



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 12 December 2012**

**16303/12**

---

**Interinstitutional File:  
2010/0197 (COD)**

---

**CODEC 2695  
WTO 393  
FDI 34  
PE 518**

**INFORMATION NOTE**

---

from: General Secretariat of the Council  
to: Permanent Representatives Committee / Council

---

Subject: **ADOPTION OF LEGISLATIVE ACT FOLLOWING THE EUROPEAN  
PARLIAMENT'S SECOND READING**  
Proposal for a Regulation of the European Parliament and of the Council  
establishing transitional arrangements for bilateral investment agreements  
between Member States and third countries  
– Outcome of the European Parliament's second reading  
(Strasbourg, 10 to 13 December 2012)

---

**I. VOTE**

Since no amendment had been adopted, the President of the European Parliament declared the Council's position at first reading approved.

The text of the European Parliament's legislative resolution is annexed to this note.

## **II. ADOPTION OF LEGISLATIVE ACTS FOLLOWING THE EUROPEAN PARLIAMENT'S SECOND READING**

Since the European Parliament has approved the Council's position at first reading, the act in question is deemed to have been adopted in the wording which corresponds to the Council's position at first reading, as provided for in Article 294 (7)(a) of the TFEU.

After signature by the President of the European Parliament, the President of the Council and the Secretaries-General of the two Institutions, the act in question will be published in the *Official Journal* of the European Union.

---

## **Transitional arrangements for bilateral investment agreements between Member States and third countries \*\*\*II**

**European Parliament legislative resolution of 11 December 2012 on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council establishing transitional arrangements for bilateral investment agreements between Member States and third countries (11917/1/2012 – C7-0328/2012 – 2010/0197(COD))**

### **(Ordinary legislative procedure: second reading)**

*The European Parliament,*

- having regard to the Council position at first reading (11917/1/2012 – C7-0328/2012),
  - having regard to its position at first reading<sup>1</sup> on the Commission proposal to Parliament and the Council (COM(2010)0344),
  - having regard to the letter of the Chair of the Committee on International Trade of 31 May 2012 undertaking to recommend to the plenary to approve Council's position at first reading,
  - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 72 of its Rules of Procedure,
  - having regard to the recommendation for second reading of the Committee on International Trade (A7-0389/2012),
1. Approves the Council position at first reading;
  2. Approves the joint statement by Parliament, the Council and the Commission annexed to this resolution;
  3. Notes that the act is adopted in accordance with the Council position;
  4. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;

---

<sup>1</sup> OJ C 377 E, 7.12.2012, p. 203.

5. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*, together with the joint statement by Parliament, the Council and the Commission;
6. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

**ANNEX  
TO THE LEGISLATIVE RESOLUTION**

**Statement by the European Parliament, the Council and the Commission**

The fact that this Regulation, including recitals 17, 18 and 19, provides for the use of the procedures referred to in Regulation (EU) No 182/2011 does not constitute a precedent as to future regulations allowing the Union to empower the Member States under Article 2(1) TFEU to legislate and adopt legally binding acts in areas of Union exclusive competence. Furthermore, in this Regulation, the use of the advisory as opposed to the examination procedure shall not be considered as setting a precedent for future regulations establishing the framework for the common commercial policy.