



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2013) 2064 final

Brussels, 6 November 2013

MINUTES
of the 2064th meeting of the Commission
held in Strasbourg
(Winston Churchill building)
Tuesday 22 October 2013
(afternoon)

PV(2013) 2064 final

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Single sitting: Tuesday 22 October 2013 (afternoon)

The sitting opened at 13.09 with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	President	
Baroness ASHTON	High Representative/ Vice-President	
Ms REDING	Vice-President	
Mr ALMUNIA	Vice-President	
Ms KROES	Vice-President	
Mr REHN	Vice-President	
Mr POTOČNIK	Member	
Mr PIEBALGS	Member	Items 1 to 9 (in part)
Mr BARNIER	Member	
Ms VASSILIOU	Member	
Mr ŠEMETA	Member	
Ms GEOGHEGAN-QUINN	Member	
Mr LEWANDOWSKI	Member	Items 8 (in part) and 9 (in part)
Ms DAMANAKI	Member	
Mr OETTINGER	Member	Items 1 to 9 (in part)
Mr HAHN	Member	
Mr FÜLE	Member	
Mr ANDOR	Member	
Ms MALMSTRÖM	Member	Items 1 to 9 (in part)
Mr CIOLOŞ	Member	
Mr BORG	Member	
Mr MIMICA	Member	

Absent:

Mr KALLAS	Vice-President
Mr TAJANI	Vice-President
Mr ŠEFČOVIČ	Vice-President
Mr DE GUCHT	Member
Ms GEORGIEVA	Member
Ms HEDEGAARD	Member

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

Ms SWAN	A member of Mr ŠEFČOVIČ's staff	
Ms PERESSO	A member of Mr DE GUCHT's staff	Items 1 to 9 (in part)
Mr MÜLLER	A member of Ms HEDEGAARD's staff	

The following also sat in:

Mr LAITENBERGER	Chef de cabinet to the PRESIDENT	
Mr ROMERO REQUENA	Director-General, Legal Service	
Ms AHRENKILDE HANSEN	Commission Spokeswoman	
Mr THEBAULT	Head of the Bureau of European Policy Advisers	
Ms MARTÍNEZ ALBEROLA	Adviser in the PRESIDENT's Office	
Ms SUTTON	A member of the PRESIDENT's staff	
Mr KLAUS	A member of the PRESIDENT's staff	Items 1 to 8 (in part)

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

1. AGENDAS

(OJ(2013) 2064/FINAL; SEC(2013) 548/2)

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) 2064)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 21 October.

**3. APPROVAL OF THE MINUTES AND SPECIAL MINUTES OF THE
2062ND MEETING OF THE COMMISSION (8 OCTOBER) AND THE
MINUTES OF THE 2063RD MEETING (16 OCTOBER)**

(PV(2013) 2062; PV(2013) 2062, PART 2)

The Commission approved the minutes of its 2062nd meeting, and decided to hold over for one week approval of the minutes of its 2063rd meeting.

4. MONITORING THE APPLICATION OF EUROPEAN UNION LAW

INFRINGEMENTS – URGENT INDIVIDUAL CASE (SEC(2013) 560)

The Commission adopted the decision in SEC(2013) 560.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED (SEC(2013) 549 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 14 and 18 October.

5.2. EMPOWERMENT (SEC(2013) 550 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 14 and 18 October.

5.3. DELEGATION AND SUBDELEGATION OF POWERS (SEC(2013) 551 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 14 and 18 October, as archived in e-Greffe.

5.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2013) 552 TO /3)

The Commission took note of the sensitive written procedures for which the time limit expired between 21 and 31 October.

6. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2013) 553)

ADMINISTRATIVE MATTERS

(PERS(2013) 132)

6.1. DG COMPETITION – APPOINTMENT OF AD14/15 DIRECTOR

(PERS(2013) 96 TO /4)

The Commission had before it the list of applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director, ‘State aid: Cohesion, R&D&I and enforcement’, in DG Competition (PERS(2013) 96 and /2).

