out in the draft Regulation of the European Parliament and of the Council amending Annex I to Council Regulation (EC) No 1528/2007 is too early: it would create a risk of excluding a number of countries which have concluded negotiations from the list of countries enjoying preferential access to the EU market. Its proximity could lead to perplexity in the ACP countries, which would be harmful to the process of negotiating full regional EPAs. While it is important to set a deadline for ratification, that deadline must be compatible with the ACP countries' national decision-making processes and must allow those countries to prepare as well as possible for the entry into force of the EPAs. It is also essential that the agreements be applied by both parties in a climate of trust and a spirit of partnership. France has always supported the Economic Partnership Agreement process; it considers them true partnerships promoting the development of ACP countries. In that light, the President of the French Republic, in his speech to Senegal's National Assembly in Dakar on Friday 12 October 2012, spoke in favour of taking more account of African interests in the negotiating of EPAs and of restarting discussions with scheduling and content conditions more favourable to African countries. For these reasons, France understands the European Parliament's arguments, which led it to ask for the deadline to be put back to 2016, and in this context France favours a trilogue to agree a later ratification deadline, which would give the ACP countries more time and lend the last stage of the process greater visibility.			

**Adoption of Legislative Act following the European Parliament's
Second Reading (Strasbourg, 10 to 13 December 2012)**

Regulation (EU) No 100/2013 of the European Parliament and of the Council of 15 January 2013 amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency

PE-CONS 78/12

Not applicable

Not applicable

Regulation (EU) No 1219/2012 of the European Parliament and of the Council of 12 December 2012 establishing transitional arrangements for bilateral investment agreements between Member States and third countries

PE-CONS 66/12

Not applicable

Not applicable

3211th meeting of the Council of the European Union (ENVIRONMENT) held in Brussels on 17 December 2012			
Regulation (EU) No 1257/2012 of the European Parliament and of the Council of 17 December 2012 implementing enhanced cooperation in the area of the creation of unitary patent protection	PE-CONS 72/11	Qualified majority	All Member States in favour Not participating: ES, IT
Statement by the participating Member States on the share of distribution of renewal fees for European patents with unitary effect The participating Member States look forward with confidence to the decisions by the Select Committee, to be set up within the Administrative Council of the European Patent Office, concerning the level of the renewal fees for European patents with unitary effect and the share of distribution of such fees among the participating Member States. When deciding on the share of distribution of the renewal fees, the representatives of the participating Member States will be guided by the criteria listed in Article 13(2) of the Regulation implementing enhanced cooperation in the area of the creation of unitary patent protection, with the aim of allowing all participating Member States to keep their current renewal fee income while at the same time ensuring that those Member States which currently have a low renewal fee income will significantly increase this income.			
Council Regulation (EU) No 1260/2012 of 17 December 2012 implementing enhanced cooperation in the area of the creation of unitary patent protection with regard to the applicable translation arrangements	18855/2/12 REV 2	Unanimity	All Member States in favour Not participating: ES, IT
Council Regulation (EU) No 55/2013 of 17 December 2012 concerning the extension of the scope of Regulation (EU) of the European Parliament and of the Council n° 1214/2011 on the professional cross-border transportation of euro cash by road between euro-area Member States	17787/10	Unanimity	All Member States in favour

**3213th meeting of the Council of the European Union (TRANSPORT, TELECOMMUNICATIONS AND ENERGY)
held in Brussels on 20 December 2012**

Regulation (EU) No 174/2013 of the European Parliament and of the Council of 5 February 2013 amending Regulation (EC) No 106/2008 on a Community energy-efficiency labelling programme for office equipment (Text with EEA relevance)

PE-CONS 57/12

Qualified majority

All Member States in favour

Regulation (EU) No 99/2013 of the European Parliament and of the Council of 15 January 2013 on the European statistical programme 2013-17 (Text with relevance for the EEA and for Switzerland)

PE-CONS 65/12

Qualified majority

All Member States in favour

Regulation (EU) No 19/2013 of the European Parliament and of the Council of 15 January 2013 implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part

PE-CONS 62/12

Qualified majority

All Member States in favour

Statement by the Commission

The Commission welcomes the first reading agreement between the European Parliament and the Council on Regulation (EU) No 19/2013 implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part¹.

