



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2015) 2124 final

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

Brussels, 6 May 2015

TEXTE EN

MINUTES

of the 2124th meeting of the Commission

held in Strasbourg

(Winston Churchill)

on Tuesday 28 April 2015

(afternoon)

PV(2015) 2124 final

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

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TABLE OF CONTENTS

Attendance list	4-6
1. AGENDAS (OJ(2015) 2124/FINAL; SEC(2015) 183/2).....	7
2. WEEKLY MEETING OF CHEFS DE CABINET (RCC(2015) 2124).....	7
3. MINUTES OF THE 2123 RD MEETING OF THE COMMISSION	7
4. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS.....	7
4.1. WRITTEN PROCEDURES APPROVED (SEC(2015) 184 ET SEQ.).....	7
4.2. EMPOWERMENT (SEC(2015) 185 ET SEQ.).....	8
4.3. DELEGATION AND SUBDELEGATION OF POWERS (SEC(2015) 186 ET SEQ.).....	8
4.4. SENSITIVE WRITTEN PROCEDURES (SEC(2015) 187 AND /2).....	8
4.5. GENERAL EMPOWERMENT AND DELEGATION OF POWERS RELATING TO THE IMPLEMENTATION OF REGULATION (EU) 223/2014 OF THE EUROPEAN PARLIAMENT AND THE COUNCIL ON THE FUND FOR EUROPEAN AID TO THE MOST DEPRIVED (C(2015) 2813).....	8
5. ADMINISTRATIVE AND BUDGETARY MATTERS (SEC(2015) 188).....	9
6. JOINT COMMUNICATION FROM THE COMMISSION AND THE HIGH REPRESENTATIVE OF THE EUROPEAN UNION FOR FOREIGN AFFAIRS AND SECURITY POLICY TO THE EUROPEAN PARLIAMENT AND THE COUNCIL – CAPACITY BUILDING IN SUPPORT OF SECURITY AND DEVELOPMENT – ENABLING PARTNERS TO PREVENT AND MANAGE CRISES (JOIN(2015) 17 AND /2; RCC(2015) 36).....	10

7.	RELATIONS WITH NON-MEMBER COUNTRIES.....	11
	<i>OUTCOME OF THE 17TH EU-UKRAINE SUMMIT (KIEV, 27 APRIL)</i>	11
8.	INTERINSTITUTIONAL RELATIONS (RCC(2015) 33)	12
	8.1. <i>HORIZONTAL ITEM</i>	12
	8.2. <i>LEGISLATIVE MATTERS</i>	12
	8.3. <i>RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL</i>	13
	8.4. <i>RELATIONS WITH PARLIAMENT</i>	14
	8.5. <i>RELATIONS WITH NATIONAL PARLIAMENTS, THE OTHER INSTITUTIONS AND BODIES, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS</i>	15
9.	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – THE EUROPEAN AGENDA ON SECURITY (COM(2015) 185 AND /2; RCC(2015) 35).....	15
10.	INTERINSTITUTIONAL RELATIONS (CONTINUED) (RCC(2015) 33).....	16
	<i>RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL</i>	16
11.	RELATIONS WITH NON-MEMBER COUNTRIES (CONTINUED).....	18
	<i>SITUATION IN NEPAL FOLLOWING THE EARTHQUAKE</i>	18

Single sitting: Tuesday 28 April 2015 (afternoon)

The sitting opened at 14.21 with Mr JUNCKER, President, in the chair.

Present:

Mr JUNCKER	President	
Mr TIMMERMANS	First Vice-President	Items 1 to 8
Ms GEORGIEVA	Vice-President	
Mr ANSIP	Vice-President	
Mr KATAINEN	Vice-President	
Mr OETTINGER	Member	
Ms MALMSTRÖM	Member	
Mr MIMICA	Member	
Mr ARIAS CAÑETE	Member	
Mr VELLA	Member	
Mr AVRAMOPOULOS	Member	Items 1 to 9
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	
Ms VESTAGER	Member	
Mr MOEDAS	Member	

Absent:

