



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 26 March 2014
(OR. en)**

8188/14

**FIN 248
PE-L 16**

"I/A" ITEM NOTE

From: Budget Committee
To: Permanent Representatives Committee/Council
No. Cion doc.: 6096/14 FIN 99 - COM(2014) 78 final
Subject: Draft amending budget No 1 to the general budget for 2014: Statement of revenue by Section - Statement of expenditure by Section - Section III - Commission
- Adoption of the Council's position

1. On 11 February 2014, the Commission submitted to the Council draft amending budget (DAB) No 1 to the general budget for 2014 regarding the following elements:
 - adjustments needed to implement the capital increase of the European Investment Fund to improve access to financing for small and medium-sized enterprises (SMEs);
 - technical adjustments in the budgetary structure following the adoption of the legal base for Horizon 2020 in December 2013;
 - technical adjustments in the budgetary structure following the adoption of the Council Regulation establishing the Shift2Rail Joint Undertaking in December 2013;
 - other technical amendments necessary to allow the implementation of the 2014 budget as agreed by the Conciliation Committee.

This DAB is budgetary neutral in terms of overall commitment and payment appropriations.

2. The Budget Committee examined the Commission proposal at its meetings on 19 February and 25 March 2014 and was able to accept it without any changes.

It concluded that the Council decision adopting the Council's position on this DAB should contain an additional paragraph in its sole Article stating that: "*Following the judgement of the European Court of Justice of 11 July 1985 in joined cases 87, 130/77, 22/83, 9 and 10/84, the Council recalls that budgetary remarks are not binding and are without prejudice to existing provisions in legislative acts*".

3. At the closure of its examination, the Budget Committee agreed, by a qualified majority, to suggest that the Permanent Representatives Committee:

- advises the Council to:
 - confirm the agreement on DAB No 1/2014 and consequently adopt the Council's position on DAB No 1/2014 as set out in point 2;
 - instruct the Presidency to prepare the budgetary documents to be sent to the European Parliament and to approve the draft letter in Annex 2 to that effect;
 - have the Council's position, as set out in Annex 1, published in the *Official Journal of the European Union*;
- agrees, by unanimity, to the use of the written procedure for this purpose.

COUNCIL DECISION

adopting the Council's position on draft amending budget No 1 of the European Union for the financial year 2014

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 Regulation (EC, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002¹ and in particular Article 41 thereof,

Whereas:

- the Union's budget for the financial year 2014 was definitively adopted on 20 November 2013²,
- on 11 February 2014, the Commission submitted a proposal containing draft amending budget No 1 to the general budget for the financial year 2014,

¹ OJ L 298, 26.10.2012, p. 1.

² OJ L 51, 20.2.2014, p. 1.

HAS DECIDED AS FOLLOWS:

Sole Article

The Council's position on draft amending budget No 1 of the European Union for the financial year 2014 was adopted on 9 April 2014.

Following the judgement of the European Court of Justice of 11 July 1985 in joined cases 87, 130/77, 22/83, 9 and 10/84¹, the Council recalls that budgetary remarks are not binding and are without prejudice to existing provisions in legislative acts.

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

Done in Brussels, on 9 April 2014

For the Council
The President

¹ ECJ [1985], p. 11-2524, in particular paragraph 56.

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 1 for the financial year 2014¹, adopted by the Council on 9 April 2014.

(Complimentary close).

¹ Doc. 8219/14 + ADD 1.