



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2013) 2043 final

Brussels, 8 May 2013

MINUTES
of the 2043rd meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 24 April 2013
(morning)

PV(2013) 2043 final

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Single sitting: Wednesday 24 April 2013 (morning)

The sitting opened at 10.45 with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	President	
Ms REDING	Vice-President	Item 9
Mr KALLAS	Vice-President	Items 1 to 9 (in part)
Ms KROES	Vice-President	
Mr TAJANI	Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Mr REHN	Vice-President	
Mr POTOČNIK	Member	
Ms VASSILIOU	Member	
Mr ŠEMETA	Member	
Ms GEOGHEGAN-QUINN	Member	
Mr LEWANDOWSKI	Member	
Ms DAMANAKI	Member	
Ms GEORGIEVA	Member	Items 8 and 9
Mr HAHN	Member	
Ms HEDEGAARD	Member	
Mr FÜLE	Member	
Mr ANDOR	Member	
Ms MALMSTRÖM	Member	Items 1 to 9 (in part)
Mr BORG	Member	

Absent:

Baroness ASHTON	High Representative/ Vice-President
Mr ALMUNIA	Vice-President
Mr PIEBALGS	Member
Mr BARNIER	Member
Mr DE GUCHT	Member
Mr OETTINGER	Member
Mr CIOLOŞ	Member

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

Mr BANNERMAN	Adviser in Baroness ASHTON's Office
Mr PÉREZ CALDENTEY	A member of Mr ALMUNIA's staff
Mr ROSA	A member of Mr PIEBALGS's staff
Mr GUERSENT	Chef de cabinet to Mr BARNIER
Ms ROGALSKA	A member of Mr OETTINGER's staff
Mr HÄUSLER	Chef de cabinet to Mr CIOLOŞ

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	
Mr DOENS	Head of the Commission Spokesperson Service	Items 1 to 8
Ms AHRENKILDE HANSEN	Commission Spokeswoman	
Mr THEBAULT	Head of the Bureau of European Policy Advisers	
Mr CABRAL	Adviser hors classe in the PRESIDENT's Office	Items 1 to 9 (in part)
Ms MARTÍNEZ ALBEROLA	Adviser in the PRESIDENT's Office	Items 1 to 9 (in part)
Ms HOFFMANN	Deputy Chef de cabinet to Ms REDING	Items 1 to 8
Mr PESONEN	Chef de cabinet to Mr REHN	Items 1 to 8
Mr SUTHERLAND	A member of Ms GEOGHEGAN-QUINN's staff	

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

1. AGENDAS

(OJ(2013) 2043/FINAL; SEC(2013) 210/2)

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) 2043)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 22 April.

**3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 2042ND MEETING
(16 APRIL)**

(PV(2013) 2042; PV(2013) 2042, PART II)

The Commission approved the minutes of its 2042nd meeting.

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

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2013) 211 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 15 and 19 April.

4.2. EMPOWERMENT

(SEC(2013) 212 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 15 and 19 April.

4.3. DELEGATION AND SUBDELEGATION OF POWERS

(SEC(2013) 213 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 15 and 19 April, as archived in e-Greffe.

4.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2013) 214 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 22 and 26 April and of the 'finalisation' written procedure initiated following the weekly meeting of Chefs de cabinet on 22 April.

4.5. MODIFICATION OF THE GENERAL EMPOWERMENT OF THE MEMBER OF THE COMMISSION WITH SPECIAL RESPONSIBILITY FOR COMPETITION TO TAKE CERTAIN DECISIONS AND PROCEDURAL MEASURES LAID DOWN IN COUNCIL REGULATION (EC) 139/2004 ON THE CONTROL OF CONCENTRATIONS BETWEEN UNDERTAKINGS, COMMISSION REGULATION (EC) 802/2004 IMPLEMENTING COUNCIL REGULATION (EC) 139/2004 ON THE CONTROL OF CONCENTRATIONS BETWEEN UNDERTAKINGS, COUNCIL REGULATION (EC) 1/2003 ON THE IMPLEMENTATION OF THE RULES ON COMPETITION LAID DOWN IN ARTICLES 81 AND 82 OF THE TREATY ESTABLISHING THE EUROPEAN COMMUNITY, COMMISSION REGULATION (EC) 773/2004 RELATING TO THE CONDUCT OF PROCEEDINGS BY THE COMMISSION PURSUANT TO ARTICLES 81 AND 82 OF THE

