



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2014) 2076 final

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

Brussels, 5 March 2014

TEXTE EN

MINUTES

of the 2076th meeting of the Commission

held in Strasbourg

(Winston Churchill building)

on Tuesday 25 February 2014

(afternoon)

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Single sitting: Tuesday 25 February 2014 (afternoon)

The sitting opened at 13.07 with Mr BARROSO, President, in the chair. The discussion of item 9 (in part) was chaired by Ms REDING.

Present:

Mr BARROSO	President	Items 1 to 9 (in part)
Ms REDING	Vice-President	
Mr ALMUNIA	Vice-President	Items 1 to 9 (in part)
Mr KALLAS	Vice-President	Items 1 to 8 (in part)
Ms KROES	Vice-President	
Mr TAJANI	Vice-President	Items 1 to 9 (in part)
Mr ŠEFČOVIČ	Vice-President	
Mr REHN	Vice-President	Items 1 to 8 (in part) and 9
Mr POTOČNIK	Member	
Mr PIEBALGS	Member	Items 1 to 9 (in part)
Mr BARNIER	Member	Items 1 to 9 (in part)
Ms VASSILIOU	Member	
Mr ŠEMETA	Member	
Mr DE GUCHT	Member	
Ms GEOGHEGAN-QUINN	Member	
Mr LEWANDOWSKI	Member	
Ms GEORGIEVA	Member	Items 7 (in part) and 8 (in part)
Mr OETTINGER	Member	Items 1 to 8 (in part)
Mr HAHN	Member	
Ms HEDEGAARD	Member	
Mr FÜLE	Member	
Mr ANDOR	Member	
Ms MALMSTRÖM	Member	Items 1 to 9 (in part)

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Mr CIOLOŞ

Member

Mr BORG

Member

Items 1 to 9 (in part)

Mr MIMICA

Member

Absent:

Baroness ASHTON

High Representative/
Vice-President

Ms DAMANAKI

Member

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

Ms CASTAGNOLI	Adviser in Baroness ASHTON's Office
Mr INOTAI	A member of Ms DAMANAKI's staff

The following also sat in:

Mr LAITENBERGER	Chef de cabinet to the PRESIDENT	
Mr ROMERO REQUENA	Director-General, Legal Service	
Ms RIBEIRO DA SILVA	Commission Spokesperson Service	
Mr THEBAULT	Head of the Bureau of European Policy Advisers	
Ms MARTÍNEZ ALBEROLA	Adviser in the PRESIDENT's Office	
Mr SELMAYR	Chef de cabinet to Ms REDING	Items 8 (in part) and 9
Mr BALTAZAR	A member of Ms REDING's staff	
Ms JERN	A member of Mr REHN's staff	
Mr VOLLBRACHT	A member of Ms MALMSTRÖM's staff	

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

1. AGENDAS

(OJ(2014) 2076/FINAL; SEC(2014) 143/2)

The Commission took note of that day's agenda and of the tentative agendas for forthcoming meetings. It also took note of the addition of items 7.5, 7.6 and 7.7 (on administrative decisions) to that day's agenda.

2. WEEKLY MEETING OF CHEFS DE CABINET

(RCC(2014) 2076)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 24 February.

**3. MINUTES AND SPECIAL MINUTES OF 2075TH MEETING
(12 FEBRUARY)**

(PV(2014) 2075 AND /2; PV(2014) 2075, PART II)

The Commission approved the minutes of its 2075th meeting.

4. INTERINSTITUTIONAL RELATIONS (RCC(2014) 21)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 21 February (RCC(2014) 21).

It paid particular attention to the following points.

4.1. LEGISLATIVE MATTERS

i) Horizontal dossier

(point 1.1 of the IRG record)

- Delegation of Commission representatives to the Inter-Institutional Working Group on resources of decentralised agencies

The Commission approved the line set out in SI(2014) 86.

ii) Ordinary legislative procedure

(point 1.2 of the IRG record)

Dossiers at Parliament first reading

- Conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer (Directive) – IACOLINO report – 2010/0209 (COD)

The Commission approved the line set out in SI(2014) 79 and /3.

