



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2014) 2092 final

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

Strasbourg, 15 July 2014

TEXTE EN

MINUTES

of the 2092nd meeting of the Commission

held in Strasbourg

(Winston Churchill building)

on Tuesday 1 July 2014

(afternoon)

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Single sitting: Tuesday 1 July 2014 (afternoon)

The sitting opened at 13.42 with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	President
Mr ALMUNIA	Vice-President
Mr KALLAS	Vice-President
Ms KROES	Vice-President
Mr ŠEFČOVIČ	Vice-President
Mr BARNIER	Vice-President
Mr OETTINGER	Vice-President
Mr POTOČNIK	Member
Mr PIEBALGS	Member
Ms VASSILIOU	Member
Mr ŠEMETA	Member
Ms GEOGHEGAN-QUINN	Member
Ms DAMANAKI	Member
Ms GEORGIEVA	Member
Mr HAHN	Member
Ms HEDEGAARD	Member
Mr FÜLE	Member
Mr ANDOR	Member
Ms MALMSTRÖM	Member
Mr CIOLOŞ	Member
Mr BORG	Member
Mr MIMICA	Member

Absent:

Baroness ASHTON

High Representative/
Vice-President

Mr DE GUCHT

Member

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

Ms CASTAGNOLI	Adviser in Baroness ASHTON's Office
Ms PERESSO	A member of Mr DE GUCHT's staff

The following also sat in:

Mr LAITENBERGER	Chef de cabinet to the PRESIDENT	
Mr ROMERO REQUENA	Director-General, Legal Service	
Ms AHRENKILDE HANSEN	Commission Spokeswoman	
Mr RIEKELES	A member of Mr BARNIER's staff	Items 1 to 10

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

1. AGENDAS**(OJ(2014) 2092/FINAL; SEC(2014) 388/2)**

The Commission took note of that day's agenda and of the tentative agendas for forthcoming meetings. It also took note of the addition to the agenda for that day's meeting of item 6.5 concerning an administrative decision and item 7 concerning the decision by the President on the organisation of responsibilities of the Members of the Commission.

2. WEEKLY MEETING OF CHEFS DE CABINET**(RCC(2014) 2092)**

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 30 June.

3. MINUTES OF 2091ST MEETING (25 JUNE)**(PV(2014) 2091)**

The Commission approved the minutes of its 2091st meeting.

4. MONITORING THE APPLICATION OF EUROPEAN UNION LAW**STATE AID AND OTHER COMPETITION RULES**

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

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5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED

(SEC(2014) 389 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 23 and 29 June.

5.2. EMPOWERMENT

(SEC(2014) 390 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 23 and 27 June.

5.3. DELEGATION AND SUBDELEGATION OF POWERS

(SEC(2014) 391 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 23 and 27 June, as archived in e-Greffe.

5.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2014) 392 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 30 June and 4 July and of the finalisation written procedures initiated following the weekly meeting of Chefs de cabinet on 30 June.

6. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2014) 393/3)

ADMINISTRATIVE MATTERS

(PERS(2014) 97/3)

6.1. DG HUMAN RESOURCES AND SECURITY – COMPOSITION OF THE CONSULTATIVE COMMITTEE ON APPOINTMENTS

The Commission took note of the information at point 1 of PERS(2014) 97/3 and, on a proposal from Mr ŠEFČOVIČ in agreement with the PRESIDENT, decided that, in order to ensure the smooth running of the Consultative Committee on Appointments – in the composition laid down in Article 3(1) or (2) or in Article 3(3) or (4) of Commission Decision C(2007) 380 – if the Chair of the Consultative Committee on Appointments were temporarily unable to perform his or her duties, or in the event of a conflict of interests under Article 10 of this Decision, the Member of the Commission with responsibility for administration would, in agreement with the PRESIDENT, appoint another Director-General in active employment to replace him or her.

This decision would take effect immediately.

6.2. DG COMPETITION – APPOINTMENT OF AD14/15 DIRECTOR (PERS(2014) 28 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, ‘Markets and cases I: Energy and Environment’, in DG Competition (PERS(2014) 28 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 10 April and 22 May 2014 (PERS(2014) 28/3 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 ALMUNIA, it then decided to appoint Ms Céline GAUER to the post.

