



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2013) 2033 final

Brussels, 13 February 2013

MINUTES

**of the 2033rd meeting of the Commission
held in Strasbourg
(Winston Churchill building)
on Tuesday 5 February 2013
(afternoon)**

PV(2013) 2033 final

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Single sitting: Tuesday 5 February 2013 (afternoon)

The sitting opened at 13.10 with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	President	
Ms REDING	Vice-President	
Mr ALMUNIA	Vice-President	
Ms KROES	Vice-President	
Mr TAJANI	Vice-President	Item 10 (in part)
Mr ŠEFČOVIČ	Vice-President	
Mr REHN	Vice-President	
Mr POTOČNIK	Member	
Mr PIEBALGS	Member	
Mr BARNIER	Member	Item 10 (in part)
Ms VASSILIOU	Member	
Mr ŠEMETA	Member	
Ms GEOGHEGAN-QUINN	Member	
Mr LEWANDOWSKI	Member	
Ms DAMANAKI	Member	
Ms GEORGIEVA	Member	Item 10 (in part)
Mr OETTINGER	Member	Items 1 to 10 (in part)
Mr HAHN	Member	
Ms HEDEGAARD	Member	
Mr FÜLE	Member	
Mr ANDOR	Member	
Ms MALMSTRÖM	Member	
Mr BORG	Member	Item 10 (in part)

Absent:

Baroness ASHTON

High Representative/
Vice-President

Mr KALLAS

Vice-President

Mr DE GUCHT

Member

Mr CIOLOŞ

Member

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

Mr BANNERMAN	Adviser in Baroness ASHTON's Office
Ms PERESSO	A member of Mr DE GUCHT's staff
Ms OBST	A member of Mr CIOLOŞ's staff

The following also sat in:

Mr LAITENBERGER	Chef de cabinet to the PRESIDENT	
Mr ROMERO REQUENA	Director-General, Legal Service	
Mr PAULGER	Director-General, DG Communication	
Ms AHRENKILDE HANSEN	Commission Spokeswoman	
Mr THEBAULT	Head of the Bureau of European Policy Advisers	
Mr KLAUS	A member of the PRESIDENT's staff	
Ms KAMILAROVA	A member of Ms GEORGIEVA's staff	Items 1 to 10 (in part)

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

1. AGENDAS

(OJ(2013) 2033/FINAL; SEC(2013) 80/2)

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(2013) 2033)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 4 February.

**3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 2032ND MEETING
(30 JANUARY)**

(PV(2013) 2032; PV(2013) 2032 , PART II)

The Commission approved the minutes of its 2032nd meeting.

4. MONITORING THE APPLICATION OF EUROPEAN UNION LAW

STATE AID – INDIVIDUAL CASES

SEC(2013) 89/2)

The Commission adopted the decisions in SEC(2013) 89/2.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. *WRITTEN PROCEDURES APPROVED*

(SEC(2013) 81 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 28 January and 1 February.

5.2. *EMPOWERMENT*

(SEC(2013) 82 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 28 January and 1 February.

5.3. *DELEGATION AND SUBDELEGATION OF POWERS*

(SEC(2013) 83 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 28 January and 1 February, as archived in e-Greffe.

5.4. *SENSITIVE WRITTEN PROCEDURES*

(SEC(2013) 84)

The Commission took note of the finalisation written procedures initiated following the weekly meeting of Chefs de cabinet on 4 February.

5.5. *GENERAL EMPOWERMENT WITH REGARD TO DECISIONS TO BE TAKEN PURSUANT TO ARTICLE 22(3) OF DIRECTIVE 2002/22/EC ON UNIVERSAL SERVICE, AS AMENDED BY DIRECTIVE 2009/136/EC*
(C(2013) 538/2)

The Commission granted the Member of the Commission responsible for the Digital Agenda the general empowerment set out in C(2013) 538/2 for the adoption, on the Commission's behalf and under its responsibility, of certain decisions to make comments or recommendations on a notified draft measure and/or the reasoning on which it is based, pursuant to Article 22(3) of Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services, as amended by Directive 2009/136/EC.

5.6. *DELEGATION OF POWERS TO DIRECTORS-GENERAL AND HEADS OF SERVICE TO DECIDE ON APPLICATIONS FOR RE-USE OF COMMISSION DOCUMENTS*
(C(2013) 573)

The Commission decided to delegate to the Directors-General and Heads of Service the power to take, on the Commission's behalf or under its responsibility, decisions allowing or refusing, in part or in full, the re-use of Commission documents, setting the terms and conditions for such re-use, including the granting of exclusive rights, where exceptionally permitted and in accordance with the provisions of Decision 2011/833/EU, and in general replying to applications for re-use within the meaning of Decision 2011/833/EU on the re-use of Commission documents, in line with the criteria set out in C(2013) 573.

