



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2012) 2023 final

Brussels, 28 November 2012

MINUTES
of the 2023rd meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 14 November 2012
(morning)

PV(2012) 2023 final

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Single sitting: Wednesday 14 November 2012 (morning)

The sitting opened at 8.07 with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	President	
Ms REDING	Vice-President	Items 1 to 9
Mr ALMUNIA	Vice-President	
Mr KALLAS	Vice-President	
Ms KROES	Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Mr REHN	Vice-President	
Mr POTOČNIK	Member	
Mr PIEBALGS	Member	
Mr BARNIER	Member	
Ms VASSILIOU	Member	
Mr ŠEMETA	Member	
Ms GEOGHEGAN-QUINN	Member	
Mr LEWANDOWSKI	Member	
Ms DAMANAKI	Member	
Ms GEORGIEVA	Member	
Mr OETTINGER	Member	
Mr HAHN	Member	
Ms HEDEGAARD	Member	
Mr ANDOR	Member	
Ms MALMSTRÖM	Member	
Mr CIOLOŞ	Member	

Absent:

Baroness ASHTON

High Representative/
Vice-President

Mr TAJANI

Vice-President

Mr DE GUCHT

Member

Mr FÜLE

Member

The following sat in to represent absent Members of the Commission:

Mr MORRISON	Chef de cabinet to Baroness ASHTON	Item 10 (in part)
Mr CEBALLOS BARÓN	A member of Baroness ASHTON's staff	Items 1 to 10 (in part)
Ms SUPERTI	Deputy Chef de cabinet to Mr TAJANI	
Mr VANHEUKELEN	Chef de cabinet to Mr DE GUCHT	Items 1 to 10 (in part)
Mr MORDUE	Chef de cabinet to Mr FÜLE	

The following also sat in:

Mr LAITENBERGER	Chef de cabinet to the PRESIDENT	
Mr ROMERO REQUENA	Director-General, Legal Service	
Mr VANDERSTEEN	Deputy Director-General (acting), DG Communication	
Mr DOENS	Head of the Commission Spokesperson Service	
Ms AHRENKILDE HANSEN	Commission Spokeswoman	
Mr THEBAULT	Head of the Bureau of European Policy Advisers	
Mr SOBRAL	Deputy Chef de cabinet to the PRESIDENT	Item 10 (in part)
Ms MARTÍNEZ ALBEROLA	Adviser in the PRESIDENT's Office	Items 1 to 9
Mr DANDOY	A member of the PRESIDENT's staff	Item 10
Mr KLAUS	A member of the PRESIDENT's staff	Item 10
Mr KARNITSCHNIG	A member of the PRESIDENT's staff	Items 1 to 8
Mr SELMAYR	Chef de cabinet to Ms REDING	Items 1 to 9
Ms HOFFMANN	Deputy Chef de cabinet to Ms REDING	Item 10
Mr LEMAÎTRE	Chef de cabinet to Mr LEWANDOWSKI	

Secretary: Ms DAY, Secretary-General, assisted by Mr AYET PUIGARNAU, Director in the Secretariat-General.

1. AGENDAS

(OJ(2012) 2023/FINAL; SEC(2012) 619/2)

The Commission took note of that day's agenda and of the tentative agendas for forthcoming meetings.

2. WEEKLY MEETING OF CHEFS DE CABINET

(RCC(2012) 2023)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 12 November.

Mr ALMUNIA said it was important periodically to schedule a discussion during Commission meetings of sectoral initiatives which nevertheless had a cross-cutting impact, when these were adopted as an A item or by finalisation written procedure after agreement had been reached at the weekly meeting of Chefs de cabinet. Like other Commission Members, he felt that a collective discussion of initiatives which in practice affected several areas of responsibility would be useful, giving Members an opportunity to contribute their political assessment and encouraging full ownership of the decisions taken.

The PRESIDENT said that as part of his responsibility for the planning and organisation of the Commission's work he was of course willing to arrange any debates requested by Members if given reasonable notice. An example of this was the policy debate on intellectual property to be held on 5 December. He took the opportunity to announce that the Commission would hold a seminar on 18 January 2013 to discuss all aspects of the European Union's competitiveness at global level, as agreed at its meeting on 7 November.

**3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 2022nd MEETING
(7 NOVEMBER)
(PV(2012) 2022; PV(2012) 2022, PART II)**

The Commission approved the minutes of its 2022nd meeting.

