



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2015) 2119 final

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

Brussels, 25 March 2015

TEXTE EN

MINUTES

of the 2119th meeting of the Commission

held in Strasbourg

(Winston Churchill)

on Tuesday 10 March 2015

(afternoon)

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Single sitting: Tuesday 10 March (afternoon)

The sitting opened at 13.25 with Mr JUNCKER, President, in the chair.

Present:

Mr JUNCKER	President
Mr TIMMERMANS	First Vice-President
Ms MOGHERINI	High Representative / Vice-President
Ms GEORGIEVA	Vice-President
Mr ANSIP	Vice-President
Mr ŠEFČOVIČ	Vice-President
Mr HAHN	Member
Ms MALMSTRÖM	Member
Mr MIMICA	Member
Mr ARIAS CAÑETE	Member
Mr VELLA	Member
Mr ANDRIUKAITIS	Member
Ms THYSSEN	Member
Mr STYLIANIDES	Member
Mr HOGAN	Member
Ms BULC	Member
Ms BIENKOWSKA	Member
Ms JOUROVÁ	Member
Mr NAVRACSICS	Member
Ms VESTAGER	Member
Mr MOEDAS	Member

Absent:

Mr DOMBROVSKIS	Vice-President
Mr KATAINEN	Vice-President
Mr OETTINGER	Member
Mr AVRAMOPOULOS	Member
Mr MOSCOVICI	Member
Lord HILL	Member
Ms CREȚU	Member

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

Mr LAHTI	Chef de cabinet to Mr DOMBROVSKIS
Ms SALLA	A member of Mr KATAINEN's staff
Ms ISKRA	A member of Mr MOSCOVICI's staff
Mr KUCK	A member of Lord Hill's staff
Mr LATOUDIS	A member of Ms CREȚU's staff

The following also sat in:

Mr SELMAYR	Chef de cabinet to the PRESIDENT
Mr ROMERO REQUENA	Director-General, Legal Service
Mr PESONEN	Deputy Director-General, DG Communication
Mr SCHINAS	Head of the Spokesperson Service and Chief Spokesperson of the Commission
Ms BENÍTEZ SALAS	European Political Strategy Centre
Ms MARTÍNEZ ALBEROLA	Deputy Chef de cabinet to the PRESIDENT

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

The PRESIDENT opened the Commission meeting with a tribute to Lieutenant-Colonel Ronny Piens, Regional security officer at the EU Delegation to Mali, who was killed in the attacks carried out in Bamako on 7 March.

The PRESIDENT, who, when he was Prime Minister of Luxembourg, had met Lieutenant-Colonel Piens in the context of development cooperation, spoke of his personal and professional qualities.

He extended his deepest condolences and sympathy to Mr Piens' family and loved ones. Mr Piens lost his life representing and upholding the values of the Union and the PRESIDENT paid tribute to him and, through him, to all those who make Europe what it is on a day-to-day basis, on the ground and sometimes under difficult conditions.

The PRESIDENT asked the Members of the Commission to observe a minute's silence, saying he felt deep respect for the commitment of all those who make the European idea and European values a reality.

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1. AGENDAS

(OJ(2015) 2119/FINAL; SEC(2015) 124/2)

The Commission took note of that day's agenda and of the tentative agendas for forthcoming meetings.

2. WEEKLY MEETING OF CHEFS DE CABINET

(RCC(2015) 2119)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 9 March.

3. APPROVAL OF THE MINUTES OF THE 2117TH AND 2118TH MEETINGS OF THE COMMISSION (25 FEBRUARY AND 4 MARCH)

The Commission held over approval of the minutes of its 2117th and 2118th meetings for the following week.

**4. INTERINSTITUTIONAL RELATIONS
(RCC(2015) 23)**

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 6 March (RCC(2015) 23).

It paid particular attention to the following points.

4.1. LEGISLATIVE MATTERS

i) Parliament dossier

(point 3.2 of the IRG record)

Ordinary legislative procedure – First reading

- European long-term investment funds (Regulation) – LAMASSOURE report – 2013/0214 (COD)

The Commission approved the line set out in SP(2015) 98 and /2 and took note of the compromise text attached to SP(2015) 98.

ii) Council dossiers

(point 3.3 of the IRG record)

- Establishment of the European Public Prosecutor's Office (Council Regulation) – MACOVEI report – 2013/0255 (APP)

The Commission approved the line set out in SI(2015) 55.

