Strasbourg, 13 January 2015

TEXTE EN

MINUTES
of the 2110th meeting of the Commission
held in Strasbourg
(Winston Churchill building)
on Tuesday 16 December 2014
(afternoon)
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OUTCOME OF THE UN CLIMATE CHANGE CONFERENCE (LIMA, 
1-14 DECEMBER 2014) (INFO(2014) 97) .................................................................................. 24
Single sitting: Tuesday 16 December 2014 (afternoon)

The sitting opened at 13.06 with Mr JUNCKER, President, in the chair.

Present:

Mr JUNCKER President
Mr TIMMERMANS First Vice-President
Ms MOGHERINI High Representative/Vice-President Items 1 to 9 (in part)
Ms GEORGIEVA Vice-President
Mr ANSIP Vice-President
Mr ŠEFČOVIČ Vice-President
Mr DOMBROVSKIS Vice-President
Mr KATAINEN Vice-President
Mr OETTINGER Member
Ms MALMSTRÖM Member
Mr MIMICA Member
Mr ARIAS CAÑETE Member
Mr AVRAMOPOULOS Member
Ms THYSSEN Member
Mr STYLIANIDES Member
Mr HOGAN Member
Lord HILL Member
Ms BULC Member
Ms BIEŃKOWSKA Member
Ms JOUROVÁ Member
Mr NAVRACSICS Member
Ms CREȚU Member
Ms VESTAGER Member
Mr MOEDAS Member

PV(2014) 2110 final

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

Mr HAHN Member
Mr VELLA Member
Mr ANDRIUKAITIS Member
Mr MOSCOVICI Member
The following sat in to represent absent Members of the Commission:

Mr MUELLER Expert in Mr VELLA's office
Ms SCOPPIO Adviser in Mr MOSCOVICI's office

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
Mr MANSERVISI Chef de cabinet to Ms MOGHERINI Items 8 to 10

Secretary: Ms DAY, Secretary-General, assisted by Mr AYET PUIGARNAU, Director in the Secretariat-General.
1. **AGENDA**  
(OJ(2014) 2110/FINAL)

The Commission took note of that day’s agenda.

2. **WEEKLY MEETING OF CHEFS DE CABINET**  
(RCC(2014) 2110)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 15 December.

3. **APPROVAL OF MINUTES OF 2109TH MEETING (10 DECEMBER 2014)**  
(PV(2014) 2109)

The Commission held over approval of the minutes of its 2109th meeting for a later date.

4. **INTERINSTITUTIONAL RELATIONS**  
(RCC(2014) 92)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 12 December (RCC(2014) 92).

It paid particular attention to the following points.
4.1. **LEGISLATIVE MATTERS**

i) **Trilogues**

(point 3.1 of the IRG record)


The Commission approved the line set out in SI(2014) 493 and /3.

– Interchange fees for card-based payment transactions (Regulation) – ZALBA BIDEGAIN report – 2013/0265 (COD)

The Commission approved the line set out in SI(2014) 495.


The Commission approved the line set out in SI(2014) 477/2.

– Novel foods (Regulation) – NICHOLSON report – 2013/0435 (COD)

The Commission approved the line set out in SI(2014) 500.

– Amendment of Directive 2001/18/EC as regards the possibility for the Member States to restrict or prohibit the cultivation of GMOs in their territory (Regulation) – RIES report – 2010/0208 (COD)


to trade marks (Directive – recast) – WIKSTRÖM reports – 2013/0088 (COD) / 2013/0089 (COD)

The Commission approved the line set out in SI(2014) 507.

ii) Council dossier

(point 3.3 of the IRG record)

– Eurocontrol – Commission statement

The Commission approved the line set out in SI(2014) 497.