- Establishment of an Entry/Exit System to register entry and exit data of third-country nationals crossing the external borders of the Member States of the European Union (Regulation) – SOMMER report – 2013/0057 (COD) / Establishment of a Registered Traveller Programme (Regulation) – ENCIU report – 2013/0059 (COD) / Amendment of Regulation (EC) 562/2006 as regards the use of the Entry/Exit System (EES) and the Registered Traveller Programme (RTP) (Regulation) – SOMMER / ENCIU report – 2013/0060 (COD)

The Commission approved the line set out in SI(2014) 92 and /2.

- Amendment of Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community, in view of the implementation by 2020 of an international agreement applying a single global market-based measure to international aviation emissions (Directive) – LIESE report – 2013/0344 (COD)

The Commission approved the line set out in SI(2014) 85/2.

- Uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Bank Resolution Fund and amendment of Regulation (EU) 1093/2010 (Regulation) – FERREIRA report – 2013/0253 (COD)

The Commission approved the line set out in SI(2014) 82/2.

- Amendment of Directive 2009/65/EC on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) as regards

depository functions, remuneration policies and sanctions (Directive) –
GIEGOLD report – 2012/0168 (COD)

The Commission approved the line set out in SI(2014) 83/2.

- Innovation Investment Package – Participation of the Union in a Research and Development Programme jointly undertaken by several Member States aimed at supporting research-performing small and medium-sized enterprises (Decision) – RANSDORF report – 2013/0232 (COD) / Participation of the Union in a European Metrology Programme for Innovation and Research jointly undertaken by several Member States (Decision) – TZAVELA report – 2013/0242 (COD) / Participation of the Union in a second European and Developing Countries Clinical Trials Partnership Programme jointly undertaken by several Member States (Decision) – FORD report – 2013/0243 (COD) / Participation of the Union in the Active and Assisted Living Research and Developing Programme jointly undertaken by several Member States (Decision) – TURMES report – 2013/0233 (COD) / Innovation Medicines Initiative 2 Joint Undertaking (Council Regulation) – RIERA MADURELL report – 2013/0240 (NLE) / Clean Sky 2 Joint Undertaking (Council Regulation) – EHLER report – 2013/0244 (NLE) / Electronic Components for European Leadership (ECSEL) Joint Undertaking (Council Regulation) – RÜBIG report – 2013/0234 (NLE) / Bio-Based Industries Joint Undertaking (Council Regulation) – VAN NISTELROOIJ report – 2013/0241 (NLE) / Fuel Cells and Hydrogen 2 Joint Undertaking (Council Regulation) – PANAYOTOV report – 2013/0245 (NLE) / Amendment of Council Regulation (EC) 219/2007 on establishment of a Joint Undertaking to develop the new generation European air traffic management system

(SESAR) as regards the extension of the Joint Undertaking until 2014
(Council Regulation) – THOMSEN report – 2013/0237 (NLE)

The Commission approved the line set out in SI(2014) 87 and /3.

- Rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union (Directive) – SCHWAB report – 2013/0185 (COD)

The Commission approved the line set out in SI(2014) 91.

- Deployment of alternative fuels infrastructure (Directive) – FIDANZA report – 2013/0012 (COD)

The Commission approved the line set out in SI(2014) 29/3.

- Multiannual funding for the action of the European Maritime Safety Agency in the field of response to pollution caused by ships and to marine pollution caused by oil and gas installations (Regulation) – TAYLOR report – 2013/0092 (COD)

The Commission approved the line set out in SI(2014) 95.

- Measures to reduce the cost of deploying high-speed electronic communications networks (Regulation) – HERCZOG report – 2013/0080 (COD)

The Commission approved the line set out in SI(2014) 66.

- Electronic identification and trust services for electronic transactions in the internal market (Regulation) – ULVSKOG report – 2012/0146 (COD)

The Commission approved the line set out in SI(2014) 90/2.

iii) Preparation for the February II part-session of Parliament

(point 1.3 of the IRG record)

Ordinary legislative procedure – First reading

- Insurance mediation (Directive – recast) – LANGEN report – 2012/0175 (COD)

The Commission approved the line set out in SP(2014) 131 and /2.

- Type-approval requirements for the deployment of the *eCall* in-vehicle system and amendment of Directive 2007/46/EC (Regulation) – SEHNALOVÁ report – 2013/0165 (COD)

The Commission approved the line set out in SP(2014) 169 and /2.

- Deployment of the interoperable EU-wide *eCall* (Decision) – DE BACKER report – 2013/0166 (COD)

The Commission approved the line set out in SP(2014) 170 and /2.

