



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

**PV(2014) 2086 final**

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

Brussels, 28 May 2014

# TEXTE EN

## MINUTES

**of the 2086<sup>th</sup> meeting of the Commission**

**held in Brussels**

**(Berlaymont)**

**on Wednesday 21 May 2014**

**(morning)**

—

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**Single sitting: Wednesday 21 May 2014 (morning)**

The sitting opened at 10.10 with Mr BARROSO, President, in the chair.

**Present:**

|                    |                |        |
|--------------------|----------------|--------|
| Mr BARROSO         | President      |        |
| Mr ALMUNIA         | Vice-President |        |
| Mr POTOČNIK        | Member         |        |
| Mr PIEBALGS        | Member         |        |
| Mr BARNIER         | Member         | Item 8 |
| Mr ŠEMETA          | Member         |        |
| Mr DE GUCHT        | Member         |        |
| Ms GEOGHEGAN-QUINN | Member         |        |
| Ms DAMANAKI        | Member         |        |
| Mr OETTINGER       | Member         |        |
| Ms HEDEGAARD       | Member         |        |
| Mr FÜLE            | Member         |        |
| Mr ANDOR           | Member         |        |
| Ms MALMSTRÖM       | Member         |        |
| Mr CIOLOŞ          | Member         |        |
| Mr BORG            | Member         |        |

Absent:

|                 |                                        |
|-----------------|----------------------------------------|
| Baroness ASHTON | High Representative/<br>Vice-President |
| Ms REDING       | Vice-President                         |
| Mr KALLAS       | Vice-President                         |
| Ms KROES        | Vice-President                         |
| Mr TAJANI       | Vice-President                         |
| Mr ŠEFČOVIČ     | Vice-President                         |
| Mr REHN         | Vice-President                         |
| Ms VASSILIOU    | Member                                 |
| Mr LEWANDOWSKI  | Member                                 |
| Ms GEORGIEVA    | Member                                 |
| Mr HAHN         | Member                                 |
| Mr MIMICA       | Member                                 |

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

|                      |                                     |        |
|----------------------|-------------------------------------|--------|
| Mr BANNERMAN         | Adviser in Baroness ASHTON's Office |        |
| Mr RAHUOJA           | Chef de cabinet to Mr KALLAS        |        |
| Mr VAN ORANJE-NASSAU | Chef de cabinet to Ms KROES         | Item 8 |
| Mr LAHTI             | A member of Mr REHN's staff         |        |
| Mr ASIMAKIS          | Chef de cabinet to Ms VASSILIOU     |        |
| Mr RADZIEJEWSKI      | Chef de cabinet to Mr LEWANDOWSKI   |        |
| Ms HRISTCHEVA        | Chef de cabinet to Ms GEORGIEVA     |        |
| Mr GAMBS             | Chef de cabinet to Mr HAHN          |        |

The following also sat in:

|                      |                                             |        |
|----------------------|---------------------------------------------|--------|
| Mr LAITENBERGER      | Chef de cabinet to the PRESIDENT            |        |
| Mr ROMERO REQUENA    | Director-General, Legal Service             |        |
| Mr PAULGER           | Director-General, DG Communication          |        |
| Mr DOENS             | Head of the Commission Spokesperson Service |        |
| Ms AHRENKILDE HANSEN | Commission Spokeswoman                      |        |
| Mr SOBRAL            | Deputy Chef de cabinet to the PRESIDENT     |        |
| Mr HAGER             | Chef de cabinet to Mr OETTINGER             | Item 8 |

Secretary: Ms DAY, Secretary-General, assisted by Mr GENISSON, Head of Unit in the Secretariat-General.

The PRESIDENT paid tribute to Mr Jean-Luc Dehaene, former Belgian Prime Minister and committed European, who died on Thursday 15 May 2014.

Mr Dehaene would be remembered as a great statesman and a man of consensus, both for Belgium during his time as Prime Minister and for his exceptional contribution to a stronger and more united Europe. His role of mediator had a deep impact on all his achievements. He worked tirelessly and always faced challenges with determination and intelligence, forged compromise and offered solutions.

The PRESIDENT also paid homage to Mr Dehaene as an active and passionate European, in particular as Vice-President of the European Convention which drew up the draft Treaty establishing a Constitution for Europe and later as a Member of the European Parliament. The whole European family had just lost a man of action, inspiration, leadership and commitment.

On behalf of the Commission and on his own behalf, the PRESIDENT offered his sincere condolences to Mr Dehaene's wife, Célie, their four children, and his family and friends.

\* \* \*

**1. AGENDAS**

**(OJ(2014) 2086/FINAL; SEC(2014) 308/2)**

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(2014) 2086)**

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 19 May.

**3. APPROVAL OF THE MINUTES OF THE 2084<sup>TH</sup> AND 2085<sup>TH</sup> COMMISSION MEETINGS (7 AND 14 MAY)**

**(PV(2014) 2084; PV(2014) 2085)**

The Commission approved the minutes of its 2084<sup>th</sup> and 2085<sup>th</sup> meetings.

**4. INTERINSTITUTIONAL RELATIONS**

**4.1. LEGISLATIVE MATTERS**

**i) Arrangements for the implementation by the Union of the Solidarity clause (Council Decision) – 2012/0370 (NLE)**

**(SI(2014) 203 and /2)**

The Commission approved the line set out in SI(2014) 203 and /2.