4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

iii) Programming of Council business

(SI(2014) 505)

The Commission took note of the information in SI(2014) 505 on the Council meetings between 18 and 23 December.

iv) Non-legislative dossier

(point 4.1.2 of the IRG record)

– Position to be adopted on behalf of the Union and the European Atomic Energy Community in the Association Council established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, in relation to the adoption of the rules of procedure of the Association Council and of the Association Committee, to the establishment of two Sub-Committees, and to the delegation of certain powers by the Association Council to the Association Committee in Trade configuration (Council and Commission Decision) – 2014/0331 (NLE)

v) Preparation for Council meeting (Environment) (Brussels, 17 December)
(point 4.2.1 of the IRG record)

– Limitation of emissions of certain pollutants into the air from medium combustion plants (Directive) – GRZYB report – 2013/0442 (COD)

The Commission approved the line set out in SI(2014) 494.

– Conclusion of the Doha Amendment to the Kyoto Protocol to the United Nations Framework Convention on Climate Change and the joint fulfilment of commitments thereunder (Council decision) – GARDINI report – 2013/0376 (NLE)

The Commission approved the line set out in SI(2014) 508/2.

5. MONITORING THE APPLICATION OF EUROPEAN UNION LAW


6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

6.1. WRITTEN PROCEDURES APPROVED
(SEC(2014) 639 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 8 and 12 December.

6.2. EMPOWERMENT
(SEC(2014) 640 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 8 and 12 December.

6.3. DELEGATION AND SUBDELEGATION OF POWERS
(SEC(2014) 641 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 8 and 12 December, as archived in e-Greffe.

6.4. SENSITIVE WRITTEN PROCEDURES
SEC(2014) 642)

The Commission took note of the sensitive written procedures for which the time limit expired between 15 and 23 December.
7. **ADMINISTRATIVE AND BUDGETARY MATTERS**  
(SEC(2014) 643)

**ADMINISTRATIVE MATTERS**  
(PERS(2014) 145)

7.1. **DG ECONOMIC AND FINANCIAL AFFAIRS – CHANGE OF MANDATE FOR SPECIAL ADVISOR**

The Commission, on a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT and after consulting Mr MOSCOVICI and Mr DOMBROVSKIS and Mr KATAINEN, decided:

– to change Mr Horst REICHENBACH’s mandate as Special Adviser and Head of the Task Force for Greece into that of Special Adviser and Member for the European Union of the Board of Directors of the European Bank for Reconstruction and Development (EBRD) in London, a role he would discharge as a non-remunerated Special Adviser to the Commission for a period of two years;

– to authorise Ms GEORGIEVA to establish the starting date for Mr REICHENBACH’s new mandate and the other arrangements applicable to his contract.

These decisions would take effect on a date to be fixed later.

7.2. **EUROSTAT – APPOINTMENT OF AD14/15 AND AD14 (EU-28) DIRECTOR**  
(PERS(2014) 47 TO /5)

The Commission had before it applications under Article 29(1)(a)(i) and (iii),
29(1)(b) and 29(2) of the Staff Regulations for the post of Director of Methodology, corporate statistical and IT services in Eurostat (PERS(2014) 47, /2 and /3).

It took note of the opinions of the Consultative Committee on Appointments of 9 September and 16 October 2014 (PERS(2014) 47/4 and /5).

The Commission proceeded to compare the applicants’ qualifications for the post. On a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT and after consulting Ms THYSSEN and Mr DOMBROVSKIS, Mr KATAINEN and Mr ANSIP, the Commission decided to appoint Mr Emanuele BALDACCI to the post.

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

7.3. **DG HUMAN RESOURCES AND SECURITY / OFFICE FOR INFRASTRUCTURE AND LOGISTICS IN LUXEMBOURG – FURTHER EXTENSION OF DIRECTOR’S TERM OF OFFICE**

Having taken note of the information in point 3 of PERS(2014) 145, the Commission, on a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT, decided, by way of derogation from Commission Decision 2003/524/EC establishing the Office for Infrastructure and Logistics in Luxembourg, to extend again, exceptionally, the term of office of Ms Marian O’LEARY as Director of the Office for Infrastructure and Logistics in Luxembourg until 31 December 2015 at the latest.

