



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2013) 2047 final

Brussels, 29 May 2013

MINUTES

**of the 2047th meeting of the Commission
held in Strasbourg
(Winston Churchill building)
on Tuesday 21 May 2013
(afternoon)**

PV(2013) 2047 final

TABLE OF CONTENTS

Attendance list	4-6
1. AGENDAS (OJ(2013) 2047/FINAL; SEC(2013) 277/2).....	7
2. WEEKLY MEETING OF CHEFS DE CABINET (RCC(2013) 2047).....	7
3. MINUTES OF 2046TH MEETING (15 MAY) (PV(2013) 2046)	7
4. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS.....	8
4.1. WRITTEN PROCEDURES APPROVED (SEC(2013) 278 ET SEQ.).....	8
4.2. EMPOWERMENT (SEC(2013) 279 ET SEQ.)	8
4.3. DELEGATION AND SUBDELEGATION OF POWERS (SEC(2013) 280 ET SEQ.).....	8
4.4. SENSITIVE WRITTEN PROCEDURES (SEC(2013) 281 AND /2)	8
4.5. AD HOC EMPOWERMENT CONCERNING THE DRAFT COMMISSION REGULATION PROHIBITING BLUEFIN TUNA FISHING ACTIVITIES IN THE ATLANTIC OCEAN EAST OF LONGITUDE 45° W AND IN THE MEDITERRANEAN SEA FOR [GEAR] FLYING THE FLAG OF OR REGISTERED IN [MEMBER STATE] (C(2013) 2926).....	9
5. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING COUNCIL REGULATION (EC) 1083/2006 AS REGARDS CERTAIN PROVISIONS RELATING TO FINANCIAL MANAGEMENT FOR CERTAIN MEMBER STATES EXPERIENCING OR THREATENED WITH SERIOUS DIFFICULTIES WITH RESPECT TO THEIR FINANCIAL STABILITY AND TO THE DECOMMITMENT RULES FOR CERTAIN MEMBER STATES (COM(2013) 301 TO /3; RCC(2013) 67).....	10

6. INTERINSTITUTIONAL RELATIONS (RCC(2013) 66)	10
6.1. <i>LEGISLATIVE MATTERS</i>	10
6.2. <i>RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL</i>	13
6.3. <i>RELATIONS WITH PARLIAMENT</i>	18
6.4. <i>EXTERNAL RELATIONS</i>	19

Single sitting: Tuesday 21 May 2013 (afternoon)

The sitting opened at 13.15 with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	President	
Mr KALLAS	Vice-President	
Ms KROES	Vice-President	
Mr TAJANI	Vice-President	
Mr REHN	Vice-President	
Mr POTOČNIK	Member	
Mr PIEBALGS	Member	
Mr BARNIER	Member	
Ms VASSILIOU	Member	
Mr ŠEMETA	Member	Item 6 (in part)
Mr OETTINGER	Member	
Mr HAHN	Member	Item 6 (in part)
Ms HEDEGAARD	Member	
Mr FÜLE	Member	
Mr ANDOR	Member	
Ms MALMSTRÖM	Member	
Mr BORG	Member	

Absent:

Baroness ASHTON	High Representative/ Vice-President
Ms REDING	Vice-President
Mr ALMUNIA	Vice-President
Mr ŠEFČOVIČ	Vice-President
Mr DE GUCHT	Member
Ms GEOGHEGAN-QUINN	Member
Mr LEWANDOWSKI	Member
Ms DAMANAKI	Member
Ms GEORGIEVA	Member
Mr CIOLOŞ	Member

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

Ms CASTAGNOLI	A member of Baroness ASHTON's staff
Mr BALTAZAR	A member of Ms REDING's staff
Mr PEREZ CALDENTEY	A member of Mr ALMUNIA's staff
Ms PERESSO	A member of Mr DE GUCHT's staff
Mr HARMON	A member of Ms GEOGHEGAN-QUINN's staff
Mr INOTAI	A member of Ms DAMANAKI's staff
Ms KAMILAROVA	A member of Ms GEORGIEVA's staff

The following also sat in:

Mr LAITENBERGER	Chef de cabinet to the PRESIDENT	
Mr ROMERO REQUENA	Director-General, Legal Service	
Mr VANDERSTEEN	Deputy Director-General (acting), DG Communication	
Mr DOENS	Head of the Commission Spokesperson Service	
Ms AHRENKILDE HANSEN	Commission Spokeswoman	
Mr THEBAULT	Head of the Bureau of European Policy Advisers	
Ms SUTTON	A member of the PRESIDENT's staff	
Mr KARNITSCHNIG	A member of the PRESIDENT's staff	
Mr MOUTARLIER	A member of Mr ŠEMETA's staff	Items 1 to 6 (in part)
Mr GAMBS	Chef de cabinet to Mr HAHN	Items 1 to 6 (in part)

Secretary: Ms DAY, Secretary-General, assisted by Mr GENISSON, Head of Unit in the Secretariat-General.