This decision would take effect on 16 July 2014.

**6.3. DG INTERNAL MARKET AND SERVICES – APPOINTMENT OF
AD14/15 DIRECTOR
(PERS(2014) 64 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, 'Governance of the single market', in DG Internal Market and Services (PERS(2014) 64).

It took note of the opinions of the Consultative Committee on Appointments of 22 April and 5 June 2014 (PERS(2014) 64/2 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 BARNIER, it then decided to appoint Ms Kristin SCHREIBER to the post.

This decision would take effect on 16 July 2014.

**6.4. DG INTERNAL MARKET AND SERVICES – APPOINTMENT OF
AD14/15 DIRECTOR
(PERS(2014) 31 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, 'Financial markets', in DG Internal Market and Services (PERS(2014) 31).

It took note of the opinions of the Consultative Committee on Appointments of 22 April and 5 June 2014 (PERS(2014) 31/2 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 BARNIER, it then decided to appoint Mr Martin MERLIN to the post.

This decision would take effect on 16 July 2014.

**6.5. DG MARITIME AFFAIRS AND FISHERIES – APPOINTMENT OF
AD14/15 DIRECTOR
(PERS(2014) 52 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, 'Mediterranean and Black Sea', in DG Maritime Affairs and Fisheries (PERS(2014) 52).

It took note of the opinions of the Consultative Committee on Appointments of 2 and 11 June 2014 (PERS(2014) 52/2 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 DAMANAKI, it then decided to appoint Mr Hubert GAMBS to the post.

This decision would take effect on a date to be fixed later.

**6.6. DG COMMUNICATION NETWORKS, CONTENT AND TECHNOLOGY
– RENEWAL OF THE TERM OF OFFICE OF THE EXECUTIVE
DIRECTOR OF THE EUROPEAN UNION AGENCY FOR NETWORK
AND INFORMATION SECURITY**

The Commission noted the procedure followed, as set out at point 6 of PERS(2014) 97/3, and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms KROES, decided:

- to propose to the Management Board to renew for a period of three years the term of office of Mr Udo Helmbrecht as Executive Director of the European Union Agency for Network and Information Security (ENISA);
- to consider this proposal as the Commission's proposal under Article 24(4) of Regulation (EU) 526/2013 of the European Parliament and of the Council concerning the European Union Agency for Network and Information Security (ENISA);
- to instruct Ms KROES, Member of the Commission responsible for the digital agenda, to communicate this proposal to the Management Board of the European Union Agency for Network and Information Security (ENISA).

These decisions would take effect immediately.

**7. DECISION OF 1 JULY BY THE COMMISSION PRESIDENT ON THE
ORGANISATION OF RESPONSIBILITIES OF THE MEMBERS OF THE
COMMISSION
(INFO(2014) 53)**

The PRESIDENT confirmed that Ms REDING, Mr TAJANI, Mr REHN and Mr LEWANDOWSKI had resigned with effect from 30 June 2014 in order to take up their seats in the European Parliament as of 1 July, following their election.

The PRESIDENT said that, until they were replaced in accordance with Article 246 of the Treaty on the Functioning of the European Union, he had decided to reallocate responsibilities temporarily from that day, as follows:

- the economic and monetary affairs portfolio was conferred ad interim on Mr KALLAS;
- the industry and entrepreneurship portfolio was conferred ad interim on Mr BARNIER;
- the financial programming and budget portfolio was conferred ad interim on Mr PIEBALGS;
- the justice, fundamental rights and citizenship portfolio was conferred ad interim on Mr HAHN.

The PRESIDENT explained in addition that the Directorate-General for Communication and the Publications Office of the European Union were henceforth placed under the aegis of Mr ŠEFČOVIČ.