- Amendment of Council Regulation (EC) 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders of Member States and those whose nationals are exempt from that requirement (Regulation) – GABRIEL report – 2012/0309 (COD)

The Commission took note of the compromise text in SP(2014) 205, further to note SI(2014) 43, which it had already approved on 4 February.

4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

iv) Programming of Council business

(SI(2014) 76)

The Commission took note of the information in SI(2014) 76 on the Council meetings between 20 February and 5 March.

4.3. RELATIONS WITH PARLIAMENT

v) Action taken on the legislative opinions and non-legislative resolutions adopted by Parliament at its January part-session

(point 3.4.1 of the IRG record)

The Commission approved, for transmission to Parliament, document SP(2014) 167 on the action taken on the legislative opinions and non-legislative resolutions adopted by Parliament at its January part-session.

vi) Consultation of the Commission on amendment of Rule 116 of, and Annex II to Parliament's Rules of Procedure on Question Time (Decision of the European Parliament) – GURMAI report – 2013/2083 (REG)

(point 3.6.1 of the IRG record)

The Commission approved the draft letter and took note of Parliament's report in SP(2014) 196 and /2, and decided to transmit the letter to the Chair of the EP's constitutional affairs committee.

4.4. OTHER BUSINESS

- vii) Preparations for the 27th session of the Joint Parliamentary Assembly of the African, Caribbean and Pacific States and the European Union (ACP-EU) (Strasbourg, 17 to 19 March 2014) – Replies to oral questions**
(point 6.1 of the IRG record)

The Commission approved the replies to the oral questions from the Joint Parliamentary Assembly set out in SP(2014) 179/2, for transmission to the Assembly.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED **(SEC(2014) 144 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 10 and 21 February.

5.2. EMPOWERMENT **(SEC(2014) 145 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 10 and 21 February.

5.3. DELEGATION AND SUBDELEGATION OF POWERS
(SEC(2014) 146 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 10 and 21 February, as archived in e-Greffe.

5.4. SENSITIVE WRITTEN PROCEDURES
(SEC(2014) 147 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 24 and 28 February.

6. OTHER BUSINESS

BUDGET IMPLEMENTATION AT 31 DECEMBER 2013
(INFO(2014) 12/2)

The Commission took note of the information note from Mr LEWANDOWSKI in INFO(2014) 12/2.

7. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2014) 148/3)

ADMINISTRATIVE MATTERS
(PERS(2014) 35/3)

**7.1. DG AGRICULTURE AND RURAL DEVELOPMENT – APPOINTMENT
OF AD14/15 DIRECTOR
(PERS(2013) 92 TO /7)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii), (1)(b) and Article 29(2) of the Staff Regulations for the post of Director, ‘Direct support’, in DG Agriculture and Rural Development (PERS(2013) 92 to /5).

It took note of the opinions of the Consultative Committee on Appointments of 3 and 13 February 2014 (PERS(2013) 92/6 and /7).

The Commission proceeded to compare the applicants’ qualifications for the post. On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr CIOLOȘ, it then decided to appoint Mr Pierre BASCOU to the post.

This decision would take effect on 16 March 2014.

**7.2. DG EDUCATION AND CULTURE – INTERNAL PUBLICATION OF
VACANCY NOTICE FOR AN AD15/16 DEPUTY DIRECTOR-GENERAL
(PERS(2014) 37)**

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms VASSILIOU, the Commission decided to authorise the publication, under Article 29(1)(a)(i) and (iii) of the Staff Regulations, of the vacancy notice in PERS(2014) 37 for the post of Deputy Director-General in DG Education and Culture.

This decision would take effect immediately.

**7.3. DG ENERGY – INTERNAL PUBLICATION OF VACANCY NOTICE
FOR AN AD15/16 DEPUTY DIRECTOR-GENERAL
(PERS(2014) 38)**

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr OETTINGER, the Commission decided to authorise the publication, under Article 29(1)(a)(i) and (iii) of the Staff Regulations, of the vacancy notice in PERS(2014) 38 for the post of Deputy Director-General in DG Energy responsible for coordinating Directorates D and E.

This decision would take effect immediately.

7.4. DG BUDGET – CHANGE TO THE ORGANISATION CHART

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr LEWANDOWSKI, the Commission decided:

- to create a temporary principal adviser post with responsibility for Internal Public Control solely for the duration of the work programme of the working group of Member States experts ;
- to abolish one unused adviser function, thereby reducing the quota of advisers in DG Budget from two to one.