Ms MOGHERINI	High Representative / Vice-President
Mr ŠEFČOVIČ	Vice-President
Mr DOMBROVSKIS	Vice-President
Mr HAHN	Member
Mr ANDRIUKAITIS	Member

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

Mr MANSERVISI	Chef de cabinet to Ms MOGHERINI
Mr LAHTI	Chef de cabinet to Mr DOMBROVSKIS
Mr MÜLLER	A member of Mr HAHN's staff
Mr RIBOKAS	A member of Mr ANDRIUKAITIS's staff

The following also sat in:

Mr SELMAYR	Chef de cabinet to the PRESIDENT
Mr ROMERO REQUENA	Director-General, Legal Service
Mr PESONEN	Acting Director-General, DG Communication
Mr SCHINAS	Head of the Spokesperson's Service and Chief Spokesperson of the Commission
Ms MARTÍNEZ ALBEROLA	Deputy Chef de cabinet to the PRESIDENT
Mr DELVAUX	A member of the PRESIDENT's staff
Ms ANDREEVA	Commission Spokesperson's Service

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

1. AGENDAS

(OJ(2015) 2124/FINAL; SEC(2015) 183/2)

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) 2124)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 27 April.

3. MINUTES OF THE 2123RD MEETING OF THE COMMISSION

The Commission held over approval of the minutes of its 2123rd meeting for the following week.

4. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2015) 184 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 20 and 24 April.

4.2. EMPOWERMENT

(SEC(2015) 185 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 20 and 24 April.

4.3. DELEGATION AND SUBDELEGATION OF POWERS

(SEC(2015) 186 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 20 and 24 April, as archived in Decide.

4.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2015) 187 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 27 and 30 April and of the finalisation written procedures initiated following the weekly meeting of Chefs de cabinet on 27 April.

**4.5. GENERAL EMPOWERMENT AND DELEGATION OF POWERS
RELATING TO THE IMPLEMENTATION OF REGULATION
(EU) 223/2014 OF THE EUROPEAN PARLIAMENT AND THE
COUNCIL ON THE FUND FOR EUROPEAN AID TO THE MOST
DEPRIVED**

(C(2015) 2813)

The Commission adopted the decision in C(2015) 2813 and, in particular, decided:

- to empower the Member of the Commission with responsibility for the Fund for European Aid for the Most Deprived to adopt, on behalf of the

Commission and under its responsibility, subject to the conditions laid down in Article 4, the measures referred to in Article 1(a) and (b) of Decision C(2015) 2813;

- not to subdelegate to the Director-General of DG Employment, Social Affairs and Inclusion the powers conferred by Article 1(a) and (b) of the Decision as regards the measures referred to in Article 2(a) and (b) of Decision C(2015) 2813;
- to delegate to the Director-General of DG Employment, Social Affairs and Inclusion the adoption, on behalf of the Commission and under its responsibility, subject to the conditions laid down in its Article 4, of the measures referred to in Article 3(a) and (b) of Decision C(2015) 2813.

5. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2015) 188)

ACTIVITIES OF A MEMBER OF THE COMMISSION AFTER LEAVING OFFICE

(C(2015) 2837)

The Commission adopted the decision set out in C(2015) 2837.

The Commission decided that the activities planned by former Vice-President of the Commission, Ms Neelie KROES, as a non-executive member of the Management Board of the Open Data Institute were compatible with Article 245(2) of the Treaty on the Functioning of the European Union (TFEU), provided that Ms KROES fulfilled, in all circumstances, her obligations under Articles 245(2) and 339 TFEU and the Code of Conduct for Commissioners, including protection of collective responsibility and confidentiality in respect of matters covered by the

Commission and information she may have had access to regarding companies and their business relations or their cost components during her two terms of office, and that Ms KROES refrained from lobbying the Commission and/or its departments on behalf of the Open Data Institute and/or any specific company related to the Institute within 18 months of leaving office, and that Ms KROES ensured that no company using the services of the Open Data Institute could unduly benefit from the knowledge and expertise she had gained during her terms of office.