He had also decided to appoint Mr BARNIER and Mr OETTINGER as Vice-Presidents of the Commission, which meant that, as of 1 July 2014, the order of precedence was as follows:

- Baroness ASHTON (High Representative/Vice-President)
- Mr ALMUNIA (Vice-President)
- Mr KALLAS (Vice-President)

- Ms KROES (Vice-President)
- Mr ŠEFČOVIČ (Vice-President)
- Mr BARNIER (Vice-President)
- Mr OETTINGER (Vice-President)
- Mr POTOČNIK
- Mr PIEBALGS
- Ms VASSILIOU
- Mr ŠEMETA
- Mr DE GUCHT
- Ms GEOGHEGAN-QUINN
- Ms DAMANAKI
- Ms GEORGIEVA
- Mr HAHN
- Ms HEDEGAARD
- Mr FÜLE
- Mr ANDOR
- Ms MALMSTRÖM
- Mr CIOLOŞ
- Mr BORG
- Mr MIMICA

The PRESIDENT then informed the Commission Members of proposals he had received from the four Member States affected by the replacement of the

Commissioners who had resigned, namely Mr Jyrki Katainen to replace Mr REHN, Mr Ferdinando Nelli Feroci to replace Mr TAJANI, Ms Martine Reicherts to replace Ms REDING and Mr Jacek Dominik to replace Mr LEWANDOWSKI. The hearings of the four candidates could take place in Parliament on 14 July. He announced that he intended to allocate to each new Member the portfolio of his or her predecessor.

In conclusion, he underlined the importance of good management during this transitional period in order to preserve the Commission's integrity and business continuity.

The Commission took note of these observations and of the PRESIDENT's briefing note in INFO(2014) 53.

8. PROPOSAL FOR A COUNCIL REGULATION AMENDING REGULATION (EC) 2866/98 REGARDING THE CONVERSION RATE TO THE EURO FOR LITHUANIA (COM(2014) 447)

Following a brief presentation by Mr KALLAS, the Commission adopted the proposal for a Council Regulation set out in document COM(2014) 447 which was handed out during the meeting, and dated 1 July 2014, for transmission to the Council and the European Central Bank, and, for information, to the European Parliament and the national parliaments.

9. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE – TOWARDS A RENEWED CONSENSUS ON THE ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS: AN EU ACTION PLAN

(COM(2014) 392 AND /2; RCC(2014) 57)

10. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE – TRADE, GROWTH AND INTELLECTUAL PROPERTY – STRATEGY FOR THE PROTECTION AND ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS IN THIRD COUNTRIES

(COM(2014) 389 TO /3; SWD(2014) 204 AND /2; RCC(2014) 57)

Ms KROES took the floor to draw Members' attention to the importance of approving the two communications on the enforcement of intellectual property rights that day, ahead of and separately from the White Paper currently being prepared on copyright. She pointed out that there was a direct link between the proposed copyright reform and the two communications, as intellectual property rights also covered copyright. She went on to note that the emphasis on enforcement might blur the perception and understanding of Union action in this area at a time when the reform of the legislation on copyright was still under consideration.

Mr BARNIER observed that the main objectives of the two communications were to prevent commercial infringements and to combat both counterfeiting, which was responsible for the loss of 250 000 jobs each year, and criminal money laundering networks. He stressed in this connection that the two communications proposed a raft of non-legislative measures designed primarily to tackle a number of practical

issues within the current legislative framework and to respond to certain fundamental questions of a social and economic nature without pre-empting the future discussions on the reform of copyright law.

Following this brief exchange the Commission:

- approved the communication in COM(2014) 392/2, for transmission to the European Parliament, the Council, the European Economic and Social Committee and, for information, to the national parliaments;
- approved the communication in COM(2014) 389/3, for transmission to the European Parliament, the Council, the European Economic and Social Committee and, for information, to the national parliaments, together with the staff working document distributed as SWD(2014) 204/2, the contents of which were noted.

11. INTERINSTITUTIONAL RELATIONS

11.1. LEGISLATIVE MATTERS

- i) Data protection package – Protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data (Directive) / Protection of individuals with regard to the processing of personal data and the free movement of such data (Regulation) – DROUTSAS / ALBRECHT reports – 2012/0010 (COD) / 2012/0011 (COD)**
(SI(2014) 269 and /2)

The Commission approved the line set out in SI(2014) 269/2.