The Commission took note of the opinions of the Consultative Committee on Appointments of 17 and 27 September 2013 (PERS(2013) 96/3 and /4).

The Commission proceeded to compare the applicants’ qualifications for the post. It also considered their ability, efficiency and conduct in the service. On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr ALMUNIA, it then decided to appoint Mr Karl SOUKUP to the post.

This decision would take effect on 1 November 2013.

6.2. DG AGRICULTURE AND RURAL DEVELOPMENT – AMENDMENT OF THE ORGANISATION CHART

(SEC(2013) 568; SEC(2013) 569; PERS(2013) 133; PERS(2013) 134)

The Commission took note of the information in PERS(2013) 568 and, on a

proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr CIOLOŞ, decided:

- to approve the net abolition of two directorates;
- to approve the net abolition of two units;
- to reduce from 10 to 9 the Adviser quota of DG Agriculture and Rural Development;
- to approve, under Article 29(1)(a)(i) and (iii) of the Staff Regulations, the immediate internal publication of the vacancy notice for the post of Deputy Director-General in charge of Directorates AGRI.A, International bilateral relations, and AGRI.B, Multilateral relations, quality policy, and the vacancy notice for the post of Deputy Director-General in charge of Directorates AGRI.F, Rural development programmes I, AGRI.G, Rural development programmes II, and AGRI.H, General aspects of rural development and research, as set out in PERS(2013) 133 and PERS(2013) 134;
- to adopt the new organisation chart set out in SEC(2013) 569.

These decisions would take effect on 1 January 2014, except for the reduction of the Adviser quota which would take effect on 16 March 2014.

Following the reorganisation, the total number of units in DG Agriculture and Rural Development would be reduced from 55 to 53.

**6.3. BUREAU OF EUROPEAN POLICY ADVISERS – AMENDMENT OF THE ORGANISATION CHART
(SEC(2013) 568; SEC(2013) 569)**

The Commission took note of the information in SEC(2013) 568 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, decided:

- to approve a derogation to the Commission Communication of

13 February 2007 on Organisation Charts of Commission DGs and Services (SEC(2006) 1702) whereby the vacant post of Principal Adviser would be transferred to the Outreach Team which was attached to the Director and Deputy Head of the Bureau of European Policy Advisers;

- to adopt the new organisation chart set out in SEC(2013) 570.

These decisions would take effect on 1 November 2013.

6.4. *DG BUDGET – AMENDMENT OF THE ORGANISATION CHART* ***(SEC(2013) 568; SEC(2013) 571; PERS(2013) 135)***

The Commission took note of the information in SEC(2013) 568 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr LEWANDOWSKI, decided:

- to approve the abolition of one unit by merging BUDG.A.5, Administrative appropriations, and BUDG.A.6., Allocation of human resources;
- to end the mandate of the Task Force ‘Review of the Financial Regulation’ and to authorise the immediate internal, interinstitutional and external publication under Article 29(1)(a)(i) and (iii), (b) and (2) of the Staff Regulations of the vacancy notice for the post of Principal Adviser as set out in PERS(2013) 135; this post of Personal Adviser would be temporary and would be abolished upon the departure of the new jobholder;
- to adopt the new organisation chart set out in SEC(2013) 571.

These decisions would take effect on 16 November 2013, except for the end of the task force's mandate which would take effect on 1 May 2014 and the immediate publication of the vacancy notice.

Following the reorganisation, the total number of units in DG Budget would be reduced from 26 to 25.

6.5. EUROSTAT – AMENDMENT OF THE ORGANISATION CHART
(SEC(2013) 568; SEC(2013) 572)

The Commission took note of the information in SEC(2013) 568 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr ŠEMETA, decided:

- to approve the net abolition of two units by abolishing five units and setting up three task forces of unit level, each managed by a Head of Unit;
- to set up two task forces each headed by an Adviser;
- to adopt the new organisation chart set out in SEC(2013) 572.