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

**6. JOINT COMMUNICATION FROM THE COMMISSION AND THE HIGH REPRESENTATIVE OF THE EUROPEAN UNION FOR FOREIGN AFFAIRS AND SECURITY POLICY TO THE EUROPEAN PARLIAMENT AND THE COUNCIL – CAPACITY BUILDING IN SUPPORT OF SECURITY AND DEVELOPMENT – ENABLING PARTNERS TO PREVENT AND MANAGE CRISES
(JOIN(2015) 17 AND /2; RCC(2015) 36)**

The Commission approved the joint communication in JOIN(2015) 17/2, for transmission to the European Parliament and the Council and, for information, to the national parliaments.

7. RELATIONS WITH NON-MEMBER COUNTRIES

OUTCOME OF THE 17TH EU-UKRAINE SUMMIT (KIEV, 27 APRIL)

The PRESIDENT reported on the 17th summit between the European Union and Ukraine, held in Kiev the previous day. This was the first summit since the conclusion of the association agreement between the two parties. The EU had been represented by Donald Tusk, President of the European Council, and himself, while Ukraine had been represented by its President, Petro Poroshenko. Following the summit, an international conference on support for Ukraine was being held that day (28 April). The PRESIDENT had been invited by the Ukrainian authorities to give the opening address at the conference, in which he had spoken about the reforms undertaken by Ukraine, the challenges it faced and the support it needed.

The PRESIDENT then reported in more detail on a number of restricted meetings which he had attended, together with Mr HAHN, to discuss the implementation and monitoring of the wide range of reforms under way in Ukraine. He welcomed the very constructive atmosphere at these meetings, which had been an opportunity to exchange good practices and establish more clearly the different parties' positions on the next steps to be taken in the overall reform process.

As regards the security situation on the ground, the PRESIDENT reiterated the EU's firm support for Ukraine's sovereignty, independence and territorial integrity, as underlined in the joint statement adopted at the end of the summit. He relayed a number of concerns expressed by the Ukrainian authorities regarding the persistent threats to stability in the east of the country. He proposed that all these issues be raised once again at a future Commission meeting.

The Commission took note of this information.

8. INTERINSTITUTIONAL RELATIONS

(RCC(2015) 33)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 24 April (RCC(2015) 33).

It paid particular attention to the following points.

8.1. HORIZONTAL ITEM

i) Payment plan 2015-2016

The Commission approved the line set out in SI(2015) 146/2.

8.2. LEGISLATIVE MATTERS

ii) Trilogue meetings

(point 3.1 of the IRG record)

- Seafarers – Amendment of Directives 2008/94/EC, 2009/38/EC, 2002/14/EC, 98/59/EC and 2001/23/EC (Directive) – MORIN-CHARTIER report – 2013/0390 (COD)

The Commission approved the line set out in SI(2015) 142 and /2.

- Animal health (Regulation) – PAULSEN report – 2013/0136 (COD)

The Commission approved the line set out in SI(2015) 135/3.

iii) Parliament dossier – April II part-session

(point 3.2 of the IRG record)

Ordinary legislative procedure – First reading

- Multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks – Amendment of Council Regulation (EC) 2187/2005 and repeal of Council Regulation (EC) 1098/2007 (Regulation) – WAŁĘSA report 2014/0285 (COD)

The Commission approved the line set out in SI(2015) 220 and /2.

iv) Council dossier

(point 3.3 of the IRG record)

- Common system of taxation applicable to interest and royalty payments made between associated companies of different Member States (Council Directive – recast) – GÁLL-PELCZ report – 2011/0314 (CNS)

The Commission approved the line set out in SI(2015) 123/2.

8.3. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

v) Programming of Council business

(SI(2015) 151)

The Commission took note of the information in SI(2015) 151 on the Council meetings between 30 April and 13 May.

vi) Results of the informal meetings of the Eurogroup and the Economic and Financial Affairs Council (Riga, 24 and 25 April)

(SI(2015) 153)

The Commission was informed of the main results of the informal meetings

of Economic and Financial Affairs Ministers held in Riga, particularly as regards the discussions on the economic situation in Greece.

