



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2013) 2045 final

Brussels, 15 May 2013

MINUTES

**of the 2045th meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 8 May 2013
(morning)**

PV(2013) 2045 final

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Single sitting: Wednesday 8 May 2013 (morning)

The sitting opened at 10.05 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 TAJANI	Vice-President
Mr ŠEFČOVIČ	Vice-President
Mr POTOČNIK	Member
Mr PIEBALGS	Member
Mr BARNIER	Member
Mr ŠEMETA	Member
Mr LEWANDOWSKI	Member
Ms DAMANAKI	Member
Ms GEORGIEVA	Member
Mr OETTINGER	Member
Mr HAHN	Member
Ms HEDEGAARD	Member
Mr FÜLE	Member
Mr ANDOR	Member
Ms MALMSTRÖM	Member
Mr CIOLOŞ	Member
Mr BORG	Member

Absent:

Baroness ASHTON	High Representative/ Vice-President
Mr REHN	Vice-President
Ms VASSILIOU	Member
Mr DE GUCHT	Member
Ms GEOGHEGAN-QUINN	Member

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

Mr BANNERMAN	Adviser in Baroness ASHTON's Office	
Mr PESONEN	Chef de cabinet to Mr REHN	Items 1 to 8
Mr HILL	Deputy Chef de cabinet to Ms VASSILIOU	Items 1 to 9 (in part)
Mr BENGTTSSON	A member of Mr DE GUCHT's staff	
Mr KÜTT	Deputy Chef de cabinet to Ms GEOGHEGAN-QUINN	

The following also sat in:

Mr SOBRAL	Deputy Chef de cabinet to the PRESIDENT	
Mr ROMERO REQUENA	Director-General, Legal Service	
Mr VANDERSTEEN	Deputy Director-General (acting), DG Communication	
Ms AHRENKILDE HANSEN	Commission Spokeswoman	
Mr THEBAULT	Head of the Bureau of European Policy Advisers	
Mr DANDOY	A member of the PRESIDENT's staff	Items 1 to 8 (in part)
Mr MOUTARLIER	Adviser in Mr ŠEMETA's office	Items 1 to 8
Mr ZOUREK	Director General, DG Taxation and Customs Union	

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

1. AGENDAS

(OJ(2013) 2045/FINAL; SEC(2013) 254/2)

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) 2045)

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

3. APPROVAL OF THE MINUTES OF THE 2043RD AND 2044TH COMMISSION MEETINGS (24 APRIL AND 2 MAY)

(PV(2013) 2043)

The Commission approved the minutes of its 2043rd meeting and decided to hold over approval of the minutes of its 2044th meeting for the following week.

4. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

4.1. *WRITTEN PROCEDURES APPROVED* (SEC(2013) 255 AND SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 29 April and 3 May.

4.2. *EMPOWERMENT* (SEC(2013) 256 AND SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 29 April and 3 May.

4.3. *DELEGATION AND SUBDELEGATION OF POWERS* (SEC(2013) 257 AND SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 29 April and 3 May, as archived in e-Greffe.

4.4. *SENSITIVE WRITTEN PROCEDURES* (SEC(2013) 258)

The Commission took note of the sensitive written procedures for which the time limit had expired between 6 and 8 May.

**4.5. AD HOC EMPOWERMENT CONCERNING THE ROLE PLAYED BY THE COMMISSION IN THE MONITORING OF CONDITIONALITY ASSOCIATED WITH THE FINANCIAL SUPPORT TO GREECE PROVIDED BY THE EURO AREA MEMBER STATES
(C(2013) 2787)**

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 prepare, negotiate with the Greek authorities and sign, after approval by the lending Member States, the amendments to the memorandum of understanding setting the detailed policy conditions attached to the loan. These amendments are consistent with Council Decision 2011/734/EU as amended and the terms set out in C(2013) 2787.

5. COMMISSION REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – EU CITIZENSHIP REPORT 2013 – EU CITIZENS: YOUR RIGHTS, YOUR FUTURE

(COM(2013) 269 AND /2; RCC(2013) 63)

6. REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS UNDER ARTICLE 25 TFEU ON PROGRESS TOWARDS EFFECTIVE EU CITIZENSHIP 2011-2013

(COM(2013) 270 AND /2; RCC(2013) 63)

The Commission approved the reports in COM(2013) 269/2 and COM(2013) 270/2, for transmission to Parliament, the Council, the Economic and Social Committee, the Committee of the Regions and, for information, to the national parliaments.

7. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE COMPARABILITY OF FEES RELATED TO PAYMENT ACCOUNTS, PAYMENT ACCOUNT SWITCHING AND ACCESS TO PAYMENT ACCOUNTS WITH BASIC FEATURES (COM(2013) 266 TO /3; SWD(2013) 164 AND /2; SWD(2013) 165 AND /2; SEC(2013) 250; RCC(2013) 61)

The Commission adopted the proposal for a Directive in COM(2013) 266/3 for transmission to Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions, the European Data Protection Supervisor and the national parliaments, together with the impact assessment and the summary thereof in staff working documents SWD(2013) 164 and /2 and SWD(2013) 165/2, the contents of which were noted.

It also took note of the opinion of the Impact Assessment Board on the above proposal for a Directive, as set out in SEC(2013) 250.

8. INTERINSTITUTIONAL RELATIONS (RCC(2013) 62)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 3 May (RCC(2013) 62).

It paid particular attention to the following points.

8.1. LEGISLATIVE MATTERS

i) Ordinary legislative procedure
(point 1.2 of the IRG record)

Dossiers at Parliament first 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 SI(2013) 226 and /2.

- Markets in financial instruments and amendment of the EMIR Regulation on OTC derivatives, central counterparties and trade repositories (Regulation) / Markets in financial instruments and repeal of Directive 2004/39/EC (Directive – recast) – FERBER reports – 2011/0296 (COD) / 2011/0298 (COD)

The Commission approved the line set out in SI(2013) 228/2.

- Amendment of Directive 2005/36/EC on the recognition of professional qualifications and the Regulation on administrative cooperation through the internal market information system (Directive) – VERGNAUD report – 2011/0435 (COD)

The Commission approved the line set out in SI(2013) 229/2.

- Serious cross-border threats to health (Decision) – PARGNEAUX report – 2011/0421 (COD)

The Commission approved the line set out in SI(2013) 235 and /2.

- Amendment of Regulation (EC) 1760/2000 as regards electronic identification of bovine animals and deletion of the provisions on voluntary beef labelling (Regulation) / Amendment of Council Directive 64/432/EEC as regards computer databases which are part of the surveillance networks in the Member States (Directive) – AUCONIE reports – 2011/0229 (COD) / 2011/0228 (COD)

The Commission approved the line set out in SI(2013) 230.

- Harmonisation of recreational crafts and personal watercrafts (Directive) – HARBOUR report – 2011/0197 (COD)

The Commission approved the line set out in SI(2013) 219/3.

- General provisions for macro-financial assistance to third countries (Regulation) – KAZAK report – 2011/0176 (COD)

The Commission approved the line set out in SI(2013) 231.

- Amendment of the Staff Regulations of officials of the European Union (Regulation) – ROTH-BEHRENDT report – 2011/0455 (COD)

The Commission approved the line set out in SI(2013) 244.

Dossier at Council first reading

- Amendment of Council Regulation (EEC) 3821/85 on recording equipment in road transport and amendment of Regulation (EC) 561/2006 of the European Parliament and of the Council (Regulation) – ȚICĂU report – 2011/0196 (COD)

The Commission approved the line set out in SI(2013) 232/3.

ii) Preparation for Parliament's May part-session

(point 1.3 of the IRG record)

Ordinary legislative procedure – First reading

- Mutual recognition of protection measures in civil matters (Regulation) – LÓPEZ-ISTÚRIZ WHITE & PARVANOV report – 2011/0130 (COD)

The Commission approved the line set out in SP(2013) 302.

- Repeal of Council Regulation (EC) 552/97 temporarily withdrawing access to generalised tariff preferences from Myanmar/Burma (Regulation) – MARTIN report – 2012/0251 (COD)

The Commission approved the line set out in SP(2013) 305.

- Establishing a framework for managing financial responsibility linked to investor-state dispute settlement tribunals established by international

agreements to which the European Union is party (Regulation) – ZALEWSKI report – 2012/0163 (COD)

The Commission approved the line set out in SP(2013) 307.

- Non-commercial movement of pet animals (Regulation) / Amendment to Council Directive 92/65/EEC laying down animal health requirements governing trade in and imports into the European Union of dogs, cats and ferrets (Directive) – SCHNELHARDT reports – 2012/0039 (COD) / 2012/0040 (COD)

The Commission took note of the compromise text in SP(2013) 308, further to notes SI(2013) 53 and SI(2013) 117, which it had approved on 20 February and 12 March respectively.

- Safety of offshore oil and gas prospection, exploration and production activities (Regulation) – BELET report – 2011/0309 (COD)

The Commission approved the line set out in SP(2013) 309/2 and took note of the compromise text in SP(2013) 309, further to note SI(2013) 88, which it had already approved on 27 February.

