



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 28 September 2012

**Interinstitutional File:
2012/0076 (NLE)**

**13988/12
ADD 1**

**SOC 763
NT 27**

ADDENDUM TO THE NOTE

from: Permanent Representatives Committee (Part I)
to: Council (Employment, Social Policy, Health and Consumer Affairs)

No. Cion prop.: 8556/12 SOC 263 NT 8 - COM(2012) 152 final

Subject: Proposal for a Council Decision on the position to be taken on behalf of the European Union within the Association Council set up by the Agreement establishing an association between the European Economic Community and Turkey with regard to the provisions on the coordination of social security systems
= Political agreement

Delegations will find attached a draft Council Statement to be included in the minutes of the Council (EPSCO 4 October).

Draft Council Statement

The Council recalls cases C-431/11 and C-656/11 pending before the Court of Justice, where the Court is examining the question of the correct legal basis for adopting, respectively, Council Decision 2011/407/EU of 6 June 2011 on the position to be taken by the European Union within the EEA Joint Committee concerning an amendment to Annex VI (social security) and Protocol 37 to the EEA Agreement, and Council Decision 2011/863/EU of 16 December 2011 on the position to be taken by the European Union in the Joint Committee established under the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons as regards the replacement of Annex II to that Agreement on the co-ordination of social security schemes.

As the proposed legal basis for the Decision of the Council establishing its position within the Association Council set up by the Agreement establishing an association between the European Economic Community and Turkey is the same as for the two above Decisions, the European Union will accept a Decision to be adopted by the Association Council only after the judgement of the Court of Justice is issued on these two cases.