**ii) Establishment of the European Public Prosecutor's Office
(Council Regulation) – IACOLINO report – 2013/0255 (APP)
(SI(2014) 279 and /2)**

The Commission approved the line set out in SI(2014) 279/2.

11.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

**iii) Programming of Council business
(SI(2014) 277 and /2)**

The Commission took note of the information in SI(2014) 277/2 on the Council meetings between 3 and 16 July.

**iv) Results of European Council meeting (Brussels, 26 and 27 June)
(SI(2014) 278)**

The PRESIDENT reported on the European Council held on 26 and 27 June with a view to adopting important decisions both on the institutional transition in the Union and on a number of political priorities.

First of all he noted that the European Council had decided to propose Mr Jean-Claude Juncker to the European Parliament as a candidate for the position of next President of the Commission. He pointed out that for the first time this decision had been put to a vote, and that a number of the arguments put forward in particular by the British Prime Minister, Mr David Cameron, had struck a chord with some other Heads of State or Government as regards the nomination procedure and its implications for the balance of power between the European Council and Parliament; he felt that this question would therefore probably resurface in the future.

The PRESIDENT went on to say that the European Council would meet again on 16 July to discuss with Mr Juncker the Union's future priorities for action, hoping that his appointment would have been confirmed that day by Parliament, and to discuss the appointments of the President of the European Council and the High Representative of the Union for Foreign Affairs and Security Policy; no discussions on the appointment of the Eurogroup President were planned for the moment.

The PRESIDENT then discussed the approval by the European Council, under Article 15 of the Treaty on European Union, of the 'Strategic agenda for the Union in times of change', strategic guidelines which would henceforth serve as a basis for a wide-ranging inter-institutional discussion.

The PRESIDENT continued his presentation of the other results of the European Council, with particular emphasis on the approval of the country-specific recommendations for 2014, which concluded the European Semester, although he expressed regret that the pension reforms called for by the Commission had been somewhat watered down by the Council. In any event, he was pleased to see the European Semester playing its full part in European economic governance.

He also reported on the discussion on the flexibility offered by the present rules under the Stability and Growth Pact, while pointing out that he had intervened in the discussion to remind the meeting of the prerogatives of the Commission, which had exclusive powers to assess whether or not the prior conditions for relaxing the pact had been met.

However, on the matter of 'regulatory fitness', in which the European Council had recognised the progress achieved on the initiative of the Commission, the outcome was also dependent on the other institutions and the measures taken

by the Member States.

He then ran through the other policy areas covered by the discussions, particularly the approval of strategic guidelines in the area of freedom, security and justice, including on the question of illegal immigration, which had been shown in the European elections to be highly sensitive.

As regards energy and measures to combat climate change, he mentioned preparations for the approval of the 2030 climate and energy framework, scheduled for the European Council in October, provided that the last thorny issues could be resolved in the meantime. He also stressed the support for the urgent measures presented by the Commission in its Energy Security Strategy and the decision to continue the discussions in the long term.

He noted that the Council had confirmed its decision to grant Albania candidate country status for EU membership, and had endorsed the Commission's proposal to authorise Lithuania to adopt the euro from 1 January 2015 (see Item 8 of these minutes).

Finally, the PRESIDENT touched on the discussions in connection with the EU's external relations following signature of the Association Agreements with Georgia and Moldova and the final chapters of the Association Agreement with Ukraine. He stressed the historic importance of this event, welcomed for its symbolic nature by the leaders present, who saw it as evidence of a break with the past and hope for a change for the better. He reported that the new President of Ukraine, Mr Petro Poroshenko, had then addressed the European Council in a dignified and moving speech in which he spoke of the ongoing dangers for the security and integrity of Ukraine and asked for the EU's assistance in imposing certain conditions on Russia and the pro-Russian separatists.

The PRESIDENT explained that the Heads of State or Government had responded to this appeal by including in the Conclusions of the European Council meeting a 72-hour deadline for meeting the following four conditions: (i) agreement on a verification mechanism, monitored by the Organisation for Security and Co-operation in Europe (OSCE), for the cease-fire and for the effective control of the border, (ii) return to the Ukrainian authorities of three border checkpoints, (iii) release of hostages including all of the OSCE observers, and (iv) launch of substantial negotiations on the implementation of President Poroshenko's peace plan.