**4. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF
POWERS**

**4.1. WRITTEN PROCEDURES APPROVED
(SEC(2012) 620 ET SEQ)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 5 and 9 November.

**4.2. EMPOWERMENT
(SEC(2012) 621 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 5 and 9 November.

**4.3. DELEGATION AND SUBDELEGATION OF POWERS
(SEC(2012) 622 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 5 and 9 November, as archived in e-Greffe.

**4.4. SENSITIVE WRITTEN PROCEDURES
(SEC(2012) 623 AND /2)**

The Commission took note of the sensitive written procedures for which the time limit expired between 12 and 16 November and of the finalisation

written procedure initiated following the weekly meeting of Chefs de cabinet on 12 November.

**5. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2012) 624)**

**ADMINISTRATIVE MATTERS
(PERS(2012) 115)**

**5.1. *CHANGES TO ORGANISATION CHARTS – 2012 AUTUMN PACKAGE*
(SEC(2012) 636)**

Having noted the information in point 1 of PERS(2012) 115, the Commission took note of the changes to the organisation charts of DG Information Society and Media, DG Economic and Financial Affairs, DG Employment, Social Affairs and Inclusion, DG Human Resources and Security, DG Justice, DG Internal Market and Services, DG Interpretation and the Legal Service, as set out in SEC(2012) 636, which would be adopted at a later date by simplified procedure.

**5.2. *DG AGRICULTURE AND RURAL DEVELOPMENT – CHANGES TO ORGANISATION CHART*
(SEC(2012) 636; SEC(2012) 637; PERS(2012) 74 TO /4)**

The Commission took note of the information in point 1 of SEC(2012) 636 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr CIOLOȘ, decided:

- to increase the number of structural adviser posts by one;
- gradually to reduce the number of adviser posts from ten to eight between now and the end of 2014;
- to close internal selection procedure COM/2012/1278 (PERS(2012) 74

to /4) for the post of Director, 'Direct support, management of market measures, promotion', without making an appointment;

- to adopt the new organisation chart set out in SEC(2012) 637.

These decisions would take effect on 16 November, except in the case of the closure of selection procedure COM/2012/1278, which would take effect immediately.

As a result of the reorganisation, the total number of adviser posts in DG Agriculture and Rural Development would initially increase from nine to ten, but then drop to eight.

**5.3. DG DEVELOPMENT AND COOPERATION - EUROPEAID –
CHANGES TO ORGANISATION CHART
(SEC(2012) 636; SEC(2012) 638)**

The Commission took note of the information in point 1 of SEC(2012) 636 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, Mr PIEBALGS and Mr FÜLE, decided:

- to set up a 'Centre of Gravity' task force at unit level, headed by an adviser and responsible for the coordination of staff serving in delegations;
- to extend the mandate of the temporary task force responsible for enhanced dialogue with international organisations until 31 December 2014;
- to fill the post of Director, Directorate DEVCO.D 'East and Southern Africa and ACP Coordination', by transferring in the interest of the service under Article 7 of the Staff Regulations Ms Francesca MOSCA, currently Director, Directorate DEVCO.E 'Sub-Saharan Africa and Horizontal ACP Matters' in DG Development and Cooperation - EuropeAid;

- to extend a temporary adviser post by three months until the end of March 2013;
- to adopt the new organisation chart set out in SEC(2012) 638.

These decisions would take effect on 1 January 2013.

After the reorganisation, the total number of units in DG Development and Cooperation - EuropeAid would increase from 51 to 52 and the average number of staff covered by the Staff Regulations per unit would fall to 15.

5.4. *DG EDUCATION AND CULTURE – CHANGES TO ORGANISATION CHART* **(SEC(2012) 636; SEC(2012) 639)**

The Commission took note of the information in point 1 of SEC(2012) 636 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms VASSILIOU, decided:

- to increase the total number of structural adviser posts by one, and the total number of temporary adviser posts by one for a period of three years;
- to abolish a total of two units;
- to adopt the new organisation chart set out in SEC(2012) 639.

These decisions would take effect on 1 January 2013.

After this reorganisation, the total number of adviser posts in DG Education and Culture would increase from three to five, the number of units would fall from 29 to 27 and the average number of staff covered by the Staff Regulations per unit would increase to 21.

5.5. *DG HOME AFFAIRS – CHANGES TO ORGANISATION CHART* **(SEC(2012) 636; SEC(2012) 640)**

The Commission took note of the information in point 1 of SEC(2012) 636

and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms MALMSTRÖM, decided:

- to create a new Directorate HOME.D ‘Strategy and delivery steering’;
- to abolish one unit;
- to increase the total number of structural adviser posts by two;
- to adopt the new organisation chart set out in SEC(2012) 640.