These decisions would take effect immediately.

7.5. DG HOME AFFAIRS – APPOINTMENT OF AD16 DIRECTOR-GENERAL

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms MALMSTRÖM, the Commission decided to fill the post of Director-General of DG Home Affairs by transferring in the interest of the service,

under Article 7 of the Staff Regulations, Mr Matthias RUETE, AD16 official and currently Director-General of DG Mobility and Transport.

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

7.6. DG MOBILITY AND TRANSPORT – APPOINTMENT OF AD16 DIRECTOR-GENERAL

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr KALLAS, the Commission decided to fill the post of Director-General of DG Mobility and Transport by transferring in the interest of the service, under Article 7 of the Staff Regulations, Mr João AGUIAR MACHADO, AD16 official and currently Deputy Director-General in DG Trade responsible for Directorates B, C and D.

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

**7.7. SECRETARIAT-GENERAL – ACTIVITIES OF A MEMBER OF THE COMMISSION AFTER LEAVING OFFICE
(C(2014) 1328)**

The PRESIDENT outlined the situation that called for a Commission decision concerning Ms Benita FERRERO-WALDNER pursuant to Article 245(2) of the Treaty on the Functioning of the European Union and the provisions of the Code of Conduct for Members of the Commission relating to the notification and assessment of activities performed by Members after leaving office. He noted that Ms FERRERO-WALDNER had been in charge of external relations and the European neighbourhood policy from 2004 to 2009, and trade and neighbourhood policy from 2009 to 2010.

She had duly notified a number of activities in which she had engaged after

her term of office, in particular for the Spanish company Gamesa, but had failed to do so for a second contract with that company. The Ombudsman had been informed of this contract by an anonymous letter in May 2013. The situation had been clarified with Ms FERRERO-WALDNER, who had in fact left Gamesa in February 2012. The Commission had then asked for advice from its ad hoc ethical committee. The committee's conclusions were as follows: (i) Ms FERRERO-WALDNER should have notified the Commission of the contract in question, (ii) the activity concerned was generally compatible with her obligations, and (iii) if she had submitted the notification in good time, the committee would have recommended imposing a number of conditions on the consultancy services she had undertaken to provide to Gamesa.

On the strength of the ethical committee's opinion, the Commission's Secretariat-General had sent Ms FERRERO-WALDNER a letter on 14 November 2013 asking for further information, following which both she and Gamesa had confirmed in writing that she could at any time have refused tasks that were incompatible with her obligations under the Code of Conduct for Members of the Commission. In her reply, Ms FERRERO-WALDNER had also expressed her regret for the awkward situation that had been created.

The PRESIDENT therefore asked the Commission to adopt the decision proposed that day concluding, on the basis of the information provided by Ms FERRERO-WALDNER and Gamesa, that the activities actually performed by her on behalf of Gamesa under the consultancy contract of 25 February 2010 were compatible with Article 245(2) of the Treaty on the Functioning of the European Union.

The PRESIDENT ended by stressing the need for Members of the

Commission to ensure that they honoured their obligations under the Code of Conduct once they had left office, in order to protect the reputation of the institution and their own personal reputation.

He added that, if the Commissioners so wished, an information meeting could be held before the end of the Commission's term of office with representatives of the Secretariat-General and the Legal Service, in order to present the guiding principles that had emerged from comparable decisions, which provided an interpretation of the provisions of the Code of Conduct and also incorporated the opinions of the ethical committee and the European Ombudsman.

The Commission adopted the decision in C(2014) 1328.

8. POLICY DISCUSSIONS ON THE RULE OF LAW AND ON THE FUTURE OF THE EUROPEAN AREA OF FREEDOM, SECURITY AND JUSTICE (SEC(2014) 182; SEC(2014) 180)

The PRESIDENT opened that day's policy debate by indicating the two aspects to be discussed. He referred first to the future of the European area of freedom, security and justice, and the continuation of the Commission's debate on the Union's approach to these policies from now on. He then mentioned the Rule of Law Initiative, the main strategies of which would be drawn up that day.

