



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2014) 2089 final

- English language version of the French text which is authentic -

Brussels, 25 June 2014

TEXTE EN

MINUTES

of the 2089th meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 11 June 2014

(morning)

PV(2014) 2089 final

- English language version of the French text which is authentic -

EN

TABLE OF CONTENTS

Attendance list	5-7
1. AGENDAS (OJ(2014) 2089/FINAL; SEC(2014) 349/2).....	8
2. WEEKLY MEETING OF CHEFS DE CABINET (RCC(2014) 2089).....	8
3. APPROVAL OF THE MINUTES AND SPECIAL MINUTES OF THE 2087 TH MEETING OF THE COMMISSION (28 MAY) AND THE MINUTES OF THE 2088 TH MEETING (2 JUNE) (PV(2014) 2087; PV(2014) 2087, PART 2; PV(2014) 2088/2).....	8
4. INTERINSTITUTIONAL RELATIONS.....	9
4.1. LEGISLATIVE MATTERS	9
4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL	9
4.3. RELATIONS WITH THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, THE COMMITTEE OF THE REGIONS, THE EUROPEAN OMBUDSMAN AND NATIONAL PARLIAMENTS.....	10
5. MONITORING THE APPLICATION OF EUROPEAN UNION LAW	10
5.1. STATE AID – INDIVIDUAL CASES (SEC(2014) 369; RCC(2014) 52).....	10
5.2. INFRINGEMENTS – URGENT INDIVIDUAL CASES (SEC(2014) 360)	10
6. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EU, EURATOM) 883/2013 AS REGARDS THE ESTABLISHMENT OF A CONTROLLER OF PROCEDURAL GUARANTEES (COM(2014) 340 AND /2; SWD(2014) 183; RCC(2014) 51)	11

7. STATEMENT OF ESTIMATES OF THE COMMISSION FOR 2015 – PREPARATION OF THE 2015 DRAFT GENERAL BUDGET OF THE EUROPEAN UNION (SEC(2014) 357 TO /3, DOCUMENTS I, II, III, IV, V AND V BIS; RCC(2014) 50).....	11
8. PROPOSAL FOR A DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE MOBILISATION OF THE EU SOLIDARITY FUND (COM(2014) 348 AND /2; RCC(2014) 50)	11
9. PROPOSAL FOR A DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE MOBILISATION OF THE FLEXIBILITY INSTRUMENT (COM(2014) 349 AND /2; RCC(2014) 50).....	12
10. ADMINISTRATIVE AND BUDGETARY MATTERS (SEC(2014) 354/2)	13
10.1. DG ENLARGEMENT – APPOINTMENT OF AD14/15 DIRECTOR (PERS(2014) 20 TO /3).....	13
10.2. DG ENTERPRISE AND INDUSTRY – APPOINTMENT OF AD14/15 DIRECTOR (PERS(2014) 62 TO /3).....	14
10.3. INTERNAL AUDIT SERVICE – APPOINTMENT OF AD14/15 DIRECTOR (PERS(2014) 75 TO /3).....	14
10.4. DG JUSTICE – APPOINTMENT OF AD14/15 PRINCIPAL ADVISER (PERS(2014) 60 TO /3).....	15
10.5. DG ECONOMIC AND FINANCIAL AFFAIRS – APPOINTMENT OF AD14/15 AND AD14 (EU-28) PRINCIPAL ADVISER (PERS(2014) 27 TO /5)	15

11. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COURT OF AUDITORS – SYNTHESIS OF THE COMMISSION’S MANAGEMENT ACHIEVEMENTS IN 2013 (COM(2014) 342 AND /2; RCC(2014) 49 AND /2).....	16
12. OTHER BUSINESS.....	21
<i>RESULTS OF THE TECHNICAL ANALYSIS CARRIED OUT WITH THE UK AUTHORITIES IN ACCORDANCE WITH ARTICLE 10 OF PROTOCOL 36 TO THE TREATY (INFO(2014) 42/2)</i>	<i>21</i>
13. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS.....	23
<i>13.1. WRITTEN PROCEDURES APPROVED (SEC(2014) 350 ET SEQ.).....</i>	<i>23</i>
<i>13.2. EMPOWERMENT (SEC(2014) 351 ET SEQ.)</i>	<i>23</i>
<i>13.3. DELEGATION AND SUBDELEGATION OF POWERS (SEC(2014) 352 ET SEQ.).....</i>	<i>23</i>
<i>13.4. SENSITIVE WRITTEN PROCEDURES (SEC(2014) 353 AND /2)</i>	<i>23</i>
<i>13.5. PROPOSAL FOR A COUNCIL DECISION DETERMINING THE COMPOSITION OF THE COMMITTEE OF THE REGIONS – FORMER WRITTEN PROCEDURE PE/2014/2369 (COM(2014) 226 AND /2)</i>	<i>24</i>
<i>PROPOSAL FOR A COUNCIL DECISION DETERMINING THE COMPOSITION OF THE ECONOMIC AND SOCIAL COMMITTEE – FORMER WRITTEN PROCEDURE PE/2014/2368 (COM(2014) 227 AND /2).....</i>	<i>24</i>
14. RELATIONS WITH NON-MEMBER COUNTRIES.....	27
<i>RESULTS OF THE G7 SUMMIT (BRUSSELS, 4 AND 5 JUNE) (INFO(2014) 43).....</i>	<i>27</i>

Single sitting: Wednesday 11 June 2014 (morning)

The sitting opened at 10.07 with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	President	
Ms REDING	Vice-President	
Mr ALMUNIA	Vice-President	
Mr KALLAS	Vice-President	
Ms KROES	Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Mr REHN	Vice-President	
Mr POTOČNIK	Member	
Mr BARNIER	Member	Items 11 (in part) to 14
Mr ŠEMETA	Member	
Mr DE GUCHT	Member	Items 1 to 13
Ms GEOGHEGAN-QUINN	Member	Items 1 to 13
Mr LEWANDOWSKI	Member	Items 1 to 12
Ms DAMANAKI	Member	Items 1 to 12
Ms GEORGIEVA	Member	
Mr HAHN	Member	
Ms HEDEGAARD	Member	
Mr FÜLE	Member	
Mr ANDOR	Member	
Ms MALMSTRÖM	Member	
Mr CIOLOŞ	Member	
Mr BORG	Member	
Mr MIMICA	Member	

Absent:

Baroness ASHTON

High Representative/
Vice-President

Mr TAJANI

Vice-President

Mr PIEBALGS

Member

Ms VASSILIOU

Member

Mr OETTINGER

Member

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

Mr BANNERMAN	Adviser in Baroness ASHTON's Office	
Ms BENINI	A member of Mr TAJANI's staff	
Mr KARHUNEN	Deputy Chef de cabinet to Mr PIEBALGS	Items 13 (in part) and 14
Ms MELINGAILE	A member of Mr PIEBALGS's staff	Items 1 to 13 (in part)
Mr ASIMAKIS	Chef de cabinet to Ms VASSILIOU	
Mr HAGER	Chef de cabinet to Mr OETTINGER	Items 11 (in part) to 14

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	
Ms AHRENKILDE HANSEN	Commission Spokeswoman	
Ms BENÍTEZ SALAS	Bureau of European Policy Advisers	
Mr DANDOY	A member of the PRESIDENT's staff	
Mr ALTAF AJ TARDÍO	Deputy Chef de cabinet to Mr REHN	
Ms ULLRICH	A member of Mr ŠEMETA's staff	Item 11 (in part)
Mr SCHWARZ	Deputy Chef de cabinet to Mr LEWANDOWSKI	Items 13 (in part) and 14
Ms CHRISTOPHIDOU	Chef de cabinet to Ms DAMANAKI	Items 13 (in part) and 14

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

1. AGENDAS

(OJ(2014) 2089/FINAL; SEC(2014) 349/2)

The Commission took note of that day's agenda and of the tentative agendas for forthcoming meetings. It also took note of the addition of item 10.5 (on an administrative decision) to that day's agenda.

