



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2014) 2109 final

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

Strasbourg, 13 January 2015

TEXTE EN

MINUTES

of the 2109th meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 10 December 2014

(morning)

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Single sitting: Wednesday 10 December 2014 (morning)

The sitting opened at 9.17 with Mr JUNCKER, President, in the chair.

Present:

Mr JUNCKER	President	
Mr TIMMERMANS	First Vice-President	
Ms GEORGIEVA	Vice-President	
Mr ANSIP	Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Mr DOMBROVSKIS	Vice-President	
Mr KATAINEN	Vice-President	Items 1 to 9 (in part)
Mr OETTINGER	Member	
Mr HAHN	Member	Items 1 to 9 (in part)
Ms MALMSTRÖM	Member	
Mr MIMICA	Member	
Mr VELLA	Member	
Mr ANDRIUKAITIS	Member	
Mr AVRAMOPOULOS	Member	
Ms THYSSEN	Member	
Mr MOSCOVICI	Member	
Mr STYLIANIDES	Member	
Mr HOGAN	Member	
Lord HILL	Member	
Ms BULC	Member	
Ms BIENKOWSKA	Member	
Ms JOUROVÁ	Member	
Mr NAVRACSICS	Member	
Ms CREȚU	Member	Items 1 to 9 (in part)
Ms VESTAGER	Member	
Mr MOEDAS	Member	

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Absent:

Ms MOGHERINI

High Representative/
Vice-President

Mr ARIAS CAÑETE

Member

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

Mr RENTSCHLER	Deputy Chef de cabinet to Ms MOGHERINI
Mme LOBILLO BORRERO	Chef de cabinet to Mr ARIAS CAÑETE

The following also sat in:

Mr SELMAYR	Chef de cabinet to the PRESIDENT
Mr ROMERO REQUENA	Director-General, Legal Service
Mr SCHINAS	Head of the Spokesperson Service and Chief Spokesperson of the Commission
Ms METTLER	Head of the European Strategic Policy Centre
Ms MARTÍNEZ ALBEROLA	Deputy Chef de cabinet to the PRESIDENT
Ms SUTTON	Deputy Chef de cabinet to Mr TIMMERMANS
Ms KLINGBEIL	Deputy Secretary-General

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

The PRESIDENT paid tribute to Mr Jacques BARROT, former Vice-President and Member of the European Commission from 2004 to 2010, who died on 3 December 2014.

He honoured the memory of a committed European, reminding the meeting of his brilliant political career both at national level in France and at European level, highlighting his outstanding qualities, in particular as a jurist, and referring to the mark he had made on the institution, where he was responsible for the transport portfolio and that of justice and home affairs. He spoke of his deep personal sadness at having lost a friend.

On behalf of the Commission and in his own name, the PRESIDENT offered his sincerest condolences to Mr BARROT's family and friends, as he had already done in writing. He also informed the Members of the Commission that there would be a memorial service in Brussels on 3 February.

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1. AGENDAS

(OJ(2014) 2109/FINAL; SEC(2014) 624)

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(2014) 2109)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 8 December.

**3. MINUTES OF 2108TH MEETING (3 DECEMBER)
(PV(2014) 2108)**

The Commission approved the minutes of its 2108th meeting.

**4. INTERINSTITUTIONAL RELATIONS
(RCC(2014) 91)**

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 5 December (RCC(2014) 91).

It paid particular attention to the following points.

4.1. LEGISLATIVE MATTERS

i) Trilogues

(point 3.1 of the IRG record)

- European Union Agency for Law Enforcement Cooperation and Training (Europol) and repeal of Decisions 2009/371/JHA and 2005/681/JHA (Regulation) – DÍAZ DE MERA report – 2013/0091 (COD)

The Commission approved the line set out in SI(2014) 460.

- Amendment of Regulation (EC) 471/2009 on Community statistics relating to external trade with non-member countries as regards conferring of delegated and implementing powers upon the Commission for the adoption of certain measures (Regulation) – LANGE report – 2013/0279 (COD)

The Commission approved the line set out in SI(2014) 466.

- Amendment of Regulation (EC) 515/1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters (Regulation) – JAAKONSAARI report – 2013/0410 (COD)

The Commission approved the line set out in SI(2014) 439/2.

