



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

**PV(2014) 2093 final**

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

Strasbourg, 15 July 2014

# TEXTE EN

## MINUTES

**of the 2093<sup>rd</sup> meeting of the Commission**

**held in Brussels**

**(Berlaymont building)**

**on Wednesday 9 July 2014**

**(morning)**

\_\_\_\_\_

PV(2014) 2093 final

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

**EN**

## TABLE OF CONTENTS

|                                                                                                                                                                                              |            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| <b>Attendance list</b>                                                                                                                                                                       | <b>5-7</b> |
| 1. AGENDAS (OJ(2014) 2093/FINAL; SEC(2014) 402/2).....                                                                                                                                       | 8          |
| 2. WEEKLY MEETING OF CHEFS DE CABINET (RCC(2014) 2093).....                                                                                                                                  | 8          |
| 3. APPROVAL OF THE MINUTES OF THE 2092 <sup>ND</sup> MEETING OF THE<br>COMMISSION (1 JULY).....                                                                                              | 8          |
| 4. INTERINSTITUTIONAL RELATIONS.....                                                                                                                                                         | 9          |
| 4.1. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL .....                                                                                                                               | 9          |
| 4.2. RELATIONS WITH PARLIAMENT .....                                                                                                                                                         | 9          |
| 5. MONITORING THE APPLICATION OF EUROPEAN UNION LAW .....                                                                                                                                    | 9          |
| 5.1. STATE AID – HORIZONTAL CASES (SEC(2014) 416 AND /2; RCC(2014) 61).....                                                                                                                  | 9          |
| 5.2. STATE AID – HORIZONTAL DOSSIER .....                                                                                                                                                    | 9          |
| 6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION<br>OF POWERS.....                                                                                                                          | 10         |
| 6.1. WRITTEN PROCEDURES APPROVED (SEC(2014) 403 ET SEQ.).....                                                                                                                                | 10         |
| 6.2. EMPOWERMENT (SEC(2014) 404 ET SEQ) .....                                                                                                                                                | 10         |
| 6.3. DELEGATION AND SUBDELEGATION OF POWERS (SEC(2014) 406 ET SEQ.).....                                                                                                                     | 11         |
| 6.4. SENSITIVE WRITTEN PROCEDURES (SEC(2014) 407 AND /2) .....                                                                                                                               | 11         |
| 6.5. GENERAL EMPOWERMENT FOR THE ADOPTION OF DECISIONS IN THE<br>FIELD OF ECONOMIC AND FINANCIAL AFFAIRS CONCERNING EURATOM<br>LOANS ISSUED FOR THE PURPOSE OF CONTRIBUTING TO THE FINANCING |            |

|                                                                                                                                                                                                                                                                                                                                                  |    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| OF NUCLEAR POWER STATIONS (C(2014) 4641) .....                                                                                                                                                                                                                                                                                                   | 11 |
| 6.6. DELEGATION OF POWERS FOR THE ADOPTION OF DECISIONS<br>ESTABLISHING MODALITIES OF ANNUAL REIMBURSEMENT OF<br>APPROPRIATIONS CARRIED OVER IN RELATION WITH FINANCIAL<br>DISCIPLINE REDUCTION IN ACCORDANCE WITH ARTICLE 169(3) OF<br>REGULATION (EU, EURATOM) 966/2012 AND ARTICLE 26(5) OF<br>REGULATION (EU) 1306/2013 (C(2014) 4880) ..... | 12 |
| 7. ADMINISTRATIVE AND BUDGETARY MATTERS<br>(SEC(2014) 408/2) .....                                                                                                                                                                                                                                                                               | 13 |
| 7.1. DG ENERGY – APPOINTMENT OF AD15/16 DEPUTY DIRECTOR-GENERAL<br>(PERS(2014) 38 TO /4).....                                                                                                                                                                                                                                                    | 13 |
| 7.2. DG EDUCATION AND CULTURE – APPOINTMENT OF AD14/15 PRINCIPAL<br>ADVISER (PERS(2014) 34 TO /3).....                                                                                                                                                                                                                                           | 13 |
| 7.3. DG ENVIRONMENT – APPOINTMENT OF AD14/15 DIRECTOR (PERS(2014) 23<br>TO /5).....                                                                                                                                                                                                                                                              | 14 |
| 7.4. DG DIGIT – TERMINATION OF THE SELECTION PROCEDURE FOR THE<br>POST OF AD14/15 DIRECTOR (PERS(2014) 69 TO /4) .....                                                                                                                                                                                                                           | 15 |
| 7.5. DG INTERNAL MARKET AND SERVICES – EXTERNAL PUBLICATION (EU-28)<br>OF VACANCY NOTICES FOR THE POSTS OF CHAIRPERSON, VICE<br>CHAIRPERSON AND FOUR MEMBERS OF THE SINGLE RESOLUTION<br>BOARD, AND ESTABLISHMENT OF THE SELECTION PROCEDURE<br>(PERS(2014) 101; (PERS(2014) 102; (PERS(2014) 103; (PERS(2014) 104) .....                        | 15 |
| 7.6. DG MOBILITY AND TRANSPORT – TEMPORARY APPOINTMENT AS<br>EXECUTIVE DIRECTOR OF THE JOINT UNDERTAKING SHIFT2RAIL.....                                                                                                                                                                                                                         | 16 |
| 8. WHITE PAPER – TOWARDS MORE EFFECTIVE EU MERGER<br>CONTROL (COM(2014) 449 AND /2; SWD(2014) 217; SWD(2014) 218;<br>SWD(2014) 221; SEC(2014) 399; RCC(2014) 61) .....                                                                                                                                                                           | 17 |

9. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL – TEN YEARS OF ANTITRUST ENFORCEMENT UNDER REGULATION 1/2003 – ACHIEVEMENTS AND FUTURE PERSPECTIVES (COM(2014) 453; SWD(2014) 230 AND /2; SWD(2014) 231 AND /2; RCC(2014) 61).....17
10. COMMISSION DECISION RELATING TO A PROCEEDING UNDER ARTICLES 101 AND 102 OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION (*CASE AT.39612 – PERINDOPRIL (SERVIER)*) (C(2014) 4955 TO /10; RCC(2014) 66) .....18
11. COMMISSION RECOMMENDATION ON PRINCIPLES FOR THE PROTECTION OF CONSUMERS AND PLAYERS OF ONLINE GAMBLING SERVICES AND THE PREVENTION OF MINORS FROM GAMBLING ONLINE (C(2014) 4630 TO /3; SWD(2014) 232; SWD(2014) 233; SEC(2014) 417; RCC(2014) 62) .....19

**Single sitting: Wednesday 9 July 2014 (morning)**

The sitting opened at 9.39 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 PIEBALGS        | Member         |
| Ms VASSILIOU       | Member         |
| Mr ŠEMETA          | Member         |
| Mr DE GUCHT        | Member         |
| Ms GEOGHEGAN-QUINN | Member         |
| Ms DAMANAKI        | Member         |
| Ms GEORGIEVA       | Member         |
| Mr HAHN            | Member         |
| Mr FÜLE            | Member         |
| Mr ANDOR           | Member         |
| Mr CIOLOŞ          | Member         |
| Mr MIMICA          | Member         |

Absent:

Baroness ASHTON

High Representative/  
Vice-President

Mr POTOČNIK

Member

Ms HEDEGAARD

Member

Ms MALMSTRÖM

Member

Mr BORG

Member

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

|                   |                                           |
|-------------------|-------------------------------------------|
| Mr CEBALLOS BARÓN | A member of Baroness ASHTON's staff       |
| Mr MALGAJ         | Chef de cabinet to Mr POTOČNIK            |
| Ms JENSEN         | Deputy Chef de cabinet to<br>Ms HEDEGAARD |
| Mr VOLLBRACHT     | A member of Ms MALMSTRÖM's staff          |
| Ms DARMANIN       | Chef de cabinet to Mr BORG                |

The following also sat in:

|                      |                                                 |
|----------------------|-------------------------------------------------|
| Mr SOBRAL            | Deputy Chef de cabinet to the<br>PRESIDENT      |
| Mr ROMERO REQUENA    | Director-General, Legal Service                 |
| Mr PAULGER           | Director-General, DG Communication              |
| Mr DOENS             | Head of the Commission Spokesperson<br>Service  |
| Ms AHRENKILDE HANSEN | Commission Spokeswoman                          |
| Ms BENÍTEZ SALAS     | Bureau of European Policy Advisers<br>Secretary |
| Mr NOCIAR            | Chef de cabinet to Mr ŠEFČOVIČ                  |

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

**1. AGENDAS**

**(OJ(2014) 2093/FINAL; SEC(2014) 402/2)**

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 item 7.1 (on an administrative decision) to that day's agenda.

