



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2013) 2070 final

Strasbourg, 14 January 2014

MINUTES
of the 2070th meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 18 December 2013
(morning)

PV(2013) 2070 final

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Single sitting: Wednesday 18 December 2013 (morning)

The sitting opened at 8.59 with Mr BARROSO, President, in the chair. It was adjourned at 9.33 and resumed at 10.35.

Present:

Mr BARROSO	President	
Baroness ASHTON	High Representative/ Vice-President	
Ms REDING	Vice-President	Items 1 to 15 (in part)
Mr ALMUNIA	Vice-President	
Mr KALLAS	Vice-President	
Ms KROES	Vice-President	Items 1 to 15 (in part)
Mr TAJANI	Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Mr REHN	Vice-President	Items 1 to 15 (in part)
Mr POTOČNIK	Member	Items 1 to 15 (in part)
Mr PIEBALGS	Member	
Mr BARNIER	Member	Items 1 to 15 (in part)
Ms VASSILIOU	Member	
Mr ŠEMETA	Member	
Mr DE GUCHT	Member	
Ms GEOGHEGAN-QUINN	Member	Items 1 to 15 (in part)
Mr LEWANDOWSKI	Member	
Ms DAMANAKI	Member	
Mr OETTINGER	Member	Items 1 to 14
Mr HAHN	Member	
Ms HEDEGAARD	Member	
Mr FÜLE	Member	Items 1 to 15 (in part)
Mr ANDOR	Member	
Ms MALMSTRÖM	Member	
Mr CIOLOŞ	Member	
Mr BORG	Member	
Mr MIMICA	Member	

Absent:

Ms GEORGIEVA

Member

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

Mr QUINN	A member of Ms GEORGIEVA's staff
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The following also sat in:

Mr LAITENBERGER	Chef de cabinet to the PRESIDENT	Items 14 and 15
Mr SOBRAL	Deputy Chef de cabinet to the PRESIDENT	Items 1 to 14
Mr ROMERO REQUENA	Director-General, Legal Service	
Mr PAULGER	Director-General, DG Communication	Items 1 to 15 (in part)
Mr DOENS	Head of the Commission Spokesperson Service	Items 1 to 14
Ms AHRENKILDE HANSEN	Commission Spokeswoman	Item 15 (in part)
Ms MARTÍNEZ ALBEROLA	Adviser in the PRESIDENT's Office	Item 15
Ms VANNINI	Adviser in the PRESIDENT's Office	Items 1 to 14
Ms SUTTON	A member of the PRESIDENT's staff	Item 15 (in part)
Mr BALTAZAR	A member of Ms REDING's staff	Item 15 (in part)
Mr MARTÍNEZ MONGAY	Chef de cabinet to Mr ALMUNIA	Items 1 to 14
Mr NOCIAR	Chef de cabinet to Mr ŠEFČOVIČ	Items 1 to 13
Ms SCHREIBER	Deputy Chef de cabinet to Mr BARNIER	Item 15 (in part)
Mr SUTHERLAND	A member of Ms GEOGHEGAN-QUINN's staff	Item 15 (in part)
Mr HAGER	Chef de cabinet to Mr OETTINGER	Items 1 to 14
Mr GAMBS	Chef de cabinet to Mr HAHN	Items 1 to 14

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

1. AGENDAS

(OJ(2013) 2070/FINAL; SEC(2013) 663/2)

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 items 13.1, 13.2, 13.7, 13.8, 13.9, 13.11, 13.16 and 13.18 (regarding administrative decisions or information) to that day's agenda.

2. WEEKLY MEETING OF CHEFS DE CABINET

(RCC(2013) 2070)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 16 December.

3. MINUTES OF 2069TH MEETING (10 DECEMBER 2013)

PV(2013) 2069

The Commission approved the minutes of its 2069th meeting.

4. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2013) 664 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 9 and 13 December.

4.2. EMPOWERMENT
(SEC(2013) 665 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 9 and 13 December.

4.3. DELEGATION AND SUBDELEGATION OF POWERS
(SEC(2013) 666 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 9 and 13 December, as archived in e-Greffe.

4.4. SENSITIVE WRITTEN PROCEDURES
(SEC(2013) 667)

The Commission took note of the sensitive written procedures for which the time limit expired between 16 and 20 December.

**5. COMMISSION DECISION ON A PROCEEDING UNDER ARTICLE 102 OF
THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION
(CASES AT.39678 AND AT.39731 – DEUTSCHE BAHN I AND II)**
(C(2013) 9194 TO /7)

The Commission:

- took note of the opinion of the Advisory Committee on Restrictive Practices and Dominant Positions of 12 December in C(2013) 9194/4;
- took note of the final report of the Hearing Officer of 13 December in C(2013) 9194/5;

- adopted, in the authentic language (German), the decision in C(2013) 9194/7 finding that there was no need to act in the case in question, subject to compliance with the commitments made by the company concerned;
- decided that the decision in C(2013) 9194/7 would be notified to the company concerned, together with the final report of the Hearing Officer;
- decided that the key parts of the decision, together with the Advisory Committee's opinion 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 to publish the decision on the internet (with business secrets and other confidential information removed).

6. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – A CLEAN AIR PROGRAMME FOR EUROPE

(COM(2013) 918 TO /3; SWD(2013) 531 AND /2 (PARTS 1 TO 4); SWD(2013) 532; SEC(2013) 677; RCC(2013) 157)

7. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE LIMITATION OF EMISSIONS OF CERTAIN POLLUTANTS INTO THE AIR FROM MEDIUM COMBUSTION PLANTS

(COM(2013) 919 TO /3; SWD(2013) 536; SWD(2013) 531 AND /2 (PARTS 1 TO 4); SWD(2013) 532; SEC(2013) 677; RCC(2013) 157)

8. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE REDUCTION OF NATIONAL EMISSIONS OF CERTAIN ATMOSPHERIC POLLUTANTS AND AMENDING

DIRECTIVE 2003/35/EC

(COM(2013) 920 TO /3; SWD(2013) 537; SWD(2013) 531 AND /2 (PARTS 1 TO 4); SWD(2013) 532; SEC(2013) 677; RCC(2013) 157)

9. PROPOSAL FOR A COUNCIL DECISION ON THE ACCEPTANCE OF THE AMENDMENT TO THE 1999 PROTOCOL TO THE 1979 CONVENTION ON LONG-RANGE TRANSBOUNDARY AIR POLLUTION TO ABATE ACIDIFICATION, EUTROPHICATION AND GROUND-LEVEL OZONE (COM(2013) 917 TO /3; SWD(2013) 531 AND /2 (PARTS 1 TO 4); SWD(2013) 532; SEC(2013) 677; RCC(2013) 157)

The Commission:

- approved the Communication in COM(2013) 918/3 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, and, for information, to the national parliaments, together with the impact assessment and the summary thereof in staff working documents SWD(2013) 531/2 (parts 1 to 4) and SWD(2013) 532 respectively, the contents of which were noted;
- adopted the proposal for a Directive in COM(2013) 919/3, for transmission to Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the national parliaments, together with the impact assessment, the summary thereof and the implementation plan in staff working documents SWD(2013) 531/2 (parts 1 to 4), SWD(2013) 532 and SWD(2013) 536, respectively, the contents of which were noted;
- adopted the proposal for a Directive in COM(2013) 920/3, for transmission to Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the national parliaments, together with the impact assessment, the summary thereof and the implementation plan in staff working documents SWD(2013) 531/2 (parts 1 to 4), SWD(2013) 532 and SWD(2013) 537, respectively, the contents of which were noted;

- adopted the proposal for a Council Decision in COM(2013) 917 and /3 for transmission to Parliament and the Council and, for information, to the European Economic and Social Committee, the Committee of the Regions and the national parliaments, together with the impact assessment and the summary thereof in staff working papers SWD(2013) 531/2 (parts 1 to 4) and SWD(2013) 532, respectively, the contents of which were noted;
- also took note of the opinion of the Impact Assessment Board relating to the Communication on the above two proposals for a Directive and proposal for a Council Decision, as set out in SEC(2013) 677.

**10. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON NOVEL FOODS
(COM(2013) 894 AND /3; RCC(2013) 158)**

**11. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE CLONING OF ANIMALS OF THE BOVINE, PORCINE, OVINE, CAPRINE AND EQUINE SPECIES KEPT AND REPRODUCED FOR FARMING PURPOSES
(COM(2013) 892 AND /3; SWD(2013) 519 AND /2; SWD(2013) 520 AND /2; SEC(2013) 673; RCC(2013) 158)**

**12. PROPOSAL FOR A COUNCIL DIRECTIVE ON THE PLACING ON THE MARKET OF FOOD FROM ANIMAL CLONES
(COM(2013) 893 AND /3; SWD(2013) 519 AND /2; SWD(2013) 520 AND /2; SEC(2013) 673; RCC(2013) 158)**

The Commission:

- adopted the proposal for a Regulation in COM(2013) 894/3 for transmission to Parliament, the Council and the European Economic and Social Committee and to the national parliaments;

- adopted the proposal for a Directive in COM(2013) 892/3, for transmission to Parliament, the Council, the European Economic and Social Committee and the national parliaments, together with the impact assessment and the summary thereof in staff working documents SWD(2013) 519/2 and SWD(2013) 520/2, the contents of which were noted;
- adopted the proposal for a Council Directive in COM(2013) 893/3 for transmission to Parliament, the Council, and the national parliaments, and, for information, to the Economic and Social Committee, together with the impact assessment and the summary thereof in staff working papers SWD(2013) 519/2 and SWD(2013) 520/2, the contents of which were noted;
- also took note of the opinion of the Impact Assessment Board on the above proposals for a Directive, as set out in SEC(2013) 673.

13. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2013) 668/2)

ADMINISTRATIVE MATTERS

(PERS(2013) 156/2)

13.1. DG COMMUNICATION – APPOINTMENT OF AD15/16 DEPUTY DIRECTOR-GENERAL

(PERS(2013) 114 TO /4)

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Deputy Director-General in the Directorate-General for Communication (PERS(2013) 114 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 9 October and 14 November 2013 (PERS(2013) 114/3 and /4).