- Amendment of Council Regulations (EC) 850/98, (EC) 2187/2005, (EC) 1967/2006, (EC) 1098/2007, (EC) 254/2002, (EC) 2347/2002 and (EC) 1224/2009 and repealing Council Regulation (EC) 1434/98 as regards the landing obligation (Regulation) – CADEC report – 2013/0436 (COD)

The Commission approved the line set out in SI(2014) 484.

- Prevention of the use of the financial system for the purpose of money laundering and terrorist financing (Directive) – KARIŇŠ & SARGENTINI report – 2013/0025 (COD)

The Commission approved the line set out in SI(2014) 438/2.

ii) European Parliament dossier

(point 3.2 of the IRG record)

- Conclusion of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part (Council Decision) – MAMIKINS report – 2014/0086 (NLE) – 2014/2816 (INI)

The Commission approved the line set out in SP(2014) 740.

iii) Council dossiers

(point 3.3 of the IRG record)

- Simplifying the transfer of motor vehicles registered in another Member State within the Single Market (Regulation) – CHARANZOVÁ report – 2012/0082 (COD)

The Commission approved the line set out in SI(2014) 476.

- Indices used as benchmarks in financial instruments and financial contracts (Regulation) – VAN NIEUWENHUYZEN report – 2013/0314 (COD)

The Commission approved the line set out in SI(2014) 478.

- Authorisation for the opening of negotiations on one or several Association Agreement(s) between the European Union and the Principality of Andorra, the Principality of Monaco and the Republic of San Marino (recommendation for a Council Decision)

The Commission approved the line set out in SI(2014) 479.

4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

iv) Programming of Council business

(SI(2014) 490)

The Commission took note of the information in SI(2014) 490 on the Council meetings between 11 and 23 December.

v) Preparations for Council meeting (Foreign Affairs) (Brussels, 15 December)

(point 4.2.4 of the IRG record)

- Revision of Council Decision 2011/871/CFSP of 19 December 2011 establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications (Athena)

The Commission approved the line set out in SI(2014) 430.

vi) Preparation of Council meeting (Agriculture and Fisheries) (Brussels, 15 and 16 December)

(point 4.2.5 of the IRG record)

- Fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Black Sea (Council Regulation) – 2014/0341 (NLE)

The Commission approved the line set out in SI(2014) 485.

- Fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union vessels, in certain non-Union waters and repealing Council Regulation (EU) 779/2014 (Council Regulation) – 2014/0311 (NLE)

The Commission approved the line set out in SI(2014) 486.

5. MONITORING THE APPLICATION OF EUROPEAN UNION LAW

INFRINGEMENTS – URGENT INDIVIDUAL CASE

(SEC(2014) 644)

The Commission adopted the decision in SEC(2014) 644.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

6.1. WRITTEN PROCEDURES APPROVED

(SEC(2014) 625 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 1 and 5 December.

6.2. EMPOWERMENT

(SEC(2014) 626 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 1 and 5 December.

6.3. DELEGATION AND SUBDELEGATION OF POWERS

(SEC(2014) 627 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 1 and 5 December, as archived in e-Greffe.

6.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2014) 628)

The Commission took note of the sensitive written procedures for which the time limit expired between 8 and 12 December.

6.5. GENERAL EMPOWERMENT FOR THE ADOPTION OF CERTAIN DECISIONS PURSUANT TO ARTICLE 25 OF REGULATION (EU) 1379/2013 ON THE COMMON ORGANISATION OF THE MARKETS IN FISHERY AND AQUACULTURE PRODUCTS

(C(2014) 9457)

The Commission decided to empower the Member of the Commission responsible for Maritime Affairs and Fisheries to adopt, on behalf of the Commission and under its responsibility, certain decisions pursuant to Article 25 of Regulation (EU) 1379/2013 on the common organisation of the markets in fishery and aquaculture products, in accordance with the terms set out in C(2014) 9457.