These decisions would take effect on 1 January 2014.

Following the reorganisation, the total number of units in Eurostat would be reduced from 40 to 38.

7. OTHER BUSINESS

BUDGET IMPLEMENTATION AT 30 SEPTEMBER 2013
(INFO(2013) 90)

The Commission took note of the information from Mr LEWANDOWSKI in INFO(2013) 90.

8. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – COMMISSION WORK PROGRAMME 2014
(COM(2013) 739 AND /2)

The PRESIDENT presented the Commission Work Programme for 2014 and highlighted the unusual nature of next year, which would be divided in two by the elections to the European Parliament in May and the subsequent transition with the political renewal of certain institutions. The Commission therefore had to take full advantage of the time remaining before the end of the current parliamentary term, and prepare the work of the new Commission that would take office in November 2014.

With regard, more specifically, to the run-up to the election of the European Parliament, during which the co-legislators would be able to examine the current Commission's proposals, he stressed the usefulness of emphasising a limited number of priority actions. To that end, the work programme tabled that day included, for the first time, an annex containing a list of priority initiatives that were already being considered by the co-legislators and that were only awaiting a political impetus so that the work begun by the current Commission throughout its term of office could be completed.

With regard to the new initiatives which the Commission would present in 2014, the PRESIDENT referred again to the need to give priority to proposals which matched the political priorities or met specific imperatives. Since the second half of 2014 would be largely devoted to examining the new Commission's key work issues, he pointed out the need to prepare as smooth a transition as possible by giving the new Commission a certain amount of leeway. He also highlighted the full attention that would be given in 2014 to consolidating commitments made, referring in particular to the important work planned under the Regulatory Fitness and Performance Programme (REFIT).

Before opening the discussion, he announced a suggestion by Ms REDING to include non-binding measures to address the issue of the gender pay gap in the Work Programme for 2014. Since equal pay for male and female workers was one of the principles enshrined in the Treaty of Rome, and in Article 157 of the Treaty on the Functioning of the European Union, the PRESIDENT took the view that, given the persistent inequalities in this field, the College, questions of subsidiarity apart, had to assess the political advisability of presenting a draft recommendation

in the year ahead.

Ms REDING added to the PRESIDENT's comments by pointing out that the average gender pay gap in Europe was currently 16%, and was falling very slowly. She felt it would therefore be appropriate to take measures in order to put into practice the principle of equal pay for equal work enshrined in the Treaties. Since the Commission's approach to this question to date had been to propose awareness-raising measures, such as the Equal Pay Day in 2011, she proposed that the College assess the possibility of strengthening this approach in the coming year. She therefore proposed using a non-binding recommendation on the transparency of pay grades and structures in companies, as was the case in a number of Member States. However, she was aware of the sensitive nature of the issue, and therefore invited the Members of the Commission to give their views on the approach outlined.

During a brief discussion, the Commission mentioned the following matters:

- general support for the priorities set out in the introduction to the Work Programme for 2014 and for the balance of the programme, which demonstrated the Commission's intention to take full advantage of the last year of the current term of office; specific support for the measures planned under the Regulatory Fitness and Performance Programme (REFIT);
- with regard to the priority initiatives to be adopted by the legislator (Annex I to the Work Programme), the desire to include in the list the Proposal for a Directive on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union; the acknowledgement that these provisions were particularly important in the context of investigations into agreements and the reminder of the observations by the Court of Justice of the European Union on the need for an appropriate legal framework on this point; the desire, too, to devote particular attention to the Proposal for a Directive concerning measures to ensure a high common level of network and information security across the Union, in the light of the booming digital economy;