TREATY ESTABLISHING THE EUROPEAN COMMUNITY, ARTICLE 8(2) AND (3) OF PROTOCOL 23 TO THE AGREEMENT ON THE EUROPEAN ECONOMIC AREA, AND ARTICLE 8(4) AND (5) OF PROTOCOL 24 TO THE AGREEMENT ON THE EUROPEAN ECONOMIC AREA

(C(2013) 2349)

The Commission granted the general empowerment set out in C(2013) 2349 to the Member of the Commission with special responsibility for competition for the adoption, on behalf of the Commission and under its responsibility, of certain decisions or procedural measures relating to the application of Council Regulation (EC) 139/2004 on the control of concentrations between undertakings, Commission Regulation (EC) 802/2004 implementing Council Regulation (EC) 139/2004 on the control of concentrations between undertakings, Council Regulation (EC) 1/2003 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty establishing the European Community, Commission Regulation (EC) 773/2004 relating to the conduct of proceedings by the Commission pursuant to Articles 81 and 82 of the Treaty establishing the European Community, Article 8(2) and (3) of Protocol 23 to the Agreement on the European Economic Area, and Article 8(4) and (5) of Protocol 24 to the Agreement on the European Economic Area.

4.6. AD HOC EMPOWERMENT FOR SIGNING, ON BEHALF OF THE COMMISSION, ITSELF ACTING ON BEHALF OF THE EUROPEAN STABILITY MECHANISM, A MEMORANDUM OF UNDERSTANDING WITH CYPRUS

(C(2013) 2279)

The Commission decided to empower Mr REHN, the Member of the Commission responsible for economic and monetary affairs and the euro, in agreement with the PRESIDENT, on its behalf and under its responsibility, to sign, after approval by the Board of Governors of the European Stability Mechanism, the memorandum of understanding setting out the detailed policy

conditions attached to the financial assistance to Cyprus, under the terms set out in C(2013) 2279.

**5. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2013) 215)**

**ADMINISTRATIVE MATTERS
(PERS(2013) 78)**

***DG HUMAN RESOURCES AND SECURITY – APPROVAL OF A LIST OF
CANDIDATES FOR A HEAD OF EUROPEAN UNION DELEGATION POST
(PERS(2013) 79)***

The Commission took note of the information in point 1 of PERS(2013) 78 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, decided to approve the list of candidates for the AD13-14/AD13 post of Head of the EU Delegation in Libya in PERS(2013) 79, which would serve as a basis for the competent authority of the European External Action Service to make a final appointment.

This decision would take effect immediately.

**6. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL ON PROMOTING THE FREE MOVEMENT OF
CITIZENS AND BUSINESSES BY SIMPLIFYING THE ACCEPTANCE OF
CERTAIN PUBLIC DOCUMENTS IN THE EUROPEAN UNION AND
AMENDING REGULATION (EU) 1024/2012
(COM(2013) 228 AND /2; SWD(2013) 144; SWD(2013) 145; SEC(2013) 227;
RCC(2013) 58)**

The Commission adopted the proposal for a Regulation in COM(2013) 228/2, for

transmission to the European Parliament, the Council, the European Economic and Social Committee and the national parliaments, together with the impact assessment and the summary thereof in staff working documents SWD(2013) 144 and SWD(2013) 145, 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, as set out in SEC(2013) 227.

**7. GREEN PAPER – PREPARING FOR A FULLY CONVERGED AUDIOVISUAL WORLD: GROWTH, CREATION AND VALUES
(COM(2013) 231 AND /2; RCC(2013) 57)**

The Commission approved the Green Paper in COM(2013) 231/2 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, and, for information, to the national parliaments and the European Data Protection Supervisor.