6.6. AD HOC EMPOWERMENT TO ADOPT THE NECESSARY PROTECTIVE MEASURES IN THE EVENT OF THE COUNCIL'S FAILURE TO ACT WHEN FIXING FOR 2015 THE FISHING OPPORTUNITIES FOR CERTAIN FISH STOCKS AND GROUPS OF FISH STOCKS, APPLICABLE IN UNION WATERS AND, FOR UNION VESSELS, IN CERTAIN NON-UNION WATERS

(C(2014) 9556)

The Commission decided to empower Mr VELLA, the Member of the Commission responsible for Maritime Affairs and Fisheries, in agreement with the PRESIDENT, on behalf of the Commission and under its responsibility, to adopt the necessary protective measures, in the event of the Council's failure to act when fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and,

for Union vessels, in certain non-Union waters, in accordance with the terms set out in C(2014) 9556.

7. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2014) 629)

ADMINISTRATIVE MATTERS

7.1. ACTIVITIES OF A MEMBER OF THE COMMISSION AFTER LEAVING OFFICE

(C(2014) 9516)

The Commission adopted the decision set out in C(2014) 9516.

The Commission decided that the activity planned by Ms Viviane REDING as a member of the Board of Directors of Agfa-Gevaert was compatible with Article 245(2) of the Treaty on the Functioning of the European Union (TFEU) providing Ms REDING respected Article 339 TFEU and she abstained from lobbying or defending the interests of the company in question to the Commission for 18 months after leaving the Commission.

7.2. ACTIVITIES OF A MEMBER OF THE COMMISSION AFTER LEAVING OFFICE

(C(2014) 9518)

The Commission adopted the decision set out in C(2014) 9518.

The Commission:

- authorised Mr Janez POTOČNIK to act as President of the Forum for the Future of Agriculture providing his activities relating to organising the programme for the Forum's annual conference, the list of participants and

chairing the annual conference did not include anything connected to the commercial interests of Syngenta;

- decided that Mr POTOČNIK's activity as a member of the Advisory Board of the European Policy Centre was compatible with Article 245(2) of the Treaty on the Functioning of the European Union (TFEU) providing Mr POTOČNIK abstained from lobbying activities should the European Policy Centre decide to get involved in specific projects concerning the environment and ask for financing from the European Union;
- decided that Mr POTOČNIK's activity as co-president of the UN International Resource Panel was compatible with Article 245(2) TFEU;
- noted the invitations accepted by Mr POTOČNIK to address different audiences on different subjects on an ad hoc basis;
- instructed the Secretary-General to inform Mr POTOČNIK of this decision and to draw his attention to his duty to respect his obligations under Articles 245(2) and 339 TFEU and the Code of Conduct for Commissioners, in particular concerning the protection of collective responsibility and the confidentiality of the issues dealt with by the Commission during its terms of office.

7.3. ACTIVITIES OF A MEMBER OF THE COMMISSION AFTER LEAVING OFFICE

(C(2014) 9520)

The Commission adopted the decision set out in C(2014) 9520.

The Commission:

- decided that Mr Andris PIEBALGS' activities as a member of the Friends of the Global Fund Europe and as visiting professor at the University of

Latvia were compatible with Article 245(2) of the Treaty on the Functioning of the European Union (TFEU);

- instructed the Secretary-General to inform Mr PIEBALGS of this decision and to draw his attention to his duty to respect his obligations under Articles 245(2) and 339 TFEU and the Code of Conduct for Commissioners, in particular concerning the protection of collective responsibility and the confidentiality of the issues dealt with by the Commission during its terms of office.

**8. COMMISSION DECISION ON A PROCEEDING UNDER ARTICLE 101 OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION AND ARTICLE 53 OF THE AGREEMENT ON THE EUROPEAN ECONOMIC AREA (CASE AT.39780 – ENVELOPES)
(C(2014) 9295 TO /7; RCC(2014) 93)**

The Commission:

- took note of the opinion of the Advisory Committee on Restrictive Practices and Dominant Positions of 8 December in C(2014) 9295/5;
- took note of the final report of the Hearing Officer of 8 December in C(2014) 9295/6;
- adopted in the authentic language (English) the decision in C(2014) 9295/7 finding that the companies to which the decision was addressed had infringed Article 101 of the Treaty on the Functioning of the European Union and Article 53 of the Agreement on the European Economic Area, requiring the parties to put an end to the infringements immediately and imposing on them fines totalling € 19 485 000;

- decided that the decision in C(2014) 9295/7 would be notified to the companies 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 make the decision (minus any business secrets and other confidential information) accessible on the Internet.