- with regard to other measures to promote smart, sustainable and inclusive growth, the need to highlight the work done by the Commission on the statute for a European mutual society, and on promoting and developing the Union's tourism potential, and the advisability of putting forward the package on the mobility of workers;
- with regard to the new initiatives to be presented in 2014 (Annex II to the Work Programme), support for the need for Europe to have a clear and pragmatic framework for climate and energy policies for the period up to 2030; similarly, the advisability of developing a framework for safe and secure unconventional hydrocarbon extraction in order to ensure the legal certainty needed by companies and investors in Europe, and to reassure public opinion; the importance for some of avoiding an approach that could be perceived as too restrictive or potentially harmful to competitiveness; the case for taking account, in addition, of the issues of energy independence associated with this question; the need, for others, to take due account of all the relevant factors in order to better evaluate the role that certain new sources of energy could play in the European energy mix;
- concerning the proposal on the gender pay gap, broad consensus on the need to reduce the gap quickly; the usefulness of examining all the factors that contributed to differences in pay; support for including a Commission initiative in the Work Programme for 2014, to be based on a detailed analysis and collective discussion on the final measures to take.

The PRESIDENT concluded the discussion by highlighting the broad support in the College for the Commission Work Programme for 2014, as presented that day. He also took note of the support for including in the document a non-binding initiative on the gender pay gap, without prejudging the final form of the initiative. With regard to the future initiatives on climate and energy policies raised in the discussion, he stressed the need to ensure they were feasible, both in Europe and worldwide. He underscored the twofold objective of ensuring legal certainty, on the one hand, and technological and environmental security, on the other, and took the view that the search for this balance should take into account the specific

sensitivities of the different stakeholders.

He also noted the Commissioners' agreement to make the following amendments to the English-language version of the Communication and annexes thereto distributed as COM(2013) 739/2:

In the Communication

- **on page 6, a new sentence would be added to the end of the second paragraph, which would read as follows:**

'The Commission will continue its work on a statute for a European mutual society as part of ensuring a level playing field for all enterprises.'

- **on page 6, a new sentence would be added to the end of the fourth paragraph, which would read as follows:**

'The Commission will continue its work to promote and develop the EU's potential for tourism.'

- **on page 9, the third sentence of the first paragraph of the Section *External action* would be amended to read as follows:**

'In her dual role, the High Representative/Vice-President has worked to facilitate an important breakthrough in relations between Serbia and Kosovo.'

In the annexes to the Communication

- **on page 3, the third initiative in the table would now read as follows:**

Network and information security	Proposal for a Directive of the European Parliament and of the Council Concerning measures to ensure a high common level of network and information security across the Union	2012/CNECT/027 COM(2013)48 2013/0027 (COD)	02/2013
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- **on page 4, a new initiative would be added to the table after the initiative concerning the emission trading scheme in the field of aviation, to read as**

follows:

Actions for Damages	Proposal for a Directive of the European Parliament and of the Council on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union	COM(2013)404 2013/0185 (COD)	6/2013
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- **on page 8, a new heading, Equality, would be introduced and a new initiative would be added to the table after initiative No 14, to read as follows:**

15.	Tackling the gender pay gap	Non-legislative	This initiative would promote and facilitate effective application of the principle of equal pay in practice and assist Member States in finding the right approaches to reduce the persisting gender pay gap.
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Subject to inclusion of the above amendments and to final linguistic revision, the Commission approved the proposal for a Council regulation in COM(2013) 739/2 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, and, for information, to the national parliaments.

9. INTERINSTITUTIONAL RELATIONS (RCC(2013) 132)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 18 October (RCC(2013) 132).

It paid particular attention to the following points.

9.1. LEGISLATIVE MATTERS

i) Horizontal dossier

(point 1.1 of the IRG record)

- Agreement on the European election recess period in 2014 for the transmission of delegated acts and RPS measures

The Commission approved the line set out in SI(2013) 548.

ii) Ordinary legislative procedure

(point 1.2 of the IRG record)

Dossiers at Parliament first reading

- 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/EU and Regulation (EU) 1093/2010 (Directive) – HÖKMARK report – 2012/0150 (COD)

The Commission approved the line set out in SI(2013) 543/2.