8. OTHER BUSINESS

LATEST ECONOMIC DEVELOPMENTS

Mr REHN reported on the results of the meeting of economic and finance ministers and central bank governors of the G20 Member States, and the spring meeting of the International Monetary Fund (IMF), meetings held in Washington on 18 and 19 April.

The G20 meeting had been held in particularly difficult circumstances and a general climate of economic sluggishness. The discussions had focused on the general weakness of the world recovery, although this varied from country to country, and the specific situation in the European Union, where recovery was slow in coming against the backdrop of the Cypriot crisis. At the close of discussions, the

participants had reiterated their determination to support growth, without however relaxing the fiscal consolidation efforts under way in most countries. It had been agreed to use the next meeting of G20 finance ministers in July in St Petersburg to present the medium-term fiscal sustainability strategies to be drawn up in line with the commitment made at Los Cabos, Mexico, in June 2012.

Mr REHN then turned to the IMF's spring meeting on 19 April. In addition to the need to continue the reforms to stimulate competitiveness and job creation, the main thrust of the debates, with regard to the European Union, had been the need to create the conditions for sustainable growth, on the one hand by successfully completing budgetary consolidation, at a slower pace if necessary, and on the other by completing the overhaul of its financial sector in order to get credit flowing again.

With regard to the first point, he pointed out that the fiscal recovery efforts under way in the Union had enabled budget deficits in the euro area to be halved since 2011, from almost 6% to (he hoped) under 3% in 2013. However, the pace of consolidation efforts had already lessened since the previous year, and was lower than in the United States, for example. He explained this in terms of the credibility of the budgetary policy deployed by the Member States for the last two years or so, the decisive action of the European Central Bank since summer 2012 and the economic governance framework introduced at European level.

While it was essential to contain government debt, it was equally urgent to tackle robustly the difficulties of businesses and households in accessing credit in some parts of Europe, since these problems were impeding the restart of the real economy. In parallel with the decisions to be taken independently by the European Central Bank, the Commission was currently collaborating with the European Investment Bank, in particular, to identify efficient solutions to loosen the squeeze on sources of financing for the economy and get the credit needed for growth flowing again. He hoped that the Commission would soon be able to hold a discussion in order to study the solutions it could put forward for these problems, with support from the structural funds, before the adoption of its country-specific recommendations on 29 May as part of the European semester.

The Commission took note of this information.

9. INTERINSTITUTIONAL RELATIONS

9.1. LEGISLATIVE MATTERS

- i) Establishment of the Union Customs Code (Regulation – recast) – LE GRIP report – 2012/0027 (COD)
(SI(2013) 201/2)**

The Commission approved the line set out in SI(2013) 201/2.

- ii) Multiannual Financial Framework 2014-2020 – Cohesion policy – 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 and laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Council Regulation (EC) 1083/2006 (Regulation) – VAN NISTELROOIJ & KREHL report – 2011/0276 (COD) / Specific provisions for the support from the European Regional Development Fund to the European territorial cooperation goal (Regulation) – MANNER report – 2011/0273 (COD) / Specific provisions concerning the European Regional Development Fund and the Investment for growth and jobs goal and repealing Regulation (EC) 1080/2006 (Regulation) – OLBRYCHT report – 2011/0275 (COD) / European Social Fund and repeal of Regulation (EC) 1081/2006 (Regulation) – MORIN-CHARTIER report – 2011/0268 (COD) / Youth Employment Initiative (Communication from the Commission) – COM(2013) 144 final
(SI(2013) 204)**

The Commission approved the line set out in SI(2013) 204.

- iii) Amendment to Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators as regards the placing on the market of portable batteries and accumulators containing cadmium intended for use in cordless power tools (Directive) – PANAYOTOV report – 2012/0066 (COD)**
(SI(2013) 186)

The Commission approved the line set out in SI(2013) 186.