1. AGENDAS

(OJ(2013) 2047/FINAL; SEC(2013) 277/2)

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) 2047)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Friday 17 May.

3. MINUTES OF 2046th MEETING (15 MAY)

(PV(2013) 2046)

The Commission held over approval of the minutes of its 2046th meeting for the following week.

4. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2013) 278 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 13 and 17 May.

4.2. EMPOWERMENT

(SEC(2013) 279 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 13 and 17 May.

4.3. DELEGATION AND SUBDELEGATION OF POWERS

(SEC(2013) 280 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 13 and 17 May, as archived in e-Greffe.

4.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2013) 281 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 21 and 24 May and of the finalisation written procedures initiated following the weekly meeting of Chefs de cabinet on 17 May.

**4.5. AD HOC EMPOWERMENT CONCERNING THE DRAFT
COMMISSION REGULATION PROHIBITING BLUEFIN TUNA
FISHING ACTIVITIES IN THE ATLANTIC OCEAN EAST OF
LONGITUDE 45° W AND IN THE MEDITERRANEAN SEA FOR
[GEAR] FLYING THE FLAG OF OR REGISTERED IN [MEMBER
STATE]
(C(2013) 2926)**

The Commission decided to empower Ms DAMANAKI, the Commissioner in charge of Maritime Affairs and Fisheries, in agreement with the PRESIDENT, to determine on behalf of the Commission and under its responsibility, for each case, the Member State(s) and the gear concerned, the definitive date(s) of entry into force of the respective closure(s) on the basis of the available information indicating definitive trends in quota consumption and Member States' actions in response to these, and consequently to adopt the Commission implementing regulation prohibiting fishing for bluefin tuna at that date for purse seiners and/or traps and/or longliners for certain Member States. This empowerment may be exercised by way of the adoption of one or more successive regulations, as appropriate. The definitive date(s) of entry into force of the respective closure(s) may not be before the date communicated to the Member States by way of prior warning by fax.

**5. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING COUNCIL REGULATION (EC) 1083/2006 AS REGARDS CERTAIN PROVISIONS RELATING TO FINANCIAL MANAGEMENT FOR CERTAIN MEMBER STATES EXPERIENCING OR THREATENED WITH SERIOUS DIFFICULTIES WITH RESPECT TO THEIR FINANCIAL STABILITY AND TO THE DECOMMITMENT RULES FOR CERTAIN MEMBER STATES
(COM(2013) 301 TO /3; RCC(2013) 67)**

The Commission adopted the proposal for a Regulation in COM(2013) 301/3 for transmission to Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the national parliaments.

**6. INTERINSTITUTIONAL RELATIONS
(RCC(2013) 66)**

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Thursday 16 May (RCC(2013) 66).

It paid particular attention to the following points.

6.1. LEGISLATIVE MATTERS

i) Horizontal dossier

(point 1.1 of the IRG record)

- Multiannual Financial Framework 2014-2020 – Guidelines concerning delegated acts/implementing acts for programming documents

The Commission confirmed the guidelines set out in the annex to SI(2013) 269/4.

ii) Ordinary legislative procedure

(point 1.2 of the IRG record)

Dossiers at Parliament first reading

- Multiannual Financial Framework 2014-2020 – Cohesion policy – Common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund covered by the Common Strategic Framework and laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Council Regulation (EC) 1083/2006 (Regulation) – VAN NISTELROOIJ / KREHL report – 2011/0276 (COD)

The Commission approved the line set out in SI(2013) 258.

- Multiannual Financial Framework 2014-2020 – Union guidelines for the development of the Trans-European Transport Network (Regulation) – KOUMOUTSAKOS / ERTUG report – 2011/0294 (COD)

The Commission approved the line set out in SI(2013) 237 and /2.

- ‘Schengen’ package – Establishment of an evaluation mechanism to verify application of the Schengen acquis (Regulation) – COELHO report – 2010/0312 (COD) / Amendment of Regulation (EC) 562/2006 in order to provide for common rules on the temporary reintroduction of border control at internal borders in exceptional circumstances (Regulation) – WEBER report – 2011/0242 (COD)

The Commission approved the line set out in SI(2013) 267/2.

- Public procurement / Procurement by entities operating in the water, energy, transport and postal services sectors (Directives) – TARABELLA reports – 2011/0438 (COD) / 2011/0439 (COD)

The Commission approved the line set out in SI(2013) 254.

- 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) 259 and /2.

- Right of access to a lawyer in criminal proceedings and right to communicate upon arrest (Directive) – ANTONESCU report – 2011/0154 (COD)

The Commission approved the line set out in SI(2013) 227.