2. WEEKLY MEETING OF CHEFS DE CABINET

(RCC(2014) 2089)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Friday 6 June.

3. APPROVAL OF THE MINUTES AND SPECIAL MINUTES OF THE 2087TH MEETING OF THE COMMISSION (28 MAY) AND THE MINUTES OF THE 2088TH MEETING (2 JUNE)

(PV(2014) 2087; PV(2014) 2087, PART 2; PV(2014) 2088/2)

The Commission approved the minutes of its 2087th and 2088th meetings.

4. INTERINSTITUTIONAL RELATIONS

4.1. LEGISLATIVE MATTERS

- i) Amendment of Council Directive 2009/71/EURATOM of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations (Council Directive) – JORDAN report – 2013/0340 (NLE)
(SI(2014) 243)**

The Commission approved the line set out in SI(2014) 243.

- ii) Signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part (Council Decision) – 2013/0155 (NLE)
(SI(2014) 244 to /4)**

The Commission approved the line set out in SI(2014) 244/4.

4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

- iii) Programming of Council business
(SI(2014) 246)**

The Commission took note of the information in SI(2014) 246 on the Council meetings between 12 and 25 June.

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

iv) Action taken on opinions of the European Economic and Social Committee – 1st two-month period 2014 (January and February)

(SC(2014) 20 and /2)

The Commission approved the replies to the opinions adopted by the Economic and Social Committee during the first two-month period of 2014 contained in the document distributed as SC(2014) 20/2, for transmission to that Committee.

5. MONITORING THE APPLICATION OF EUROPEAN UNION LAW

5.1. STATE AID – INDIVIDUAL CASES

(SEC(2014) 369; RCC(2014) 52)

The Commission adopted the decisions in SEC(2014) 369.

5.2. INFRINGEMENTS – URGENT INDIVIDUAL CASES

(SEC(2014) 360)

The Commission adopted the decisions in SEC(2014) 360.

**6. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EU, EURATOM) 883/2013 AS REGARDS THE ESTABLISHMENT OF A CONTROLLER OF PROCEDURAL GUARANTEES
(COM(2014) 340 AND /2; SWD(2014) 183; RCC(2014) 51)**

The Commission adopted the proposal for a Regulation set out in COM(2014) 340/2, and decided to send it to the European Parliament, the Council, the Court of Auditors and the national parliaments, and, for information, to the European Data Protection Supervisor, together with the impact assessment in staff working document SWD(2014) 183, the contents of which were noted.

**7. STATEMENT OF ESTIMATES OF THE COMMISSION FOR 2015 – PREPARATION OF THE 2015 DRAFT GENERAL BUDGET OF THE EUROPEAN UNION
(SEC(2014) 357 TO /3, DOCUMENTS I, II, III, IV, V AND V BIS;
RCC(2014) 50)**

**8. PROPOSAL FOR A DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE MOBILISATION OF THE EU SOLIDARITY FUND
(COM(2014) 348 AND /2; RCC(2014) 50)**

9. PROPOSAL FOR A DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE MOBILISATION OF THE FLEXIBILITY INSTRUMENT

(COM(2014) 349 AND /2; RCC(2014) 50)

The Commission:

- adopted the statement of estimates as set out in documents I, II, III, V and V bis, distributed as SEC(2014) 357/3, and document IV, distributed as SEC(2014) 357/2, as a basis for drawing up the draft general budget of the European Union for the 2015 financial year;
- authorised Mr LEWANDOWSKI, the Member of the Commission with responsibility for the budget and financial programming, to send documents I, II, III and IV to the European Parliament and the Council, for information;
- empowered Mr LEWANDOWSKI, Member of the Commission with responsibility for the budget and financial programming, in agreement with the PRESIDENT, to finalise documents I, II, III, IV, V and V bis and to convert documents I, II, III and IV into the corresponding volumes of the draft general budget for the 2015 financial year, and to send them to the European Parliament and the Council and, for information, to the national parliaments;
- empowered Mr LEWANDOWSKI, Member of the Commission with responsibility for the budget and financial programming, in agreement with the PRESIDENT and in accordance with Article 314(1) of the Treaty on the Functioning of the European Union, to consolidate the draft general budget for the 2015 financial year on the basis of the latest information supplied by the other institutions concerning their own statements of estimates, which might contain different estimates;

- adopted the proposals for a Decision of the European Parliament and of the Council set out in COM(2014) 348/2 and COM(2014) 349/2 and decided to send them to the European Parliament and the Council and, for information, to the national parliaments.

10. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2014) 354/2)

ADMINISTRATIVE MATTERS

(PERS(2014) 88/2)

10.1. DG ENLARGEMENT – APPOINTMENT OF AD14/15 DIRECTOR

(PERS(2014) 20 TO /3)

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director, ‘Enlargement Policy and Strategy’, in DG Enlargement (PERS(2014) 20).

It took note of the opinions of the Consultative Committee on Appointments of 17 March and 10 April 2014 (PERS(2014) 20/2 and /3).

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 FÜLE, it then decided to appoint Mr Simon MORDUE to the post.

This decision would take effect on 1 September 2014.

**10.2. DG ENTERPRISE AND INDUSTRY – APPOINTMENT OF AD14/15
DIRECTOR
(PERS(2014) 62 TO /3)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director, ‘Single Market for Goods’, in DG Enterprise and Industry (PERS(2014) 62).

It took note of the opinions of the Consultative Committee on Appointments of 14 and 22 May 2014 (PERS(2014) 62/2 and /3).

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 TAJANI, it then decided to appoint Ms Valentina SUPERTI to the post.

This decision would take effect on 1 July 2014.

**10.3. INTERNAL AUDIT SERVICE – APPOINTMENT OF AD14/15
DIRECTOR
(PERS(2014) 75 TO /3)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director, ‘Horizontal Affairs and Audit in EU Agencies’, in the Internal Audit Service (PERS(2014) 75).

It took note of the opinions of the Consultative Committee on Appointments of 24 April and 15 May 2014 (PERS(2014) 75/2 and /3).

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 ŠEMETA, it then decided to appoint Mr Reinder VAN DER ZEE to the post.

This decision would take effect on 16 July 2014.

**10.4. DG JUSTICE – APPOINTMENT OF AD14/15 PRINCIPAL ADVISER
(PERS(2014) 60 TO /3)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Principal Adviser with responsibility for ‘Strategies for the development of justice policies’ in DG Justice (PERS(2014) 60).

It took note of the opinions of the Consultative Committee on Appointments of 29 April and 22 May 2014 (PERS(2014) 60/2 and /3).

The Commission proceeded to consider the applicant’s 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 Ms REDING, it then decided to appoint Ms Clara MARTÍNEZ ALBEROLA to the post.

This decision would take effect on a date to be determined.

**10.5. DG ECONOMIC AND FINANCIAL AFFAIRS – APPOINTMENT OF
AD14/15 AND AD14 (EU-28) PRINCIPAL ADVISER
(PERS(2014) 27 TO /5)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii), Article 29(1)(b) and Article 29(2) of the Staff Regulations for the post of Principal Adviser in DG Economic and Financial Affairs to serve as EU Director at the European Bank for the Reconstruction and Development (EBRD) (PERS(2014) 27 to /3).

It took note of the opinions of the Consultative Committee on Appointments of 23 April and 7 May 2014 (PERS(2014) 27/4 and /5).

The Commission proceeded to consider the applicants' qualifications for the post. On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr REHN, it then decided to appoint Mr Martin SELMAYR to the post.