These decisions would take effect on 1 February 2013.

After this reorganisation, the total number of adviser posts in DG Home Affairs would increase from one to three, the number of directorates would increase from three to four, the number of units would fall from 15 to 14 and the average number of staff covered by the Staff Regulations per unit would increase to 20.

**5.6. PUBLICATIONS OFFICE – CHANGES TO ORGANISATION CHART
(SEC(2012) 636; SEC(2012) 641; PERS(2011) 19 TO /3; PERS(2012) 116;
PERS(2012) 117)**

The Commission took note of the information in point 1 of SEC(2012) 636 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms REDING, decided:

- to keep the temporary directorate, OP.C ‘Transformation Objective 2012’, in operation under the new name of ‘Dissemination and Re-use’;
- to authorise the internal and interinstitutional publication of the vacancy notice for the post of Director, Directorate OP.C ‘Dissemination and Re-use’, as set out in PERS(2012) 116, in accordance with Article 29(1)(a)(i) and (iii) and 29(1)(b) of the Staff Regulations;
- to authorise the internal and interinstitutional publication of the vacancy notice for the post of Director, Directorate OP.A ‘Core Business

Services', as set out in PERS(2012) 117, in accordance with Article 29(1)(a)(i) and (iii) and 29(1)(b) of the Staff Regulations;

- to close the internal and interinstitutional selection procedure COM/2011/25 (PERS(2011) 19 to /3) for the post of Director, Directorate OP.R 'Resources', in the Publications Office, without making an appointment;
- to fill the post of Director, Directorate OP.R 'Resources and Logistics', in the Publications Office by transferring in the interest of the service, under Article 7 of the Staff Regulations, Ms Eva BENOVA, currently Director, Directorate OP.A 'Official Journal and Research', in the Publications Office;
- to abolish one unit;
- to adopt the new organisation chart set out in SEC(2012) 641.

These decisions would take effect on 1 January 2013, save for the decision to close selection procedure COM/2011/25 and the decisions to authorise the publication of the posts of Director of Directorate OP.A, 'Core Business Services', and Director of Directorate OP.C, 'Dissemination and Re-use', which would take effect immediately.

After the reorganisation, the number of units in the Publications Office would decrease from 19 to 18 and the average number of staff covered by the Staff Regulations per unit would increase to 37.

5.7. DG RESEARCH AND INNOVATION – CHANGES TO ORGANISATION CHART
(SEC(2012) 636; SEC(2012) 642)

The Commission took note of the information in point 1 of SEC(2012) 636 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms GEOGHEGAN-QUINN, decided:

- to abolish four units in total, of which two in relation to the phasing-out of the Marie-Curie grant agreements (6th Framework Programme);
- to create with immediate effect a temporary Principal Adviser post to enable the secondment of Mr Gilbert GASCARD to the Research Executive Agency (REA) and his transfer to this newly created post from his present post of Principal Adviser for ‘Gender in Research and Innovation’; the new post would be abolished automatically on the departure of the jobholder;
- to adopt the new organisation chart set out in SEC(2012) 642.

These decisions would take effect on 1 January 2013, unless indicated otherwise.

After the reorganisation, the number of units in DG Research and Innovation would decrease from 71 to 67 and the average number of staff covered by the Staff Regulations per unit would increase to 19.

5.8. DG HUMAN RESOURCES AND SECURITY – TEMPORARY POSTING AS DIRECTOR

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, the Commission decided, under Article 7(2) of the Staff Regulations, to grant a temporary posting as Director, ‘Security’, in DG Human Resources and Security to Mr Guido VERVAET, AD14 official and head of unit in that DG, from 1 December 2011 until such time as the post was filled.

This decision would take effect immediately.

5.9. EUROPEAN ANTI-FRAUD OFFICE – TEMPORARY POSTING AS DIRECTOR

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr ŠEMETA, the Commission decided, under Article 7(2) of the Staff Regulations, to grant a temporary posting as Director, ‘Investigations and

Operations II', in the European Anti-Fraud Office from 1 August 2011 to 31 January 2012 to Mr Eddy WEYNS, AD13 official and head of unit in that Office.

This decision would take effect immediately.