- Amendment of Directives 2003/71/EC and 2009/138/EC in respect of the powers of the European Insurance and Occupational Pensions Authority and the European Securities and Markets Authority (Directive) – BALZ report – 2011/0006 (COD)

The Commission approved the line set out in SI(2013) 537/2.

- Conditions of entry and residence of third-country nationals for the purposes of seasonal employment (Directive) – MORAES report – 2010/0210 (COD)

The Commission approved the line set out in SI(2013) 538/2.

- Approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of

tobacco and related products (Directive) – McAVAN report – 2012/0366 (COD)

The Commission approved the line set out in SI(2013) 539/2 and /4.

- Grant of an EU guarantee to the European Investment Bank against losses under financing operations supporting investment projects outside the Union (Decision) – KALFIN report – 2013/0152 (COD)

The Commission approved the line set out in SI(2013) 540 and /3.

Dossier at Council first reading

- Deposit guarantee schemes (Directive – recast) – SIMON report – 2010/0207 (COD)

The Commission approved the line set out in SI(2013) 541.

iii) Preparations for October II part-session of Parliament

(point 1.3 of the IRG record)

Ordinary legislative procedure – 1st reading

- Multiannual financial framework 2014-2020 - Action programme for taxation in the European Union for the period 2014-2020 (Fiscalis 2020) and repeal of Decision 1482/2007/EC (Regulation) – STOLOJAN report – 2011/0341b (COD)

The Commission approved the line set out in SP(2013) 718.

- Multiannual Financial Framework 2014-2020 – Programme for the competitiveness of enterprises and small and medium-sized enterprises (2014-2020) (Regulation) – CREUTZMANN report – 2011/0394 (COD)

The Commission approved the line set out in SP(2013) 719.

- Multiannual Financial Framework 2014-2020 – Horizon 2020 – Amendment of Regulation (EC) 294/2008 establishing the European

Institute of Innovation and Technology (Regulation) – LAMBERTS report – 2011/0384 (COD) / Strategic Innovation Agenda of the European Institute of Innovation and Technology (Decision) – MATIAS report – 2011/0387 (COD)

The Commission approved the line set out in SP(2013) 655 and /2.

- Credit agreements relating to residential property (Directive) – SÁNCHEZ PRESEDO report – 2011/0062 (COD)

The Commission approved the line set out in SP(2013) 545/2, further to note SP(2013) 545, which it had already approved on 10 September.

Ordinary legislative procedure – 1st reading/ Special non-legislative procedure

- Multiannual Financial Framework 2014-2020 – Horizon 2020 – Definition of the rules for participation in the Horizon 2020 Framework Programme for Research and Innovation and for dissemination of the results (Regulation) – EHLEER report – 2011/0399 (COD) / Research and Training Programme of the European Atomic Energy Community (2014-2018) complementing the Horizon 2020 Framework Programme for Research and Innovation (Council Regulation) – SKINNER report – 2011/0400 (NLE) / Horizon 2020 Framework Programme for Research and Innovation (Regulation) – RIERA MADURELL report – 2011/0401 (COD) / Specific programme implementing the Horizon 2020 Framework Programme for Research and Innovation (Council Decision) – CARVALHO report – 2011/0402 (CNS)

The Commission approved the line set out in SP(2013) 650 and /2.

Special non-legislative procedure

- Multiannual Financial Framework 2014-2020 – Union support for the nuclear decommissioning assistance programmes in Bulgaria, Lithuania and Slovakia (Council Regulation) – CHICHESTER report – 2011/0363 (NLE)

The Commission approved the line set out in SP(2013) 322/3, further to note SP(2013) 322, which it had already approved on 15 May.

9.2. *RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL*

iv) Preparation for European Council (Brussels, 24 and 25 October)

The PRESIDENT reported on the preparation for the European Council to be held at the end of the week, on 24 and 25 October, which would be an important summit in more ways than one. He said that it would focus on two key dimensions for growth and employment, namely the digital economy and telecommunications, on the one hand, and innovation, on the other. Just six months from the European Parliament elections, the summit would provide an opportunity to define the priority areas in which proposals were still likely to be tabled during this legislature, as indicated in the 2014 work programme which the Commission had adopted that day (see point 8 of these minutes).