The Commission proceeded to compare the applicants' qualifications for the post. It also considered their ability, efficiency and conduct in the

service. On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms REDING, it then decided to appoint Mr Timo PESONEN to the vacant post.

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

13.2. *LEGAL SERVICE – APPOINTMENT OF AD15/16 AND AD15 (EU-28) DEPUTY DIRECTOR-GENERAL (PERS(2013) 127 TO /5)*

The Commission had before it applications under Article 29(1)(a)(i) and (iii), 29(1)(b) and 29(2) of the Staff Regulations for the post of Deputy Director-General in charge of institutional questions in the Legal Service (PERS(2013) 127, /2 and /3).

The Commission took note of the opinions of the Consultative Committee on Appointments of 5 and 11 December 2013 (PERS(2013) 127/4 and /5).

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, it then decided to appoint Mr Johannes LAITENBERGER to the post.

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

13.3. *DG COMMUNICATION NETWORKS, CONTENT AND TECHNOLOGY – APPOINTMENT OF AD14/15 DIRECTOR (PERS(2013) 130 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, Support, in the Directorate-General for Communication Networks, Content and Technology (PERS(2013) 130).

The Commission took note of the opinions of the Consultative Committee on Appointments of 19 and 28 November 2013 (PERS(2013) 130/2 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 Ms KROES, it then decided to appoint Ms Gail KENT to the post.

This decision would take effect on 1 January 2014.

**13.4. DG ENERGY – APPOINTMENT OF AD14/15 DIRECTOR
(PERS(2013) 15 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, Energy policy, in the Directorate-General for Energy (PERS(2013) 15).

It took note of the opinions of the Consultative Committee on Appointments of 26 March and 11 April 2013 (PERS(2013) 15/2 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 OETTINGER, it then decided to appoint Ms Mechthild WOERSDOERFER to the post.

This decision would take effect on 1 January 2014.

**13.5. DG ENERGY – APPOINTMENT OF AD14/15 DIRECTOR
(PERS(2013) 26 TO /4)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director, Nuclear Safety and Fuel Cycle, in the Directorate-General for Energy (PERS(2013) 26 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 26 March and 20 June 2013 (PERS(2013) 26/3 and /4).

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

This decision would take effect on 1 January 2014.

**13.6. SECRETARIAT-GENERAL – APPOINTMENT OF AD14/15 DIRECTOR
(PERS(2013) 145 TO /4)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director, Relations with other Institutions, in the Secretariat-General (PERS(2013) 145 and /3).

The Commission took note of the opinions of the Consultative Committee on Appointments of 19 and 28 November 2013 (PERS(2013) 145/2 and /4).

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

This decision would take effect on 1 January 2014.

**13.7. DG COMMUNICATION – APPOINTMENT OF AD14/15 DIRECTOR
(PERS(2013) 140 TO /4)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director, Representations, in the Directorate-General for Communication (PERS(2013) 140 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 29 November and 12 December 2013 (PERS(2013) 140/3 and /4).

The Commission proceeded to compare the applicants' qualifications for the post. It also considered their ability, efficiency and conduct in the service. On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms REDING, it then decided to appoint Ms Pia AHRENKILDE HANSEN to the post.

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

13.8. DG COMMUNICATION – APPOINTMENT OF AD14/15 PRINCIPAL ADVISER
(PERS(2013) 139 TO /4)

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Principal Adviser, DG Communication (PERS(2013) 139 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 26 November and 12 December 2013 (PERS(2013) 139/3 and /4).

The Commission proceeded to compare the applicants' qualifications for the post. It also considered their ability, efficiency and conduct in the service. On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms REDING, it then decided to appoint Ms Viviane HOFFMANN to the post.

This decision would take effect on 1 April 2014.

13.9. DG TAXATION AND CUSTOMS UNION – APPOINTMENT OF AD14/15 PRINCIPAL ADVISER
(PERS(2013) 141 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, DG Taxation and Customs Union in (PERS(2013) 141).

It took note of the opinions of the Consultative Committee on Appointments of 19 November and 12 December 2013 (PERS(2013) 141/2 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 Valère MOUTARLIER to the post.

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

13.10. DG ECONOMIC AND FINANCIAL AFFAIRS – AMENDMENT OF THE ORGANISATION CHART AND APPOINTMENT OF AN AD15 PRINCIPAL ADVISER

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

- to create a temporary post of principal adviser in the Economic and Financial Affairs Directorate-General; this post would be abolished upon departure of the job holder;
- to fill this new post by transferring to the Economic and Financial Affairs Directorate-General, in the interest of the service, pursuant to Article 7 of the Staff Regulations, Mr Vassili LELAKIS, currently the European Union Director at the European Bank for Reconstruction and Development.

This decision would take effect on 16 January 2014.

13.11. DG MOBILITY AND TRANSPORT – LIST OF CANDIDATES FOR THE AD14 POST OF EXECUTIVE DIRECTOR OF THE SESAR JOINT UNDERTAKING (SEC(2013) 143 AND /2)

The Commission noted the procedure followed, as set out in point 11 of

PERS(2013) 156/2, and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr KALLAS, decided:

- to approve the list of four candidates in alphabetical order laid before it, as set out in point 11 of PERS(2013) 156/2, for the post of Executive Director of the Joint Undertaking to develop the European new generation air traffic management system (SESAR);
- to ask Mr KALLAS to inform SESAR's Board of Directors of this decision.