This decision would take effect on 1 July 2014.

11. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COURT OF AUDITORS – SYNTHESIS OF THE COMMISSION'S MANAGEMENT ACHIEVEMENTS IN 2013

(COM(2014) 342 AND /2; RCC(2014) 49 AND /2)

The PRESIDENT presented the Communication on the synthesis of the management achievements in 2013, which was being tabled for approval by the Commission that day. By adopting this synthesis report, thereby launching the discharge procedure, the Commission was fully assuming its political responsibility for the management of its departments and making an important political statement.

The PRESIDENT urged the Commission Members to be prepared to provide detailed replies to any questions Parliament might raise on particular aspects of management in 2013. The Communication referred to the assurances and reservations made by the directors-general and heads of service in their annual activity reports. The PRESIDENT welcomed the fact that, in line with the current rules, all the draft annual reports and any reservations accompanying them had been the subject of a dialogue between the directors-general and the Members of the Commission concerned before being signed. He reminded the meeting of the responsibility of each Member of the Commission for close and regular monitoring of the implementation of the action plans drawn up by the departments in relation to the reservations issued. The synthesis report for 2013 also provided a transparent review of the efforts made by the Commission to improve management and internal

control.

Finally, the PRESIDENT referred to the annual meeting between the Commission and the Court of Auditors, which would take place in Luxembourg on Tuesday 15 July in the form of a working dinner. This annual meeting was an indication of the political importance which the Commission attached to the auditing of its management, and the special nature of this year's meeting would reflect the institutional transition. He hoped that the relationship of trust which had developed with the Court of Auditors in recent years could be consolidated, and stressed the active role to be played by all Commission Members, both collectively and individually, through close monitoring of their respective areas of responsibility.

Mr ŠEMETA echoed the PRESIDENT's comments on the political importance of the synthesis report on the Commission's management achievements. He particularly stressed the political accountability of the Members of the Commission in this respect, reiterating the point that they were expected to be very actively involved in the various stages of the discharge procedure and had to be prepared to provide any explanations requested by Parliament, drawing on their knowledge of the departments' annual activity reports.

He reported that for the fourth consecutive year the Commission's Internal Audit Service had issued a broadly positive opinion; its comments had been duly incorporated into the synthesis report.

As regards the external auditor – the Court of Auditors – he referred to the potential impact of its methodology of auditing on an annual basis, which made it impossible to take into account the financial corrections and recoveries made by the Commission over a multiannual financing period. Given that this methodology on an annual basis could give the incorrect impression that the protection of the Union's budget was inadequate, he felt that this fundamental question needed to be discussed with the Court of Auditors.

Referring to the annual activity reports of the Commission departments, Mr ŠEMETA noted a downward trend in the number of reservations, from 29 in 2012 to 21 in 2013, although this fall was not reflected in a reduction in the amount identified as being at risk. This trend could be attributed to the extra effort invested by the Commission. He pointed out that this year, for the first time, the Commission had presented its own estimate of the amount at risk, which represented a rate of 2.8 %, taking into account the preventive and corrective measures applied. This rate was likely to be compared with that resulting from the methodology used by the Court of Auditors and the longer-term trend would also be scrutinised, this being a matter of special political significance.

He also referred to the essential contribution which the Member States had to make in the case of shared management in order to bring down the error rate and said that a number of relevant recommendations had been made for future years.

Mr ŠEMETA concluded by thanking the Commission Members for their contribution to obtaining the discharge for the 2012 financial year and urging them to adopt an equally rigorous approach to the discharge for 2013. Most of this procedure would take place during the term of the next Commission, but the current Commission had a duty to prepare the ground as thoroughly as possible before the institutional transition.