- Promoting the free movement of citizens and businesses by simplifying the acceptance of certain public documents in the European Union and amending Regulation (EU) 1024/2012 (Regulation) – DELVAUX report – 2013/0119 (COD)

The Commission approved the line set out in SI(2015) 68.

- Amendment to Regulation (EU) 2015/104 as regards certain fishing opportunities for sea bass (Council Regulation) – 2015/0025 (NLE)

The Commission approved the line set out in SI(2015) 73.

- Measures to ensure a high common level of network and information security across the Union (Directive) – SCHWAB report – 2013/0027 (COD)

The Commission approved the line set out in SI(2015) 76/2.

- European Fund for Strategic Investments and amendments to Regulations (EU) 1291/2013 and (EU) 1316/2013 (Regulation) – FERNANDES / BULLMANN report – 2015/0009 (COD)

The Commission approved the line set out in SI(2015) 77/3 (see also item 9 of these minutes).

4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

iii) Programming of Council business

(SI(2015) 83)

The Commission took note of the information in SI(2015) 83 on the Council meetings between 12 and 25 March.

iv) Non-legislative matters

(point 4.1 of the IRG record)

- Suspension of customs duties applicable to imports of certain heavy oils and other similar products (Council Regulation) – 2015/0024 (NLE)

The Commission approved the line set out in SI(2015) 74.

- Conclusion, on behalf of the European Union, of the Protocol amending the Marrakesh Agreement establishing the World Trade Organisation (Council Decision) – 2015/0029 (NLE)

The Commission approved the line set out in SI(2015) 75.

- Preparation of the Eastern Partnership summit in Riga (21-22 May 2015)

The Commission took note of the draft declaration in SI(2015) 88 and of the communication thereof to the participants of the future Riga summit.

4.3. RELATIONS WITH PARLIAMENT

- v) Letter from Mr TIMMERMANS and Mr AVRAMOPOULOS to the European Parliament on the Directive on the use of Passenger Name Record data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime (Directive) –**

2011/0023 (COD)

(point 5.1.2 of the IRG record)

The Commission approved the line set out in SP(2015) 153 and authorised Mr TIMMERMANS and Mr AVRAMOPOULOS to sign the draft letter in the annex thereto, and to send it to the President of the European Parliament.

vi) Action taken on non-legislative resolutions adopted by Parliament at its December 2014 part-session

(point 5.6.1 of the IRG record)

The Commission approved, for transmission to Parliament, document SP(2015) 102 on the action taken on the non-legislative resolutions adopted by Parliament at its December 2014 part-session.

vii) Action taken on non-legislative resolutions adopted by Parliament at its January I part-session

(point 5.6.2 of the IRG record)

The Commission approved, for transmission to Parliament, document SP(2015) 132 on the action taken on the non-legislative resolutions adopted by Parliament at its January I 2015 part-session

5. MONITORING THE APPLICATION OF EUROPEAN UNION LAW

***INFRINGEMENTS – URGENT INDIVIDUAL CASE
(SEC(2015) 144)***

The Commission took note of the decision in SEC(2015) 144.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

6.1. WRITTEN PROCEDURES APPROVED (SEC(2015) 125 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 2 and 6 March.

6.2. EMPOWERMENT (SEC(2015) 126 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 2 and 6 March.

6.3. DELEGATION AND SUBDELEGATION OF POWERS (SEC(2015) 127 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 2 and 6 March, as archived in Decide.

6.4. SENSITIVE WRITTEN PROCEDURES (SEC(2015) 128)

The Commission took note of the sensitive written procedures for which the time limit expired between 9 and 13 March.

7. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2015) 129)

ADMINISTRATIVE MATTERS

(PERS(2015) 26)

DG HUMAN RESOURCES AND SECURITY – TRANSITIONAL MEASURES CONCERNING THE MOVE OF COMMISSION SERVICES LOCATED IN THE JEAN MONNET 1 BUILDING IN LUXEMBOURG

The Commission took note of the information in PERS(2015) 26 and, on a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT, decided:

- to approve the transitional measures in PERS(2015) 26 adopted by Ms GEORGIEVA, and to authorise their immediate implementation;
- to derogate from the Commission decisions of 18 December 2009 and 16 December 2013 concerning the implementation of teleworking in Commission departments for the period 2010 to 2015 to enable staff located in the JMO1 building to telework for more than 50% of their working time and to encourage maximum use by staff of this arrangement;
- to ask Ms GEORGIEVA to inform the College regularly of the progress of the work and the implementation of these measures.

These decisions would take effect immediately.

8. RELATIONS WITH NON-MEMBER COUNTRIES

RECENT DEVELOPMENTS IN EXTERNAL POLICY

Ms MOGHERINI informed the Commission of the results of the informal meeting

of Foreign Affairs Ministers in Riga on 5-6 March.

Turning first to the situation in Libya, she said that Bernardino León, the special representative of the UN Secretary-General in Libya, had reported on the headway made in the negotiations between the parties concerned with a view to forming a government of national union in the country. She considered that it should be possible to reach at least a partial agreement this week, although re-establishing political and economic structures on a sustainable footing would be a much lengthier process. In this connection, the Union was providing political and financial support to the dialogue being held as part of the Rabat process.

She confirmed that the Union was willing to support the peace process in Libya by all the means at its disposal, among other ways by developing its own channels of discussion with Libyan civil society. She referred, for example, to the meeting with Libyan businessmen in Brussels on 9 March to encourage businesses to support the peace process. Another meeting bringing together representatives of Libyan towns would be organised as soon as possible in Brussels to assist in the process of political dialogue set up by the UN at local community level.

Once an agreement had been reached enabling a government of national unity to be formed in Libya, the EU's efforts should focus on rebuilding the country's state structures and basic infrastructure, in particular those relating to border control and energy.

Ms MOGHERINI then turned to the discussions by the Foreign Ministers on the situation in Ukraine, which had focused mainly on the Union's support of the Minsk II agreement, referring first to the reinforcement of the Monitoring Mission to Ukraine established by the Organisation for Security and Cooperation in Europe (OSCE). The talks with the OSCE Secretary-General had been very useful, not only in assessing precisely the situation on the ground but also in identifying the measures required to implement the agreement, in particular to ensure the effective

monitoring of the ceasefire and of the withdrawal of heavy weapons from the front line. The OSCE's monitoring mission still needed to achieve the target of 500 monitors on the ground, however this number would have to rise to 1 000 to ensure that the OSCE could accomplish its mission fully and effectively, in which case the Union would be required to increase its financial contribution.

Ms MOGHERINI went on to recall the other fundamental elements in implementing the Minsk agreement, for instance socio-economic reforms, the decentralisation process and constitutional reform in Ukraine, which should eventually lead to the organisation of local elections.

It was important to pursue the trilateral talks with Russia and Ukraine on energy and trade, in particular in relation to the implementation of the trade aspects of the Association Agreement.

She also underlined the need for better access to eastern and western Ukraine so that the Union could provide more substantial humanitarian aid there.

She referred to a letter she had sent to the PRESIDENT and President of the European Council, Donald Tusk, calling for greater use of Russian in communications to ensure more impartial information.

Lastly, Ms MOGHERINI pointed out that, at their informal meeting, the Foreign Ministers had also reviewed the Neighbourhood Policy and discussed the preparations for the Eastern Partnership Summit in Riga on 21 and 22 May. Riga would be the first Summit to be attended by three non-EU countries which had concluded an Association Agreement with the Union – Ukraine, Moldova and Georgia. In this connection, she again urged the Commission to be extremely careful in its communications about the various types of partnership concluded or currently being negotiated.

She wound up by welcoming the united front on crisis management to the east and

south of Europe that had emerged at the informal Riga meeting, reminding the Commissioners that these issues were on the agenda of the next meeting of the Foreign Affairs Council on 16 March.

Turning to the question of the Neighbourhood Policy, Mr HAHN commented that, since the last Eastern Partnership Summit in Vilnius in November 2013, several Deep and Comprehensive Free Trade Agreements (DCFTAs) had been initialled, which made it possible at this juncture to draw some useful lessons with a view to concluding future agreements. However, the Riga Summit could make only limited progress on the liberalisation of visa arrangements as the very different situations in the Eastern Partnership countries had to be taken into account in this process.

