



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2013) 2031 final

Brussels, 30 January 2013

MINUTES
of the 2031st meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 23 January 2013
(morning)

PV(2013) 2031 final

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Single sitting: Wednesday 23 January 2013 (morning)

The sitting was opened at 9.07 by Ms REDING, President BARROSO being absent.

Present:

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	
Mr ŠEMETA	Member	
Ms GEOGHEGAN-QUINN	Member	
Mr OETTINGER	Member	
Mr HAHN	Member	
Ms HEDEGAARD	Member	
Mr ANDOR	Member	
Ms MALMSTRÖM	Member	
Mr CIOLOŞ	Member	Item 8 (in part)
Mr BORG	Member	

Absent:

Mr BARROSO	President
Baroness ASHTON	High Representative/ Vice-President
Mr TAJANI	Vice-President
Mr PIEBALGS	Member
Ms VASSILIOU	Member
Mr DE GUCHT	Member
Mr LEWANDOWSKI	Member
Ms DAMANAKI	Member
Ms GEORGIEVA	Member
Mr FÜLE	Member

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

Mr MORRISON	Chef de cabinet to Baroness ASHTON
Ms SUPERTI	Deputy Chef de cabinet to Mr TAJANI
Mr HILL	Deputy Chef de cabinet to Ms VASSILIOU
Ms CHRISTOPHIDOU	Chef de cabinet to Ms DAMANAKI
Ms HRISTCHEVA	Deputy Chef de cabinet to Ms GEORGIEVA
Mr MORDUE	Chef de cabinet to Mr FÜLE

The following also sat in:

Mr LAITENBERGER	Chef de cabinet to the PRESIDENT	
Mr ROMERO REQUENA	Director-General, Legal Service	
Mr PAULGER	Director-General, DG Communication	
Ms AHRENKILDE HANSEN	Commission Spokeswoman	
Mr THEBAULT	Head of the Bureau of European Policy Advisers	
Mr SELMAYR	Chef de cabinet to Ms REDING	
Mr NOCIAR	Chef de cabinet to Mr ŠEFČOVIČ	Items 1 to 7
Mr PESONEN	Chef de cabinet to Mr REHN	

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

1. AGENDAS

(OJ(2013) 2031/FINAL; SEC (2013) 49/2)

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) 2031)

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

3. APPROVAL OF THE MINUTES OF THE 2029TH AND 2030TH COMMISSION MEETINGS (9 AND 15 JANUARY)

(PV(2013) 2029; PV(2013) 2030)

The Commission approved the minutes of its 2029th and 2030th meetings.

4. MONITORING THE APPLICATION OF EUROPEAN UNION LAW

STATE AID – INDIVIDUAL CASES

(SEC(2013) 59/3)

The Commission adopted the decisions in SEC(2013) 59/3.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. *WRITTEN PROCEDURES APPROVED*

(SEC(2013) 50 ET SEQ.)

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

5.2. *EMPOWERMENT*

(SEC(2013) 51 ET SEQ.)

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

5.3. *DELEGATION AND SUBDELEGATION OF POWERS*

(SEC(2013) 52 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 January, as archived in e-Greffe.

5.4. *SENSITIVE WRITTEN PROCEDURES*

(SEC(2013) 53 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 21 and 25 January and of the 'finalisation' written procedures initiated following the weekly meeting of Chefs de cabinet on 21 January.

6. COMMISSION DECISION ON A PROCEEDING UNDER ARTICLE 101 OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION (CASE COMP/39839 – TELEFONICA / PORTUGAL TELECOM) (COM(2013) 306 TO /9; RCC(2013) 7)

The Commission:

- took note of the opinions of the Advisory Committee on Restrictive Practices and Dominant Positions of 19 November 2012 and 21 January 2013 in C(2013) 306/3 and C(2013) 306/5;
- took note of the final report of the Hearing Officer of 21 January in C(2013) 306/6;
- adopted, in the authentic languages (English and Portuguese), the decision in C(2013) 306/7 finding that the undertakings to which the decision was addressed had infringed Article 101 of the Treaty on the Functioning of the European Union and imposing a fine of €79 184 000 on those undertakings;
- decided that the decision in C(2013) 306/7 would be notified to the companies concerned, accompanied by the annex in C(2013) 306/8 (for the English version of the decision) and the annex in C(2013) 306/9 (for the Portuguese version of the decision), together with the final report of the Hearing Officer;
- decided that the key parts of the Decision, together with the Advisory Committee's opinions and the Hearing Officer's final report, would be published in the official languages of the Union in the Official Journal of the European Union (with business secrets and other confidential information removed);
- decided also to publish the decision on the internet (with business secrets and other confidential information removed).

7. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2013) 54 AND /2)

ADMINISTRATIVE MATTERS

(PERS(2013) 8 AND /2)

**7.1. DG COMPETITION – AUTHORISATION OF RECRUITMENT OF A
TEMPORARY STAFF MEMBER, UNDER ARTICLE 2(a) OF THE
CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS OF THE
EUROPEAN UNION, AND AUTHORISATION OF EXTERNAL
PUBLICATION OF A VACANCY NOTICE FOR AN AD14 DIRECTOR
POST (EU-27)**

(PERS(2013) 9)

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr ALMUNIA, the Commission decided:

- to authorise the recruitment of a temporary staff member, under Article 2(a) of the Conditions of Employment of Other Servants of the European Union, as a grade AD14 director in order to fill for a period of three years, renewable once for a maximum of two years, the post of Chief Competition Economist, which would become vacant on 1 September 2013;
- to authorise the external publication (EU-27) of the vacancy notice set out in PERS(2013) 9.

These decisions would take effect immediately.

**7.2. DG HUMAN RESOURCES AND SECURITY – APPROVAL OF LISTS OF CANDIDATES FOR HEAD OF EUROPEAN UNION DELEGATION POSTS IN CANADA, MEXICO AND PERU
(PERS(2013) 10; PERS(2013) 11; PERS(2013) 12)**

The Commission took note of the information at point 2 of PERS(2013) 8 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, decided to approve the lists of candidates in PERS(2013) 10, PERS(2013) 11 and PERS(2013) 12 for the posts of Head of the European Union Delegations to Canada, Mexico and Peru (AD13-14/AD13); these lists would serve as a basis for the competent authority of the European External Action Service to make the final appointments.

This decision would take effect immediately.

**7.3. DG HUMAN RESOURCES AND SECURITY/DG INFORMATICS – AMENDMENT OF ORGANISATION CHART, APPOINTMENT OF AN AD16 HORS CLASSE ADVISER, AND INTERNAL PUBLICATION OF A VACANCY NOTICE FOR AN AD15/16 DIRECTOR-GENERAL
(PERS(2013) 17)**

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, the Commission decided:

- to approve the creation of a temporary *Hors Classe* Adviser function, based in Luxembourg, within the Directorate-General for Human Resources and Security; this function would be automatically suppressed upon the departure of the job holder;
- to entrust the *Hors Classe* Adviser who, as Chief Adviser on information technologies (Chief IT Adviser), would report directly to Mr ŠEFČOVIČ, with the task of (i) identifying, in close cooperation with the relevant departments in the Commission and its main stakeholders, and building on the ongoing Commission initiatives, in particular the European eGovernment Action Plan (2011-2015), ways of speeding up

implementation of eGovernance within and between Commission departments, and the main factors and necessary conditions for making rapid progress in this area, (ii) presenting recommendations directly to Mr ŠEFČOVIČ, taking account of the need for effective use of resources and better knowledge-sharing between Commission departments, and an indicative timetable for implementation, and (iii) representing Mr ŠEFČOVIČ, if he so requests, in international forums and in tasks related to the role of information technologies in public administrations;

- to transfer to this *Hors Classe* Adviser function, in the interest of the service, under Article 7 of the Staff Regulations, Mr Francisco GARCÍA MORÁN, currently Director-General of the Directorate-General for Informatics;
- to authorise the internal publication, under Article 29(1)(a)(i) and (iii) of the Staff Regulations, of the vacancy notice in PERS(2013) 17 for the function of Director-General of the Directorate-General for Informatics, which decision would take effect immediately;
- to authorise, unless otherwise indicated, that the date of effect of these decisions would be determined by simplified procedure.

8. INTERINSTITUTIONAL RELATIONS

8.1. LEGISLATIVE MATTERS

i) Ordinary legislative procedure

Dossier at Parliament first reading

- Establishment of the European Border Surveillance System (Eurosur) (Regulation) – MULDER report – 2011/0427 (COD)

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

**ii) Action to be taken on Parliament's legislative opinions and resolutions of a legal nature
(SP(2013) 40)**

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) 40, drawn up following the January part-session of Parliament, the contents of which were noted.