Turning first to the digital economy, the PRESIDENT pointed out that the European Union could well fall behind in this domain, and indicated the measures it should adopt without delay to remedy its shortcomings. He had informed the European Council Members of this in a letter sent to them the previous month. The Commission had presented proposals that would enable the Union to foster the emergence of heavyweights in the telecommunications and Internet sectors, roll out broadband networks and redress the skills mismatch in this sector.

He pointed in particular to the importance of the proposal for a single telecommunications market which the Commission had presented the previous September, although he considered it likely that Member States would probably want to protect their incumbent operators or defend the prerogatives of their national regulatory authorities. He therefore called on the European Council to give impetus to this measure which would make it possible to move beyond national interests. He would stress to the Heads of

State or Government the urgent need to start building this single market, in particular in relation to the aspects likely to instil citizen confidence in the new digital environment, for instance payment services, electronic identification systems and data protection.

Taxation would also need to be adapted to the digital economy so that online services paid their fair share. The PRESIDENT was pleased that the Commission had decided that day to set up an expert group tasked with identifying ways of preventing the emergence of tax loopholes in this sector of the economy.

Moving on to the question of innovation, which was also decisive for the Union's economic recovery, the PRESIDENT felt that the European Council draft conclusions were very satisfactory in this respect. The Member States which had continued investing in research and innovation despite the crisis were the ones that had suffered least from its effects. During his presentation to the European Council he would ask the Union leaders to speed up efforts to promote creative investments and fully exploit European research and innovation systems with an eye to the European Research Area.

As regards youth employment and financing of small and medium-sized enterprises (SMEs), he said that during the discussion at the European Council on economic affairs and the deepening of Economic and Monetary Union (EMU) he intended to broach the question of the insufficient progress made since the European Council meeting in June. He would insist that the national plans for implementing the Youth Guarantee should be submitted promptly to ensure early granting of financing.

The PRESIDENT regretted the fact that Member States seemed to be opting for the least ambitious solution in the joint proposal by the Commission and the European Investment Bank presented in June. This was aimed at improving access for SMEs to credit and comprised several different options for securitisation and pooling of risks. He emphasised the Commission's determination to go further, and trusted that the conclusions of the European

Council of 24 and 25 October would pave the way for future progress.

He expressed satisfaction that the Union leaders had set aside time to discuss the follow-up to the Commission's recent communication on the Regulatory Fitness and Performance Programme (REFIT).

Turning next to the measures taken to strengthen economic coordination and the social dimension of EMU, which the European Council would be reviewing, the PRESIDENT emphasised the importance of the contribution of the social partners in the context of the tripartite social summit to be held on the morning of 24 October.

The European Council discussions on economic aspects would lay important foundations for the decisions to be taken at its December meeting. He would underline the fact that the recent reforms carried out under the European Semester, some of which would not be implemented by the Commission until the autumn, were beginning to bear fruit. He would urge Member States to reach agreement on continuing this momentum in the context of the Community method. He also called for conclusions that would confirm the need to maintain the pace of progress in relation to the Banking Union and to honour the commitments made.

The PRESIDENT also remarked that the European Council would discuss the objective of political association and integration which the Union was pursuing with the Eastern Partnership countries that were interested in this, with an eye to the summit they would hold in Vilnius on 28 and 29 November.

Lastly, he referred to the discussions to be held on the influx of migrants into the Union in the wake of the Lampedusa tragedy. He was hoping that the European Council would see renewed determination by Member States to continue, in cooperation with the Commission, developing the common management of immigration policies at European level. He felt that, given the scale of migration, more effective measures were needed at European level to

organise research and rescue operations for people in danger, to better protect the Union's borders, to tackle effectively the criminal networks profiting from illegal immigration and to offer protection to those who needed it. Cooperation should be reinforced with the countries of origin and transit, and Member States should do more in terms of resettlement.