He went on to say that the reinforcement of the OSCE Monitoring Mission to Ukraine was not only a financial challenge but also raised the question of the availability of competent staff for such missions.

He called on the Commission to start considering the limits of its action at a time when it was becoming increasingly embroiled in crisis management to the east and south of Europe. The International Monetary Fund (IMF) had estimated that Ukraine would need financial aid amounting to €41 billion up to 2018, whereas the aid envisaged for the moment together with the Union was only €18 billion.

He added that the timetable for sanctions against Russia should be harmonised with that of the Minsk II agreement, which was supposed to be implemented until the end of the year, and suggested, therefore, that when the sanctions expired in July they should be extended until the end of 2015.

Mr HAHN also raised concerns about the situation in the Former Yugoslav Republic of Macedonia (FYROM) and in Albania, referring in particular to corruption and the restrictions on freedom of expression in these two countries. On the positive side, however, he noted the effective cooperation established with Kosovo in relation to the management of migratory flows.

Mr ŠEFČOVIČ informed the meeting that the tripartite energy talks with Ukraine and Russia were continuing, and the next meeting was due to take place in Brussels on 20 March.

Ms MOGHERINI explained that the Foreign Affairs Council on 16 March would also consider the European Union's policy on Africa, with particular reference to economic policy, as well as the fight against terrorism.

Returning to relations with Russia, she confirmed that it was very likely that the sanctions would be extended until the end of the year, the deadline for implementing the Minsk II agreement, but pointed out that this was a decision for the Heads of State or Government at the European Council on 19 March. In the short term, promoting the Minsk agreement and its application was an absolute priority, in her view.

Winding up, she noted that there was a possibility that the sanctions imposed on Russia by the United States, which were less comprehensive than those adopted by the European Union, might be reinforced in the coming weeks.

The Commission took note of this information.

9. OTHER BUSINESS

BUDGET IMPLEMENTATION AT 31 DECEMBER 2014

(INFO(2015) 20)

Ms GEORGIEVA gave a brief overview of budget implementation at 31 December 2014. She pointed to the very high level of implementation of commitment appropriations at the end of the financial year. Excluding carryovers and the proposed reprogramming of headings under the Multiannual Financial

Framework, implementation had reached 100%, with under-implementation of appropriations limited to just €66 million, compared with €126 million in 2013.

In the case of payment appropriations, the level of under-implementation, after carryover, was the lowest ever recorded, at €32 million. In many cases the corresponding budget lines have been reinforced with additional appropriations in the course of the year, but despite these reinforcements the backlog of unpaid claims for the Cohesion policy reached €24.7 billion at the end of 2014, compared with €23.4 billion a year earlier.

Ms GEORGIEVA concluded her presentation by informing Members of the Commission about the preparation of a payment schedule aimed at gradually reducing the backlog of unpaid claims.

The PRESIDENT expressed concern about a number of amendments by the European Parliament to the proposal for a Regulation creating the European Fund for Strategic Investments (EFSI). These would have the effect of making the contributions to the Fund from the EU budget subject to authorisation by Parliament and the Council under the annual budgetary procedure (see also point 4.1.ii) of these Minutes). In order for the Fund to become operational as soon as possible, it was important that the European guarantee of €16 billion be issued in advance, without being subject to the principle of annuality. If the principle of annuality were applied, the credibility and viability of the investment initiative would be seriously undermined and the Fund would be unable to operate effectively, despite having already secured political agreement in the Council and several Member States having expressed a willingness to contribute.

There followed a discussion in which the Commission spoke of the need for better communication with Members of Parliament, highlighting the practical problems that would result from prior authorisation by the budgetary authority for replenishing the Fund annually and the fact that this would undermine its viability.

The PRESIDENT wound up the discussion and urged the Members to support the Commission's proposal by explaining the main objectives of the Fund and demonstrating the incompatibility of the multiannual programming inherent in the operation of the Fund with annual authorisation of the budgetary commitments.

The Commission took note of this information and of the note distributed under the authority of Ms GEORGIEVA in INFO(2015) 20.

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The meeting closed at 14.26.