- (a) As envisaged in Regulation (EU) No 19/2013, the Commission will submit an annual report to the European Parliament and to the Council on the implementation of the Agreement and will be ready to discuss with the responsible committee of the European Parliament any issues arising from the implementation of the Agreement.
- (b) The Commission will attach particular importance to the effective implementation of commitments on trade and sustainable development in the Agreement, taking into account the specific information provided by the relevant monitoring bodies of the fundamental Conventions of the International Labour Organisation and the multilateral environmental agreements listed in Title IX of the Agreement. In this context, the Commission will also seek the views of the relevant civil society advisory groups.
- (c) After the expiry of the stabilisation mechanism for bananas on 31 December 2019, the Commission will assess the situation of the Union market for bananas and the state of Union banana producers. The Commission will report its findings to the European Parliament and to the Council and will include a preliminary assessment of the functioning of the "Programme d'Options Spécifiques à l'Éloignement et l'Insularité" (POSEI) in preserving the banana production in the Union.

¹ OJ L 17, 19.1.2013, p. 1.

Joint Declaration by the European Parliament and the Commission

The European Parliament and the Commission agree on the importance of close cooperation in monitoring the implementation of the Agreement and Regulation (EU) 19/2013 implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part ¹. To that end they agree on the following:

- Upon request by the responsible committee of the European Parliament, the Commission shall report to it on any specific concerns relating to the implementation by Colombia or Peru of their commitments on trade and sustainable development.
- If the European Parliament adopts a recommendation to initiate a safeguard investigation, the Commission will carefully examine whether the conditions under Regulation (EU) No 19/2013 for ex-officio initiation are fulfilled. If the Commission considers that the conditions are not fulfilled, it will present a report to the responsible committee of the European Parliament including an explanation of all the factors relevant to the initiation of such an investigation.

Statement by Belgium

Belgium insists that the Commission pays the outermost attention at the effects for consumer prices in assessing the impact foreseen in article 15(3).

Regulation (EU) No 20/2013 of the European Parliament and of the Council of 15 January 2013 implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other	PE-CONS 63/12	Qualified majority	All Member States in favour
--	---------------	--------------------	-----------------------------

Statement by the Commission

The Commission welcomes the first reading agreement between the European Parliament and the Council on Regulation (EU) No 20/2013 implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Agreement establishing an Association between the European Union and its Member States on the one hand, and Central America on the other².

As envisaged in Regulation (EU) No 20/2013, the Commission will submit an annual report to the European Parliament and to the Council on the implementation of Part IV of the Agreement and will be ready to discuss with the responsible committee of the European Parliament any issues arising from the implementation of Part IV of the Agreement.

The Commission will attach particular importance to the effective implementation of commitments on trade and sustainable development in the Agreement, taking into account the specific information provided by the relevant monitoring bodies of the fundamental Conventions of the International Labour Organisation and the multilateral environmental agreements listed in Title VIII of Part IV of the Agreement. In this context, the Commission will also seek the views of the relevant civil society advisory groups.

After the expiry of the Banana Stabilisation Mechanism on 31 December 2019, the Commission will assess the situation of the Union market for bananas and the state of Union banana producers. The Commission will report its findings to the European Parliament and the Council and would include a preliminary assessment of the functioning of the "Programme d'Options Spécifiques à l'Éloignement et l'Insularité" (POSEI) in preserving the banana production in the Union.

² OJ L 17, 19.1.2013, p. 13.

Joint Declaration by the European parliament and the Commission

The European Parliament and the Commission agree on the importance of close cooperation in monitoring the implementation of Part IV of the Agreement and Regulation (EU) No 20/2013 implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Agreement establishing an Association between the European Union and its Member States on the one hand, and Central America on the other³. To that end they agree on the following:

- Upon request by the responsible committee of the European Parliament, the Commission shall report to it on any specific concerns relating to the implementation by Central American countries of their commitments on trade and sustainable development.
- If the European Parliament adopts a recommendation to initiate a safeguard investigation, the Commission will carefully examine whether the conditions under Regulation (EU) No 20/2013 for ex-officio initiation are fulfilled. If the Commission considers that the conditions are not fulfilled, it will present a report to the responsible committee of the European Parliament including an explanation of all the factors relevant to the initiation of such an investigation.

Statement by Belgium

Belgium insists that the Commission pays the outermost attention at the effects for consumer prices in assessing the impact foreseen in article 15(3).

Council Directive 2013/1/EU of 20 December 2012 amending Directive 93/109/EC as regards certain detailed arrangements for the exercise of the right to stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals

16066/12

Unanimity

All Member States in
favour

³ OJ L 17, 19.1.2013, p. 13.

