



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 14 June 2013

10749/13

INST 291

“I” ITEM NOTE

from: General Secretariat
to: Permanent Representatives Committee (Part 2)
Subject: COUNCIL DECISION taken by common accord with the President of the
Commission appointing a Member of the European Commission
- Use of the written procedure*

1. In accordance with Article 21 of the Act of Accession of the Republic of Croatia, a national of Croatia shall be appointed to the Commission as of the date of accession until 31 October 2014, by the Council, acting by a qualified majority and by common accord with the President of the Commission, after consulting the European Parliament.
2. The government of the Republic of Croatia notified the Council of the name of its candidate, Mr Neven MIMICA, on 25 April 2013.
3. The Council decided to consult the European Parliament on the appointment of Mr MIMICA on 26 April 2013.

* Item on which a procedural decision may be taken by Coreper, in accordance with Article 19(7)(e) of the Council's Rules of Procedure.

4. The European Parliament delivered its opinion on this appointment on 12 June 2013.
5. The President of the Commission has informed the Council on 14 June 2013 of his agreement to the appointment of Mr MIMICA¹.
6. The Decision appointing the Croatian member of the Commission is not included in the measures referred to in Article 3(4) of the Treaty of Accession² that may be adopted prior to the accession. In order to ensure such appointment as of the date of accession and since there is no Council meeting foreseen on 1 July 2013, such appointment decision needs to be taken by written procedure to be completed on **1 July 2013**.
7. Coreper is accordingly requested to:
 - (a) recommend that the Council adopt by common accord with the President of the Commission the Decision appointing Mr MIMICA as a Member of the Commission, as set out in 10110/13 INST 262 (as finalised by the legal/linguistic experts);
 - (b) decide, in accordance with Article 19(7)(e) of the Council's Rules of Procedure, to use the written procedure referred to in Article 12(1) thereof to adopt the Decision referred to in (a).

¹ cf. doc. 10987/13 INST 309

² OJ L 112, 24.4.2012, p. 14.