5.10. EUROPEAN ANTI-FRAUD OFFICE – TEMPORARY POSTING AS DIRECTOR

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr ŠEMETA, the Commission decided, under Article 7(2) of the Staff Regulations, to grant a temporary posting as Director, 'Operational and Policy Support', in the European Anti-Fraud Office from 1 February 2011 to 31 January 2012 to Mr Yannis XENAKIS, AD13 official and head of unit in that Office.

This decision would take effect immediately.

5.11. EUROPEAN ANTI-FRAUD OFFICE – TEMPORARY POSTING AS DIRECTOR

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr ŠEMETA, the Commission decided, under Article 7(2) of the Staff Regulations, to grant a temporary posting as Director, 'Investigation Support', in the European Anti-Fraud Office from 1 February 2012 to 15 December 2012 to Mr Mika MAKELA, AD13 official and head of unit in that Office.

This decision would take effect immediately.

5.12. EUROPEAN ANTI-FRAUD OFFICE – TEMPORARY POSTING AS DIRECTOR

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr ŠEMETA, the Commission decided, under Article 7(2) of the Staff Regulations, to grant a temporary posting as Director, 'Policy', in the

European Anti-Fraud Office from 1 February 2012 to 15 July 2012 to Mr Yannis XENAKIS, AD13 official and head of unit in that Office.

This decision would take effect immediately.

5.13. DG TRADE – TEMPORARY POSTING AS DIRECTOR

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr DE GUCHT, the Commission decided, under Article 7(2) of the Staff Regulations, to grant a temporary posting as Director, ‘Resources, Information and Policy Coordination’, in DG Trade from 1 January 2012 to 15 July 2012 to Mr Peter SANDLER, AD13 official and head of unit in that DG.

This decision would take effect immediately.

6. REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL – THE STATE OF THE EUROPEAN CARBON MARKET IN 2012

(COM(2012) 652 TO /3; RCC(2012) 114)

The Commission approved the report in COM(2012) 652/3, for transmission to Parliament and the Council and, for information, to the national parliaments.

7. COMMISSION DECISION ON THE ACCEPTANCE OF THE NOBEL PEACE PRIZE

(C(2012) 8362 TO /3)

The PRESIDENT briefly presented the draft Commission decision, which was submitted for consultation, as a matter of courtesy, to the Presidents of the European Council and the European Parliament. They had agreed to the principle of using the

amount awarded for actions connected with the objective of the prize and with the reasons why it had been awarded this year to the European Union. In particular, it would be used to support projects to help children who were victims of wars and armed conflicts.

With reference to the award ceremony at Oslo, he said, in response to certain queries and comments, that the Presidents of the Commission, the European Council and the European Parliament would together receive the prize awarded to the European Union. At the ceremony the Presidents of the Commission and the Council would each give a talk in which they would pay a special tribute to the ‘founding fathers’ of Europe and to the essential historical dimension of the project that they had made possible. He also explained the initiatives organised in order to include the European youth in this event. Finally, he said that certain Heads of State or Government would be present.

The Commission approved the decision in C(2012) 8362/3, for transmission to the European Parliament and the Council.

- 8. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN DATA PROTECTION SUPERVISOR, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – GENDER BALANCE IN BUSINESS LEADERSHIP: A CONTRIBUTION TO SMART, SUSTAINABLE AND INCLUSIVE GROWTH
(COM(2012) 615 TO /3 ; RCC(2012) 104)**
- 9. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON IMPROVING THE GENDER BALANCE AMONG NON-EXECUTIVE DIRECTORS OF COMPANIES LISTED ON STOCK EXCHANGES AND RELATED MEASURES**

(COM(2012) 614 TO /5; SWD(2012) 348; SWD(2012) 349 TO /3 ; SEC(2012) 592; RCC(2012) 104)

The PRESIDENT pointed out that the proposal being examined that day had already been debated at the Commission meeting on 23 October. At the end of that debate it had been concluded that the Commission wished to take time to consider this initiative before revisiting it with certain amendments to be approved by the whole Commission and by the Legal Service. This was the case with the present proposal. He thanked Ms REDING for taking on board the comments made at the previous discussion and pursuing her contacts in order to reach an agreement, as she had explained in a letter addressed to the Commission Members. He also thanked the Legal Service for its efforts to reach a satisfactory and sound solution from the legal standpoint.