INFORMATION ON THE ADOPTION OF OTHER ACTS DECEMBER 2012	
OTHER ACTS	Votes/Statements made public
3204th meeting of the Council of the European Union (TRANSPORT, TELECOMMUNICATIONS AND ENERGY) held in Brussels on 3 December 2012 Council Regulation (EU) No 1259/2012 of 3 December 2012 on the allocation of the fishing opportunities under the Protocol between the European Union and the Islamic Republic of Mauritania setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force and amending Regulation 1801/2006 15776/12 Council Decision 2012/827/EU of 18 December 2012 on the signature, on behalf of the European Union, and the provisional application of the Protocol between the European Union and the Islamic Republic of Mauritania setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force 15780/12 Council Regulation (EU) No 1220/2012 of 3 December 2012 on trade related measures to guarantee the supply of certain fishery products to Union processors from 2013 to 2015 amending Regulation (EC) No 104/2000 and (EU) No 1344/2011 and repealing Regulation (EC) No 1062/2009 15912/12	

INFORMATION ON THE ADOPTION OF OTHER ACTS DECEMBER 2012	
OTHER ACTS	Votes/Statements made public
Council Implementing Decision 2012/745/CFSP of 3 December 2012 implementing Decision 2011/486/CFSP concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan 15983/12 Council Implementing Regulation (EU) No 1139/2012 of 3 December 2012 implementing Article 11(1) and (4) of Regulation (EU) No 753/2011 concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan 15988/12 Council Decision 2012/749/EU of 3 December 2012 extending the application period of Decision 2010/371/EU of 7 June 2010 concerning the conclusion of consultations with the Republic of Madagascar under Article 96 of the ACP-EU Partnership Agreement 16208/12 Council Decision 2013/7/EU of 3 December 2012 on the conclusion of the Agreement between the European Union and the Republic of Moldova on the protection of geographical indications of agricultural products and foodstuffs 8741/12 Council Implementing Regulation (EU) No 1153/2012 of 3 December 2012 imposing a definitive anti-dumping duty on imports of chamois leather originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009 15931/12	

INFORMATION ON THE ADOPTION OF OTHER ACTS DECEMBER 2012	
OTHER ACTS	Votes/Statements made public
Council Decision 2012/747/EU of 3 December 2012 on the position to be adopted, on behalf of the European Union, in the EEA Joint Committee concerning an amendment to Protocol 31 (on cooperation in specific fields outside the four freedoms) to the EEA Agreement 15135/12 Council Conclusions on Renewable Energy: a major player in the European energy market 16205/11	

INFORMATION ON THE ADOPTION OF OTHER ACTS DECEMBER 2012	
OTHER ACTS	Votes/Statements made public
3205th meeting of the Council of the European Union (ECONOMIC AND FINANCIAL AFFAIRS) held in Brussels on 4 December 2012 Council Conclusions on Code of Conduct (Business Taxation) 16489/12 Council Conclusions on the EU Joint Transfer Pricing Forum 16380/12 Council Implementing Decision 2012/769/EU of 4 December amending Decision 2009/790/EC authorising the Republic of Poland to apply a measure derogating from Article 287 of Directive 2006/112/EC on the common system of value added tax 16475/2/12 REV 2 Council Decision 2012/778 of 4 December 2012 abrogating Decision 2009/587/EC on the existence of an excessive deficit in Malta 16824/12 Council Decision 213/6 of 4 December 2012 amending Decision 2011/734/EU addressed to Greece with a view to reinforcing and deepening fiscal surveillance and giving notice to Greece to take measures for the deficit reduction judged necessary to remedy the situation of excessive deficit 15649/12	

INFORMATION ON THE ADOPTION OF OTHER ACTS DECEMBER 2012	
OTHER ACTS	Votes/Statements made public
3206th meeting of the Council of the European Union (EMPLOYMENT, SOCIAL POLICY, HEALTH AND CONSUMER AFFAIRS) held in Brussels on 6 and 7 December 2012 Council Decision 2012/773 of 6 December 2012 on the position to be taken on behalf of the European Union within the Stabilisation and Association Council established by the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part, with regard to the provisions on the coordination of social security systems 16123/12 Council Decision 2012/774 of 6 December 2012 on the position to be taken on behalf of the European Union within the Stabilisation and Association Council established by the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part, with regard to the provisions on the coordination of social security systems 16124/12 Council Decision 2012/775 of 6 December 2012 on the position to be taken by the European Union within the Cooperation Committee established by the Agreement on Cooperation and Customs Union between the European Economic Community and its Member States, of the one part, and the Republic of San Marino, of the other part, with regard to the adoption of provisions on the coordination of social security systems 16126/12	