9. POLICY DEBATE – COMMISSION'S 2015 WORK PROGRAMME (COM(2014) 910 DRAFT)

The PRESIDENT opened the day's discussion by noting that it followed on from the discussions on the Commission's 2015 work programme held by the Members on 12 November and 3 December. He thanked the Members for their constructive approach in the preparatory stages and their commitment to implement as effectively as possible the political guidelines which formed this Commission's remit. The task now at hand was to prepare the formal adoption of the 2015 work programme, scheduled to take place at the Commission's meeting in Strasbourg the following week.

Mr TIMMERMANS joined the PRESIDENT in thanking the Members and congratulated the Vice-Presidents on the important coordination role they had played throughout the preparation process. The 2015 work programme had to embody the new start that the Commission wanted for Europe, and it should focus on addressing the big questions rather than issues of lesser importance.

Turning to the draft communication on the work programme which, he stressed, was a summary policy document, and its Annex 1, which was handed out at the meeting

and listed the specific new initiatives envisaged by the Commission in 2015, he said that the limited set of cohesive and targeted measures set out in it centred on ten priority areas defined in the PRESIDENT's political guidelines. These measures reflected the new Commission's determination to concentrate on essential issues, i.e. those which would have the greatest impact on growth and job creation.

Mr TIMMERMANS then mentioned the list of more than 400 pending proposals which had been tabled by previous Commissions. He focused on the second document handed out at the meeting, which listed the initiatives that the Commission had suggested withdrawing or amending in application of the principle of political discontinuity which he had already invoked on several occasions. Noting that the list concerned 80 legislative proposals, he explained how the criteria used to determine whether a proposal should be withdrawn or amended were applied. Whereas in about fifty cases the withdrawal or amendment proposal was justified on technical grounds (e.g. the legislation was obsolescent or the legal framework had changed at EU or Member State level), in about thirty other cases, it reflected a political assessment which itself was based on a number of principles.

The objective of some pending proposals would be better served by withdrawal or amendment, and in those cases he suggested considering other arrangements or instruments which would be more likely to achieve the desired results. This might be the case when the sector in question had recently undergone major change or its legal and policy framework was about to be significantly amended. As an example, he referred to future measures to simplify the CAP, to implement the 2030 framework for climate and energy policies and to deploy the investment plan for Europe presented by the Commission on 26 November.

He regretted to note that in some cases, the rigid positions adopted by some Member States prevented the final adoption of Commission initiatives within a reasonable time frame. He suggested reviewing a number of pending proposals with a view to determining their viability before taking a final decision to withdraw or maintain them.

While not underestimating the criticisms that might be made of the Commission's decision to apply the principle of political discontinuity, Mr TIMMERMANS advised all the Members, in their responses, to confine themselves to the objective facts and to bear in mind that a proposal that had been blocked by the co-legislators for months or even years was, by definition, of no benefit to citizens. Envisaging the withdrawal of proposals did not mean that the Commission was abandoning the political objective in question; rather, it felt this objective could be achieved by other means.

In conclusion, he hoped that all the Members would take ownership of the Commission's work programme for the coming year and explain fully the logic behind it, the choices made and the issues at stake.

During the ensuing debate, the following main points were raised:

- the full support of all the Commission Members to the approach taken in drawing up the Commission's 2015 work programme, which was to select each of the initiatives included in the programme in the light of the following three criteria: (i) how far it was consistent with the political guidelines on the basis of which the PRESIDENT had been elected and the Commissioners appointed, (ii) what support could be expected from the co-legislators, and (iii) how it would contribute to cutting red tape;
- the need to address convincingly the issues of subsidiarity and proportionality in the political presentation of the work programme;
- the need to take a strategic approach to the work programme, taking into account the context of budgetary restrictions and, at the same time, the promotion of structural reforms to the European economy, for example by enhancing the internal market in a number of sectors;
- the importance of the communication issues relating to the work programme, in particular: (i) the fact that it covered only one year and, therefore, would not