He stressed the unanimity of the Commission Members as to the general aim of the proposal and the need for measures to reinforce the application of the principle of gender equality. He also noted that the current proposal fully complied with the principles of subsidiarity and proportionality. In particular, he highlighted the amendments made to the previous version examined by the Commission. According to these amendments, Member States which had already introduced national measures equivalent to those envisaged in the proposal for a Directive in order to reach the target of a 40% presence of the under-represented sex among the non-executive directors in boardrooms would benefit from a kind of moratorium until evidence could be provided that this target was being achieved. Failing this, the Member States would have to apply the Directive.

Taking the floor, Mr OETTINGER said that for reasons of collective responsibility he regretted that the positions of the various Commission Members, for the first time referred to by name, had been cited in the European press following the debate of 23 October.

The PRESIDENT endorsed these words and urged the Commission Members to avoid the polarisation of debates on sensitive questions and also to avoid leaks, since these would risk weakening not just the position of each Commission Member

but also that of the Commission as a whole.

The PRESIDENT concluded by welcoming the satisfactory compromise reached and the agreement that had been secured on this important initiative, which testified to the Commission's commitment to gender equality.

The Commission:

- approved the Communication in COM(2012) 615/3, for transmission to Parliament, the Council, the European Data Protection Supervisor, the Economic and Social Committee and the Committee of the Regions, and, for information, to the national parliaments;
- adopted the proposal for a Directive in COM(2012) 614/5 for transmission to Parliament, the Council, the Economic and Social Committee and the national parliaments, and, for information, to the European Data Protection Supervisor and the Committee of the Regions, together with the impact assessment and the summary thereof in staff working documents SWD(2012) 348 and SWD(2012) 349/3, the contents of which were noted;
- took note of the opinion of the Impact Assessment Board on the above proposal for a Directive, as set out in SEC(2012) 592.

10. INTERINSTITUTIONAL RELATIONS (RCC(2012) 112)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 9 November (RCC(2012) 112).

It paid particular attention to the following points.

10.1. LEGISLATIVE MATTERS

i) Ordinary legislative procedure

(point 1.2 of the IRG record)

Dossiers at Parliament first reading

- Multiannual financial framework 2014-2020 – Common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund covered by the Common Strategic Framework, general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repeal of Council Regulation (EC) 1083/2006 (Regulation) – VAN NISTELROOIJ & KREHL report – 2011/0276 (COD)

The Commission approved the line set out in SI(2012) 494.

- Multiannual financial framework 2014-2020 – Establishment of a Programme for the Environment and Climate Action (LIFE) (Regulation) — HAUG report – 2011/0428 (COD)

The Commission approved the line set out in SI(2012) 481.

- Multiannual financial framework 2014-2020 – Establishment, as part of the Internal Security Fund, of the instrument for financial support for external borders and visas (Regulation) / Establishment of the Asylum and Migration Fund (Regulation) / General provisions on the Asylum and Migration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management (Regulation) / Establishment, as part of the Internal Security Fund, of the instrument for financial support for police cooperation, preventing and combating crime, and crisis management (Regulation) – MARINESCU / GUILLAUME / FONTANA / IACOLINO reports – 2011/0365 (COD) / 2011/0366 (COD) / 2011/0367 (COD) / 2011/0368 (COD)

The Commission took note of the information in SI(2012) 483.

- Amendment of Directive 2004/109/EC on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market and Commission Directive 2007/14/EC (Directive) – McCARTHY report – 2011/0307 COD

The Commission approved the line set out in SI(2012) 492/2.

- Access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms and amendment of Directive 2002/87/EC on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate (Directive) / Prudential requirements for credit institutions and investment firms – Part I – (Regulation) – KARAS reports – 2011/0203 (COD) / 2011/0202 (COD)

The Commission approved the line set out in SI(2012) 484/2.

- Specific measures for agriculture in the outermost regions of the Union (Regulation) – MATO ADROVER report – 2010/0256 (COD)

The Commission approved the line set out in SI(2012) 487.

- Specific measures in favour of agriculture in the smaller Aegean islands (Regulation) – PAPASTAMKOS report – 2010/0370 (COD)

The Commission approved the line set out in SI(2012) 488.

- Markets in financial instruments and amendment of the EMIR Regulation on OTC derivatives, central counterparties and trade repositories (Regulation) / Markets in financial instruments and repeal of Directive 2004/39/EC (Directive – recast) – FERBER reports – 2011/0296 (COD) / 2011/0298 (COD)

The Commission approved the line set out in SI(2012) 493/3.