8.4. RELATIONS WITH PARLIAMENT

vii) Non-legislative dossier – April II part-session

(point 5.1 of the IRG record)

- Written answers to questions from the European Parliament's Special Committee on Tax Rulings (TAXE)

The Commission approved the line set out in SP(2015) 263 and authorised Ms VESTAGER to provide a written answer to the Chair of the European Parliament's Special Committee on Tax Rulings (TAXE), on the basis of the draft letter attached to SP(2015) 263.

viii) Participation of Members of Parliament in international conferences

(point 5.7 of the IRG record)

- 21st Conference of the Parties to the United Nations Framework Convention on Climate Change (Paris, 30 November till 11 December 2015)

The Commission agreed to the request to the PRESIDENT from Mr Martin Schulz, President of Parliament, concerning the attendance of fifteen Members of the European Parliament at the above-mentioned meeting as observers in the EU delegation, with a reminder about the procedure to be followed.

8.5. RELATIONS WITH NATIONAL PARLIAMENTS, THE OTHER INSTITUTIONS AND BODIES, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS

**ix) Follow-up to Committee of the Regions opinions – Sixty-second report
– December 2014 plenary session
(point 6.4.1 of the IRG record)**

The Commission approved the replies to the opinions adopted by the Committee of the Regions during the December 2014 plenary session, contained in the document distributed as SR(2015) 9/3, for transmission to the Committee of the Regions.

**9. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – THE EUROPEAN AGENDA ON SECURITY
(COM(2015) 185 AND /2; RCC(2015) 35)**

At the PRESIDENT'S request, Mr AVRAMOPOULOS briefly outlined the European Agenda on Security that the Commission had adopted that day. He explained that the objective for the period 2015-20 was to help the Member States to cooperate against the threats to security and to give more weight to joint European action against terrorism, organised crime and cyber-crime, whilst respecting fundamental rights. He remarked that even if internal security was first and foremost the responsibility of the Member States, the cross-border nature of these criminal activities meant that support at Union level was necessary to increase confidence and facilitate cooperation, information exchange and joint action.

For this reason, the Commission was that day taking an initiative focused on the areas in which the European Union could bring real added value, rather than simply react to the recent tragic attacks.

He mentioned the main measures proposed by the Commission, which in particular included curbing radicalisation, establishing a more coherent legal framework to deal with the phenomenon of foreign fighters and intensifying cooperation with third countries in this area, starving the criminal networks of funding, strengthening firearms legislation, reinforcing European tools against cyber-crime, and developing the capacity of Europol by creating a European anti-terrorism centre.

Following this presentation, the Commission approved the communication in COM(2015) 185/2 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. INTERINSTITUTIONAL RELATIONS (CONTINUED)

(RCC(2015) 33)

RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

Outcome of the extraordinary European Council (Brussels, 23 April) – Migration

(SI(2015) 149)

The PRESIDENT reported on the outcome of the extraordinary European Council meeting on migration, which had taken place on 23 April following the increased number of tragedies in the Mediterranean in which several hundred migrants had died. He wished to revisit a number of points that had been discussed by the EU leaders.

He focused in particular on the decision taken by EU leaders to triple the financial resources made available to the *Triton* and *Poseidon* operations in order to increase the search and rescue measures under the mandate of the European Agency for the Management of Operational Cooperation at the External Borders (Frontex). He considered that in view of the scale of the needs this could be only a starting point, adding that tripling the resources only brought them back up to the budget level of the *Mare Nostrum* mission that had been conducted and financed by a single Member State, Italy.

He further deplored the lack of progress during the European Council on the implementation of a European system for distributing refugees throughout all the Member States, an issue which he was strongly convinced had to be addressed to ensure that refugees were hosted more fairly across the whole Union instead of leaving the burden solely to the Member States in which migrants arrived.

He also appealed for an increase in development aid from the Member States; this was the only credible way for the Union to demonstrate its desire to tackle the root causes of this migration and to support the economic development of the countries of origin in the medium and long term.

During a brief discussion, the Members of the Commission confirmed the need for the Union to respond more robustly to certain pressing issues and to ensure joint mobilisation of the Member States to save human beings in great distress, contribute to strengthening peace, security and prosperity in the migrants' countries of origin, and promote access to channels of legal migration into the Union.