The PRESIDENT pointed out that the deadline had since expired and that the Ukrainian authorities had unilaterally called off the cease-fire, adding that, although the OSCE observers had been released, the border checkpoints had not been returned to Ukraine and there had been no agreement on the introduction of the OSCE verification mechanism. He insisted on the fact that the Union was continuing its mediation efforts and did not rule out the possibility of an extraordinary meeting of the Foreign Affairs Council at which further decisions could be taken before the European Council of 16 July. Although the next steps would depend on what the Member States decided, he stressed that the Commission must stay engaged and ready to respond to any eventuality.

In the meantime he indicated that the Commission would continue its assistance to Ukraine and the preparations for the high-level coordination meeting in Brussels the following week. After welcoming Mr FÜLE's tireless contribution, he went on to mention the possibility of a meeting on 11 July between Mr DE GUCHT and Russia and Ukrainian representatives to reiterate the point that the association agreement between the Union and Ukraine was not incompatible with the free-trade agreements concluded by

the countries of the Commonwealth of Independent States (CIS), in the hope of avoiding retaliatory measures by Russia, in particular with regard to Moldova and Georgia. He also referred to Mr OETTINGER's efforts to bring about a resumption of the gas talks with a view to reaching agreement well before the winter, which would depend in part on the overall political situation.

The PRESIDENT wound up his presentation by noting that, as the situation in Ukraine showed, peace should never be taken for granted and he alluded in that context to the ceremony attended by members of the European Council on 26 June in Ypres, the site of one of the bloodiest battles of the First World War, to commemorate the hundredth anniversary of that European tragedy. He spoke of the emotion felt not just by European leaders, but by the thousands of people present at the event, and of the optimism inspired in him by the European venture which had turned yesterday's enemies into the architects of a joint project based on peace and solidarity.

Mr FÜLE noted that the date of the extraordinary meeting of the Foreign Affairs Council on the situation in Ukraine had yet to be confirmed given the current confusion on the ground and the continuing discussions between the various interested parties. He stressed that the Council would continue to monitor developments in Ukraine, while preparing for a possible tightening of the restrictive measures against Russia, which might even involve stepping up the current level 2 sanctions.

He added that, after the association agreements between the Union and Ukraine, Moldova and Georgia had been signed, they still needed to be ratified, but would nevertheless be provisionally applied from 1 October 2014 before they formally entered into force. The association agreement with Moldova was due to be ratified by the Moldovan Parliament that week, and

the association agreement with Georgia on 18 July.

Regarding the association agreement with Ukraine, Mr FÜLE pointed out that it had not yet been possible to confirm the ratification date as discussions were still ongoing with Russia on certain aspects of the implementation of the agreement. He remarked, however, that the Ukrainian Parliament had decided to extend its parliamentary session to allow it to ratify the agreement in July. He added that, if the ratification of the agreement was put off until September, it would not be provisionally implemented until 1 November.

The PRESIDENT thanked Mr FÜLE for these clarifications.

Turning to a different subject, Mr BARNIER suggested that the Commission should start looking into the possibility of a European Public Prosecutor's Office with powers to cover financial crime and that it should consider putting forward proposals to this effect.

The Commission took note of this information.

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

v) Follow-up to Committee of the Regions opinions – Fifty-ninth report (April 2014 plenary session) (SR(2014) 16 to /3)

The Commission approved the replies to the opinions adopted by the Committee of the Regions during the April 2014 plenary session, contained in the document distributed as SR(2014) 16/3, for transmission to the Committee of the Regions.

vi) Written statement by Mr Giovanni KESSLER to a commission of inquiry of the Maltese Parliament (Malta, 4 July 2014)

(SNP(2014) 5)

The Commission authorised Mr Giovanni KESSLER, Director-General of the European Anti-Fraud Office, to submit a written statement to a commission of inquiry of the Maltese Parliament following the line set out in SNP(2014) 5.

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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 14.26.