- Fight against fraud to the Union's financial interests by means of criminal law (Directive) – GRÄSSLE report – 2012/0193 (COD)

The Commission approved the line set out in SI(2013) 256/2.

- General Union Environment Action Programme to 2020 'Living well, within the limits of our planet' (Decision) – FRANCO report – 2012/0337 (COD)

The Commission approved the line set out in SI(2013) 225 and /2.

- Ship recycling (Regulation) – SCHLYTER report – 2012/0055 (COD)

The Commission approved the line set out in SI(2013) 242/2.

iii) Preparation for Parliament's May part-session

(point 1.3 of the IRG record)

Ordinary legislative procedure – First reading / Special legislative procedure

- Conferring on the European Central Bank of specific tasks concerning policies relating to the prudential supervision of credit institutions (Council Regulation) / Amendment of Regulation (EU) 1093/2010

establishing a European Supervisory Authority (European Banking Authority) as regards its interaction with Council Regulation (EU) .../... conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (Regulation) – THYSSEN / GIEGOLD reports – 2012/0242 (CNS) / 2012/0244 (COD)

The Commission took note of the compromise text in SP(2013) 311, further to note SI(2013) 140/4, which it had already approved on 20 March.

6.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

iv) Programming of Council business

(SI(2013) 268)

The Commission took note of the information in SI(2013) 268 on the Council meetings between 23 May and 5 June.

v) Economic and Financial Affairs Council (Brussels, 14 May)

(point 2.2.1 of the IRG record)

- Recommendation for a Council Decision authorising the Commission to negotiate on behalf of the European Union an amendment to the agreements signed in 2004 with the Swiss Confederation, the Principality of Liechtenstein, the Principality of Monaco, the Principality of Andorra and the Republic of San Marino providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments

The Commission approved the line set out in SI(2013) 265/2.

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

The PRESIDENT set out the position that he would present on behalf of the Commission to the Heads of State and Government on the two items on the

agenda of the European Council meeting on 22 May, namely energy policy and the fight against tax evasion and tax avoidance.

His comments on energy policy would focus on three key elements: (i) taking account of the latest energy developments; (ii) the need to speed up implementation of the measures agreed under the overall framework of energy policy, and (iii) the need to go further by acting on a number of fronts to strengthen competitiveness in Europe, improve security of supply and ensure a more sustainable energy model. He was convinced that this approach, which he called a 'no regrets scenario', would enable Europe to take the right decisions to address all future situations.

The PRESIDENT referred in particular to the Energy Roadmap 2050, which identified a number of approaches to introduce a strategy for the future that was more independent and more geared towards competitiveness, involving a general improvement in energy efficiency and the diversification of external supplies. Although certain factors constituted fundamental constraints, for example future energy demand and the high fossil-fuel prices on world markets, Europe had to take concerted action in those areas where it could exert an influence. Given the high energy prices that affected the competitiveness of European businesses, in particular in the energy-intensive sectors, and household budgets, it was very important to complete the internal energy market, achieve convergence of the widely diverse rules in force and create a framework that favoured investment. There was also a need to focus more on cost-effective renewable technologies, shale gas as a new energy source, and a better interconnection of European energy systems through intelligent infrastructures. The European Union could play the role of catalyst in this context by financing large-scale infrastructure projects likely to encourage private-sector participation or by promoting the possibilities of financing by the European Investment Bank and the structural funds.

To respond to the inevitable increase in the need for energy investment in Europe, there was a strategic choice to be made between, on the one hand, the option of decarbonisation and diversification of European energy production

that would generate new jobs and, on the other hand, the status quo with the retention of the current dependence on energy imports.

Although the choice of energy mix was, of course, a matter for the Member States, if Europe pursued a common strategy it would be better placed to meet its current energy challenges and influence the price factor, which was essential to its competitiveness.

Mr OETTINGER added to the PRESIDENT's comments by highlighting the goal of securing the support of the European Council for the approach outlined, which would be an important step towards a genuine European energy policy. His view was that, despite the crisis, the right path was to achieve the '20 20 20' targets of the European energy and climate strategy by 2020 (to reduce greenhouse gas emissions by 20%, to increase energy efficiency by 20% and to raise the share of renewable sources in total energy consumption to 20%). The completion of the internal energy market also remained a priority in order to reduce the cases of state-regulated prices in the Union, to ensure an affordable energy cost and to reduce the price differential between Europe and the other regions of the globe. A public consultation was under way on this matter in connection with the Green Paper on a 2030 framework for climate and energy policies. He concluded his remarks with the hope that the European Council would provide a decisive impetus to the finalisation of a strengthened energy strategy by the end of the year.