These decisions would take effect immediately.

13.12. SECRETARIAT-GENERAL – INTERNAL AND INTERINSTITUTIONAL (GRADE AD14/15) AND EXTERNAL (GRADE AD14 - EU-28) PUBLICATION OF A VACANCY NOTICE FOR A DIRECTOR (PERS(2013) 157)

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, the Commission decided to approve the internal and interinstitutional (Grade AD14/15) and external (Grade AD14 – EU-28) publication of a vacancy notice, pursuant to Article 29(1)(a)(i) and (iii), (1)(b) and (2) of the Staff Regulations, in PERS(2013) 157 for the post of Director of the Administrative Policy Directorate in the Secretariat-General.

This decision would take effect immediately.

13.13. DG HUMAN RESOURCES AND SECURITY – APPROVAL OF LISTS OF CANDIDATES FOR THE POSTS OF HEAD OF THE EUROPEAN UNION DELEGATIONS TO THE COUNCIL OF EUROPE (STRASBOURG), BOTSWANA, THE REPUBLIC OF THE CONGO, ERITREA, GHANA, GUINEA-BISSAU, THE REPUBLIC OF GUINEA, LESOTHO, LIBERIA, MADAGASCAR, MALAWI, MOZAMBIQUE AND SOUTH SUDAN

(PERS(2013) 158; PERS(2013) 159; PERS(2013) 160; PERS(2013) 161; PERS(2013) 162; PERS(2013) 163; PERS(2013) 164; PERS(2013) 165; PERS(2013) 166; PERS(2013) 167; PERS(2013) 168; PERS(2013) 169; PERS(2013) 170)

The Commission took note of the information in point 13 of PERS(2013) 156/2 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, decided to approve the lists of candidates in PERS(2013) 158, PERS(2013) 159, PERS(2013) 160, PERS(2013) 161, PERS(2013) 162, PERS(2013) 163, PERS(2013) 164, PERS(2013) 165, PERS(2013) 166, PERS(2013) 167, PERS(2013) 168, PERS(2013) 169 and PERS(2013) 170 for the posts of Head of the European Union Delegations to the Council of Europe (Strasbourg), Botswana, Republic of Congo, Eritrea, Ghana, Guinea-Bissau, Republic of Guinea, Lesotho, Liberia, Madagascar, Malawi, Mozambique and South Sudan (AD9-14/AD12); 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.

***13.14. DG HUMAN RESOURCES AND SECURITY – COMMISSION
DECISION ON THE CONDUCT OF ITS OFFICIALS AND OTHER
STAFF DURING THE EUROPEAN ELECTION CAMPAIGN IN 2014
(C(2013) 9531)***

Having taken note of the information in point 14 of PERS(2013) 156/2, the Commission, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, adopted the decision on the conduct of its officials and other staff during the elections to the European Parliament in June 2014 in the document distributed as C(2013) 9531.

This decision would take effect immediately.

13.15. DG HUMAN RESOURCES AND SECURITY / EUROPEAN PERSONNEL SELECTION OFFICE – DEPUTISING FOR DIRECTOR OF THE EUROPEAN PERSONNEL SELECTION OFFICE

Under Article 27 of its Rules of Procedure, the Commission, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, decided to designate the following officials, in the order set out below, to deputise for the Director of the European Personnel Selection Office if he should be prevented from performing his duties:

- Mr Ulrich SONDERMANN, Head of Management of the Assessment Centres (EPSO 02);
- Mr Theodorus DUIVENVOORDE, Head of Resources and Administrative Support (EPSO 03);
- Ms Sari LEHKONEN, Head of External Relations and Selection Management (EPSO 04);
- Ms Laura TARRAGONA-SAEZ, Head of Communication and Attractiveness (EPSO 05);
- Mr Didier Gilles GUILLARD, Head of E-selection and test development (EPSO 01).

This decision would take effect immediately.

13.16. SECRETARIAT-GENERAL – APPOINTMENT OF A MEMBER OF THE AD HOC ETHICS COMMITTEE SET UP BY COMMISSION DECISION C(2003) 3750 OF 21 OCTOBER 2003 (C(2013) 9674)

The Commission decided to appoint Mr Nikolaus VAN DER PAS to replace Mr Michel PETITE, member of the ad hoc Ethics Committee; this decision was set out in C(2013) 9674.

This decision would take effect immediately.

13.17. *DG HUMAN RESOURCES AND SECURITY – LAUNCHING OF 2013 PROMOTION EXERCISE FOR SENIOR MANAGEMENT STAFF*

The Commission took note of the decision of the PRESIDENT and Mr ŠEFČOVIČ, adopted in accordance with the provisions of the Commission Decision of 10 May 2007 on the system of promotion of senior management staff (SEC(2007) 605) concerning the launch of the 2013 promotion exercise, based on the following criteria: the target promotion rate would be around 15% of eligible officials, the posts concerned would be those of director or equivalent (Grade AD14 to AD15) and director-general or equivalent (Grade AD15 to AD16), the exercise would last from December 2013 to March 2014, the eligibility conditions would have to be met on 31 December 2013 at the latest and the promotions would take effect on 1 January 2014.