**INFORMATION ON THE ADOPTION OF OTHER ACTS
DECEMBER 2012**

OTHER ACTS	Votes/Statements made public
<u>Statement by Malta</u> Malta fully recognises and supports the objective of the Council Decisions with respect to Turkey, the Republic of Montenegro, the Republic of Albania and the Republic of San Marino. However, Malta considers that these Council Decisions should implement the principles for the coordination of social security as set out in the Association Agreements and should not exceed the remit of such Agreements or extend their scope. Malta notes that the Council Decisions of the Republic of Albania and the Republic of Montenegro will implement the principle of equal treatment even though an equal treatment clause is not explicitly embodied in the respective Association Agreements. Therefore, Malta is of the view that the inclusion of an equal treatment clause in these Council Decisions should not be interpreted as meaning that Malta considers the equal treatment of third country nationals as a general principle of EU law or that it sets a precedent with regard to possible future agreements between the EU and third countries in the field of social security coordination or with regard to future Council Decisions implementing any such agreements. Malta therefore abstains on the Council Decisions concerning the Republic of Albania and the Republic of Montenegro. Council Decision 2012/776 of 6 December 2012 on the position to be taken on behalf of the European Union within the Association Council set up by the Agreement establishing an association between the European Economic Community and Turkey with regard to the provisions on the coordination of social security systems 16127/12 Council Statement The Council recalls cases C-431/11 and C-656/11 pending before the Court of Justice, where the Court is examining the question of the correct legal basis for adopting, respectively, Council Decision 2011/407/EU of 6 June 2011 on the position to be taken by the European Union within the EEA Joint Committee concerning an amendment to Annex VI (social security) and Protocol 37 to the EEA Agreement, and Council Decision 2011/863/EU of 16 December 2011 on the position to be taken by the European Union in the Joint Committee established under the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons as regards the replacement of Annex II to that Agreement on the co-ordination of social security schemes. As the proposed legal basis for the Decision of the Council establishing its position within the Association Council set up by the Agreement establishing an association between the European Economic Community and Turkey is the same as for the two above Decisions, the European Union will accept a Decision to be adopted by the Association Council only after the judgement of the Court of Justice is issued on these two cases.	

**INFORMATION ON THE ADOPTION OF OTHER ACTS
DECEMBER 2012**

OTHER ACTS	Votes/Statements made public
Joint Statement by Ireland, the Netherlands and the United Kingdom Title IV of Part Three of the Treaty on the Functioning of the European Union (TFEU) and Article 45(1) clearly states that "Freedom of movement for workers shall be secured within the Union". Article 45(2) TFEU provides that "such freedom of movement shall entail the abolition of any discrimination based on nationality between workers of the Member States". Article 48 TFEU provides the Council with the power to adopt measures in the field of social security which are necessary to give effect to this free movement of workers. Ireland, the Netherlands and the United Kingdom and therefore do not accept that Article 48 can provide a legal base for measures intended to apply to persons other than employed or self employed Member State workers and their dependents moving within the Union. The view of Ireland, the Netherlands and the United Kingdom, which is consistent with the legal base cited for other measures of this type, is that such measures correctly fall within the scope of Title V of Part Three of the TFEU and in particular Article 79(2)(b). This specifically provides a legal base for the adoption of measures defining the rights of third country nationals who come to the Union. Ireland, the Netherlands and the United Kingdom therefore do not consider that Article 48 TFEU is the correct legal base for the Council Decision and that Article 79(2)(b) TFEU should be the correct legal base for this measure. Ireland, the Netherlands and the United Kingdom reserve their right to take action necessary to ensure the inclusion of the correct legal base.	

**INFORMATION ON THE ADOPTION OF OTHER ACTS
DECEMBER 2012**

OTHER ACTS

Votes/Statements made public

Statement by Bulgaria

on Article 39 paragraph 2 of the Additional Protocol to the Agreement creating an Association between the Republic of Turkey and the European Economic Community and Article 11 paragraphs 1 and 2 of the transitional and final provisions of the Draft Decision

1. With regard to Article 39 paragraph 2

Article 39 paragraph 2 of the Additional Protocol introduces an obligation for all Member States when determining entitlement to old-age pensions, death benefits and invalidity pensions, and the provision of health services for workers of Turkish nationality and their families residing within the Community, to take into account only periods of insurance completed under the legislation of a Member State, but not those completed under the legislation of Turkey.

Bulgaria, bearing in mind Article 39 paragraph 2 of the Additional Protocol, which is the legal basis for the adoption of the Decision, and Regulation (EU) No 1231/10, according to both of which the aggregation of periods is possible only by Member States, but not with periods completed in Turkey and, states that in determining the entitlement of workers of Turkish nationality of some of these types of pensions and benefits will only take into account periods of insurance completed exclusively under the legislation of a Member State and will not take into account periods of insurance completed in Turkey.

2. With regard to Article 11 paragraphs 1 and 2

Article 11 paragraph 1 states that no rights shall be acquired pursuant to this decision for the period before its entry into force.