Dossier at Council first reading

- Criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (Regulation – recast) – WIKSTRÖM report – 2008/0243 (COD)

The Commission approved the line set out in SI(2012) 497.

ii) Preparation of Parliament's November part-session
(point 1.3 of the IRG record)

Ordinary legislative procedure – First reading

- Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Regulation – recast) – ZWIEFKA report – 2010/0383 (COD)

The Commission approved the line set out in SP(2012) 748.

- Approval and market surveillance of two- or three-wheel vehicles and quadricycles (Regulation) – VAN DE CAMP report – 2010/0271 (COD)

The Commission approved the line set out in SP(2012) 749.

- Approval of agricultural or forestry vehicles (Regulation) – PANZERI report – 2010/0212 (COD)

The Commission approved the line set out in SP(2012) 750.

- Amendment of certain regulations relating to the common commercial policy as regards the granting of delegated powers for the adoption of certain measures (Regulation) – LEICHTFRIED report – 2011/0153 (COD)

The Commission approved the line set out in SP(2012) 751.

- Establishment of a multiannual plan for the Baltic salmon stock and the fisheries exploiting that stock (Regulation) – GRÓBARCZYK report – 2011/0206 (COD)

The Commission approved the line set out in SP(2012) 752.

- Amendment of Council Regulation (EC) 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea (Regulation) – ROSBACH report – 2011/0218 (COD)

The Commission approved the line set out in SP(2012) 753 and /2.

- Amendment of Regulation (EC) 1185/2003 on the removal of fins of sharks on board vessels (Regulation) – PATRÃO NEVES report – 2011/0364 (COD)

The Commission approved the line set out in SP(2012) 755.

- Marketing and use of explosives precursors (Regulation) – MULDER report – 2010/0246 (COD)

The Commission approved the line set out in SP(2012) 756 and /3.

Consent procedure

- Establishment of a Multiannual Framework for the European Union Agency for Fundamental Rights for 2013-2017 (Council Decision) – ŽDANOKA report – 2011/0431 (APP)

The Commission approved the line set out in SP(2012) 757.

Non-legislative procedure

- Conclusion of the Agreement in the form of an Exchange of Letters between the European Union, of the one part, and the State of Israel, of the other part, amending Annexes to Protocols 1 and 2 of the Euro-Mediterranean Agreement establishing an association between the

European Communities and their Member States, of the one part, and the State of Israel, of the other part (Council Decision) – MOREIRA report – 2011/0457 (NLE)

The Commission approved the line set out in SP(2012) 758.

- Migration from the Schengen Information System (SIS 1+) to the second-generation Schengen Information System (SIS II) (including the participation of Ireland and the United Kingdom) (Council Regulation – recast) / Migration from the Schengen Information System (SIS 1+) to the second-generation Schengen Information System (SIS II) (without the participation of Ireland and the United Kingdom) (Council Regulation – recast) – COELHO reports – 2012/0033A (NLE) / 2012/0033B (NLE)

The Commission approved the line set out in SP(2012) 759.

Consultation procedure

- Amendment of Directive 93/109/EC as regards certain detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals (Council Directive) – CASINI report – 2006/0277 (CNS)

The Commission approved the line set out in SP(2012) 760.

10.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

iii) Programming of Council business (SI(2012) 498)

The Commission took note of the information in SI(2012) 498 on the Council meetings between 15 and 28 November.

iv) Preparations for the extraordinary European Council (Brussels, 22 and 23 November)

The PRESIDENT opened the discussion on the preparations for the extraordinary European Council on 22 and 23 November that would address the future multiannual financial framework 2014-2020; that day's discussion would be based on the latest available version of the negotiating framework circulated the previous day by the President of the European Council, Mr Herman Van Rompuy, whom the College would receive today for a full meeting and working lunch.

Ahead of the final phase of negotiation, the PRESIDENT stressed that the Commission should maintain and continue to advance its balanced proposal, and highlighted both the support it was garnering from many Member States and Parliament as well as its realism, having regard in particular to the increasingly numerous and complex tasks that would have to be carried out at European level over the years to come.

Nonetheless, he did not underestimate the demands of certain Member States, in particular the net contributors to the Union budget, which explained in part the budget reductions proposed in the new version of the negotiating framework, i.e. a total of more than 75 billion euros compared with close to 50 billion euros proposed in the previous version by the Cypriot Presidency of the Council. Although he was concerned by the scale of the cuts envisaged, he accepted that the new negotiating framework presented that day spread the burden of the cuts more fairly between the cohesion policies, the common agricultural policy and the other policies.

