



European Council

Brussels, 2 February 2016
(OR. en)

EUCO 5/16

NOTE

To:	Delegations
Subject:	Draft Statement on Section A of the Decision of the Heads of State or Government, meeting within the European Council, concerning a New Settlement for the United Kingdom within the European Union

Delegations will find attached the draft Statement on Section A of the Decision of the Heads of State or Government, meeting within the European Council, concerning a New Settlement for the United Kingdom within the European Union.

DRAFT

STATEMENT

ON SECTION A

OF THE DECISION OF THE HEADS OF STATE OR GOVERNMENT,

MEETING WITHIN THE EUROPEAN COUNCIL,

CONCERNING A NEW SETTLEMENT FOR THE UNITED KINGDOM

WITHIN THE EUROPEAN UNION

The Heads of State or Government declare that the Decision on specific provisions relating to the effective management of the banking union and of the consequences of further integration of the euro area will be adopted by the Council on the date of the entry into force of the Decision of the Heads of State or Government, meeting within the European Council, concerning a new settlement for the United Kingdom within the European Union and will enter into force on that same day.

The draft Decision is set out below:

Draft Decision of the Council

on specific provisions relating to the effective management of the banking union and of the
consequences of further integration of the euro area

Whereas:

- (1) Supplementing Decision 2009/857/EC of 13 December 2007¹, provisions should be adopted in order to allow for the effective management of the banking union and of the consequences of further integration of the euro area.
- (2) The mechanism in this Decision contributes to the respect of the principles laid down in Section A of the Decision of the Heads of State or Government as regards legislative acts relating to the effective management of the banking union and of the consequences of further integration of the euro area, the adoption of which is subject to the vote of all members of the Council.
- (3) It is noted that in accordance with paragraph 1 of Section E of the Decision of the Heads of State or Government, meeting within the European Council, concerning a new settlement for the United Kingdom within the European Union, any Member State may ask the President of the European Council that an issue related to the application of that Decision be discussed in the European Council.
- (4) This decision cannot result in a situation which would amount to allowing one or more Member States to veto the effective management of the banking union or the future integration of the euro area. In particular, any referral to the European Council is without prejudice to the normal operation of the Union legislative procedure.

¹ Council Decision 2009/857/EC of 13 December 2007 relating to the implementation of Article 16(4) of the Treaty on European Union and Article 238(2) of the Treaty on the Functioning of the European Union between 1 November 2014 and 31 March 2017 on the one hand, and as from 1 April 2017 on the other (OJ L 314, 1.12.2009, p. 73).

(5) This Decision should be without prejudice to the specific voting arrangements agreed by the representatives of the 28 Member States meeting within the Council on 18 December 2013, concerning the adoption of Decisions by the Council on the basis of Article 18 of Regulation 806/2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund².

(6) In the application of this Decision, and more particularly with reference to the reasonable time for the Council to discuss the issue concerned, due account should be taken of possible urgency situations,

HAS DECIDED AS FOLLOWS:

Article 1

1. If, in relation to the legislative acts to which Section A of the Decision of the Heads of State or Government applies, the adoption of which is subject to the vote of all members of the Council, at least [X] member[s] of the Council that do[es] not participate in the banking union, indicate their reasoned opposition to the Council adopting such an act by qualified majority, the Council shall discuss the issue. The Member State[s] concerned shall justify [its]/[their] opposition by indicating how the draft act does not respect the principles laid down in the said Section A.

2. The Council shall, in the course of these discussions, do all in its power to reach, within a reasonable time and without prejudicing obligatory time limits laid down by Union law, a satisfactory solution to address concerns raised by the members of the Council referred to in paragraph 1.

² [Doc. No. 18137/13.]

3. To this end, the President of the Council, with the assistance of the Commission and in compliance with the Rules of Procedure of the Council, shall undertake any initiative necessary to facilitate a wider basis of agreement in the Council. The members of the Council shall lend him or her their assistance.

[While taking due account of the possible urgency of the matter and based on the reasons for opposing as indicated under paragraph 1, a request for a discussion in the European Council on the issue, before it returns to the Council for decision, may constitute such an initiative. Any such referral is without prejudice to the normal operation of the Union legislative procedure.]

Article 2

This Decision, which supplements Decision 2009/857/EC, shall enter into force on the date of the entry into force of the Decision of the Heads of State or Government, meeting within the European Council, concerning a new settlement for the United Kingdom within the European Union. It shall cease to apply if the latter ceases to apply.

Done at ..., [date]

For the Council

The President

[name]