This decision would take effect on 1 January 2015.
7.4. ACTIVITIES OF A MEMBER OF THE COMMISSION AFTER LEAVING OFFICE  
(C(2014) 9875)

The Commission adopted the decision set out in C(2014) 9875.

The Commission noted that former President José Manuel BARROSO, in his letter of 26 November 2014 to the President of the Commission, confirmed his full knowledge of his obligations under the Treaties, specifically Articles 245 and 339 of the Treaty on the Functioning of the European Union (TFEU) and the Code of Conduct for Commissioners, his commitment not to disclose confidential information on matters covered by the Commission during his two terms as President, his determination to fulfil his obligations of integrity and discretion and his undertaking not to engage in any specific initiative that might conflict with his obligations.

The Commission decided that the activities planned by Mr BARROSO as a member of the Institute of Public Policy in Belgrade, the Board of Trustees of Europaeum, the Steering Group of the Bilderberg Conferences and the Board of Advisors of Georgetown University’s McDonough School of Business (Washington) and as president of the UEFA Foundation for children were compatible with Article 245(2) TFEU.

7.5. ACTIVITIES OF A MEMBER OF THE COMMISSION AFTER LEAVING OFFICE  
(C(2014) 9877)

The Commission adopted the decision set out in C(2014) 9877.

The Commission:

– decided that the planned cooperation by former Vice-President Viviane REDING with various Speakers Bureaux, including Premium Speakers
Deutschland and Celebrity Speakers UK, was compatible with Article 245(2) of the Treaty on the Functioning of the European Union (TFEU), provided that she fulfilled her obligations under Articles 245 and 339 TFEU and the Code of Conduct for Commissioners, including protection of confidentiality and collective responsibility in respect of matters covered by the Commission during her three terms of office, and eschewed any activity that might conflict with her duties of integrity and discretion;

– decided that Ms REDING’s participation on the board of the UEFA Foundation for children was also compatible with Article 245(2) TFEU.

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

(C(2014) 9878)


The Commission:

– decided that the activity planned by former Vice-President Neelie KROES as Special Envoy for Start-Up Companies in the Netherlands was compatible with Article 245(2) of the Treaty on the Functioning of the European Union (TFEU), provided that Ms KROES (i) fulfilled, in all circumstances, her obligations under Articles 245(2) and 339 TFEU and the Code of Conduct for Commissioners, including protection of confidentiality and collective responsibility in respect of matters covered by the Commission during her two terms of office, (ii) refrained from lobbying the Commission or its departments within eighteen months of leaving office, and (iii) did not make use of any confidential information to which she had had access during her time as a Member of the Commission;
7.7. **ACTIVITIES OF A MEMBER OF THE COMMISSION AFTER LEAVING OFFICE**  
*(C(2014) 9879)*

The Commission adopted the decision set out in C(2014) 9879.

The Commission:

- instructed the Secretary-General to inform Ms KROES of this decision and the conditions applicable.

- decided that the five activities planned by former Commissioner Connie HEDEGAARD as chair of the board of the Kann Foundation, external member of the board of Århus University, chair of the Danish Ministry of Culture’s Public Service Committee, co-chair of the ‘R 20’ initiative and chair of the OECD Round Table for Sustainable Development were compatible with Article 245(2) of the Treaty on the Functioning of the European Union (TFEU), provided that she refrained from lobbying the Commission and its departments, should any of these organisations ask for financial support from the European Union;

- instructed the Secretary-General to inform Ms HEDEGAARD of this decision and to draw her attention to her obligations under Articles 245(2) and 339 TFEU and the Code of Conduct for Commissioners, including protection of collective responsibility and confidentiality of matters covered by the Commission during her term of office.