He noted with regret that in this negotiation, each Member State was focused on its own budget and immediate concerns, which meant that the Commission and Parliament were the only parties to defend the common European good and a European approach. He therefore took the view that the Commission should endeavour to help the President of next week's European Council strike a compromise between the twenty-seven, not only by providing its

technical expertise but also by using its political influence with the Member States.

Furthermore, the PRESIDENT affirmed that with the support of Parliament, the Commission would do everything in its power to reach not just an agreement, but a good agreement that did not deviate too far from the fundamental approach underlying its initial proposals. He also raised the political consequences for the Union if the budget negotiations failed, in a difficult economic context that would remain so for the foreseeable future. He therefore called on the Members of the Commission to take the floor after Mr LEWANDOWSKI to give their views on how to build bridges between the positions of the different parties to the negotiation and promote the emergence of a compromise acceptable to all.

Mr LEWANDOWSKI assessed the latest budget developments, starting with amending budget No 6 for 2012 (additional payment appropriations) and the 2013 budget. He noted the failure of conciliation between Parliament and the Council, and the decision by Parliament not to participate in the meeting with the Council on the 2013 budget, which was to have taken place the previous day, because of the absence of an agreement among the Member States on amending budget No 6 for 2012, which Parliament had set as a precondition.

He stressed the question of the additional payment appropriations needed by the Union in the very near future in order to comply with its legal obligations, in particular the payments that it was obliged to make to the Member States under European projects and programmes. These resources were very important for the Member States that benefited from the cohesion funds and those currently in great economic or financial difficulty. He also cautioned against the political and technical consequences of any failure to agree on the 2013 budget.

With regard to the multiannual financial framework, he outlined the new negotiating framework that was currently on the table. He explained the overall amounts envisaged for the different policies and the breakdown of the

budget reductions between the different headings, noting that the envisaged movement in own resources and budget corrections went in the direction supported by the Commission.

In particular, he noted with satisfaction the proposal that would be made to use the financial transactions tax as an own resource under enhanced cooperation and the proposal to introduce the new own resource from value added tax in time to incorporate it into the multiannual financial framework 2014-2020. He also welcomed the fact that the Commission's essential objectives were included in the negotiating framework as regards the Connecting Europe facility, transition regions, assistance to the most vulnerable people, the solidarity fund and the Globalisation Adjustment Fund, and climate and environment targets.

For all that, he regretted the general level of reductions proposed at this stage because it cut the ceiling on the future multiannual financial framework in real terms in relation to the 2007-2013 framework, and would have to be offset by much greater flexibility.

He concluded by stressing the need to make progress on the questions of the amending budget No 6 for 2012 and the 2013 budget, and the imperative for the Commission of doing whatever it could to ensure that an agreement was reached on the multiannual financial framework 2014-2020 at the European Council to be held on 22 and 23 November.

The following points in particular were raised in the ensuing discussion:

- support for the Commission's original proposal, taken as a reference for the discussion on the multiannual financial framework not only in terms of figures but still more in terms of content, for example as regards the proposals for modernising the EU budget and increasing the quality, effectiveness and transparency of expenditure, so that every euro invested served more than one objective;
- the importance of reaching an agreement on the multiannual financial

framework at the November European Council, both for political reasons, as it would help to restore confidence in the European economy and the EU's ability to take decisions, and in the interests of economic predictability, since EU policies depended on programming over several years;

- the need for the Commission, at these negotiations, to defend the European public good and general interest and the EU's principles of solidarity and fairness in budgetary matters, going beyond the debates and constraints affecting the individual Member States, without underestimating the fact that each national government was trying to obtain the most direct and substantial 'return on investment' possible from the budgetary framework;
- an insistence that any agreement reached at the forthcoming European Council should be the result of a reasonable compromise and should not be obtained at any price for Europe, the aim being to achieve a sound multiannual financial framework that promoted growth and employment within the Union;
- the advisability of placing more emphasis on the link between the multiannual financial framework and the 'Europe 2020' strategy for smart, sustainable and inclusive growth, and of repeatedly stressing the leverage effects of the financial framework, particularly on innovation, research and development in the Member States;
- the need to maintain macro-economic conditionality in order to supplement the 'tool-box' put in place by the EU's economic governance, particularly vis-à-vis the Member States that are not part of the euro area;
- the benefits of the negotiating framework presented by the President of the European Council, which, although falling far short of the Commission's proposal as regards overall figures, was relatively

balanced and proportionate in its distribution of reductions among the various budget titles and policies concerned;