European area of freedom, security and justice

The PRESIDENT said that, under the Lisbon Treaty, the Union's powers in the field of justice and home affairs were subject to transitional arrangements which would

end on 1 December 2014. The current framework established by the European Council, the ‘Stockholm programme’, which set the priorities in these two areas, would also expire on that date. Future initiatives in these areas would therefore form part of a common European policy area once the transitional period had ended, although special arrangements would still apply in some cases. He therefore felt that it was appropriate to move from the current five-year plans to a more strategic approach based on a normal programming cycle

Reviewing the work carried out by the Commission to implement the Stockholm programme, the PRESIDENT was pleased that initiatives had been presented in all the sectors identified; however, he considered that the measures adopted should be developed further.

He listed a number of important guiding principles for the future: the need to consolidate and effectively implement the measures adopted, to carry out an assessment impact on all new proposals, to strengthen mutual recognition between Member States and to make greater use of new technology. He also proposed examining the more political and more complex issues coming under the competences shared by the Union and Member States, such as the solidarity and burden-sharing mechanisms for immigration and asylum, and the harmonisation of criminal procedures.

As regards the future direction of European policy in the field of justice, Ms REDING, too, felt that, while the Stockholm programme had provided a framework for the measures to be carried out during the five-year transitional period, it was now preferable to move on to a more strategic, global approach. Following broad consultations of the parties concerned and debates in both Parliament and the Council, she proposed strengthening three main aspects, namely (i) trust between Member States, to which end the Commission must build bridges

between national judicial systems to permit mutual recognition and reciprocal enforcement of judicial decisions, (ii) mobility, in regard to which she stressed the need to facilitate full exercise of rights by European citizens living in another Member State, and (iii) growth, in which respect she referred to the contribution made by European justice policy in underpinning economic recovery, thanks to reliable judicial systems and to the judicial stability that was vital for companies and investors. To tackle these challenges, she proposed a method which focused on three main strategies: (i) consolidating what had already been achieved, (ii) codifying EU law and practice, and (iii), where necessary, complementing the existing framework with new initiatives.

Ms MALMSTRÖM then took to the floor to present the aspects to be taken into account when deciding on the future approach of Union home affairs policy. She, too, emphasised the case, in the coming years, for consolidating and implementing measures that had already been adopted, while reinforcing the flexibility, reaction capacity and forward-looking approach of the European framework.

In this respect, she took the view that the future framework should take into account in particular the rapid development of new technologies, for example in the management of ‘smart borders’, and address the questions of solidarity and responsibility in relation to asylum policy and international protection. In the light of the Union’s demographic profile, she also raised the role of immigration and integration in the growth and competitiveness of the European economy, and the need for greater coherence between the Union’s internal policy on home affairs and the positions adopted under its external policy.

Rule of law

The PRESIDENT then presented the terms of the second part of the orientation debate, on the question of a rule of law initiative, as set out in the relevant issues

paper. He explained that this was a response to the need to devise a more detailed and appropriate set of instruments to enable the European Union to intervene in cases where there was a risk of a serious and persistent breach of the principles of the rule of law in one or other Member State. He stressed that this new initiative consisted of codifying the experience already acquired in this type of situation, in which the Commission had certain powers.

He suggested that the Commission give its views on a number of questions ahead of the final proposal that would be tabled soon. These included the idea of putting in place a non-binding and preventive mechanism as soon as there was a risk of a systemic breach of the rule of law, with a political dialogue with the Member State concerned before the legal procedures were initiated. He emphasised that the idea was essentially to translate the powers granted to the Commission by Article 7 of the Treaty on European Union (TEU) into internal arrangements for examining a risk of a systemic breach of the principles of the rule of law in a Member State and the rules to follow in order to propose solutions to remedy the situation.

Ms REDING stressed the importance for the Commission, as guardian of the Treaties, of being able to take action, where necessary, to restore the rule of law when it was threatened or flouted. It was the inadequacy of existing instruments in recent cases that had prompted the Council and Parliament to ask the Commission to think about creating new instruments.

The issues paper on which the Commission was invited to give its views did not set out definitive proposals but options for shaping the future mechanism for restoring the rule of law. She recapped the main aspects, namely: (i) the nature of the framework that could be activated in the event of a serious and persistent breach of the rule of law in a Member State, with the choice between a crisis resolution instrument and an annual assessment instrument, (ii) the Commission's place in this

mechanism, with either delegation of powers to a new external body or alternatively a central role for the institution, (iii) the need to ensure that the system treated Member States equally, and (iv) the extent to which the work on the rule of law by other European institutions and international organisations, for example the Council of Europe, should be taken into account.

