



**COUNCIL OF THE
THE EUROPEAN UNION**

Brussels, 21 September 2012

**Interinstitutional File:
2011/0238 (COD)**

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ADDENDUM TO THE "I/A" ITEM NOTE

from : General Secretariat of the Council

to : COREPER / COUNCIL

No. Cion prop.: 13943/11 ENER 283 CODEC 1406

Subject : Proposal for a Decision of the European Parliament and of the Council setting up an information exchange mechanism with regard to intergovernmental agreements between Member States and third countries in the field of energy (**first reading**)
- Adoption of the legislative act (LA + S)
=Statement

COMMON GUIDELINES

Consultation deadline: 3.10.2012

COMMISSION STATEMENT

The Commission considers that the adoption of the Decision of the European Parliament and of the Council setting up an information exchange mechanism with regard to intergovernmental agreements between Member States and third countries in the field of energy represents a first step towards more transparency, solidarity and consistency with internal market rules. The Commission will continue to encourage – as outlined in the original proposal – a more ambitious approach that would reflect and be more consistent with the EU's challenges and far reaching objectives in the area of energy policy.

In particular as provisions proposed as mandatory by the Commission have been made voluntary by the legislator, notably as regards an ex ante compatibility assessment mechanism to ensure that new intergovernmental agreements which have an impact on the operation or the functioning of the internal market are in compliance with Union law, the Commission will closely monitor the effectiveness of the adopted legislation, reserving its Treaty rights, and make use of its review clause as appropriate.