The Commission held a discussion, during which the following main points were raised:

- the support of the Commission Members for the Communication presented by Mr ŠEMETA, which not only took stock of the developments observed and progress made in 2013, but also identified a number of trends for future years;
- the observation that some issues surrounding the synthesis report were both political and technical in nature, hence the need to ensure a consistent approach

and obtain the widespread involvement of all the parliamentary committees concerned, particularly as the new European Parliament took office;

- confirmation of the importance of determining the estimated error rate over a period of several years so that it took account of financial corrections and recoveries made by the Commission; the need, particularly with regard to public opinion, to guard against false assumptions and simplistic arguments;
- the important role played by Member States in ensuring a high standard of management of the financial resources under shared management and the possibility of considering additional measures for that purpose;
- the need to point out that the error rate alone was not necessarily an indicator of sound implementation of resources and the case, therefore, for moving towards a more relevant criterion in the medium term; the importance now attached to the performance management framework and hence the need at all times to have background information that demonstrated the added value of measures financed by the Union;
- the constructive nature, for all stakeholders, of the process of collaborative preparation, which made for better mutual understanding of the methods employed respectively by Commission departments and the Court of Auditors;
- mention of the audit methods used by the Court of Auditors, including the proposal put forward the previous year to look more closely at possible priority areas for the management of the Union's financial resources.

Mr ŠEMETA thanked the other Commission Members for their comments. He agreed on the need to ensure broad participation of all the parliamentary committees concerned in the discharge procedure for 2013, particularly given the importance now attached to performance management. He noted that this approach had been followed the previous year and recommended that it be continued in future years.

On the question of the estimated error rate, he stressed that Commission departments must play an active part in the forthcoming adversarial procedure for 2013. While special attention was now being paid to this indicator, any progress made would open the way to more detailed discussions with the Court of Auditors on other matters of principle relating to the discharge procedure. As regards the Court's methodology, changes in which inevitably had implications for the Commission, he stressed that the Commission should continue to press the case for its ex post inspections and measures to be taken into account.

He ended by thanking the Members of the Commission and their departments for remaining firmly committed up to the end of the current term of office. It was important to leave the next Commission with the best possible basis for the discharge for the 2013 financial year.

The PRESIDENT wound up the discussion by thanking Mr ŠEMETA and his departments for preparing the Communication laid before the Commission that day and for his commitment and coordination efforts regarding the discharge procedure, which, he stressed, was both a technical and a political matter.

At the end of this discussion, the Commission:

- approved the Communication on the synthesis of the Commission's management achievements in 2013, as set out in COM(2014) 342/2, together with the technical annexes, for transmission to the European Parliament, the Council and the Court of Auditors, and, for information, to the national parliaments;
- took note of the fact that each Member of the Commission had been made aware of the annual activity report and declaration presented by his or her director(s) - general or head(s) of service, and that a reference to this dialogue was specifically mentioned in each annual activity report;

- took note of the fact that the declarations of assurance contained in the annual activity reports did not cover the Members' private offices and their expenditure;
- authorised Mr ŠEMETA, Member of the Commission with responsibility for audit and anti-fraud measures, to present this synthesis report to the discharge authority.

12. OTHER BUSINESS

RESULTS OF THE TECHNICAL ANALYSIS CARRIED OUT WITH THE UK AUTHORITIES IN ACCORDANCE WITH ARTICLE 10 OF PROTOCOL 36 TO THE TREATY (INFO(2014) 42/2)

The PRESIDENT referred to the information note he had circulated regarding the UK's declared intention to invoke the provisions of Article 10 of Protocol 36 to the Treaties governing the transitional period with respect to acts of the Union in the field of police cooperation and judicial cooperation in criminal matters. He explained that the British government, having notified its intention to exercise its right to a block opt-out from these acts in 2013, had since communicated its wish to opt back in to some of them, as provided for in Article 10(5) of Protocol 36. Although this provision stated that the formal notification of the intention to opt back in to certain acts and the subsequent formal response from the Commission could not be made until 1 December 2014, the PRESIDENT highlighted the need to establish a clear position as soon as possible in order to prevent any potential legal vacuum in these sensitive areas on 1 December.