With regard to the proposed stages for enhancing the existing mechanism, Ms REDING referred to the possibility of making full use of the current Treaties to establish a more powerful preventive instrument, for example by using the infringement procedure and the Commission's right under Article 7 TEU to issue a 'reasoned proposal' before the formal procedure was opened, or the more ambitious possibility of a potential amendment to the Treaties in force in order to provide the Commission with more substantial powers to monitor and to impose sanctions, along the lines of the ongoing discussions on the development of political union in Europe.

The Commission then held a detailed discussion, during which it examined the following questions in particular:

The future of the European area of freedom, security and justice

the unwavering support for the significant achievements under the Stockholm programme in recent years and the importance of highlighting these; in the specific area of **justice**, support for the proposed priorities of increasing trust, mobility and growth and for the approach envisaged for the years to come, namely consolidating what was already in place, codifying European legislation and practices and, where necessary, supplementing the existing framework; a call for priority to be given to the efficient operation of the judicial systems; the suggestion that emphasis be placed in future on the capacity of the administrative services responsible for implementing the measures adopted; in the area of **home affairs**, too, the need to

give priority to implementing and consolidating the measures adopted at European level, and to better coordination with other EU policies; the importance of Europe remaining open, but within a framework of clear rules and respect for its values; a call for further progress to complete the Schengen system; the suggestion that new technologies be integrated more effectively into the management of joint activities, for example in the context of internal and external cooperation; on the subject of European immigration policy, more specifically, a call for a political vision and global strategy; the need for greater solidarity with the Member States facing the heaviest pressure from immigration and for more equal burden-sharing as regards the management of the Union's external borders;

The rule of law initiative

general support for the idea of developing a new instrument to enforce the rule of law within the Union and to avoid recourse to Article 7 TEU, by creating the missing link between the current system and Article 7; the overriding importance of guaranteeing the equality of the Member States and the need to avoid giving the impression of an enforcement instrument for punishing Member States; the preference given to a non-binding instrument; the suggestion that the preventive and deterrent side of the future mechanism could be strengthened; general support for the idea of introducing the new instrument within the framework of the existing Treaties at this stage, and for the recommendation that preference be given to a solution that was easy and quick to apply; the importance of strengthening the Commission's role in implementing the future mechanism and of defining very clearly the internal procedure it would follow to apply the new instrument for restoring the rule of law; in the interests of the credibility of the mechanism, the case for an early warning system and the capacity for a very rapid analysis within or outside the Commission, but under its authority, in order to guarantee the objectivity of the analysis and ensure the legitimacy of the decision to launch a procedure; the

idea of consulting other institutions, in particular the Council of Europe and the Venice Commission at the analysis stage.

Ms REDING and Ms MALMSTRÖM thanked the other Members of the Commission for their contributions to the ongoing debate about the future of Union policies in the area of justice and home affairs. They noted the broad support for the ideas set out and said that the joint preparations would continue with a view to incorporating some of the points made in the discussion into the draft communications to be presented shortly.

With regard to the potential new initiative on a future mechanism for restoring the rule of law, Ms REDING took note of the opinions that had been expressed, which indicated a broad consensus. She noted, in particular, the unanimous agreement on the central role that had to be played by the Commission in order to guarantee the credibility and impartiality of the future mechanism.

The PRESIDENT likewise praised the fruitful debate and highlighted the general support of the Commission Members for the approaches proposed by Ms REDING and Ms MALMSTRÖM. Returning to the subject of the current Commission's significant achievements in justice and home affairs, he felt these should be highlighted in the last months of the Commission's term of office, in order to make the public more aware of the benefits they brought, given that these aspects had often been eclipsed in recent times by the management of the economic crisis.

As a more general point, the very fact that the Member States had approached the Commission on a subject as sensitive as the rule of law was not only a mark of the trust they placed in it as an independent authority and guardian of the Treaties, but also reflected an extension of its powers.

The PRESIDENT concluded by explaining that the draft communications would be

prepared in cooperation with Ms REDING and Ms MALMSTRÖM, as well as Mr ŠEFČOVIČ in the case of the interinstitutional issues, with a view to presenting them to the College for approval on 11 March.

