



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 23 July 2012

12772/12

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2011/0388 (NLE)**

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"A" ITEM NOTE

from: COREPER
to: Council
Subject: Proposal for a Council Regulation adjusting, from 1 July 2011, the rate of contribution to the pension scheme of officials and other servants of the European Union
- Information from the Presidency on the state of play

1. The Commission has addressed a letter to the Presidency of the Council¹ (hereafter 'the Commission letter') formally inviting the Council under Article 265 TFEU to adopt the Commission proposal² for a Council Regulation adjusting, from 1 July 2011, the rate of contribution to the pension scheme of officials and other servants of the European Union (hereafter 'the Commission proposal') within two months from the receipt of the letter. This letter was received by the General Secretariat of the Council on 28 June 2012.
2. In the absence of the Council defining its position within two months from receipt of the said letter (i.e. by 28 August 2012), the Commission will be able to introduce an action under Article 265 TFEU before the European Court of Justice for failure to adopt the above Commission proposal.

¹ Document 12118/12.

² Document 17625/11.

3. The above Commission proposal and the said Commission letter have been considered by the Working Party on Staff Regulations and by the Permanent Representatives Committee³. The Permanent Representatives Committee took note of the letter at its 18 July 2012 meeting, when it appeared that the qualified majority necessary to adopt the Commission proposal was not met.
4. The Permanent Representatives Committee concluded that the Council should be invited to take note of the Commission letter.
5. The Council is accordingly invited to take note of that letter.

³ Document 12525/12.