In this connection he mentioned the first meeting, held on 24 October 2013, of the task force, led by the Commission and made up of the EU Member States and agencies, such as the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU (Frontex), the European Asylum Support Office and the European Police Office (Europol), which would shortly be reporting on the situation and would consider all these questions.

In the ensuing exchange of views, the Commission discussed the following points:

The digital agenda and innovation

- the benefits of the Commission proposal on the single market in telecommunications and the need to approve it quickly, given the important implications for the competitiveness of the EU and the creation of jobs, especially for young people; the fact that the proposal on the telecommunications single market was a whole, not a menu with options; the intensive consultations that had preceded the proposal;
- the need to make progress on the initiatives in the field of innovation, particularly for SMEs, and to impress upon the Member States that an innovation gap was opening up between the EU and some of its international competitors; the fact that private investment followed public investment and that the European Council must therefore create a decisive momentum; the need to transform the systems for innovation and research in Europe;
- highlighting the work of the high-level group instructed by the

Commission to examine the peculiarities of the digital economy from the point of view of taxation, both to facilitate the development of the sector and to ensure that it was appropriately taxed;

- in connection with the digital agenda, a reminder about the Commission proposal, which had been before the co-legislators since January 2012, to revise the data protection rules in line with technological developments, to strengthen the right to privacy in online transactions and to stimulate the European digital economy; a warning against any inappropriate conflation of this revision with the bugging of European institutions and companies by American services;

Immigration policy

- the extreme sensitivity of immigration issues against a tense political background made worse by the crisis; the regret nonetheless expressed in some quarters at the weakness of the draft conclusions of the European Council on this point; the need to develop a comprehensive approach and make better use of the existing instruments; a warning against the false argument that could be used to make a comparison between the billions of euros mobilised by the EU in connection with the banking crisis and the absence of practical financial solidarity with the Member States overwhelmed by the sudden influx of migrants; the advisability for the Commission of making full use of its role as initiator and guarantor of European solidarity;
- the mention, in this connection, of the task force, which had just been set up at the request of the Council and which the Commission had been asked to run, which had held its first meeting on 24 October, and its mandate, which covered a very broad range of aspects associated with immigration; the announcement of a report that the Commission was hoping to present to the European Council in December on the assessment of the situation made by the task force;

- the need, raised by some Members of the Commission, to urge the members of the European Council to engage in genuine discussions, followed up with practical measures, on a fair distribution of the burden of illegal immigration in terms of border controls, reception of asylum seekers, repatriation of illegal immigrants and integration of refugees; the suggestion that an allocation formula be introduced which would take account of a set of criteria such as the size, population and economic performance of the Member State concerned; the fact that Europe would need additional resources, not just speeches and good intentions, in order to conduct an effective immigration policy;

Other items on the European Council agenda

- as regards the economic architecture of Economic and Monetary Union, the hope that the European Council discussions would be concerned more with the implementation of structural reforms and budgetary consolidation than with the new processes for coordinating the European Semester;
- the hope that the process of creating banking union would be taken forward resolutely and as quickly as possible; the fear, however, that the complexity of the dossier and discussions might create confusion and delay the crucial decisions needed for European recovery and ultimately for the credibility of the Union;
- the urgent need to improve credit for SMEs; regret that the European Council seemed to have chosen the least ambitious of the three options put forward jointly by the Commission and the EIB in order to achieve this; the hope that the Commission would take initiatives in this area;
- as regards the revision of the legislative framework on copyright, the importance of not pre-empting the findings of the current assessment; the case for reiterating that the proposals on intellectual property presented to the European Council were not an obstacle to innovation;
- with regard to the Youth Guarantee, a reminder of the report on the

progress made by each Member State to be presented by the Commission in a few days' time; recognition of positive advances, but also of disappointing developments, in particular the lack of connection between the Youth Guarantee and the Youth Employment Initiative;

- as regards the Regulatory Fitness and Performance Programme at European level (REFIT), a wish for protection of the environment and of health to be included among the factors to be taken into account, in the same way as consumer and worker protection, in the Conclusions of the European Council;
- in the run-up to the European Parliament elections, an invitation to the Members of the Commission to draw up a precise report on the concrete achievements made, so as to enable the Commission to respond objectively to the accusations of failure to take action that would inevitably be levelled against it.