- New Legislative Framework Alignment Package (Implementation of the Goods Package) – Harmonisation of the laws of the Member States on making pyrotechnic articles available on the market (Directive – recast) – ROITHOVÁ report – 2011/0358 COD)

The Commission took note of the compromise text in SP(2013) 310, further to note SI(2013) 103/2, which it had already approved on 6 March.

Special legislative procedure

- Fixing the period for the eighth election of representatives to the European Parliament by direct universal suffrage (Council Decision) – CASINI report – 2013/0802 (CNS)

The Commission took note of the information in SP(2013) 312.

8.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

iii) Programming of Council business

(SI(2013) 240)

The Commission took note of the information in SI(2013) 240 on the Council meetings between 9 and 22 May.

iv) Preparation of the European Council (Brussels, 22 May)

The PRESIDENT informed the Commission about the preparation of the European Council meeting of 22 May, for which the major agenda items included energy and combating tax evasion and avoidance. He said that he had sent a letter to the Heads of State or Government of the Union on these two important current issues, summarising the large number of proposals already tabled by the Commission and developing certain ideas aimed at improving cooperation, stimulating growth and reinforcing the internal market.

This European Council meeting was an important opportunity that should be used to encourage Member States to speed up the implementation of these proposals and make firm commitments for the future.

Turning first to the **energy** dossier, the PRESIDENT recalled the objectives laid down by the European Council meeting of February 2011 concerning the completion of the internal energy market and the abolition of “energy islands” by 2014 and 2015 respectively. He also referred to the key position that security of energy supplies and affordable energy occupied in the list of priorities, not only of consumers but also of companies, because of their decisive impact on competitiveness. The energy market was still suffering from a high degree of fragmentation, a lack of physical interconnections between certain regions and differences in regulation. While energy mix choices varied from one Member State to another, only a common approach could provide the best solution to the similar challenges facing everyone.

Increased European coherence in this respect would be particularly effective since this would make it possible to compare prices and pool resources.

Furthermore, the PRESIDENT considered that the efforts made to date to improve energy efficiency were insufficient. Despite the entry into force of the Directive on energy efficiency, continued energy-intensive behaviour meant that companies and consumers did not always benefit from more competitive prices; moreover, this had a detrimental effect on climate change.

He said that in relation to these matters he intended to highlight the potential for transforming the European energy landscape that could be unlocked by completing the internal energy market and ensuring more harmonised application of energy efficiency legislation. He referred to the leading role played by smart public and private sector investment in energy interconnections and renewable energy sources, emphasising in particular the importance of the Connecting Europe Facility.

He reiterated the need for increased diversification of both intra-Community and external sources of supply through new energy sources and concerted international action, and also by establishing a framework conducive to the potential use of non-conventional hydrocarbons in the Union, in particular shale gas, in order to ensure a level playing field.

He had every intention of working to achieve ambitious conclusions on all these aspects at the European Council meeting on 22 May.

Adding to these comments, Mr OETTINGER referred to the main issues which would be tackled in the Commission's contribution to the Council's discussions and which had emerged from the review of the progress achieved since the February 2011 European Council. First he took stock of the progress made in completing the internal market, underlining the need to encourage the transition from regulated prices to market-based prices. Most Member States still regulated electricity and gas prices even though world prices were

strongly influenced by the transformation of the energy market in the United States and elsewhere.

Focusing on the direct link between the development of energy infrastructure and of the internal energy market, he said that several crossborder projects designed to reinforce gas and electricity grids would be proposed in the near future. In this context, there was a case for obtaining cofinancing from the Connecting Europe Facility.

Lastly, he urged a more harmonised approach to renewable energy sources at European level in order to obtain economies of scale and move closer to achieving the target of a 20% share of total consumption from renewable energy sources.

During the brief exchange of views which ensued, the Commission (i) referred to the importance, in terms of industrial competitiveness, of having a real European energy strategy covering infrastructure and prices, and (ii) suggested obtaining a neutral scientific analysis of the advantages and disadvantages of exploiting non-conventional domestic energy sources, for instance shale gas.

Turning to the **fight against tax evasion and avoidance**, the PRESIDENT highlighted the fact that this issue had now become a top political priority both in Europe and worldwide. In this time of economic crisis, that earnings evaded the public exchequer made it difficult for Member States to implement their economic policies, and moreover meant that the social burden of fiscal consolidation was unequally shared.