The Commission took note of the results and conclusions of the policy debates and of the background note on the rule of law disseminated under the authority of the PRESIDENT and Ms REDING in document SEC(2014) 182, and of the background note on the future of the European area of freedom, security and justice disseminated under the authority of Ms REDING and Ms MALMSTRÖM in document SEC(2014) 180.

The Commission's other discussions on this item are recorded in the special minutes.

9. RELATIONS WITH NON-EU COUNTRIES

SITUATION IN UKRAINE

The PRESIDENT referred to the recent developments in Ukraine. He began by welcoming the fact that it had been possible to put an end to the bloodshed of the days preceding the departure of the President, Mr Viktor Yanukovich, and the fall of his government. He pointed out the mediation role being played by the European Union, represented by three of its foreign affairs ministers who had been present in Kiev on 21 February, and welcomed both the announcement of new parliamentary elections on 25 May and the release of the former Ukrainian Prime Minister, Ms Yulia Tymoshenko.

However, he underlined the continuing political instability, the risk of division to

which the country was exposed and its current extremely difficult financial situation, aggravated by the uncertainties now hanging over the \$15 billion aid from Russia. He therefore appealed to the Ukrainian political actors to take responsibility and called for the formation of a government as open as possible to all political parties, and for help from the international community to enable Ukraine to remain united, in peace, security and democracy. On this last question, he announced that an examination was under way into the possibilities of rapidly mobilising European aid for Ukraine and encouraging the European Union's international partners – the International Monetary Fund (IMF), the G20 member states and others, including Russia – to engage in these efforts. In conclusion, he stressed that the Union was still prepared to sign the association agreement it had proposed to Ukraine.

Mr FÜLE said that there was currently no mechanism for coordinating the international players with a view to setting up international assistance for Ukraine. This was a platform that the European Union could propose and provide in order to address the country's considerable economic and financial needs. He also pointed out that Russia would have an impact on the position to be adopted by the IMF, of which it was a member. Concerning the possible signing of the association agreement between the European Union and Ukraine, which over time would bring the country great economic benefits, he emphasised that a condition for this was the prior formation of a government of national union and that the Commission would have to examine this issue in depth.

During the ensuing discussion the Commission mentioned the following matters:

- support for the efforts of Baroness ASHTON and Mr FÜLE to assist in seeking and bringing about political solutions for the future of Ukraine; the need for the Commission to hold, as soon as possible, an in-depth discussion on a global strategy with regard to Ukraine, on ways of helping the country to surmount its

serious political, economic and budgetary difficulties and on the preparation of measures to provide such assistance. This discussion was linked to the basic issue of whether it was politically desirable, in the long term, to offer Ukraine a future in Europe;

- in the immediate term, given the risk of bankruptcy for Ukraine and of its inability to service its substantial debt, the need to explore the possibilities of bridge financing and, in addition, of macroeconomic assistance which could be deployed for Ukraine; a reminder of the urgent funding of €610 million already proposed by the Commission in November 2013, before the beginning of the political crisis; the observation that the Commission was prepared to provide substantial assistance, together with the IMF and the Member States, once a political settlement was in place in Ukraine and a credible new government had presented a convincing economic programme; the importance of studying the most effective way of coordinating provision of all the possible resources, including the possibilities of intervention by the European Investment Bank (EIB) and other international financial institutions; the suggestion that the European Union launch the idea of an International Donors' Conference;
- for some, the need to associate Russia with the assistance efforts for Ukraine, for financial as well as political reasons, to encourage constructive cooperation and good relations between Ukraine and its neighbour; for others, a warning against the risk of giving Russia a major role in solving the current crisis, in view of the positions it had adopted with regard to the international negotiations on the Iranian nuclear issue or the situation in Syria;
- as regards the association agreement proposed by the European Union to Ukraine, chiefly comprising a free trade agreement, the need to stress that it would give the country a significant boost; ideas regarding the possible phased

implementation of the agreement; the need to state unambiguously that such an agreement was not directed against Russia and its interests.

Replying to these comments, Mr FÜLE referred once again to the extent of the financing needs that must be met in the short term and of the still significant needs that would have to be covered over the next two years. He said he was sure that the European Union was the organisation with most experience in terms of offering to coordinate the international aid for Ukraine.

Winding up the discussion, Ms REDING said that the Ukrainian issue would be addressed again at the Commission's next meeting in order to determine the strategic guidelines for common European action.

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 15.47.