- questions regarding the extreme position of certain Member States and the consequences of possible blocking action by one of them;
- the importance of improved communication and a major educational effort to explain that the European budget is the Member States' budget for growth and employment, not the 'Brussels budget', to stress more clearly the importance of the negotiations, and to provide a reminder of the true facts and figures in relation to the EU and its institutions, while at the same time putting its budget, its policies and the cost of its administration into perspective;
- against this background, the need for the Commission to rely on the various stakeholders in civil society and the private sector and encourage them to make their opinion known to the leaders of their countries;
- questions regarding the proposed budget cuts, especially in the areas of cohesion policy, which would have a disproportionate effect on the less-developed regions, and the common agricultural policy, particularly with regard to the capping of direct payments and flexibility between the first and second pillars; questions concerning the reasons why the budget appropriations for the Globalisation Adjustment Fund were being cut and why the emergency aid reserve, intended to combat humanitarian crises outside the EU, had been included in the budget in the current negotiating framework when it had hitherto been outside the budget;
- a reminder that, in parallel to the multiannual financial framework, the budgetary authority still had to adopt an amending budget for 2012 and the annual budget for 2013 to avoid as far as possible the implementation of the cumbersome and complex provisional twelfths rule;
- the not inconsiderable implications of a failure to reach a decision in these two cases for the national budgets that had already been approved

or were in the process of being approved.

The PRESIDENT thanked the Members of the Commission for their contributions to this discussion, which had been marked by a spirit of collective responsibility which he welcomed. He emphasised that the Commission was unanimous on the need for the future EU budget to have a catalytic effect on growth and employment. He stressed that the EU needed to strike the correct balance between investing in the right policies to stimulate economic activity and create jobs on the one hand, and the joint commitment to spend wisely on the other, highlighting the added value of common European policies to meet the challenges facing the Union and allow it to play its rightful role on the international stage.

He concluded by insisting that the Commission would continue to work together constructively with the President of the European Council to seek an outcome which would enjoy the support of all the Member States and the European Parliament. He hoped that the continuation and conclusion of the negotiations on the multiannual financial framework, to be held the following week, would take place in a truly European spirit, and reiterated that the aim was to adopt an EU budget that would reflect the interests of all.

The Commission took note of this information.

**v) Preparation of Council meeting (Economic and Financial Affairs)
(Brussels, 13 November)**

(point 2.3.2 of the IRG record)

- Conferring on the European Central Bank of specific tasks concerning policies relating to the prudential supervision of credit institutions (Council Regulation) / Amendment of Regulation (EU) 1093/2010 establishing a European Supervisory Authority (European Banking Authority) as regards its interaction with Council Regulation (EU) .../... conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions

(Regulation) – THYSSEN / GIEGOLD reports – 2012/0242 (CNS) /
2012/0244 (COD)

The Commission approved the line set out in SI(2012) 490/2.

10.3. RELATIONS WITH PARLIAMENT

vi) Updating of the list of Commission Members to be present on Thursday afternoons during Parliament's part-sessions in Strasbourg in 2012

(point 3.6 of the IRG record)

The Commission approved document SP(2012) 708 setting out the revised list of Commission Members to be present on Thursday afternoons during Parliament's part-sessions in Strasbourg in 2012.

vii) Participation by Members of Parliament in international conferences

(point 3.7 of the IRG record)

- 18th annual meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT) (Agadir, 12-19 November)
- Ninth annual session of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPF) (Manila, 3-6 December)

The Commission agreed to the request to the PRESIDENT from Mr Martin Schulz, President of Parliament, concerning the attendance of six Members of the European Parliament at the above-mentioned ICCAT meeting, and three Members of the European Parliament at the above-mentioned WCPF meeting, as observers in the EU delegation, with a reminder about the procedure to be followed.

10.4. EXTERNAL RELATIONS

- viii) Commission authorisation to negotiate an international agreement within the World Intellectual Property Organisation on improved access to books for print impaired persons**

(point 5.1 of the IRG record)

The Commission approved the line set out in SI(2012) 485.

- ix) Establishment of the EU position for the review of the international telecommunications regulations to be taken at the World Conference on International Telecommunications or its preparatory instances – 2012/0207 (NLE)**

(point 5.2 of the IRG record)

The Commission approved the line set out in SI(2012) 486.

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The Commission's other discussions on certain agenda items are recorded in the special minutes.

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The meeting closed at 11.22.