- contain all the proposals to be submitted over the whole of the Commission's term of office, (ii) the approach chosen, which prioritised efficiency by limiting the number of initiatives included in the programme, and (iii) the need to justify each withdrawal from and addition to the 2015 work programme and, as far as possible, to avoid pressure to reintroduce or withdraw initiatives;
- the importance of political debates between the EU institutions on the content of the Commission's work programme and on how each institution handled each initiative;
 - a suggestion to enhance the EU's role as a global player when introducing the work programme, particularly as regards the protection of fundamental rights and the fight against discrimination;
 - the question of how appropriate it was to withdraw the Commission's proposal on promoting a circular, waste-free economy, given its consistency with the PRESIDENT's political guidelines, the support already expressed by the Member States at the Council and the overall impact of this initiative on other key priorities of the EU such as energy efficiency or growth and jobs; the possibilities of keeping this objective by other means;
 - discussion of whether it was appropriate to withdraw the proposal for a directive on medium combustion plants, which set only minimum targets but addressed public health needs, and whether a new impact assessment would have to be carried out if an amended proposal were to be submitted by the Commission;
 - queries about whether the proposal for a directive on the dissemination of Earth observation satellite data for commercial purposes should be withdrawn, given that the Member States' position on this issue seemed to be developing at the Council, making it possible to continue the legislative process;
 - support for the idea of withdrawing the proposal on the aid scheme for the distribution of fruit and vegetables, bananas and milk in schools and of assessing

- the existing arrangements as part of the simplification of the common agricultural policy;
- a request for extra time for reflection before the proposal for a Regulation on the production and labelling of organic products was withdrawn from the work programme, as an agreement on that proposal might be reached in the Council the following week;
 - the case for maintaining initiatives on equal opportunities for men and women and, in particular, the proposal aimed at establishing quotas for women on corporate management boards; a request for a reference to be made to disability issues or to the pursuit of higher health and consumer protection standards.

In reply to these various comments, and without going back on the principles approved during the policy debates on 12 November and 3 December on the drafting of the 2015 work programme, Mr TIMMERMANS thanked the Members of the Commission for their support for the proposed approach. On the question of the narrative of the programme, he was prepared to look at any drafting suggestions that were submitted to him and which served to reinforce the political message of the current draft without weighing it down or swamping it with an unending catalogue of measures.

Turning to the list of initiatives which he was suggesting for inclusion in the 2015 work programme, Mr TIMMERMANS stressed again that the programme should not be seen as an exhaustive inventory of everything the Commission would do next year or advance notice of what it would do in subsequent years. On the contrary, the aim was to highlight certain key initiatives in order to present with greater clarity the political intentions and projects which the Commission would be pursuing during the first year of its term of office.

He also stressed the common criteria that underlay the proposals to maintain, amend or – most controversially – withdraw particular legislative initiatives.

Mr TIMMERMANS drew attention here to cases where, objectively, a Commission proposal stood no chance of success, either because a majority of Member States were against it in the Council – for example because they felt that it would impose an excessive administrative burden or did not comply with the principle of subsidiarity – or because it had met too much resistance in the European Parliament, in the business world or in civil society. He also mentioned situations where the Commission could withdraw its proposal in order to improve it or to announce a new proposal that was better thought-out, more realistic, less costly in administrative terms, but also more ambitious. In such cases it would be up to the Commission to try to achieve the same end by employing different means. This approach was particularly suitable in the case of proposals put forward by the Commission very recently and which had yet to be examined by Parliament. Finally, in some cases he felt that the Commission should acknowledge that, rightly or wrongly, particular initiatives encapsulated very clear-cut positions, and send out a political signal by withdrawing them.

As regards the initiatives specifically mentioned during the discussion, he took note of the arguments that had been put forward and asked the Commission Members who so wished to send him any suggestions on wording. The final decision on the Commission's 2015 work programme would not be taken until the following week, which left time for everyone to look more closely at the document as a whole and assume political ownership of it.

Reference was made to the rules providing for mandatory impact assessments of legislative proposals. These rules would be applied to both new initiatives and amendments to pending proposals.

He endorsed wholeheartedly the suggestion that the Commission adopt a uniform and targeted approach when communicating, justifying and explaining the political choices reflected in the work programme.

The PRESIDENT thanked those who had taken part in the discussion. Talks would

continue with Mr TIMMERMANS and his cabinet in the days ahead in order to finalise the work programme for 2015. He wound up the debate by emphasising the confidentiality of the document distributed at the meeting and asking the Members of the Commission to exercise the greatest discretion with regard to its contents until the work programme was formally adopted.

The Commission took note of the results of this debate.

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The meeting closed at 10.27.