Article 11 paragraph 2 stipulates that subject to paragraph 1 (i.e. the rights are acquired only for the period after its entry into force), a right shall be acquired under this Decision even if it relates to a contingency arising before its date of entry into force.

The Republic of Bulgaria declares that the benefits, mentioned in Article 1(1)(h) of the draft Decision will be determined and granted at the earliest from the date of entry into force of the decision, even in cases where the entitlement is based on a contingency arising before that date.

**INFORMATION ON THE ADOPTION OF OTHER ACTS
DECEMBER 2012**

OTHER ACTS	Votes/Statements made public
Council Decision 2012/792/EU of 6 December 2012 on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and Brazil pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions with respect to processed poultry meat provided for in the EU Schedule annexed to GATT 1994, and of the Agreement in the form of an Exchange of Letters between the European Union and Thailand pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions with respect to processed poultry meat provided for in the EU Schedule annexed to GATT 1994 7883/1/12 REV 1	
Council Decision 2012/763 of 6 December 2012 on the signing, on behalf of the European Union, 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 16111/12	
Council Conclusions on Combating Violence Against Women, and the Provision of Support Services for Victims of Domestic Violence 16382/12	
Council Declaration on the European Year (2012) on Active Aging and Solidarity between Generations: The Way Forward 17468/12	

**INFORMATION ON THE ADOPTION OF OTHER ACTS
DECEMBER 2012**

OTHER ACTS	Votes/Statements made public
Council Conclusions on Organ Donation and Transplantation 16666/12 Council Conclusions on Healthy Ageing across the Lifecycle 16665/12 3207th meeting of the Council of the European Union (JUSTICE AND HOME AFFAIRS) held in Brussels on 6 and 7 December 2012 Council Conclusions on the follow-up to the Schengen evaluation of the Principality of Liechtenstein conducted in 2011 16366/12 2012/764/EU: Council Decision of 6 December 2012 concerning the request of Ireland to take part in some of the provisions of the Schengen acquis relating to the establishment of a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice 14987/12	

**INFORMATION ON THE ADOPTION OF OTHER ACTS
DECEMBER 2012**

OTHER ACTS	Votes/Statements made public
Decision 2013/18/EU of the European Parliament and of the Council of 12 December 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/2012/005 SE/Saab from Sweden) 15243/12	
Decision 2013/17/EU of the European Parliament and of the Council of 12 December 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/2011/026 IT/Emilia-Romagna Motorcycles from Italy) 15290/12	
Decision 2013/14/EU of the European Parliament and of the Council of 12 December 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/2011/013 DK/Flextronics from Denmark) 15245/12	

**INFORMATION ON THE ADOPTION OF OTHER ACTS
DECEMBER 2012**

OTHER ACTS	Votes/Statements made public
2013/15/EU: Decision of the European Parliament and of the Council of 12 December 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/2011/014 RO/Nokia from Romania) 15292/12	
Decision 2013/16/EU of the European Parliament and of the Council of 12 December 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/2011/018 ES/País Vasco Productos metálicos from Spain) 15294/12	
Decision 2013/19/EU of the European Parliament and of the Council of 12 December 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/2012/006 FI/Nokia Salo from Finland) 15296/12	

**INFORMATION ON THE ADOPTION OF OTHER ACTS
DECEMBER 2012**

OTHER ACTS	Votes/Statements made public
Decision 2013/13/EU of the European Parliament and of the Council of 12 December 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/2011/011 AT/Soziale Dienstleistungen from Austria) 15240/12	
Council Conclusions on aviation security against terrorist threats 17008/12	
EU Drugs Strategy (2013-2020) 16693/12	
3208th meeting of the Council of the European Union (COMPETITIVENESS) held in Brussels on 10 and 11 December 2012	
Council Conclusions on the communication from the Commission on "A Stronger European Industry for Growth and Economic Recovery Industrial Policy Communication Update" 17566/12	
Council Resolution on EU Customs Action Plan to combat Intellectual Property Rights (IPR) infringements for the years 2013-2017 17311/12	

**INFORMATION ON THE ADOPTION OF OTHER ACTS
DECEMBER 2012**

OTHER ACTS	Votes/Statements made public
Council Conclusions on progress on the Strategy for the evolution of the Customs Union 17302/12 Council Conclusions on Single Market Act II 16617/12 Council Conclusions on the communication from the Commission on "A Reinforced European Research Area Partnership for Excellence and Growth" 17003/12 3209th meeting of the Council of the European Union (FOREIGN AFFAIRS) held in Brussels on 10 December 2012 Council Decision 2012/777 of 10 December 2012 on the signing, on behalf of the European Union, of a Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Armenia, of the other part, on a Framework Agreement between the European Union and the Republic of Armenia on the general principles for the participation of the Republic of Armenia in Union programmes 16468/12 Council Conclusions on Ukraine 17082/12	