**6. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2013) 85)**

**ADMINISTRATIVE MATTERS
(PERS(2013) 22)**

***DG HUMAN RESOURCES AND SECURITY – APPROVAL OF LISTS OF
CANDIDATES FOR HEAD OF EUROPEAN UNION DELEGATION POSTS
IN AUSTRALIA, INDONESIA AND THAILAND
(PERS(2013) 23; PERS(2013) 24; PERS(2013) 25)***

The Commission took note of the information at point 1 of PERS(2013) 22 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, decided to approve the lists of candidates in PERS(2013) 23, PERS(2013) 24 and PERS(2013) 25 for the posts of Head of the European Union Delegations in Australia (AD13-14/AD13), Indonesia (AD13-14/AD13) and Thailand (AD14-15/AD14); these lists would serve as a basis for the competent authority of the European External Action Service to make the final appointments.

This decision would take effect immediately.

**7. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL ON INFORMATION ACCOMPANYING
TRANSFERS OF FUNDS
(COM(2013) 44 AND 2; SWD(2013) 21; SWD(2013) 22; SEC(2013) 79;
RCC(2013) 12)**

**8. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND
OF THE COUNCIL ON THE PREVENTION OF THE USE OF THE
FINANCIAL SYSTEM FOR THE PURPOSE OF MONEY LAUNDERING**

AND TERRORIST FINANCING

(COM(2013) 45 TO /3; SWD(2013) 21; SWD(2013) 22; SEC(2013) 79; RCC(2013) 12)

The Commission adopted the proposals for a Regulation and a Directive in COM(2013) 44/2 and COM(2013) 45/3, respectively, for transmission to Parliament, the Council, the European Central Bank, the Economic and Social Committee, the European Data Protection Supervisor and the national parliaments, and, for information, to the Committee of the Regions and the European Investment Bank, together with the impact assessment and the summary thereof in staff working documents SWD(2013) 21 and SWD(2013) 22, the contents of which were noted.

It also took note of the opinion of the Impact Assessment Board on the above proposal for a Regulation and proposal for a Directive, as set out in SEC(2013) 79.

9. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE PROTECTION OF THE EURO AND OTHER CURRENCIES AGAINST COUNTERFEITING BY CRIMINAL LAW MEASURES AND REPLACING COUNCIL FRAMEWORK DECISION 2000/383/JAI

(COM(2013) 42 AND /2; SWD(2013) 19 AND /2; SWD(2013) 20 AND /2; SEC(2013) 78; RCC(2013) 11)

The Commission adopted the proposal for a Directive in COM(2013) 42/2 for transmission to Parliament, the Council, the European Central Bank, the Economic and Social Committee and the national parliaments, together with the impact assessment and the summary thereof in staff working documents SWD(2013) 19/2 and SWD(2013) 20/2 respectively, the contents of which were noted.

It also took note of the opinion of the Impact Assessment Board on the above proposal for a Directive, as set out in SEC(2013) 78.

10. INTERINSTITUTIONAL RELATIONS

(RCC(2013) 13)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 1 February (RCC(2013) 13).

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 – external financial instruments

The Commission approved the line set out in SI(2013) 24, /2 and /3.

- Multiannual Financial Framework 2014-2020 – Connecting Europe Facility (Regulation) – Report RIQUET / AYALA SENDER / VĂLEAN – 2011/0302 (COD)

The Commission took note of the information in SI(2013) 12.

- Multiannual Financial Framework 2014-2020 – Union guidelines for the development of the Trans-European Transport Network (Regulation) – Report KOUMOUTSAKOS / ERTUG – 2011/0294 (COD)

The Commission approved the line set out in SI(2013) 13 and /3.

- Establishment of ‘Eurodac’ system for the comparison of fingerprints for the effective application of Regulation (EC) .../... establishing the 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) – MACOVEI Report – 2008/0242 (COD)

The Commission approved the line set out in SI(2013) 25.

ii) Preparation of Parliament's February part-session

(point 1.3 of the IRG record)

Ordinary legislative procedure – 1st reading

- Common Fisheries Policy (Regulation) – RODUST Report – 2011/0195 (COD)

The Commission approved the line set out in SP(2013) 79 and /3.