The PRESIDENT then addressed the question of taxation, which was the second item on the agenda of the European Council. By way of introduction, he noted the scale of the scourge that had to be tackled; according to estimates, tax evasion and tax avoidance resulted in a loss of some 860 billion euros, not counting the returns from varying degrees of aggressive tax planning deployed in particular by certain large groups. To illustrate the order of magnitude involved, he noted that this amount was more than the combined annual budget deficit of all the Member States. Collecting this lost revenue would enable the Member States to distribute the burden of taxation more fairly and make more use of their budgets to support growth.

While the issue of taxation had already been addressed twice in 2012 at the European Council at the initiative of the Commission, the discussions had not led to the decisions that the people of Europe expected. He therefore felt that 22 May provided an opportunity, which must be seized, to move forward on this issue by coordinating national, European and international efforts, a point he had made in a letter to the Heads of State and Government of the Union.

At national level, the PRESIDENT said that it was possible to improve compliance with tax legislation, make tax administrations more efficient and step up the fight against fraud. At European level, an impressive toolbox had already been prepared. He highlighted, in particular, the automatic exchange of information which, since 2005, had applied to most of the Member States for taxation on savings. The Council had approved the principle of extending this to several other categories of income from 2015. In addition, the instruments for administrative cooperation, cross-border recovery and the prevention of money laundering could be further developed and exploited. Finally, at international level, he suggested promoting the European principles of a global approach based on transparency, multilateral exchange of information and good tax governance in order to fight against tax avoidance more efficiently.

At the European Council of 22 May, the Member States would have to demonstrate their determination to implement the ideas and measures put forward by the Commission. These included the reform of governance and of tax administrations, which it would propose in its recommendations on 29 May as part of the European semester, its action plan to combat tax avoidance, and its recommendations on tax havens and aggressive tax planning. The Union, too, would have to do its share, in particular as regards concluding the negotiations on the revision of the directive on taxation of savings. While he acknowledged that this was a sensitive area, there was a growing interest in pressing ahead with it. He was hoping for a 'big bang' that would extend the automatic exchange of information in the Union to all categories of income from 1 January 2015. He also hoped for real progress on

the basis of the Commission's proposals on VAT fraud. Lastly, he trusted that the Union would speak with one voice and thus take full advantage of the forthcoming meetings of G8 and G20 leaders in order to make its mark on the international tax agenda.

Mr ŠEMETA, taking the floor, noted that the European Parliament unreservedly supported the position to be defended by the Commission at the European Council, and was also in support of the Community method and the idea of progress by all 27 Member States in the field of taxation. With a view to the meeting on 22 May, he suggested that no efforts should be spared to persuade governments still hesitating about approving the conclusion of the revision of the Savings Tax Directive, pointing out that this attitude damaged the Union's position vis-à-vis the third countries with which it wished to negotiate agreements in this field. He also hoped that the Council would pave the way for adoption of the VAT fraud package under the Irish Council Presidency. In conclusion, he welcomed the fact that the European Council had set itself an ambitious agenda to tackle a number of questions concerning fairness. It was the Commission's duty to give a vigorous new impetus to these questions in response to public demand.

During the brief discussion which followed, the Commission raised the following main points:

- with regard to energy, the need to launch a more in-depth discussion on the effects on European industry of high energy costs, including examining new energy taxation options; the need to adopt an open approach to analysing the potential of non-conventional hydrocarbons as well as to take due account of the diversity of views on this issue; the importance of a pragmatic and objective approach when determining the efforts that needed to be made in order to move forward at European level, without raising unrealistic expectations;
- with regard to taxation, a reminder of the need to seize without delay this opportunity of taking further steps towards a common approach as to the

means of fighting tax avoidance and tax havens, including taking the initiative in the G8 and G20 vis-à-vis the Organisation for Economic Cooperation and Development (OECD); in this connection, the suggestion to hold a debate on trusts, in particular concerning holders' identities; and, lastly, the recommendation to make a more general study of the time lag between the implementation of tax legislation and economic practices, as could be seen in the development of the digital economy.

The PRESIDENT thanked the Members of the Commission for their contributions.

The Commission took note of this information.

6.3. RELATIONS WITH PARLIAMENT

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

(point 3.4.1 of the IRG record)

The Commission approved, for transmission to Parliament, document SP(2013) 338 on the action taken on the legislative opinions and non-legislative resolutions adopted by Parliament at its April part-session.

viii) Amendment of Regulation (EC) 1073/1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF) – GRÄSSLE report – 2006/0084 (COD)

(point 3.6.1 of the IRG record)

The Commission approved the line set out in SP(2013) 345.

6.4. EXTERNAL RELATIONS

- ix) Proposal for a Council Decision authorising the European Commission to participate on behalf of the European Union in the negotiations on the modernisation of Council of Europe Convention for the protection of individuals with regard to automatic processing of personal data (EST 108) and the conditions and modalities of accession of the European Union to the modernised Convention (point 5.1 of the IRG record)**

The Commission approved the line set out in SI(2013) 257.

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The meeting closed at 14.00.