The PRESIDENT said that the Commission would therefore use the forthcoming country-specific recommendations, to be adopted on 29 May in the context of the European Semester, to suggest that Member States implement measures to combat tax evasion and avoidance by means of more efficient tax administration and more equitable legislative provisions in particular. A lot could be done at European level as a result of the extensive

toolkit introduced to help Member States cooperate on tax issues. The Commission had already put forward a number of proposals, in particular the amendment of the Directive on the taxation of savings and the recommendations on tax havens and aggressive tax planning. However, unfortunately these were still to be adopted by the Council or being implemented very slowly in the Member States. The PRESIDENT hoped, therefore, that progress would be made at the Economic and Financial Affairs Council on 14 May and that the European Council would make a commitment on 22 May to speed things up.

He pointed out that a few years earlier the Union had led the way, in the field of taxation of savings, in taking the initiative on the automatic exchange of information. This principle should now be extended to other categories of income, and he announced a forthcoming Commission proposal on this point in the form of a revision of the directive on administrative cooperation.

He hoped that the European Union would also help to promote the principle of automatic exchange of information worldwide, taking advantage of the fact that this issue would be discussed at the G8 summit in June and of the recent US Foreign Account Tax Compliance Act (FATCA). Warning against the temptation of entering into uncoordinated bilateral agreements, which created imbalances and excluded certain countries, the PRESIDENT explained that his message to the European Council would be to encourage it to take a strong collective position with a view to the upcoming G8, G20 and Organisation for Economic Cooperation and Development (OECD) summits, to ensure that multilateral automatic exchange of information became the new world norm.

Taking the floor, Mr ŠEMETA explained that with regard to tax evasion and avoidance, it was time to translate words into actions and to encourage the Member States, not just at the European Council on 22 May but also at the Economic and Financial Affairs Council a week before that, to move forward decisively on a number of priorities. He reviewed the specific progress hoped for from the European Council, namely a political agreement on the directive on taxation of savings, confirmation of the demand for a package of measures

to combat value-added tax evasion that would be finalised at the end of June, and the setting of binding deadlines for the national actions to be implemented as part of the action plan presented by the Commission in December 2012.

He also confirmed the importance of strong European coordination in order to influence the world discussions on good tax governance, an area in which the Union led the field, particularly with regard to automatic exchange of information and fair tax competition. Both the G20 and the G8 were working on these issues, with the support of the OECD. He therefore hoped that the European Council would speak with one voice and adopt a common line to defend within these organisations, while ensuring that certain Member States did not opt for the less rigorous alternative of international discussion to delay decisions at European level.

Lastly, he spoke of the need for a more ambitious European approach with regard to extending the automatic exchange of information to new categories of income, such as dividends, capital gains and royalties. Echoing the President's comment, he referred to the work of the Commission's services on a forthcoming initiative in this field and stressed that it should follow the Community method.

The Commission took note of this information.

8.3. RELATIONS WITH PARLIAMENT

v) Action taken on non-legislative resolutions adopted by Parliament at its February part-session (point 3.5.2 of the IRG record)

The Commission approved, for transmission to Parliament, documents SP(2013) 304, /2 and /3 on the action taken on the non-legislative resolutions adopted by Parliament at its February part-session.

vi) Action taken on legislative opinions and non-legislative resolutions adopted by Parliament at its March part-session

(point 3.5.3 of the IRG record)

The Commission approved, for transmission to Parliament, document SP(2013) 306 on the action taken on the legislative opinions and non-legislative resolutions adopted by Parliament at its March part-session.

8.4. EXTERNAL RELATIONS

vii) Reopening of negotiations concerning a comprehensive air transport agreement between the European Union and the Federative Republic of Brazil

(point 5.1 of the IRG record)

The Commission approved the line set out in SI(2013) 233/2.

viii) Signing, on behalf of the European Union, of the World Intellectual Property Organization (WIPO) Beijing Treaty on Audiovisual Performances (Council Decision) – 2013/0065 (NLE)

(point 5.2 of the IRG record)

The Commission approved the line set out in SI(2013) 234/2.

ix) Position to be adopted on behalf of the European Union with regard to certain resolutions to be voted on in the International Organisation of Vine and Wine (Council Decision) – 2013/0095 (NLE)

(point 5.3 of the IRG record)

The Commission approved the line set out in SI(2013) 238.

8.5. MULTIANNUAL FINANCIAL FRAMEWORK 2014-2020

The PRESIDENT reported on the progress made on the two points of the budget negotiations currently being debated, namely the draft amending budget No 2 for 2013 and the Multiannual Financial Framework (MFF) for

2014-2020, at the recent meeting on 6 May held at his initiative with the President of the European Parliament and the Irish Presidency of the Council. He explained that the three institutions had reached agreement on several points at that meeting.