13.18. *SECRETARIAT-GENERAL / DG HUMAN RESOURCES AND SECURITY – RULES GOVERNING THE COMPOSITION OF MEMBERS' PRIVATE OFFICES AND THEIR SPOKESPERSONS (SEC(2013) 691)*

The Commission took note of the decision of the PRESIDENT to amend the rules governing the composition of Members' private offices and their spokespersons, adopted on 3 February 2010, by adding a paragraph to point 3.1 of these rules, as set out in SEC(2013) 691.

This decision would take effect on 1 January 2014.

14. MONITORING THE APPLICATION OF EUROPEAN UNION LAW

14.1. *STATE AID – INDIVIDUAL CASES*

(SEC(2013) 683; C(2013) 9073/2; RCC(2013) 128/2)

The Commission adopted the decisions in SEC(2013) 683.

– **SA.34947 (2013/N) – UNITED KINGDOM – Hinkley Point C Nuclear Power Station – Investment Contract**

Decision: to open the procedure under Article 108(2) of the Treaty on the Functioning of the European Union (TFEU)

Mr ALMUNIA pointed out that the case at hand did not concern the European Union's energy policy but the launching of an investigation procedure under Article 108(2) of the Treaty on the Functioning of the European Union (TFEU) in an individual case of state aid. In the plan notified to the Commission by the United Kingdom, which provided for substantial state aid, the Commission was called on to carry out the usual checks to determine whether there was market failure, whether the aid had an incentive effect, whether it was an appropriate instrument in relation to other, less costly alternatives involving fewer distortions of competition, and lastly whether the aid was proportional. At the policy debate of 8 October on the new guidelines for state aid in the energy sector, the College had decided not to include criteria for assessing the compatibility of state aid for nuclear power generation, but rather to assess it on a case-by-case basis under the relevant Treaty rules. The Member States were free to decide their energy mix but had to comply with sectoral legislation and the state aid rules, which was why the proposal was to open the investigation procedure. By way of conclusion, he pointed out that it was likely that this procedure would be closed before the end of the current Commission's mandate.

During the subsequent exchange of views, the following main points were raised: (i) caution against a mistaken interpretation that might result from the decision adopted that day if the Commission supported nuclear power, regardless of other common objectives; (ii) in particular, the need not to give the impression that support for nuclear power could be regarded as a service of general economic interest; (iii) the advisability of taking into consideration possible alternatives to the construction of a nuclear power station, such as

wind power and energy from natural gas, which would work more with the grain of the internal energy market; (iv) the case, previously set out in the United Kingdom, for private investors to finance the construction of new nuclear power stations, without public subsidies; (v) questions about the viability of a guaranteed price for electricity for 35 years, having regard to the internal energy market; and lastly, (vi) the usefulness of examining the idea of adapting the Euratom Treaty, sixty years on, to the new political realities.

The PRESIDENT noted the support by the Members of the Commission for the decision to open an in-depth investigation, which did not prejudge the outcome. He, too, recapped the conclusions of the policy debate held by the College on 8 October on the new guidelines for state aid in the energy sector. For the rest, he was open to the possibility of holding a discussion on energy policy and the internal energy market at a future meeting of the Commission.

Following this exchange of views, the Commission adopted the decision set out in C(2013) 9073/2.

14.2. STATE AID – HORIZONTAL CASES

- i) Draft Commission Regulation declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union**
(C(2013) 9256 to /3)

The Commission:

- approved the draft Commission Regulation in C(2013) 9256/3;
- authorised the Member of the Commission responsible for competition to follow the procedural steps laid down by Articles 6 and 8 of Council Regulation (EC) 994/98.

- ii) Commission Regulation on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid**

(C(2013) 4448 to /3; SWD(2013) 521; SWD(2013) 522; SEC(2013) 674;
RCC(2013) 128/2)

The Commission:

- adopted the Commission Regulation in C(2013) 4448/3;
- took note of the impact assessment, the summary thereof and the opinion of the Impact Assessment Board in SWD(2013) 521, SWD(2013) 522 and SEC(2013) 674;
- decided to publish the Regulation in the *Official Journal of the European Union*.

iii) Commission Regulation on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid in the agriculture sector

(C(2013) 8787 and /2; SWD(2013) 510; SWD(2013) 511;
SEC(2013) 657; RCC(2013) 128/2)

The Commission:

- adopted the Commission Regulation in C(2013) 8787/2;
- took note of the impact assessment, the summary thereof and the opinion of the Impact Assessment Board in SWD(2013) 510, SWD(2013) 511 and SEC(2013) 657;
- decided to publish the Regulation in the *Official Journal of the European Union*.

14.3. STATE AID AND OTHER COMPETITION RULES

(SEC(2013) 682 TO /3; RCC(2013) 159)

The Commission's decision on this item is recorded in the special minutes.

15. INTERINSTITUTIONAL RELATIONS

15.1. LEGISLATIVE MATTERS

- i) **General provisions on the Asylum and Migration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management (Regulation) – FONTANA report – 2011/0367 (COD)**
(SI(2013) 681)

The Commission approved the line set out in SI(2013) 681.

