



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 31 January 2013

**17294/12
ADD 1**

**PV CONS 66
ECOFIN 1023**

ADDENDUM to DRAFT MINUTES

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

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¹ Deliberations on Union legislative acts (Article 16(8) of the Treaty on European Union), other deliberations open to the public and public debates (Article 8 of the Council's Rules of Procedure).

LEGISLATIVE DELIBERATIONS

(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

"A" ITEMS

1. Energy Taxation Directive

- State of play
16595/12 FISC 176 ENER 488 ENV 879

The Council:

- (1) took note of the Presidency's approach as presented in the compromise proposal on 12 November 2012 (doc. 16060/12 FISC 161 ENER 457 ENV 845) and of the progress achieved so far;
- (2) noted that, in order to achieve further progress towards a final compromise, further work is needed, in particular in the following areas:
 - a) Levels of the minimum rates of taxation of the energy products and electricity¹;
 - b) Taxation of installations falling within the EU Emission Trading Scheme (ETS);
 - c) Tax treatment of biofuels and bioliquids;
 - d) Tax treatment of commercial gasoil;
 - e) Tax treatment of energy products and electricity used for agriculture;
 - f) Transitional periods;
 - g) Tax reliefs below the minimum levels.

¹ Some Member States want in particular discussion on LPG, natural gas and on certain other energy products.

2. Amended Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1073/1999 concerning investigations conducted by the European Anti-fraud Office (OLAF) and repealing Regulation (EURATOM) No 1074/1999 [First reading]

- Confirmation of political agreement
16546/12 GAF 26 FIN 884 CODEC 2753
12735/12 ADD 1 GAF 16 FIN 565 CODEC 1936

The Council confirmed the political agreement on the text as recorded in doc. 12735/12 ADD 1, on the understanding that, after its finalisation by the Council's legal/linguistic experts, the draft Regulation will again be transmitted via the Permanent Representatives Committee to the Council, for adoption of the Council's position in first reading.

AGENDA ITEMS

3. Banking Supervision Mechanism

- a) **Proposal for a Council Regulation conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions**
- b) **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1093/2010 establishing a European Supervisory Authority (European Banking Authority) as regards its interaction with Council Regulation (EU) No.../... conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions [First reading]**
 - General approach
 - 17141/12 EF 287 ECOFIN 1011
 - 17142/12 EF 288 ECOFIN 1012 CODEC 2893
 - 17143/12 EF 289 ECOFIN 1013 CODEC 2894

The Council had an exchange of views on the basis of the aforementioned documents and agreed to task the Ad Hoc Working Party with preparing further elaborated compromises with a view to final agreement at a subsequent Council meeting.

4. Revised capital requirements rules (CRD IV)

- a) **Proposal for a Regulation of the European Parliament and of the Council on prudential requirements for credit institutions and investment firms [First reading]**
- b) **Proposal for a Directive of the European Parliament and of the Council on the access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms and amending Directive 2002/87/EC of the European Parliament and of the Council on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate [First reading]**
 - Progress report
 - 16677/12 EF 278 ECOFIN 987 CODEC 2780

The Council took note of the Presidency progress report and of the Presidency's intention to carry on work with a view to a rapid agreement.

5. Economic governance - Two pack

- a) **Proposal for a Regulation on common provisions for monitoring and assessing draft budgetary plans and ensuring the correction of excessive deficit of the Member States in the euro area**
- b) **Proposal for a Regulation on the strengthening of economic and budgetary surveillance of Member States experiencing or threatened with serious difficulties with respect to their financial stability in the euro area**
 - General approach
 - 16493/1/12 REV 1 ECOFIN 964 UEM 315 CODEC 2737
 - 17150/12 ECOFIN 1014 UEM 330 CODEC 2896
 - 17152/12 ECOFIN 1015 UEM 331 CODEC 2897

The Council discussed the Presidency report 16496/1/12 REV1 and supported compromises reached as presented in the docs. 17150/12 and 17152/12. The Council encouraged rapid finalisation of remaining open items.

The United Kingdom delegation entered a statement in the minutes of the Council.

Statement by the United Kingdom

“The UK reiterated its clear understanding that there would be no new commitments from the European Financial Stabilisation Mechanism (EFSM) following entry into force of the European Stability Mechanism (ESM) Treaty on 27 September 2012, recalling the commitment in the European Council Decision of 25 March 2011, which states that as the ESM is designed to safeguard the financial stability of the euro area as whole, Article 122(2) of the TFEU will no longer be needed for such purposes. The Heads of State or Government therefore agreed that it should not be used for such purposes.”

13. VAT Quick Reaction Mechanism

- **Proposal for a Council Directive amending Directive 2006/112/EC on the common system of value added tax as regards a quick reaction mechanism against VAT fraud**
 - = Orientation debate
 - 16597/12 FISC 177

The Council held a policy debate on the proposal for a directive aimed at enabling immediate measures to be taken in cases of sudden and massive VAT fraud. The debate focused on whether implementing powers under the directive should be conferred on the Commission or the Council.

Some delegations supported the Commission proposal, whilst some other delegations, though sharing the objective of the proposal, expressed the view that the unanimity principle in the taxation area must be preserved.

At the outcome of the discussion, the Council invited the Working Party to continue its work on the Quick Reaction Mechanism, while exploring both alternatives concerning the conferral of implementing powers to the Commission or the Council with a view to reaching an agreement as soon as possible.

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