Firstly, agreement had been reached on the official launch of the negotiations on the future MFF and on the parallel negotiations on the draft amending budget No 2 for 2013. On this last point, Parliament had agreed with the Council's proposal to move forward on this issue in two stages: first, the release of a tranche of €7.3 billion, to be submitted for approval by the Economic and Financial Affairs Council on 14 May and secondly, the principle of a political commitment, to be drawn up by the Council presidency in agreement with the Member States, on the second tranche of the amending budget in order to make up the difference of €3.9 billion with respect to the minimum allocation of €11.2 billion proposed by the Commission and reiterated at the meeting in question.

With regard to the MFF 2014-2020, he referred to the launch of the negotiations with the first official trialogue, to be held on 13 May. The conclusions of the European Council on 7-8 February were the starting point for these negotiations, which would focus on the following four questions: increased flexibility of transfers between headings, a review clause, the question of own resources and budget unity.

He also reported on the significant agreement reached not to re-open discussions on Heading 5 (administrative expenditure) and, consequently, to step up negotiations on the revision of the Staff Regulations, which was a key part of the agreement on the Multiannual Financial Framework.

The PRESIDENT stressed that these two budget negotiations should converge as quickly as possible, while reminding the meeting that the principle of all negotiations is that nothing is agreed until everything is agreed. While not underestimating the difficulties and obstacles that would still have to be overcome in the weeks and months ahead, he had perceived a shared

determination to move forward in order to bring to an end as soon as possible the uncertainty regarding the budget and the Union's investments in growth and job creation. The opportunity provided by the momentum built up should be seized in order to take the last decisive steps.

Mr LEWANDOWSKI endorsed the PRESIDENT's words and stressed the growing difficulty of explaining to the public that the budget negotiations were still under way at a time when people were expecting Europe to invest, for example, in urgent policy priorities such as the initiative to reduce youth unemployment. He emphasised the joint responsibility of all the European institutions to bring these negotiations to a successful conclusion.

Coming back to the additional €7.3 billion in payments for 2013 to be released in the first stage and to the principle of a two-step approach which would make it possible to reach the €11.2 billion considered necessary, he welcomed the agreement which was taking shape, while pointing out a number of pitfalls to be avoided both at the political and institutional level before the Member States reached agreement by a qualified majority. He stressed the need for all the participants to abandon the inter-institutional bargaining in which citizens had no interest in order to give the European economy the predictability it sorely needed.

Mr ŠEFČOVIČ, for his part, summed up the discussions on the amendment of the Staff Regulations of Officials and Conditions of Employment of Other Servants of the European Union, and thus Heading 5 – Administrative Expenditure – of the future 2014-2020 MFF. He pointed out that the Permanent Representatives Committee (COREPER) would that day adopt a mandate authorising the Council to start dialogues with Parliament and the Commission. The first of these would be held on 13 May. He explained that the discussions might prove difficult, in particular as regards the method for adjusting remuneration and pensions, which was of particular concern for staff of the European institutions. He also recalled the possibility of withdrawing a Commission proposal should it be substantially denatured.

In view of this context, he recommended that there should be a substantial internal communication drive and stated that he would publish that evening a memorandum following COREPER's decision, that he would meet the staff representatives on Monday 13 May and that he would send a message to all Commission staff the following morning to provide them with information on the next steps of the process. He hoped that this negotiation could be concluded at the same time as that of the future MFF and informed the Members of the Commission that he would keep them abreast of developments.

The Commission took note of this information.

9. OTHER BUSINESS

STATE OF PUBLIC OPINION IN EUROPE

Ms REDING briefly presented a document, circulated at the meeting, which contained the results of a poll of citizens of the 27 Member States conducted in April 2013. She stated the main trends revealed, particularly as regards citizens' support for the European Single Currency, their perception of the economic situation, and their degree of satisfaction with the action of the national governments and European institutions.

During a brief discussion, Members referred to the need to place certain statistical data – which could give rise to a simplified interpretation - in their general political context, to the impact of the economic crisis on the poll results and to the lessons to be learned by the Commission from this information in terms of how best to explain the advantages offered by Europe in citizens' everyday lives.

The PRESIDENT concluded the discussion by calling on the Members of the College to do everything in their power to encourage citizens to take part in European democracy and to mobilise the large parties, in the Member States, so that they clearly take ownership of the European project, a few months ahead of the

European Parliament elections.

The Commission took note of this information.

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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 11.19.