**INFORMATION ON THE ADOPTION OF OTHER ACTS
DECEMBER 2012**

OTHER ACTS	Votes/Statements made public
Council Decision 2012/765/CFSP of 10 December 2012 updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Decision 2012/333/CFSP 16894/12	
Council Implementing Regulation (EU) No 1169/2012 of 10 December 2012 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Implementing Regulation (EU) No 542/2012 16895/12	
Council Conclusions on the situation in the eastern Democratic Republic of the Congo 17390/12	
Council Conclusions on the situation in Mali 17391/12	
Council Conclusions on the Democratic People's Republic of Korea (DPRK) 17478/1/12 REV 1	
Council Conclusions on MEPP 17516/12	
Council Conclusions on Syria 17515/12	

**INFORMATION ON THE ADOPTION OF OTHER ACTS
DECEMBER 2012**

OTHER ACTS	Votes/Statements made public
3210th meeting of the Council of the European Union (GENERAL AFFAIRS) held in Brussels on 11 December 2012 Council Conclusions on Integrated Maritime Policy - Marine and Maritime Agenda for Growth and Jobs 16613/12 2012/793/EU: Council Decision of 11 December 2012 on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the Russian Federation relating to the administration of tariff-rate quotas applying to exports of wood from the Russian Federation to the European Union and the Protocol between the European Union and the Government of the Russian Federation on technical modalities pursuant to that Agreement 16770/12 Council Implementing Regulation (EU) No 1241/2012 of 11 December 2012 amending Implementing Regulation (EU) No 1138/2011 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain fatty alcohols and their blends originating in India, Indonesia and Malaysia 16716/12 Council Conclusions on the new CBRNE Agenda 16980/12	

INFORMATION ON THE ADOPTION OF OTHER ACTS DECEMBER 2012	
OTHER ACTS	Votes/Statements made public
2013/4/Euratom: Council Decision of 11 December 2012 approving the conclusion, by the European Commission, of the Agreement on scientific and technological cooperation between the European Atomic Energy Community, of the one part, and the Swiss Confederation, of the other part, associating the Swiss Confederation to the Framework Programme of the European Atomic Energy Community for nuclear research and training activities (2012-2013) 16911/12 Council conclusions on Enlargement and Stabilisation and Association Process 17604/12 Statement by the Council The Council underlines that the phrase "in all its dimensions" in paragraph 3 of its conclusions on Enlargement and the Stabilisation and Association Process, can only be understood as a reference to the three issues referred to in paragraph 9 of the December 2006 European Council conclusions namely the functioning of EU institutions, the further development of EU policy and their sustainable financing. 3211th meeting of the Council of the European Union (ENVIRONMENT) held in Brussels on 17 December 2012 2013/5/EU: Council Decision of 17 December 2012 on the accession of the European Union to the Protocol for the Protection of the Mediterranean Sea against pollution resulting from exploration and exploitation of the continental shelf and the seabed and its subsoil 9671/12 Council Regulation (EU) No 1231/2012 of 17 December 2012 amending Regulation (EU) No 7/2010 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products 16581/12	

**INFORMATION ON THE ADOPTION OF OTHER ACTS
DECEMBER 2012**

OTHER ACTS	Votes/Statements made public
Council Regulation (EU) No 1232/2012 of 17 December 2012 amending Regulation (EU) No 1344/2011 suspending the autonomous Common Customs Tariff duties on certain agricultural, fishery and industrial products 16582/12 2012/794/EU: Council Implementing Decision of 17 December 2012 authorising Bulgaria and Romania to apply measures derogating from Article 5 of Directive 2006/112/EC on the common system of value added tax 17276/1/12 + 16662/12 2013/2/EU: Council Decision of 17 December 2012 on the signing, on behalf of the European Union, of the Agreement between the European Union and the Republic of Armenia on the facilitation of the issuance of visas 16900/12 Council Conclusions on A Blueprint to Safeguard Europe's Water Resources 17282/12 3212th meeting of the Council of the European Union (AGRICULTURE AND FISHERIES) held in Brussels on 18, 19 and 20 December 2012 Council Regulation (EU) No 1242/2012 of 18 December 2012 fixing for the 2013 fishing year the guide prices and Union producer prices for certain fishery products pursuant to Regulation (EC) No 104/2000 16899/12	Not participating in the Decision: UK, IE, DK