- Transparency of measures regulating the prices of medicinal products for human use and their inclusion in the scope of public health insurance systems (Directive) – PARVANOV Report – 2012/0035 (COD)

The Commission approved the line set out in SP(2013) 100 and /4.

10.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

iii) Programming of Council business

(SI(2013) 31)

The Commission took note of the information in SI(2013) 31 on the Council meetings between 7 and 20 February.

iv) Preparation for European Council (Brussels, 7 and 8 February)

The PRESIDENT outlined the positions that were emerging from the preparatory work on the three main points on the agenda of the European Council to be held in Brussels on 7 and 8 February.

He referred briefly to the first of these points, which was the review of the European Union's actions in the countries of the Arab spring, and was pleased to note that the draft European Council conclusions reflected the

Commission's position and priorities regarding this policy. He recalled that the Commission had discussed the European response to the transition process which the countries of the southern neighbourhood had embarked upon, in its debate on 30 January, and had concluded that the focus now needed to be placed firmly on the actual implementation of the measures adopted. He accordingly urged the Members of the Commission to make every effort to put this into practice in their respective policy areas.

He then moved on to the second item on the agenda of the European Council – trade – an area in which the Commission had the right of initiative and significant powers. If the timetable of the negotiations permitted, he hoped to have the opportunity to present the Commission's analysis of European trade policy, which Members had recently worked on during their seminar on 18 January. He had prepared a background document for the Heads of State and Government, accompanied by a letter addressed to them and to the President of the European Council, Herman van Rompuy, a copy of which was distributed to Members of the Commission at the meeting.

While expressing satisfaction with the current state of the European Council conclusions on trade as a vehicle for growth, he did not underestimate the difficulties which the discussions on this subject might run into, or the restructuring problems which some Member States would have to resolve. In any event, the Commission needed to take a dynamic approach and to send a strong and clear signal to the Union's external partners.

Finally, the PRESIDENT addressed the main subject on which the European Council would focus, namely the multiannual financial framework 2014-2020. He stressed the importance of reaching an agreement that week on this vital political issue in order to send a positive signal to the public now that a fragile economic recovery was under way, and of avoiding any hardening of positions that might lead to the debate being postponed.

He referred in this context to the important role of the European Parliament, which would have to agree by qualified majority once the European Council

negotiations had been completed. He therefore called for due consideration to be given to Parliament's concerns about certain aspects of the multiannual financial framework, such as flexibility, own resources and the introduction of a mid-term review. While acknowledging that it would be difficult in practice to shift the Member States' position on the overall level of the budget, the PRESIDENT believed that the Commission could build on the negotiations between the Council and Parliament under the auspices of the Irish Council Presidency in order to achieve a better budget, particularly as regards flexibility.

In terms of substance, the PRESIDENT admitted that the multiannual financial framework 2014-2020 would fall short of what the Commission ideally wanted, and there would inevitably have to be concessions to rally support for an agreement from all the countries that were net contributors. He fully recognised, too, that the specific demands by individual Member States and the inevitable trade-offs these would lead to would undoubtedly jeopardise the logic and coherence of the budget. However, he believed it was essential to ensure that the European dimension of the multiannual financial framework, with programmes such as Horizon 2020 for research and innovation, Connecting Europe and Erasmus, was preserved. This meant resisting the 'every man for himself' attitude of the Member States which would try to maximise their national allocation, particularly from the Structural Funds and the Common Agricultural Policy. He also hoped that it would be possible to free-up extra funds for tackling youth unemployment, which was another of the Union's top priorities.

The other heading where he expected the Member States to demand major efforts was the administrative budget, and he regretted that the negotiations here focused more on political symbols than on an objective analysis of the resources which the Union needed to carry out the ever greater tasks being entrusted to it.

In terms of the total volume of the financial framework, he thought it likely that there would be further reductions in the amounts mentioned at the

extraordinary European Council on 22 and 23 November 2012, as regards both commitments and payments. The Commission would closely follow the trade-offs that would be made here and would do its utmost to help ensure that the cuts did not primarily affect the commitment appropriations as opposed to payment appropriations, because the important thing was the amount of resources not only made available but also capable of being mobilised.

The PRESIDENT concluded by saying that once Parliament had reached agreement the Commission would have to present a proposal on the structure of the budget and how the final cuts in funding were to be spread over the different programmes. It would have to adopt a clear position on this fundamental issue after an in-depth policy debate. He pointed out, too, that whatever the outcome of the European Council and the negotiations with the European Parliament, it was the Commission that would have to oversee the proper functioning of the multiannual financial framework 2014-2020 for Europe and ensure that the new programmes were ready by 1 January 2014 to contribute to a new growth dynamic within the European Union.