**2. WEEKLY MEETING OF CHEFS DE CABINET**

**(RCC(2014) 2093)**

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 7 July.

**3. APPROVAL OF THE MINUTES OF THE 2092<sup>ND</sup> MEETING OF THE COMMISSION (1 JULY)**

The Commission held over approval of the minutes of its 2092<sup>nd</sup> meeting for the following week.

## **4. INTERINSTITUTIONAL RELATIONS**

### **4.1. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL**

#### **i) Programming of Council business**

(SI(2014) 286)

The Commission took note of the information in SI(2014) 286 on the Council meetings between 10 and 23 July.

### **4.2. RELATIONS WITH PARLIAMENT**

#### **ii) Results of Parliament's July I part-session**

(SP(2014) 462)

The Commission took note of the information on the proceedings of the part-session of Parliament held in Strasbourg on 1 and 3 July, as set out in SP(2014) 462.

## **5. MONITORING THE APPLICATION OF EUROPEAN UNION LAW**

### **5.1. STATE AID – HORIZONTAL CASES**

(SEC(2014) 416 AND /2; RCC(2014) 61)

The Commission adopted the decisions in SEC(2014) 416/2.

### **5.2. STATE AID – HORIZONTAL DOSSIER**

**Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty**

(C(2014) 4606 and /2; SWD(2014) 228; SWD(2014) 229; SWD(2014) 415;

RCC(2014) 61)

The Commission:

- adopted in principle the Guidelines set out in C(2014) 4606/2;
- took note of the impact assessment and the summary thereof in the staff working documents distributed as SWD(2014) 228 and SWD(2014) 229;
- took note of the opinion of the Impact Assessment Board on the above Guidelines, as set out in SEC(2014) 415;
- acting under Article 13 of its Rules of Procedure, empowered Mr ALMUNIA, the Member of the Commission responsible for competition, in agreement with the PRESIDENT, to formally adopt the Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty in all the official languages of the Union, with a view to their publication in the Official Journal of the European Union.

## **6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS**

### **6.1. WRITTEN PROCEDURES APPROVED**

**(SEC(2014) 403 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 30 June and 4 July.

### **6.2. EMPOWERMENT**

**(SEC(2014) 404 ET SEQ)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 30 June and 4 July.

**6.3. DELEGATION AND SUBDELEGATION OF POWERS  
(SEC(2014) 406 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 30 June and 4 July, as archived in e-Greffe.

**6.4. SENSITIVE WRITTEN PROCEDURES  
(SEC(2014) 407 AND /2)**

The Commission took note of the sensitive written procedures for which the time limit expired between 7 and 11 July and of the finalisation written procedures initiated following the weekly meeting of Chefs de cabinet on 7 July.

**6.5. GENERAL EMPOWERMENT FOR THE ADOPTION OF DECISIONS  
IN THE FIELD OF ECONOMIC AND FINANCIAL AFFAIRS  
CONCERNING EURATOM LOANS ISSUED FOR THE PURPOSE OF  
CONTRIBUTING TO THE FINANCING OF NUCLEAR POWER  
STATIONS  
(C(2014) 4641)**

The Commission decided to empower the Member of the Commission responsible for Economic and Monetary Affairs and the Euro, on the Commission's behalf and under its responsibility, in agreement with the PRESIDENT, the Members of the Commission responsible for the budget and energy and, when non-member countries are concerned, the Member with geographical responsibility, to adopt certain decisions to disburse Euratom

loans and contract the corresponding borrowings, for the purpose of contributing to the financing of nuclear power stations, under the terms set out in C(2014) 4641.

