



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 15 November 2012

16215/12

**FIN 861
PE-L 100**

"A" ITEM NOTE

from:	General Secretariat of the Council
to:	Council

No. Cion prop.:	13960/12 FIN 674 - COM (2012) 536 final
Subject:	Draft amending budget No 5 to the general budget for 2012 - General statement of revenue - Statement of expenditure by Section - Section III - Commission

1. On 19 September 2012, the Commission forwarded to the Council draft amending budget (DAB) No 5 to the general budget for 2012, in particular regarding the mobilisation of the EU Solidarity Fund for a total amount of EUR 670 192 359 in commitment and payment appropriations. Its objective is to provide financial assistance to Italy in response to a series of earthquakes that hit the region of Emilia-Romagna in May 2012.

The corresponding appropriations are to be recorded under Article 13 06 01 (*EU Solidarity Fund - Member States*).

2. The Ecofin Council reached political agreement on 13 November 2012, by a qualified majority¹, to approve DAB No 5/2012 as proposed by the Commission and set out in document 13960/12 FIN 674.
3. The Council is invited to:
- adopt the Council's position on DAB No 5/2012 as set out in point 2;
 - approve the draft decision of the European Parliament and of the Council establishing amending budget No 5/2012 as set out in Annex 1 and transmit it to the European Parliament;
 - instruct the Presidency to prepare the budgetary documents to be sent to the European Parliament and to approve the draft letter in Annex 3 to that effect;
 - have the Council's position published in the *Official Journal of the European Union* as set out in Annex 2.
-

¹ NL, SE and UK voting against

DRAFT

DECISION
of the EUROPEAN PARLIAMENT and of the COUNCIL
establishing amending budget No 5 of the European Union for the financial year 2012

The EUROPEAN PARLIAMENT and the COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 314 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a thereof,

Having regard to Council Decision 2007/436/EC, Euratom of 7 June 2007 on the system of the European Communities' own resources¹,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities²,

¹ OJ L 163, 23.6.2007, p. 17.

² OJ L 248, 16.9.2002, p. 1.

Whereas:

- the European Union's general budget for the financial year 2012 was definitively adopted on 1 December 2011¹,
- on 19 September 2012, the Commission submitted draft amending budget No 5 of the European Union for the financial year 2012, in accordance with Article 314 of the Treaty on the Functioning of the European Union,
- the Council adopted its position on this draft amending budget on 20 November 2012,
- the European Parliament approved the Council's position at its plenary sitting of [...] 2012,

HAVE ADOPTED THIS DECISION:

Sole Article

Amending budget No 5 of the European Union for the financial year 2012 is hereby established in accordance with the Annex to this Decision.

Done at [...], [...] 2012.

*For the European Parliament
The President*

*For the Council of the EU
The President*

¹ OJ L 56, 29.02.2012, with Corrigendum in OJ L 79, 19.03.2012.

Draft amending budget No 5 of the European Union for the financial year 2012

COUNCIL POSITION

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 314 thereof, in conjunction with the Treaty establishing the European Atomic and Energy Community, and in particular Article 106a thereof,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities¹, as last amended by Regulation (EU, Euratom) No 1081/2010 of the European Parliament and of the Council of 24 November 2010², and in particular Article 37 thereof,

Whereas:

- the Union's budget for the financial year 2012 was definitively adopted on 1 December 2011³,
- on 19 September 2012, the Commission submitted a proposal containing draft amending budget No 5 to the general budget for the financial year 2012,

¹ OJ L 248, 16.9.2002, p. 1, with Corrigenda in OJ L 25, 30.1.2003, p. 43 and in OJ L 99, 14.4.2007, p. 18.

² OJ L 311, 26.11.2010, p. 9.

³ OJ L 56, 29.02.2012, with Corrigendum in OJ L 79, 19.03.2012.

HAS DECIDED AS FOLLOWS:

Sole Article

The Council's position on draft amending budget No 5 of the European Union for the financial year 2012 was adopted on 20 November 2012.

The full text can be accessed for consultation or downloading on the Council's website:
<http://www.consilium.europa.eu/>.

Done in Brussels, 20 November 2012

For the Council
The President

DRAFT LETTER

from : President of the Council

to : President of the European Parliament

Sir,

I am forwarding under separate cover the Council's position on draft amending budget No 5 for the financial year 2012, adopted by the Council on 20 November 2012.

(Complimentary close).