- ii) **Establishment of the Asylum and Migration Fund (Regulation) – GUILLAUME report – 2011/0366 (COD)**
(SI(2013) 682)

The Commission approved the line set out in SI(2013) 682.

- iii) **Joint Declaration establishing a Mobility Partnership between the Hashemite Kingdom of Jordan and the European Union and its Member States**
(SI(2013) 683)

The Commission approved the line set out in SI(2013) 683.

- iv) **Amendment to Council Regulation (EC) 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders of Member States and those whose nationals are exempt from that requirement (Regulation) – GABRIEL report – 2012/0309 (COD)**
(SI(2013) 684 and /2)

The Commission approved the line set out in SI(2013) 684 and /2.

- v) Improvement of securities settlement in the European Union and on central securities depositories (CSDs) and amendment of Directive 98/26/EC- (Regulation) – SWINBURNE report – 2012/0029 (COD)**
(SI(2013) 685)

The Commission approved the line set out in SI(2013) 685.

- vi) Uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Bank Resolution Fund and amending Regulation (EU) 1093/2010 (Regulation) – FERREIRA report – 2013/0253 (COD)**
(SI(2013) 686 and /2)

The Commission approved the line set out in SI(2013) 686/2.

- vii) Measures concerning the European single market for electronic communications and to achieve a Connected Continent, and amending Directives 2002/20/EC, 2002/21/EC and 2002/22/EC and Regulations (EC) 1211/2009 and (EU) 531/2012 (Regulation) – DEL CASTILLO VERA report – 2013/0309 (COD)**
(SI(2013) 687)

The Commission took note of the information in SI(2013) 687.

- viii) Measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers (Directive) – BAUER report – 2013/0124 (COD)**
(SI(2013) 688)

The Commission approved the line set out in SI(2013) 688.

- ix) Roadworthiness Package – Periodic roadworthiness tests for motor vehicles and their trailers and repeal of Directive 2009/40/EC (Regulation) – KUHN report – 2012/0184 (COD) /Amendment of Council Directive 1999/37/EC on the registration documents for**

vehicles (Directive) – SAVISAAR-TOOMAST report – 2012/0185 (COD) /Technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union and repeal of Directive 2000/30/EC (Regulation) – SEHNALOVÁ report – 2012/0186 (COD) (SI(2013) 689 and /2)

The Commission approved the line set out in SI(2013) 689/2.

- x) Grant of an EU guarantee to the European Investment Bank against losses under financing operations supporting investment projects outside the Union (Decision) – KALFIN report – 2013/0152 (COD) (SI(2013) 690 and /2)**

The Commission approved the line set out in SI(2013) 690 and /2.

- xi) Provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material, amending Council Directives 98/56/EC, 2000/29/EC and 2008/90/EC, Regulations (EC) 178/2002, (EC) 882/2004 and (EC) 396/2005, Directive 2009/128/EC and Regulation (EC) 1107/2009 and repealing Council Decisions 66/399/EEC, 76/894/EEC and 2009/470/EC (Regulation) – LEBRUN report – 2013/0169 (COD) (SI(2013) 691)**

The Commission approved the line set out in SI(2013) 691.

- xii) Signing, on behalf of the European Union, of the Agreements in the form of an Exchange of Letters between the European Union and the Commonwealth of Australia, the Federative Republic of Brazil, Canada, the Hong Kong Special Administrative Region of the People's Republic of China, the Republic of India and Japan pursuant to Article XXI of the General Agreement on Trade in Services (GATS) 1994, relating to the modifications of the commitments in the schedules of the Republic of Bulgaria and**

**Romania in the course of their accession to the European Union
(Council Decision) – 2013/0331 (NLE)
(SI(2013) 693)**

The Commission approved the line set out in SI(2013) 693.

**xiii) Criminal sanctions for insider dealing and market manipulation
(Directive) – McCARTHY report – 2011/0297 (COD)
(SI(2013) 694)**

The Commission approved the line set out in SI(2013) 694.

**xiv) Approximation of the laws, regulations and administrative
provisions of the Member States concerning the manufacture,
presentation and sale of tobacco and related products (Directive) –
McAVAN report – 2012/0366 (COD)
(SI(2013) 698 and /2)**

The Commission approved the line set out in SI(2013) 698 and /2.

**xv) Multiannual funding for the action of the European Maritime Safety
Agency (EMSA) in the field of response to pollution caused by ships
and to marine pollution caused by oil and gas installations
(Regulation) – TAYLOR report – 2013/0092 (COD)
(SI(2013) 701 to /3)**

The Commission approved the line set out in SI(2013) 701 and /3.

**xvi) Deposit guarantee schemes (Directive – recast) – SIMON report –
2010/0207 (COD)
(SI(2013) 702 and /2)**

The Commission approved the line set out in SI(2013) 702/2.

xvii) Clinical trials on medicinal products for human use, repealing Directive 2001/20/EC (Regulation) – WILLMOTT report – 2012/0192 (COD)
(SI(2013) 703)

The Commission approved the line set out in SI(2013) 703.