**INFORMATION ON THE ADOPTION OF OTHER ACTS
DECEMBER 2012**

OTHER ACTS	Votes/Statements made public
Council Conclusions on the Special report No 11/2012 of the European Court of Auditors on "Suckler cow and ewe and goat direct aids under partial implementation of SPS arrangements" 17806/12	
Council Conclusions on the Special report No 14/2012 of the European Court of Auditors on the "Implementation of EU hygiene legislation in slaughterhouses of countries that joined the EU since 2004" 17807/12	
Council Conclusions on Towards the Secure Supply of Radioisotopes for Medical Use in the European Union 17453/12	
2013/11/EU: Council Decision of 18 December 2012 on the position to be adopted, on behalf of the European Union, in the EEA Joint Committee concerning an amendment to Annex IV (Energy) and to Annex XXI (Statistics) to the EEA Agreement 16058/12	

INFORMATION ON THE ADOPTION OF OTHER ACTS DECEMBER 2012	
OTHER ACTS	Votes/Statements made public
Council Regulation (EU) No 1243/2012 of 19 December 2012 amending Regulation (EC) No 1342/2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks 17493/1/12 REV 1 Statement by the Commission The Commission considers that Regulation 1342/2008 (the Cod Plan) which was adopted as a legislative act under the former Treaty (EC Treaty), must be amended by way of the now existing ordinary legislative procedure under TFEU. For these reasons, the Commission considers that Articles 8, 9 and 12 of the Cod Plan cannot be amended by the Council on the basis of the non-legislative procedure of Article 43(3) TFEU. Furthermore, the material content of Articles 8, 9 and 12 of the Cod Plan cannot be construed as being covered by the terms "measures on the fixing and allocation of fishing opportunities". The Presidency's proposal to split the Commission's proposal and adopt under article 43(3) TFEU the amendment to Articles 8, 9 and 12 of the Cod Plan would be in breach of the Treaty. In these circumstances, the Commission maintains its original proposal including the legal basis of Article 43(2) TFEU, and reserves the right to avail itself of the legal remedies provided by the Treaty to contest the Council's amendment to the Cod Plan.	Voting rule: Qualified majority Voting results: All Member States in favour, except: abstention: NL, ES

**INFORMATION ON THE ADOPTION OF OTHER ACTS
DECEMBER 2012**

OTHER ACTS	Votes/Statements made public
3213th meeting of the Council of the European Union (TRANSPORT, TELECOMMUNICATIONS AND ENERGY) held in Brussels on 20 December 2012 Council Regulation (EU) No 1262/2012 of 20 December 2012 fixing for 2013 and 2014 the fishing opportunities for EU vessels for certain deep-sea fish stocks 17289/12 <u>Statements by the Commission</u> Ad deep-sea sharks The Commission will examine the list of species defined as deep-sea sharks in part 1 ("Definition of species and species groups") of the Annex to the Regulation, in particular as regards the possible exclusion of Blackmouth catshark (<i>Galeus melastomus</i>) and the possible inclusion of Lowfin gulper shark (<i>Centrophorus lusitanicus</i>). Where appropriate, the Commission may propose to amend this list, in the light of scientific advice it may receive on this matter. Ad red seabream in area IX The Commission notes that a rollover of the 2012 TAC for Red seabream in area IX has been agreed, acknowledging national efforts being made for the sustainable management of the stock. The Commission shall request scientific evaluation of relevant national measures for the protection of the stock. <u>Statement by Sweden</u> Sweden believes in the importance to apply the principles enshrined in the UN Agreement on Migratory Stocks and in the International Guidelines for Deep Sea Fishing from 2008, particularly concerning the stock assessments, impact assessments and the application of the precautionary approach. Where no scientific advice is available the precautionary approach should apply. On 29 of November the Council reached a political agreement on the proposal for deep sea species for 2013 and 2014. Sweden will vote no to the final compromise because the precautionary approach has not been applied for stocks where no reliable scientific advice is available.	

**INFORMATION ON THE ADOPTION OF OTHER ACTS
DECEMBER 2012**

OTHER ACTS	Votes/Statements made public
2013/64/EU: Council Implementing Decision of 20 December 2012 amending Implementing Decision 2011/344/EU on granting Union financial assistance to Portugal 17459/1/12 REV 1 Council Conclusions on EU relations with the Principality of Andorra, the Principality of Monaco and the Republic of San Marino 17783/12 Council Implementing Decision 2012/809/CFSP of 20 December 2012 implementing Decision 2011/486/CFSP concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan 17188/12 Council Implementing Regulation (EU) No 1244/2012 of 20 December 2012 implementing Article 11(1) of Regulation (EU) No 753/2011 concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan 17189/12 Council Decision 2012/811/CFSP of 20 December 2012 amending Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo 17499/12 Council Decision amending Decision 2011/235/CFSP concerning restrictive measures directed against certain persons and entities in view of the situation in Iran 17332/12	