7.8. **ACTIVITIES OF A MEMBER OF THE COMMISSION AFTER LEAVING OFFICE**  
*(C(2014) 9899)*

The Commission adopted the decision in C(2014) 9899.
The Commission:

– decided that the activities planned by the former Commissioner László ANDOR as a member of the Board of Trustees of Friends of Europe, the Advisory Board of the European Policy Centre, the Board of Advisors of RAND Europe, the Scientific Advisory Council of the Institute of Political History (Politikatörténeti Intézet) and the Advisory Board of the DIKTYO-network are compatible with Article 245(2) of the Treaty on the Functioning of the European Union (TFEU) provided that Mr ANDOR abstained from any lobbying of the Commission and its departments, should any of the aforementioned organisations decide to get involved in specific projects relating to his former portfolio and ask for financing from the European Union;

– decided that the education/research activity planned by Mr ANDOR at the Hertie School of Governance and his planned teaching activity at the Institute for European Studies at the Université Libre de Bruxelles were also compatible with Article 245(2) of the TFEU;

– instructed the Secretary-General to inform Mr ANDOR of its decision and to draw his attention to his obligations under Articles 245(2) and 339 TFEU and the Code of Conduct for Commissioners, in particular the protection of collective responsibility and the confidentiality of the issues dealt with by the Commission during his term of office.
8. COMMISSION GUIDANCE NOTE ON THE IMPLEMENTATION OF CERTAIN PROVISIONS OF REGULATION (EU) 833/2014
(C(2014) 9950)

Ms MOGHERINI strongly condemned, as did all the Commission Members, that day's terrible terrorist attack against a school in Peshawar in Pakistan, in which 141 people were killed, 132 of them children. She reported on a statement published on behalf of the Union expressing its condolences to the families and friends of the victims, its support for the authorities and the Pakistani people at this difficult time, and the Union's determination to do everything possible to combat the scourge of terrorism.

She also referred briefly to the most recent political developments in Turkey, which she had visited some days previously, and regretted the violations of the rights of the opposition that had been committed there.

Returning to the agenda proper for that day, Ms MOGHERINI explained that the aim of the guidance note in question was to lay down the specific rules for implementation by economic operators of the restrictive measures against Russia adopted by the Council in July and September 2014, as supplemented by Council Regulation (EU) 1290/2014 of 4 December 2014. Since a number of matters had already been addressed when this Regulation was adopted, the note dealt chiefly with the practical issues that might arise for economic operators in relations with Russia in the area of financial assistance and financial services.

She also reported on the Foreign Affairs Council of 15 December, which had largely focused on the situation in Syria. She thanked the Commission Members who had attended that Council and also the ensuing dinner with the EU foreign ministers; in her view this had enabled significant bonds to be forged between the authorities of the 28 Member States and the new Commission.
Ms MOGHERINI then turned to the first EU-Ukraine Association Council, also on the previous day, which had been very constructive. The Ukrainian government had reiterated its commitment to concluding the programme of political and economic reforms needed to stabilise the country and to finalise as soon as possible its national reform strategy for 2015-2017. While the Association Council was a key framework for cooperation with Ukraine, she stressed the reciprocity of commitments, pointing out that the declared intention of the Ukrainian government to make progress not just in the reforms but also in national dialogue and the peace process was a prerequisite for continued financial support from the Union.

On the key question of security, she emphasised the need for both the Ukrainian and Russian governments to abide by the process laid down in the Minsk protocol, a point she intended to make during her meetings with the Ukrainian President, Petro Poroshenko, and several members of the Ukrainian government on 16 and 17 December in Kiev.

Lastly, she reported on her meeting with the Russian foreign minister, Sergei Lavrov, on 4 December, when a number of urgent matters had also been examined, such as the Middle East peace process and the situation in Syria.

She said that she would report to the European Council on 18 and 19 December on all these questions and that the Commission might contribute to the debate on the strategic relations between the EU and Russia.