15.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

xviii) Preparations for European Council (Brussels, 19 and 20 December)

The PRESIDENT reported on the state of the preparations for the European Council meeting on 19 and 20 December. This meeting would take place against the backdrop of the first tangible signs of economic recovery and renewed confidence. In this sense 2013 marked a turning point in the economic and financial crisis. Nevertheless, the Commission was still warning against any relaxation of the current efforts, and he therefore intended to tell the European Council that further tangible results generated by the reforms of the European economy were needed to consolidate this positive trend in the year to come.

He then turned to European Security and Defence Policy (ESDP), pointing out that this would be the first time the subject had been discussed by the European Council, although the Commission had often called for a common approach in this field. The communication which the Commission had approved in July would provide the framework for these discussions, which would deal with ways of increasing the visibility and effectiveness of ESDP, developing defence capacity and strengthening the European defence industry. There was general consensus on the need for a European Security and Defence Policy that was on a scale more appropriate to the position and role of the Union on the world stage, but in this period of limited budget resources the Member States were more receptive to the need for cooperation in this field. He hoped that the European Council would set ambitious goals which would generate a search for synergies between the Member States and

make it possible to build a more integrated and competitive industrial base in the defence sector.

The PRESIDENT also mentioned the issues relating to deepening economic and monetary union which would be discussed by the European Council. The summit would review the progress achieved in implementing the Compact for Growth and Jobs and the initiatives in the framework of the Single Market Acts I and II. He noted that the Commission had presented all the necessary proposals and urged the Member States to stand by their commitments and deliver tangible results. He mentioned the example of tax policy, and specifically measures to combat tax evasion and avoidance, stressing the need to press ahead with the adoption of proposals such as the savings tax directive, or risk the international credibility of the Union being undermined. He was pleased to note the positive response of the Member States to the Annual Growth Survey (AGS) and the measures arising from it, and hoped that the European Council would endorse the priorities identified by the AGS.

The European Council would also continue the debate on the Convergence and Competitiveness Instrument and the related contractual arrangements and solidarity mechanisms. Looking ahead to the likely results of the European Council, he predicted that it would invite him and Mr Van Rompuy to continue the work on these arrangements with a view to reaching overall agreement in June. The Commission's position in this debate was to pursue a policy that combined responsibility and solidarity and to incorporate these arrangements in the European Semester in order to enhance their political ownership by the Member States.

On the key subject of banking union, the PRESIDENT invited Mr REHN and Mr BARNIER to brief Members on the state of the current negotiations and the meetings of the Eurogroup and the Economic and Financial Affairs Council.

Among the other items on the agenda for the European Council, the PRESIDENT singled out (i) the implementation of the capital increase for the

European Investment Bank (EIB), (ii) external relations, and in particular the follow-up to the Eastern Partnership summit, the events in the Central African Republic and the humanitarian situation in Syria, and (iii) the results of the 9th ministerial conference of the World Trade Organisation (WTO), which he asked Mr DE GUCHT to review.

Finally, he addressed issues of immigration, in particular, and the situation in the Mediterranean basin. The Council would have to approve the 30 specific actions proposed by the task force for the Mediterranean, set out in the Commission's communication on the subject. Progress would have to be made on implementing these actions, although the challenge of immigration would not be resolved from one day to the next. He asked Ms MALMSTÖM to brief Members on the discussions which had taken place in the Justice and Home Affairs Council on 6 December and on the next stages of the process.

Mr ŠEFČOVIČ took the floor to present the results of the General Affairs Council of 17 December, starting with the discussions on the banking union and the Member States' shared desire to prioritise its implementation. He then turned to the debate on defence, where all but one of the Member States supported the draft conclusions on the subject. Like the PRESIDENT, he noted the emergence of a consensus on the need to strengthen the European defence industry to avoid fragmentation and duplication of resources. On the subject of economic governance, and in particular the contractual arrangements and solidarity mechanisms which were an integral part of this, he noted the call by some Member States to avoid adding new strata to the system that had been set up. He concluded with a brief mention of the other subjects that would be discussed, such as the savings tax directive, the 'yellow card' procedure relating to the proposal to create a European public prosecutor, and the issues linked to immigration.

Mr REHN referred to the extraordinary Eurogroup meeting which had taken place the day before and the breakthrough which had been achieved there, as a result of which a compromise seemed possible on the creation of the single bank resolution mechanism and the common bank resolution fund. The

meeting had outlined the terms of an agreement on the formation of this fund, which would be paid for by the banks themselves as part of the banking union. It would initially consist of funds levied at national level and would increase gradually over a transitional period of ten years, culminating in the single resolution fund worth EUR 55 billion. A compromise had emerged on the idea of giving the new system a common backstop between now and 2025, which could intervene in an emergency if the resolution fund were exhausted. The discussions on the detailed arrangements for financing the common backstop were moving in the right direction, even though the question of the possible intervention of the European Stability Mechanism (ESM) had still not been resolved.