He explained that the Commission had thus been assigned a clearly defined task consisting in particular of evaluating the overall coherence and practical consequences of an opt-back-in to these acts. The technical analysis had led to the

recommendation that certain acts be added to the list of those which the United Kingdom wished to opt back into, and the PRESIDENT reported that the British government had already indicated that it accepted these comments.

He thanked in particular Ms REDING and Ms MALMSTRÖM and their departments for their work on this matter. Furthermore, he highlighted that the approach developed in this way responded to the other requirement enshrined in the Treaties, which was to establish the widest possible participation of the United Kingdom in the *acquis communautaire* in the area of freedom, security and justice. He also noted that a certain number of key instruments appeared on the list of legal acts which the United Kingdom wished to opt back into, including the European arrest warrant.

The PRESIDENT concluded by noting the agreement of the Members of the Commission with the suggested approach. The United Kingdom would be duly informed as would the Council and Parliament.

The Commission took note of the information in INFO(2014) 42/2. It approved the conclusions reached in the document and in particular the intention to undertake an exchange of letters with the United Kingdom to confirm that both the Commission and the United Kingdom government endorsed the result of the technical analysis carried out in accordance with the provisions of Article 10(5) of Protocol 36 to the Treaties, on the understanding that the final agreement remained subject to a formal decision which would have to be taken on 1 December 2014 pursuant to the provisions of the Treaties.

13. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

13.1. WRITTEN PROCEDURES APPROVED

(SEC(2014) 350 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 2 and 6 June.

13.2. EMPOWERMENT

(SEC(2014) 351 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 2 and 6 June.

13.3. DELEGATION AND SUBDELEGATION OF POWERS

(SEC(2014) 352 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 2 and 6 June, as archived in e-Greffe.

13.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2014) 353 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 10 and 13 June.

13.5. PROPOSAL FOR A COUNCIL DECISION DETERMINING THE COMPOSITION OF THE COMMITTEE OF THE REGIONS – FORMER WRITTEN PROCEDURE PE/2014/2369 (COM(2014) 226 AND /2)

PROPOSAL FOR A COUNCIL DECISION DETERMINING THE COMPOSITION OF THE ECONOMIC AND SOCIAL COMMITTEE – FORMER WRITTEN PROCEDURE PE/2014/2368 (COM(2014) 227 AND /2)

The PRESIDENT started the discussion on the proposals for Council Decisions determining the composition of the European Economic and Social Committee and the Committee of the Regions, emphasising that the Commission was proposing a very limited review of the number of seats for each Committee. The reason for the review was the obligation set out in the Treaty to comply with the ceiling of 350 members for each Committee. The current number stood at 353 following the accession of Croatia. The proposal submitted for adoption was the best possible solution since it complied with the Treaty provisions while at the same time maintaining the most appropriate balance of representation of European citizens and sectors in the two consultative bodies.

Mr ŠEFČOVIČ explained that, under Croatia's accessions rules, the proposal determining the new allocation of seats in the two Committees must be unanimously approved by the Council. Before the entry into force of the Lisbon Treaty, the composition of the Committees was set out in the Treaties, so this was the first time that the Commission was responsible for presenting a proposal for a Decision on this matter. The current term of office of the Committee of the Regions would come to an end in January 2015 and the Decision should therefore be adopted by the Council before the summer break,

in particular to leave sufficient time for the nomination procedures at national level. Moreover, while the mandate of the European Economic and Social Committee would not end until September 2015, it seemed logical to adopt the two proposals determining the composition of the Committees at the same time and using the same approach.

Mr ŠEFČOVIČ summarised the objective of the two proposals which was to reduce the number of seats for each Committee to 350, in line with the Treaty, from the current 353.