During the brief discussion which followed, the Commission raised the following main points: (i) the compliance so far by Russia and Ukraine with the agreement concluded in November on winter gas supplies and the stability that this was producing at the present time; (ii) Ukraine's request to the Union to make specialists available to improve monitoring of the gas flows through its territory, and finally, in another connection, (iii) a reminder of China's increasing presence in the Union's immediate neighbourhood through its direct investments, and questions about the Union's strategic approach in this regard.
Ms MOGHERINI wound up the discussion by stressing the importance of the Union's active and coherent commitment to the countries in its eastern neighbourhood, pointing out that a regular presence of Members of the Commission and other EU representatives in these countries could have a strong symbolic value.

The Commission took note of this information and approved the guidance note in C(2014) 9950.


The PRESIDENT opened the debate by strongly deploring the leaks in the press of certain strictly confidential documents that had served as a basis for the policy debate at the Commission meeting on 10 December and for the drafting of the Commission's 2015 work programme, which was being tabled for adoption that day. He regarded these leaks as unacceptable behaviour that undermined the principle of collective responsibility and the confidentiality of the Commission's deliberations. He said that he would be drawing all the necessary conclusions from this incident.

Mr TIMMERMANS then reported on the talks he had had with individual Members since the Commission policy debate the previous week, and on the last few points on which the Commission still had to agree.

Turning to Annex II – the list of pending proposals to be withdrawn or amended – he confirmed the decision concerning the proposal on national emissions ceilings for air quality No 37 which would be modified as part of the legislative follow-up to the 2030 Energy and Climate Package. With regard to proposal No 38 on waste, he
confirmed its withdrawal and replacement by a more ambitious proposal by the end of 2015 in order to promote the circular economy and bring it into line with the Investment Plan for Europe.

He noted that final agreement had still to be reached on the conditions and arrangements for withdrawing or amending certain other proposals in Annex II, namely (i) the proposal for a Directive on the dissemination of Earth observation satellite data for commercial purposes (No 53), (ii) the proposal to amend the aid scheme for the supply of fruit and vegetables, bananas and milk in educational establishments (No 12), and (iii) the proposal on the production and labelling of organic products (No 14).

The Commission therefore held an in-depth discussion focusing on these matters which were still pending:

− general support for the draft 2015 work programme in terms of its quality and the way in which it reflected the political guidelines of the new Commission; the contribution which all the Commissioners would have to make to explain the measures included in the work programme and to communicate them politically;

− a general desire for closer cooperation between the Members of the Commission in drafting work programmes;

− regret that the additional measures planned to avoid further leaks of confidential information meant that there was little time to examine the documents;

− as regards the proposal for a Directive on the dissemination of Earth observation satellite data for commercial purposes (No 53), support for the objective of avoiding greater fragmentation of the internal market for the commercialisation of satellite data, an area that came under one of the strategic priorities – the digital single market; the need to allow the co-legislators a little more time to adopt a position on this relatively recent proposal and hence the suggestion of
attaching a sunset clause stating that the proposal would be withdrawn if no progress were made on it within six months;

− a reminder that the proposal to amend the aid scheme for the supply of fruit and vegetables, bananas and milk in educational establishments (No 12), which was aimed at merging two existing aid schemes, was based on a series of external consultations and an impact assessment and should lead to major efficiency gains; the need to come up with an appropriate response to the criticism from the European Court of Auditors; the scope of the existing schemes, which benefited some 30 million children, many of them from underprivileged backgrounds and hit by the current crisis, the popularity of these measures and their value in terms of education and public health; the possibility of examining ways of further increasing the effectiveness of the scheme as part of the simplification of the common agricultural policy in 2015; hence the suggestion by Mr TIMMERMANS that the proposal be put on hold at this stage pending possible future amendments;

− as regards the proposal on the production and labelling of organic products (No 14), the fairly constructive attitude displayed by the Member States at the previous day's Agriculture and Fisheries Council, during which an agreement had been reached on the guidelines for future negotiations; approval therefore of the suggestion by Mr TIMMERMANS of attaching a sunset clause stating that the proposal would be withdrawn if no progress were made on it within six months;

− the soundness of the overall approach proposed with regard to the circular economy; the importance of explaining this approach very clearly in order to highlight the Commission's commitment to putting forward the best possible proposals on environmental protection and the need to ensure their compatibility with the future legislative framework (including the investment package).