For his part, the PRESIDENT sincerely hoped that the pious wishes of the past few months would translate into action and firm commitments to respond to the truly vital urgency of the situation in the Mediterranean. European public opinion was currently in favour of an EU reaction more appropriate to the scale of the challenge, but he reminded the meeting of the European institutions' responsibility not only to

deal with serious specific problems, but also to set a longer-term course by defining strong political guidelines and an overall strategy. This was precisely the message he intended to convey in the speech he would give on the following day to the European Parliament and in the European Programme for Migration that the Commission would propose on 13 May.

The Commission took note of this information.

11. RELATIONS WITH NON-MEMBER COUNTRIES (CONTINUED)

SITUATION IN NEPAL FOLLOWING THE EARTHQUAKE

Mr STYLIANIDES reported on the Commission's response in the aftermath of the devastating earthquake that struck Nepal on 25 April, killing over 5 000 and leaving more than 10 000 injured according to latest estimates, not to mention the significant material damage and cultural losses that had been sustained.

He began by describing the extremely difficult conditions in the Kathmandu region, the anguish of those who had lost loved ones, the fear felt by inhabitants of fresh quakes, the cold, the power cuts and the disruption to means of communication and transport.

He then spoke of the major operation set up by his department with the Emergency Response Coordination Centre (ERCC), in cooperation with Ms MOGHERINI and Mr MIMICA. The operation involved the mobilisation of all available emergency instruments in order to (i) send experts to Kathmandu, some to assess needs and coordinate search and rescue efforts on the ground, others to help coordinate the incoming EU aid on the spot, (ii) respond immediately to the Nepalese Government's request for assistance by releasing an initial sum of aid worth

EUR 3 million to meet the most urgent requirements for drinking water, medicines, shelters and telecommunications, and (iii) coordinate the relief teams and equipment from the 15 Member States that had already offered these, in coordination with the United Nations and the partner agencies present in the disaster area.

Mr STYLIANIDES also noted the situation of EU citizens in Nepal who were still missing and whose evacuation would be supervised by the consular unit of the European External Action Service (EEAS).

In conclusion he spoke of his intention to fly to Nepal that evening or the next day in order to assess the situation for himself and, above all, to demonstrate the Union's solidarity with the victims and survivors of this devastating earthquake.

Mr MIMICA reported on the release of additional Union financing to support the reconstruction of the country in the medium and long term. He referred first to the ongoing efforts to speed up the transfer of the amounts granted to Nepal by way of development aid, which should help to make an additional allocation of EUR 16.6 million available by the beginning of May. He then spoke of the possibility of concentrating the whole sum of EUR 360 million allocated under the current multiannual financial framework for development aid to Nepal into the next two years in order to support the country in the reconstruction of schools and critical infrastructure, i.e. roads, bridges and irrigation systems. To conclude, he stated his intention of establishing a dedicated trust-fund to facilitate the transfer and monitoring of the European financing.

During the exchange of views that followed, the Commission mentioned the following points:

- its full support for the release of substantial sums in response to the disaster in Nepal; the need to highlight the Union's role as the leading contributor, even though the payment of aid was frequently coordinated with the World Bank or

the United Nations;

- the scale of the damage caused in this major natural disaster and the very difficult conditions faced by many Nepalese citizens and foreign nationals, particularly in certain isolated regions; the strain on the country's emergency services and critical infrastructure; the possibility of allocating additional Union logistical support; the importance of recognising the action taken by the EU Member States in this connection as a gesture of European solidarity;
- the comprehensive consular protection measures introduced by the EEAS, with the support of the Member States' representations present on the spot, for the evacuation of European nationals in cooperation with the Nepalese and Indian authorities, and for locating the 1 800 Europeans who were still missing;
- the case for conducting a subsequent review on a possible mechanism for making funds available immediately in the event of future natural disasters in Europe; acknowledgement of the major strain on the funds set aside for external policies in the Union's general budget and the need to draw Member States' attention to this point.

The Commission took note of this information.

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The Commission's other discussions on certain agenda items are recorded in the special minutes.

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The meeting closed at 15.15.