**6.6. DELEGATION OF POWERS FOR THE ADOPTION OF DECISIONS ESTABLISHING MODALITIES OF ANNUAL REIMBURSEMENT OF APPROPRIATIONS CARRIED OVER IN RELATION WITH FINANCIAL DISCIPLINE REDUCTION IN ACCORDANCE WITH ARTICLE 169(3) OF REGULATION (EU, EURATOM) 966/2012 AND ARTICLE 26(5) OF REGULATION (EU) 1306/2013 (C(2014) 4880)**

The Commission decided to delegate to the Director-General of the Directorate-General for Agriculture and Rural Development the power to adopt, on its behalf and under its responsibility, Commission Implementing Regulations laying down the terms and conditions applicable to appropriations carried over and, specifically, the amounts that each Member State was authorised to reimburse to the final recipients for whom direct payments had been reduced as a result of the application of the financial discipline mechanism, under the terms set out in C(2014) 4880.

## **7. ADMINISTRATIVE AND BUDGETARY MATTERS**

**(SEC(2014) 408/2)**

### **ADMINISTRATIVE MATTERS**

**(PERS(2014) 100/2)**

#### **7.1. DG ENERGY – APPOINTMENT OF AD15/16 DEPUTY DIRECTOR-GENERAL (PERS(2014) 38 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 responsible for the coordination of Directorate D (Nuclear Safety and Fuel Cycle) and E (Nuclear Safeguards) at the Directorate-General for Energy (PERS(2014) 38 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 2 and 9 April (PERS(2014) 38/3 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 Gerassimos THOMAS to the post.

This decision would take effect on 16 September 2014.

#### **7.2. DG EDUCATION AND CULTURE – APPOINTMENT OF AD14/15 PRINCIPAL ADVISER (PERS(2014) 34 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 at the Directorate-General for Education and Culture, for secondment in the interests of the service, under Article 37(a) and 38 of the Staff Regulations, to the Education, Audiovisual and Culture Executive Agency (EACEA) (PERS(2014) 34).

It took note of the opinions of the Consultative Committee on Appointments of 22 April and 15 May 2014 (PERS(2014) 34/2 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 VASSILIOU, it then decided:

- to appoint M. Brian HOLMES to the post of Principal Adviser at the Directorate-General for Education and Culture;
- to second him in the interests of the service, under Articles 37(a) and 38 of the Staff Regulations, to the Education, Audiovisual and Culture Executive Agency to perform the duties of Director as a member of the temporary staff, for a four-year period renewable once.

This decision would take effect on 1 August 2014.

### **7.3. DG ENVIRONMENT – APPOINTMENT OF AD14/15 DIRECTOR (PERS(2014) 23 TO /5)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director of the 'Green Economy' Directorate in DG Environment (PERS(2014) 23 to /3).

It took note of the opinions of the Consultative Committee on Appointments of 16 May and 11 June (PERS(2014) 23/4 and /5).

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 POTOČNIK, it then decided to appoint Mr Kestutis SADAUSKAS to the post.

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

**7.4. DG DIGIT – TERMINATION OF THE SELECTION PROCEDURE FOR THE POST OF AD14/15 DIRECTOR  
(PERS(2014) 69 TO /4)**

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, the Commission decided to terminate – without making any appointment – the internal selection procedure COM/2014/755 for the post of Director in the 'Digital Workplace Solutions' Directorate of the Directorate-General for Informatics.

This decision would take effect immediately.

**7.5. DG INTERNAL MARKET AND SERVICES – EXTERNAL PUBLICATION (EU-28) OF VACANCY NOTICES FOR THE POSTS OF CHAIRPERSON, VICE CHAIRPERSON AND FOUR MEMBERS OF THE SINGLE RESOLUTION BOARD, AND ESTABLISHMENT OF THE SELECTION PROCEDURE  
(PERS(2014) 101; (PERS(2014) 102; (PERS(2014) 103; (PERS(2014) 104)**

The Commission took note of the information in point 5 of PERS(2014) 100/2 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr BARNIER, decided:

- to authorise the external publication (EU-28) of the vacancy notices in PERS(2014) 101, PERS(2014) 102, PERS(2014) 103 and PERS(2014) 104, concerning respectively the posts of Chairperson, Deputy Chairperson and Members of the Single Resolution Board;
- to approve the selection procedures set out in point 5 of document PERS(2014) 100/2 in order to fill the posts of Chairperson, Deputy Chairperson and Members of the Single Resolution Board;
- to authorise the Commission Member responsible for administration, in agreement with the PRESIDENT, to adopt the necessary implementing rules.