In reply to these various comments, Mr TIMMERMANS summed up all the points
agreed by the Commission at the meeting and welcomed the prospect of having the new Commission's work programme adopted.

The PRESIDENT noted that in the space of just a few weeks the new Commission had already taken some very important decisions, for example on transparency, as well as launching an ambitious political initiative with its Investment Plan for Europe, facilitating the adoption of its budget and now today of its work programme for 2015.

He also announced that the Commission seminar on 5-6 February 2015 would focus, among other matters, on issues relating to the collaboration and communication policy of the Members of the Commission in order to optimise the debates held and decisions taken in this political forum.

To conclude, he noted the Commission Members’ agreement to the inclusion of the following amendments to the English version of the 2015 work programme distributed as COM(2014) 910/2:

1. In the introduction

   on page 5, the third sentence of the last paragraph was amended to read as follows:

   'The revised proposal for the circular economy will reinforce this trend thus contributing to green growth.'

2. In Annex II

   on page 4, under No 12, the text in the last column titled 'Reasons for withdrawal/Modification' was amended to read as follows:

   'The whole scheme will be evaluated for subsidiarity, proportionality and better regulation reasons as part of the CAP simplification. Pending this, the Commission recommends to the colegislators that work on the amending
At the end of the discussion, subject to inclusion of the above amendments and to a
final general clean-up of the text, the Commission adopted the 2015 work
programme in COM(2014) 910/2 for transmission to Parliament, the Council, the
European Economic and Social Committee and the Committee of the Regions, and,
for information, to the national parliaments.

10. RELATIONS WITH NON-MEMBER COUNTRIES

OUTCOME OF THE UN CLIMATE CHANGE CONFERENCE (LIMA,
1-14 DECEMBER 2014)
(INFO(2014) 97)

Mr ARIAS CAÑETE reported on the intense and long-drawn-out negotiations at the
UN Climate Change Conference in Lima on 1-14 December, in which he had
participated on behalf of the European Union. He began by saying that by speaking
with one voice, the Union had succeeded in achieving most of its objectives, and the
international community had taken an essential step towards paving the way to
overall agreement at the conference to be held in Paris in December 2015,
something that he welcomed. However, he did not underestimate the difficulty of
the work that remained to be done both under the UN process and in political organisations such as the G20, for example, and of the negotiations to be held until then to iron out the remaining differences on the most difficult issues, namely financing and the weight to be given to adaptation to climate change.

There were two main positive outcomes of the Lima conference. Firstly, it had confirmed that by the end of March 2015 (the deadline set at the 2013 Warsaw conference) most of the major economies and the countries that were prepared to do so would have submitted their national contributions to reducing or limiting greenhouse gas emissions (Intended Nationally Determined Contributions – INDC).

Secondly, the conference had provided precise indications on the means of achieving this. However, China had managed to ensure that there would be no evaluation of national commitments with reference to the countries' capacities, a point which it had strongly opposed. He spoke of the next stages of the process in the lead-up to the Paris conference, in particular the summary report of the commitments made that would be drawn up by the Secretariat of the UN Climate Convention by 1 November 2015.

Winding up his presentation, he expressed his satisfaction at the role played by the Commission as a facilitator in securing unanimous agreement by the EU ministers, and praised the excellent work of its officials during these complex and difficult negotiations.

The Commission took note of this information and of the note distributed by Mr ARIAS CAÑETE (INFO(2014) 97).

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The meeting closed at 14.28.