Mr BARNIER took the floor and reported on the recent very encouraging progress which Europe had made towards restoring financial stability, which was the prerequisite for a return to growth, and the state of play of the measures relating to banking union. He also referred to the political agreement concluded with the European Parliament on 11 December on the directive on bank recovery and resolution. This agreement opened the way for the creation of the single resolution mechanism and the common resolution fund, on which the trialogues would soon begin. He mentioned, too, the agreement reached the previous day, 17 December, on the Directive on Deposit Guarantee Schemes, a proposal that had been presented by the Commission three years ago. As regards the issues still pending to be addressed that day in the Economic and Financial Affairs Council, he referred to certain powers of the new European Resolution Authority and the role played by the Commission. Following on from Mr REHN's comments, he explained the issues involved in pooling the collection of the resources to be used to set up the common bank resolution fund. Winding up, he said that in the wake of the previous day's Eurogroup meeting, an agreement on the single resolution mechanism seemed possible. In conclusion, he stressed that the Commission's responsibility and powers in the field of state aid in the banking sector should remain unchanged.

Mr ŠEMETA made particular reference to the discussion to be held at the European Council on the directive on taxation of savings income, stressing the need to reach a political agreement after three years of stalemate. In his view, the credibility of the European Union was at stake, since despite having been a pioneer in this field it now risked lagging behind its main international partners.

Mr DE GUCHT presented the main results of the 9th WTO ministerial conference held in Bali on 3-7 December. He welcomed the agreement reached on trade facilitation, the chief objective of which was to reduce red tape at borders, in particular by easing customs procedures and cutting the related costs. This agreement was closely linked to development aid policy, since it would help the integration of developing countries in international trade and boost their growth. For this reason, it was also necessary to analyse the effects of this step forward on certain aspects of European development policy. In addition, he referred to the compromise on food security and reviewed the positions taken by different countries on this issue. The key question was the protection of acquired rights under the food security programmes currently in force. More generally, he warned against inflated expectations about the positive impact of this ministerial conference on the conclusion of the Doha Round of negotiations, in view of the divergent positions taken and the resistance of the WTO member countries to further opening-up of their markets. In conclusion, he emphasised that the EU's contribution to the trade facilitation agreement showed clearly that the Union could play a key role on the international stage.

On the subject of immigration, Ms MALMSTRÖM referred to the report of the Task Force for the Mediterranean which had been set up some weeks earlier at the request of the European Council, and for which she had been given responsibility by the Commission. She explained the concrete short-term actions set out in the report aimed at preventing another tragedy like the one on the island of Lampedusa, namely: measures to boost cooperation with third countries, regional protection programmes with the countries of

Northern Africa and those adjacent to Syria, resettlement policy, where additional efforts were needed from the Member States, reinforcement of legal and safe immigration circuits, the fight against people trafficking and organised crime, better border surveillance, in particular thanks to the €7.9 million granted to Frontex, and assistance to the Member States facing significant migratory pressure, in the form of emergency aid of over €40 million, which had just been made available. In conclusion, she expressed her conviction of the EU's need for a long-term political strategy on immigration and the right to asylum that would combine solidarity, security and responsibility. This sensitive issue would undoubtedly continue to be a concern for the Union for many years to come.

In the brief discussion that followed, the Commission paid particular attention to (i) the need for it to be vigilant in defending its powers and prerogatives in the field of monitoring state aid during the discussions on the European bank resolution authority; (ii) in response to the populist stance of some governments, the need to point out the impossibility of imposing further restrictions on the free movement of workers within the EU, specifically Romanians and Bulgarians, the lack of hard evidence of the existence of any kind of 'welfare tourism' and the current situation as regards intra-EU labour mobility, particularly for citizens living in the Member States most affected by the crisis; (iii) the importance of taking public opinion into account in handling the issue of migration policy; the need for the Union to start working closely with Libya, in particular, on this issue; the numerous barriers hindering the concrete measures to resettle illegal immigrants; denunciation of recent media images, which were considered unworthy of European values, showing incidents in which illegal immigrants in the EU were humiliated; and lastly, (iv) with regard to the results of the 9th WTO ministerial conference in Bali, the need to highlight the success achieved by both the EU and the WTO; on the issue of food security, the active role played by the Commission to find a solution, in that it had settled the question of export subsidies in its reform of the Common Agricultural Policy, and a reference to the new monitoring tools that now made it possible to guarantee the transparency of the use of

trade instruments such as tariff quotas.

The PRESIDENT brought the discussion to a close by thanking the Commission Members for their contributions and wishing them a happy Christmas and New Year.

The Commission took note of this information.

xix) Programming of Council business

(SI(2013) 700)

The Commission took note of the information in SI(2013) 700 on the Council meetings between 18 December 2013 and 1 January 2014.

15.3. RELATIONS WITH PARLIAMENT

xx) Results of Parliament's December part-session

(SP(2013) 907; SP(2013) 908)

The Commission took note of the information in SP(2013) 907 and SP(2013) 908 on the proceedings of the part-session of Parliament held in Strasbourg from 9 to 12 December.

xxi) Action to be taken on Parliament's legislative resolutions and other resolutions of a legal nature

(SP(2013) 925)

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

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

xxii) Action taken on opinions of the European Economic and Social Committee – 3rd two-month period 2013 (May and July)

(SC(2013) 42 and /2)

The Commission approved the replies to the opinions adopted by the European Economic and Social Committee during the second two-month period of 2013 contained in the document distributed as SC(2013) 42/2, for transmission to the Committee.

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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 11.45.