- iv) Framework for the recovery and resolution of credit institutions and investment firms and amendment of Council Directives 77/91/EEC and 82/891/EC, Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC and 2011/35/EC and Regulation (EU) 1093/2010 (Directive) – HÖKMARK report – 2012/0150 (COD)**
(SI(2013) 203)

The Commission approved the line set out in SI(2013) 203.

- v) Credit agreements relating to residential property (Directive) – SÁNCHEZ PRESEDO report – 2011/0062 (COD)**
(SI(2013) 202)

The Commission approved the line set out in SI(2013) 202.

- vi) Multiannual Financial Framework 2014-2020 – Preparation of the multiannual financial framework regarding the financing of EU cooperation for African, Caribbean and Pacific States and Overseas Countries and Territories for the 2014-2020 period (11th European Development Fund) (Communication from the Commission) – COM(2011) 837 final**
(SI(2013) 205)

The Commission approved the line set out in SI(2013) 205.

vii) Action to be taken on Parliament's legislative opinions and resolutions of a legal nature

(SP(2013) 270)

The Commission decided to empower the Commission Members responsible for the sectors in question, in agreement with the PRESIDENT and Mr ŠEFČOVIČ and, if necessary, with the other Members concerned, to adopt the amended proposals for transmission to Parliament and the Council, as set out in SP(2013) 270, drawn up following the April part-session of Parliament, the contents of which were noted.

9.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

viii) Programming of Council business

(SI(2013) 207)

The Commission took note of the information in SI(2013) 207 on the Council meetings between 25 April and 8 May.

ix) Results of the General Affairs Council (Luxembourg, 22 April)

Ms REDING reported on the constructive discussion that had taken place within the General Affairs Council on 22 April following the proposal by the Foreign Ministers of four Member States to establish a more effective mechanism to safeguard the fundamental values of the European Union and, in particular, the rule of law. This discussion echoed the PRESIDENT's State of the Union address to the European Parliament in September 2012, in which he had called for the existing mechanisms to be consolidated to ensure compliance with democratic principles throughout the European Union.

A broad consensus was emerging that a third way was needed between mere political persuasion and the measure of last resort enshrined in Article 7 of the Treaty on European Union, whereby some of the rights deriving from the application of the Treaties to a Member State could be suspended if that State were deemed guilty of a serious and persistent breach of European values.

The Council had therefore called on the Commission to look into the matter, bearing in mind that some Member States were even in favour of exploring possible ways forward under the existing treaties. The Commission took the view that although an initiative under the existing treaties should not be ruled out, an in-depth discussion should also be held with a view to amending the treaties at a later date if necessary.

Ms REDING said that there was a fundamental difference between considering reforms to consolidate the mechanisms which ensured compliance with the rule of law and legal analysis of situations specific to a particular Member State, which was always carried out on a case-by-case basis according to the applicable law.

A brief discussion ensued in which the following issues were raised: the role that the public expected the European institutions to play in upholding and guaranteeing democratic principles and fundamental rights; the Commission's unique ability to play a central role as an impartial mediator in this important debate in several Member States and the importance of this in the light of the European Parliament elections in June 2014; the need to review existing EU instruments with a view to unifying and harmonising them; the advisability of considering different ways forward, including the establishment of an autonomous structure attached to the European judicial institutions which would be independent of political power; the advantages of an analysis which could also be carried out in conjunction with Council of Europe working groups, for instance; the need for clarification of the measures taken by the Commission in the event of suspected breaches of the rule of law in certain Member States; and, on a more general note, a call for all the different facets of this matter to be discussed at a future Commission seminar.

Ms REDING briefed the meeting on the infringement proceedings pending and the measures under review. She was in favour of an in-depth discussion within the Commission which would focus on all aspects of the mechanisms for safeguarding the rule of law and shed light on what was possible at present, the limits of the current structure and what future measures would be

needed. It was important for all the Commissioners to take ownership of this issue.

It was necessary to proceed with caution, to take on board the advice of the Legal Service and to bear in mind that the distribution of powers between national governments and Europe was a sensitive issue, as the recent negotiations on the European Union's accession to the European Convention on Human Rights had demonstrated. She undertook to inform the Council once the Commission had adopted a position.