He pointed out that the Commission had decided to follow the approach proposed by the Committee of the Regions in a recommendation adopted in 2010 involving as few changes as possible, in other words reducing from six to five the number of seats allocated to the representatives of three Member States – Luxembourg, Cyprus and Estonia. This approach would maintain the current balance which was the outcome of successive intergovernmental conferences, and was thus a realistic solution that was likely to garner the required unanimity in the Council. The proposed solution was, moreover, in line with the comments made in this connection during contacts which he and the PRESIDENT had had with the Committee of the Regions and a number of Member States.

None of the less populous Member States or even the delegations from the countries directly affected had expressed any opposition to the proposed loss of a seat. Mr ŠEFČOVIČ wound up his comments by stating that the Committee of the Regions had developed a method for the long term that would ensure the automatic adjustment of its composition to future enlargements, maintaining the current balance. The aim here was thus to make an ad hoc adjustment without, however, compromising any options that could be considered in future in a broader institutional context.

During the ensuing discussion, the Commission raised the following main points:

- the need to adopt an impartial approach when considering adjustments to the number of representatives of each Member State, and to avoid pre-empting the longer-term debate on the composition of the Committees;
- some pointed to the special nature, in terms of representativeness, of the two Committees, which were consultative bodies with the task of representing regional and social interests and were not, therefore, parliamentary assemblies; too much importance was being accorded, in relative terms, to Member States' populations in the Council proposals, resulting in a reduction in the number of seats for three small countries;
- a suggestion to propose a more substantial reform consisting of reducing the number of seats allocated to each Committee to 310, thereby ensuring that all Member States, regardless of size, would contribute to the adjustment effort; this would in addition enable the two Committees to adapt more easily to future enlargements of the Union and to cut back on running costs.

The PRESIDENT recognised the importance of this matter which concerned, in particular, fair treatment of big and small Member States, a fundamental element in the functioning of the Union. Generally speaking, the European Union reinforced the importance and influence of small Member States and, in particular, the representative importance of a member sitting in one of the Committees who came from a small country could be up to ten times greater than that of a member from a large country. Institutional changes had tended to favour the smaller Member States as was the case, for instance, when the number of Commissioners granted to the bigger Member States in the past was reduced from two to one. The perceived under-representation of the big Member States must also be taken into account in all these matters in order to ensure a generally fair balance that was acceptable to all.

The PRESIDENT ended the discussion by pointing out that the two proposals

did not form part of an overall reform of the institutions but rather of an ad hoc, necessary adjustment of the composition of the Committee of the Regions and of the Economic and Social Committee, the internal balance of which needed to be preserved.

Following the discussion, the Commission adopted the two proposals for Council Decisions set out in COM(2014) 226 and COM(2014) 227, and decided to transmit them to the Council and, for information, to the European Parliament, the European Economic and Social Committee, the Committee of the Regions and the national parliaments.

The Commission's other discussions on this item are recorded in the special minutes.

14. RELATIONS WITH NON-MEMBER COUNTRIES

RESULTS OF THE G7 SUMMIT (BRUSSELS, 4 AND 5 JUNE) (INFO(2014) 43)

The PRESIDENT informed the Commission Members of his participation in the G7 summit held in Brussels on 4 and 5 June. For the first time the Union, represented by the Commission President and the President of the European Council, had been responsible for organising the Summit.

As a result of the G7 meeting, it had been possible to adopt a strong and frank position on the situation in Ukraine and discuss relations with Russia and the situation in Syria and Libya. Generally speaking, the PRESIDENT welcomed the fact that the G7 members were in agreement over a series of important matters and had formally supported several measures proposed by the Union, ranging from the organisation of a donors' conference for Ukraine to be held in Brussels the following

(11 June 2014)

month to the development of a new approach to security of energy supplies. He also referred to the intention expressed by the G7 members to support an ambitious binding agreement on climate change in 2015 and, in relation to development, to adopt measures in the areas of food security, health and vaccination.

The Commission took note of these observations and of the briefing note distributed as INFO(2014) 43.

*

* *

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

*

* *

The meeting closed at 11.21.