The PRESIDENT wound up the exchange of views and thanked the Members of the Commission for their comments. He noted that some of them wished to present specific suggestions for improving the drafting of some of the conclusions of the European Council of 24-25 October and invited them to send these suggestions to him. He also stated that at the General Affairs Council that day, Mr ŠEFČOVIČ, representing the Commission, was trying to have these conclusions reinforced, in particular on the issue of the resettlement of immigrants.

The Commission took note of this information.

v) Programming of Council business

(SI(2013) 550)

The Commission took note of the information in SI(2013) 550 on the Council meetings between 24 October and 6 November.

9.3. RELATIONS WITH PARLIAMENT

- Draft general budget of the European Union for the financial year 2014 – General introduction – General statement of revenue - General statement of revenue and expenditure by section – JENSEN / HOHLMEIER / DEHAENE report – 2013/2145 (BUD)

The Commission approved the line set out in SP(2013) 729 and /2, authorised the Member of the Commission with responsibility for the budget to take all the necessary initiatives with a view to reconciling the positions of the European Parliament and the Council in accordance with Article 314(5) of the Treaty on the Functioning of the European Union, and empowered the Member of the Commission with responsibility for the budget, in agreement with the PRESIDENT, to propose, where necessary, in the context of the conciliation procedure, a decision on mobilising the flexibility instrument, pursuant to the conditions laid down in Article 11 of the draft Council Regulation on the multiannual financial framework 2014-2020, and point 12 of the draft interinstitutional agreement between the European Parliament, the Council and the Commission on budgetary discipline, cooperation in budgetary matters and sound financial management.

vi) Participation of Members of Parliament in international conferences
(point 3.6 of the IRG record)

- Ninth Ministerial Conference of the World Trade Organisation (Bali, 3-6 December 2013)

The Commission, further to the agreement already given on 26 June, replied favourably to the request made by the President of the European Parliament, Mr Martin Schulz, to the PRESIDENT on attendance of three additional Member of the European Parliament at the above-mentioned meeting as observers in the EU delegation, with a reminder about the procedure to be followed.

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

- vii) Action taken on opinions of the Committee of the Regions –
Fifty-fifth report – May and July 2013 plenary sessions**
(point 4.4 of the IRG record)

The Commission approved the replies to the opinions adopted by the Committee of the Regions during its plenary sessions in May and July 2013, contained in the document distributed as SR(2013) 29/4, for transmission to that Committee.

- viii) Action taken on opinions of the Committee of the Regions –
Fifty-fourth report – 11 and 12 April 2013 plenary session – Revised
reply**
(point 4.5 of the IRG record)

The Commission approved the revised reply, set out in SR(2013) 30, to the dossier 'A Stronger European Industry for Growth and Economic Recovery' adopted by the Committee of the Regions during its plenary session on 11 and 12 April, for transmission to the Committee of the Regions, further to SR(2013) 25/3 already approved by the Commission on 8 October.

9.5. EXTERNAL RELATIONS

- ix) Requiring Member States to ratify or to accede to the 2009
Hong Kong international convention for the safe and
environmentally sound recycling of ships in the interests of the
European Union (Council Decision) – SCHLYTER report –
2012/0056 (NLE)**
(point 5.1 of the IRG record)

The Commission approved the line set out in SI(2013) 544.

- x) Proposal for a demarche to the UN Secretary-General with regard to the declaration made by Ecuador upon its accession to the United Nations Convention on the Law of the Sea (UNCLOS) – 'Note Verbale' from the Commission on behalf of the European Union**

The Commission approved the line set out in SI(2013) 553 and /2.

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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 15.03.