8.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

**iii) Recommendation for a Council decision authorising the Commission to negotiate, within the United Nations, the Arms Trade Treaty as it relates to matters falling under the competence of the European Union
SI(2013) 8**

The Commission approved the line set out in SI(2013) 8.

**iv) Programming of Council business
(SI(2013) 9)**

The Commission took note of the information in SI(2013) 9 on the Council meetings between 24 January and 6 February.

v) Results of the meeting of Finance Ministers of the euro area (Eurogroup) (Brussels, 21 January) and the meeting of the Economic and Financial Affairs Council (Brussels, 22 January)

Ms REDING asked Mr REHN and Mr ŠEMETA to report to the Members on the results of the meetings of the Eurogroup and the Economic and Financial Affairs Council which had been held on 21 and 22 January respectively.

By way of introduction, Mr REHN said that, despite signs of improvement on the financial markets, the ministers attending these two meetings agreed that there were no grounds for complacency at the moment, given the continuing recession.

Referring first to the meeting of the Economic and Financial Affairs Council, he welcomed the approval of the Annual Growth Survey and the five priorities which the Commission had presented on 28 November 2012, which reflected broad agreement on the main challenges facing the euro area and the European Union as a whole. He was also pleased that the third European semester, which was currently under way, had proved to be a credible tool of economic and fiscal governance that could restore confidence.

He then turned to the discussions in the Eurogroup meeting, starting with the positive verdict on the implementation of the European assistance programmes for Spain, Greece, Portugal and Ireland. He noted in particular that the Ministers had clearly signalled their willingness to consider ways of supporting Portugal and Ireland's full return to the capital markets to cover their borrowing requirements when these programmes ended, and, in particular, the suggestion by the two Member States in question that the maturity of the loans granted under the European Financial Stabilisation Mechanism / European Financial Stability Facility could be extended. This option, and others, would be carefully examined. Decisions had also been taken at the Eurogroup meeting that would allow for the payment of the next instalments of aid for Greece.

Finally, in the case of Cyprus, he reported on the consensus in favour of continuing efforts to reach agreement on an assistance programme after the Cypriot presidential election, towards the end of March. The country's borrowing requirements up until then were covered.

Mr REHN also mentioned the International Monetary Fund's very positive verdict on the progress made by the euro area since the previous summer, both in tackling the crisis and in reforming the architecture of economic and monetary union. The IMF had emphasised its support for the Commission's twin-track approach of fiscal consolidation and structural reforms.

There was also discussion about the state of play regarding the direct bank recapitalisation instrument, proposed as part of the European Stability Mechanism. The meeting concluded that the technical and political talks would continue in order to facilitate an agreement on this point.

Mr REHN also mentioned the appointment of the new President of the Eurogroup, the Dutch Finance Minister Jeroen Dijsselbloem, whose political priorities and approach had won broad support and with whom he hoped to forge good working relations. He paid tribute to the former Eurogroup President, Jean-Claude Juncker, praising his consummate skills as a mediator and the excellent work he had done for the euro area under particularly difficult circumstances.

Mr ŠEMETA then briefed the Members of the Commission on the decision of the Economic and Financial Affairs to allow 11 Member States to take steps to introduce a financial transactions tax under the enhanced cooperation procedure, the first time this mechanism had been used by the European Union in the area of taxation. In the next few weeks the Commission would be presenting a proposal outlining the features of this enhanced cooperation. This would then have to be adopted by the Member States involved, although all EU Member States would be able to take part in the discussions. Finally, he mentioned the action plan which the Commission had presented to the Council meeting on strengthening the fight against tax fraud and tax

avoidance. He welcomed the broad support shown by the Member States at this initial stage of the discussions and the importance which they attached to action in this field.

The Commission took note of this information.

8.3. *RELATIONS WITH PARLIAMENT*

vi) Results of Parliament's January part-session

(SP(2013) 29; SP(2013) 30)

The Commission took note of the information in SP(2013) 29 and SP(2013) 30 on the proceedings of the part-session of Parliament held in Strasbourg from 14 to 17 January.

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

vii) Reply to the Contribution of the 48th Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union

(Nicosia, 14 to 16 October 2012)

(SNP(2013) 1)

The Commission approved document SNP(2013) 1 containing its reply to the Contribution of the 48th Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union (COSAC), for transmission to the Presidency of COSAC.

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The meeting closed at 9.23.