Mr ŠEFČOVIČ reported on the General Affairs Council meeting of 4 February, which had focused mainly on the aspects of the preparation of the European Council not relating to the multiannual financial framework. He drew special attention to the discussions on trade, pointing out that in his contribution to the debate he had emphasised the beneficial effects of trade on growth and job creation in the Union, backed up by figures. He touched on the sometimes conflicting positions of the Member States on the negotiation of trade agreements with certain non-Member States and international partners, in particular the US, Canada, Japan and Mercosur.

Turning to the European Council's conclusions on the Union's actions with regard to the Arab spring countries, he explained briefly that these conclusions basically covered what had been done so far. Of particular importance in the last two years had been the financing of €600 million for the southern neighbourhood partner countries from the general budget of the

European Union, and of €2 billion of additional credit from the European Investment Bank and the European Bank for Reconstruction and Development (EBRD).

In conclusion, he mentioned his contacts with the European Parliament on the question of the 2014-2020 multiannual financial framework, stressing the significant work that needed to be done in relations with Parliament in order to reach an agreement.

Taking the floor, Mr LEWANDOWSKI described the negotiating positions that appeared to be taking shape around the multiannual financial framework in the countdown to the European Council of 7 and 8 February. He emphasised the need to reach agreement at this summit, both for obvious reasons of budget management and for political reasons relating to the Union's credibility. Although the November 2012 Council had made it possible to build bridges between the positions of the Member States, he pointed out that they were now tending to go it alone and act in isolation. At this stage, the Commission must use all its influence to draw attention to the urgent need to prioritise financing for investment. It must also insist on the need to preserve the elements of budgetary modernisation proposed by it, particularly in the field of innovation or networks, in other words to give the Union the prospect of predictability and stability of investments. He ended by recommending that the Commission listen to Parliament's concerns.

In the brief discussion that followed, the Commissioners referred in particular to the need, following the European Council, to send a strong message unconditionally supporting growth; the key role that the Commission must play in this regard, for example by calling for sufficient funds to be maintained to finance essential initiatives in the fields, in particular, of research and innovation, with the Horizon 2020 programme, or of support for the competitiveness of European businesses, for example with the programme COSME; the political message to be sent to the public, bearing in mind the European elections in 2014; the different pressures and opposition that the final negotiation would encounter, and the political intelligence that would be

needed to reach a balanced overall agreement; the need to ensure that accompanying measures were put in place to offset any reductions in the budget that might be decided on, and the significant contribution that the Commission could make in this regard; and, lastly, the need to consider how the results of the Council would be perceived by the public, the economic, social and political stakeholders, and the media.

The PRESIDENT wound up the discussion by stressing that he was conducting an intense dialogue with the President of the European Council, Mr Hermann van Rompuy, in which he was doing his utmost to ensure that Mr van Rompuy's negotiating proposal for this Thursday and Friday would fully reflect the Commission's initial budget proposal. In this way, he was seeking to systematically defend, in particular, programmes supporting European growth, competitiveness and businesses. However, he feared that Member States' demands for individual financial allocations would be met to the detriment of the overall allocation for financing programmes benefiting the whole of the Union. In conclusion, he pointed out that even once agreement had been reached between the Heads of State or Government, much still remained to be done, in particular before the vote by Parliament, to try and ensure that the final decision on the multiannual financial framework was in favour of an ambitious budget. He assured the Commission Members of his unwavering determination to work to that end.

The Commission took note of this information.

10.3. RELATIONS WITH PARLIAMENT

- v) Action taken on non-legislative resolutions adopted by Parliament at its October I 2012 part-session**
(point 3.4.1 of the IRG record)

The Commission approved documents SP(2013) 71 and /2 on the action taken on the non-legislative resolutions adopted by Parliament at its October I 2012 part-session, for transmission to Parliament.

vi) Action taken on non-legislative resolutions adopted by Parliament at its October II 2012 part-session

(point 3.4.2 of the IRG record)

The Commission approved documents SP(2013) 72 and /2 on the action taken on the non-legislative resolutions adopted by Parliament at its October II 2012 part-session, for transmission to Parliament.

vii) Updating of the list of Commission Members to be present on Thursday afternoons during Parliament's part-sessions in Strasbourg in 2013

(point 3.5 of the IRG record)

The Commission approved document SP(2012) 795/2 setting out the updated list of Commission Members to be present on Thursday afternoons during Parliament's part-sessions in Strasbourg in 2013.

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The meeting closed at 14.05.