**INFORMATION ON THE ADOPTION OF OTHER ACTS
DECEMBER 2012**

OTHER ACTS	Votes/Statements made public
Council Regulation (EU) No 1245/2012 of 20 December 2012 amending Regulation (EU) No 359/2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Iran 17530/12 Council Conclusions on a request to the European Union Agency for Fundamental Rights in accordance with Article 4 (1) c) and d) of the Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights 17348/12	
Statement by the Council In relation to the adoption of the conclusions on a request to the European Union Agency for Fundamental Rights in accordance with Article 4 (1) c) and d) of Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights, the Council notes that these are without prejudice to the exercise of ordinary budgetary procedures in relation to the functioning of the Agency. 2013/3/EU: Council Decision of 20 December 2012 on the launch of automated data exchange with regard to DNA data in Poland 16718/12	

**INFORMATION ON THE ADOPTION OF OTHER ACTS
DECEMBER 2012**

OTHER ACTS	Votes/Statements made public
Council Regulation (EU) No 1273/2012 of 20 December 2012 on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) (recast) 11142/12 + 11143/12	
Statement by the Commission 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), second subparagraph, point (b) in a systematic manner. Recourse to this provision must respond to a specific need to depart from the rule of principle which is that the Commission may adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established by Article 5(4) recourse to second subparagraph, (point b) cannot be simply seen as a "discretionary power" of the Legislator, but must be interpreted in a restrictive manner and thus must be justified.	
Council Recommendation on the validation of non-formal and informal learning 17726/1/12 REV 1	
Council Conclusions on the European Court of Auditors' Special Report No 13/2012: "European Union Development Assistance for Drinking-Water Supply and Basic Sanitation in Sub-Saharan Countries" 17288/12	
Council Conclusions on EU relations with EFTA countries 17151/12	

**INFORMATION ON THE ADOPTION OF OTHER ACTS
DECEMBER 2012**

OTHER ACTS	Votes/Statements made public
Conclusions of the Council of the European Union and of the Representatives of the Governments of the Member States meeting within the Council - Future Swiss Financial Contribution for the benefit of Croatia 17723/12 Council Decision 2012/812/CFSP of 20 December 2012 amending Common Position 2003/495/CFSP on Iraq 17850/12 Council Conclusions on EU's External Aviation Policy - Addressing Future Challenges 17558/12 Council Decision on the signature, on behalf of the European Union, and provisional application of the Euro-Mediterranean Aviation Agreement between the European Union and its Member States, of the one part, and the State of Israel, of the other part 16826/12	
Statement by the Czech Republic Subject to completing its internal approval procedures the Czech Republic agrees with this Decision. Statement by Finland Finland declares that it can apply this Agreement provisionally pursuant to Article 30 only from the date on which it has given its respective notification of the completion of its internal procedures necessary for the entry into force of this Agreement.	

**INFORMATION ON THE ADOPTION OF OTHER ACTS
DECEMBER 2012**

OTHER ACTS

Votes/Statements made public

Statement by Portugal

For the purpose of paragraph 1 of Article 30 of the Agreement, Portugal states that it will apply the Agreement once the depositary has been notified of the completion on the internal procedures required for its entry into force.

Statement by Hungary

Hungary hereby declares that it can provisionally apply this Agreement pursuant to Paragraph 1 of Article 30 only from the date on which it has notified the European Union as the Depositary of this Agreement the completion of its internal procedures necessary for the provisional application of this Agreement.

Statement by the Commission

In accordance with Article 218 (5) TFEU, the Commission has submitted a proposal for a Council decision authorising the signing and the provisional application of an aviation agreement with the Government of the State of Israel.

The Commission takes note of the Council's unanimous decision to adopt a "hybrid" act consisting concurrently of a decision of the Council and of the Representatives of Governments of the Member States meeting within the Council.

The Commission is of the opinion that this "hybrid" act violates the Treaties in that it, among other reasons, distorts the procedure and voting rules set out in 218 (5) TFEU and (8) first subparagraph TFEU.

The Commission also notes that under Article 218 (9) TFEU Member States have no competences in establishing the positions to be adopted on the Union's behalf in a body set-up by an agreement when that body is called upon to adopt acts having legal effects, irrespective of the nature of the Union's competence concerned.

Under these circumstances, the Commission considers that the procedure for establishing the EU position in the Joint Committee set up under Article 22 of the Agreement is contrary to the Treaties.

The Commission recalls its application in the Case C-28/12 Commission v Council which is pending before the Court of Justice and, reserves the right to make use of all the legal means at its disposal to ensure the respect of the provisions of the Treaties.