By way of conclusion, the PRESIDENT insisted on the very delicate nature of this debate, which touched on the fundamental principles of respect for democracy in the Union and, at the same time, the actual situations currently facing certain Member States. He cautioned against the risk of conflating these two levels of analysis, which would not provide appropriate responses to the current cases or ensure the objectivity that was essential for setting up the early warning and monitoring mechanisms to be developed for the future. He was therefore in favour of the Commission taking the broader and neutral point of view conferred by its institutional powers, while stressing how important it was for the Members of the College to take political ownership of the debate, both for any political initiatives and for subsequent proposals to amend the treaties. Political ownership of the debate by the other European institutions was also very important.

For the rest, in cases of measures specifically linked to the failure to comply with the principles of the rule of law, the PRESIDENT reiterated the Commission's approach; it took a robust and rigorous line, carried out an objective examination of each individual case on the basis of sound legal analyses and, if necessary, implemented the tools, instruments and procedures laid down by European law. He referred to the infringement procedure, the Cooperation and Verification Mechanism currently used with Romania and Bulgaria, but also the example of the European Union Justice Scoreboard that the Commission had adopted very recently.

Finally, a discussion in the College had already been announced to pursue the collective thinking on these subjects, which were of prime importance; it could be held as part of the Commission's post-holiday seminar at the end of August.

Mr LEWANDOWSKI gave a brief report on the General Affairs Council of 22 April in relation to the agenda item dealing with the Multiannual Financial Framework (MFF) 2014-2020. By way of introduction, he noted that in March, Parliament had made the opening of negotiations with the Council on the MFF 2014-2020 conditional on the adoption of the draft amending budget for 2013 tabled by the Commission, but two months later the negotiations had still not officially begun. He therefore welcomed the positive signal that the General Affairs Council had sent to Parliament by mandating the Irish Presidency to conduct the negotiations on certain points regarded as fundamental by MEPs and by stating its willingness to examine the draft amending budget for 2013 urgently and constructively. On this basis, the Commission had to continue to act as mediator between the Council and Parliament, bearing in mind that the objective remained to start negotiations as quickly as possible on both the amending budget, to meet the Union's commitments, and the Multiannual Financial Framework, in the context of an economic crisis that precluded any delay in implementing the new generation of European programmes.

The PRESIDENT closed this item by stressing that, although circumstances seemed more favourable, the consensus required to open negotiations was not yet in place, which was why he suggested that the Commission should continue to use its good offices to mediate between the Council and Parliament. In any event, he stressed the Commission's desire to see negotiations commence as quickly as possible, in particular for the Member States in difficulty, which needed support from the European Union.

The Commission took note of this information.

9.3. RELATIONS WITH PARLIAMENT

x) Results of the April part-session of Parliament

(SP(2013) 260; SP(2013) 261)

The Commission took note of the information in SP(2013) 260 and SP(2013) 261 on the proceedings of the part-session of Parliament held in Strasbourg from 15 to 18 April.

xi) Action taken on non-legislative resolutions adopted by Parliament at its January part-session

(SP(2013) 251 and /2)

The Commission approved, for transmission to Parliament, documents SP(2013) 251 and /2 on the action taken on the non-legislative resolutions adopted by Parliament at its January part-session.

9.4. RELATIONS WITH THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, THE COMMITTEE OF THE REGIONS, THE EUROPEAN OMBUDSMAN AND NATIONAL PARLIAMENTS

xii) Relations with the European Economic and Social Committee – Programming of business for 2013 – List of optional referrals

(SC(2013) 15 and /2)

The Commission approved the line set out in SC(2013) 15/2 and decided to send the list annexed to that document to the European Economic and Social Committee.

xiii) Relations with the Committee of the Regions – Programming of business for 2013 – List of optional referrals

(SR(2013) 9 and /2)

The Commission approved the line set out in SR(2013) 9/2 and decided to send the list annexed to that document to the Committee of the Regions.

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The meeting closed at 11.34.