These decisions would take effect immediately.

**7.6. DG MOBILITY AND TRANSPORT – TEMPORARY APPOINTMENT AS EXECUTIVE DIRECTOR OF THE JOINT UNDERTAKING SHIFT2RAIL**

The Commission took note of the information in point 6 of PERS(2014) 100/2 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr KALLAS, decided to appoint Mr Christos ECONOMOU, an AD13 official and current Deputy Head of Unit of the 'Land Transport' unit of the Directorate-General for Mobility and Transport, to perform temporarily the duties of Executive Director of the Joint Undertaking *Shift2Rail*, in addition to his current responsibilities and until such time as the Executive Director took up office.

This decision would take effect immediately, subject to the availability of the necessary budget resources.

**8. WHITE PAPER – TOWARDS MORE EFFECTIVE EU MERGER CONTROL  
(COM(2014) 449 AND /2; SWD(2014) 217; SWD(2014) 218; SWD(2014) 221;  
SEC(2014) 399; RCC(2014) 61)**

The Commission approved the White Paper in COM(2014) 449/2 for transmission to the European Parliament, the Council and, for information, the European Economic and Social Committee and the national parliaments, together with the impact assessment, the summary thereof and the supporting document in staff working documents SWD(2014) 217, SWD(2014) 218 and SEC(2014) 221, respectively, the contents of which were noted.

The Commission also took note of the opinion of the Impact Assessment Board on the above-mentioned White Paper, as set out in SEC(2014) 399.

**9. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN  
PARLIAMENT AND THE COUNCIL – TEN YEARS OF ANTITRUST  
ENFORCEMENT UNDER REGULATION 1/2003 – ACHIEVEMENTS AND  
FUTURE PERSPECTIVES  
(COM(2014) 453; SWD(2014) 230 AND /2; SWD(2014) 231 AND /2;  
RCC(2014) 61)**

The Commission approved the Communication in COM(2014) 453, for transmission to Parliament and the Council and, for information, to the national

parliaments, together with the staff working documents distributed as SWD(2014) 230/2 and SWD(2014) 231/2, the contents of which were noted.

**10. COMMISSION DECISION RELATING TO A PROCEEDING UNDER ARTICLES 101 AND 102 OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION (CASE AT.39612 – PERINDOPRIL (SERVIER)) (C(2014) 4955 TO /10; RCC(2014) 66)**

The Commission:

- took note of the opinions of the Advisory Committee on Restrictive Practices and Dominant Positions of 30 June and 7 July 2014 in C(2014) 4955/3 and /4;
- took note of the final report of the Hearing Officer of 7 July in C(2014) 4955/5;
- adopted, in the authentic languages (English and French), the decision in C(2014) 4955/7 finding that the companies to which the decision was addressed had infringed Articles 101 and 102 of the Treaty on the Functioning of the European Union, requiring them to put an end to the infringements immediately and imposing on them fines totalling €427 696 508;
- adopted, in the authentic languages (English and French), the confidential annexes to the decision in C(2014) 4955/8, /9 and /10;
- decided that the decision in C(2014) 4955/7 would be notified to the companies concerned, together with the Hearing Officer's final report and, for some of the companies, with the confidential annex relating to them of the annexes contained in C(2014) 4955/8, /9 and /10;

- 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 make the decision (minus any business secrets and other confidential information) also accessible on the Internet.

**11. COMMISSION RECOMMENDATION ON PRINCIPLES FOR THE PROTECTION OF CONSUMERS AND PLAYERS OF ONLINE GAMBLING SERVICES AND THE PREVENTION OF MINORS FROM GAMBLING ONLINE**

**(C(2014) 4630 TO /3; SWD(2014) 232; SWD(2014) 233; SEC(2014) 417; RCC(2014) 62)**

On a proposal from the PRESIDENT, the Commission agreed that the Recommendation currently set out in COM(2014) 4630/3 would be adopted by ‘finalisation’ written procedure, the deadline for which was set at 10.00 on Monday 14 July (PE/2014/4656).

\*

\*       \*

The meeting closed at 9.45.