- ii) Approval of the conclusion by the Commission, on behalf of the European Atomic Energy Community, of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part (Council Decision)**  
(SI(2014) 209)

The Commission approved the line set out in SI(2014) 209.

- iii) Approval the of the conclusion by the Commission, on behalf of the European Atomic Energy Community, 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)**  
(SI(2014) 210)

The Commission approved the line set out in SI(2014) 210.

- iv) Position to be adopted on behalf of the European Union at the 103rd session of the International Labour Conference concerning a Recommendation to supplement the ILO Forced Labour Convention No°29 of 1930.(Council Decision) – 2014/0131 (NLE)**  
(SI(2014) 211)

The Commission approved the line set out in SI(2014) 211.

- v) Commission Statement on the adoption by Council of conclusions on the reform of the governance of the Customs Union**  
(SI(2014) 212)

The Commission approved the line set out in SI(2014) 212.

- vi) Amendment of Directive 98/70/EC relating to the quality of petrol and diesel fuels and Directive 2009/28/EC on the promotion of the**

**use of energy from renewable sources (Directive) – LEPAGE report  
– 2012/0288 (COD)**

(SI(2014) 219 and /2)

The Commission approved the line set out in SI(2014) 219 and /2.

**4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL**

**vii) Programming of Council business**

(SI(2014) 221)

The Commission took note of the information in SI(2014) 221 on the Council meetings between 22 May and 4 June.

**5. MONITORING THE APPLICATION OF EUROPEAN UNION LAW**

**5.1. STATE AID – INDIVIDUAL CASES**

(SEC(2014) 321)

The Commission adopted the decisions in SEC(2014) 321.

**5.2. STATE AID – HORIZONTAL CASES**

**i) Commission Regulation declaring certain categories of aid  
compatible with the internal market in application of Articles 107  
and 108 of the Treaty on the Functioning of the European Union**

(C(2014) 3292 to /3; RCC(2014) 46)

The Commission:

- adopted in principle the Regulation in C(2014) 3292/3;
- acting under Article 13 of its Rules of Procedure, empowered

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Mr ALMUNIA, the Member of the Commission responsible for competition, in agreement with the PRESIDENT, to formally adopt the Regulation in all the official languages of the Union, following legal and linguistic revision, and to publish it in the Official Journal of the European Union.

**ii) Notice from the Commission on the framework for state aid for research and development and innovation**

(C(2014) 3282 and /2; SWD(2014) 163; SWD(2014) 164; SEC(2014) 315; RCC(2014) 46)

The Commission:

- adopted in principle the notice in C(2014) 3282/2;
- took note of the impact assessment and the summary thereof in SWD(2014) 163 and SWD(2014) 164;
- took note of the opinion of the Impact Assessment Board on the above notice from the Commission, as set out in SEC(2014) 315;
- acting under Article 13 of its Rules of Procedure, empowered Mr ALMUNIA, the Member of the Commission responsible for competition, in agreement with the PRESIDENT, to formally adopt the notice in all the official languages of the Union and to publish it in the Official Journal of the European Union.

**iii) Notice from the Commission amending the Communications on:**

- **EU Guidelines for the application of state aid rules in relation to the rapid deployment of broadband networks;**
- **guidelines on regional state aid for 2014-2020;**
- **state aid for films and other audiovisual works;**

- **guidelines on state aid to promote risk finance investments; and**
- **guidelines on state aid to airports and airlines.**

(C(2014) 3349 and /2; RCC(2014) 46)

The Commission:

- adopted in principle the notice in C(2014) 3349/2;
- acting under Article 13 of its Rules of Procedure, empowered Mr ALMUNIA, the Member of the Commission responsible for competition, in agreement with the PRESIDENT, to formally adopt the notice in all the official languages of the Union and to publish it in the Official Journal of the European Union.

## **6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS**

### **6.1. WRITTEN PROCEDURES APPROVED**

**(SEC(2014) 309 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 12 and 16 May.

### **6.2. EMPOWERMENT**

**(SEC(2014) 310 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 12 and 16 May.

### **6.3. DELEGATION AND SUBDELEGATION OF POWERS**

**(SEC(2014) 311 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 12 and 16 May, as archived in e-Greffe.

**6.4. SENSITIVE WRITTEN PROCEDURES**

**(SEC(2014) 312)**

The Commission took note of the sensitive written procedures for which the time limit expired between 19 and 23 May.

**6.5. AD HOC EMPOWERMENT CONCERNING THE DRAFT  
COMMISSION REGULATION PROHIBITING BLUEFIN TUNA  
FISHING ACTIVITIES IN THE ATLANTIC OCEAN EAST OF  
LONGITUDE 45° W AND IN THE MEDITERRANEAN SEA FOR  
[GEAR] FLYING THE FLAG OF OR REGISTERED IN [MEMBER  
STATE]**

**(C(2014) 3385 AND /2)**

The Commission decided to empower Ms DAMANAKI, the Commissioner in charge of Maritime Affairs and Fisheries, in agreement with the PRESIDENT, to determine, for each case, the Member State(s), the gear(s) concerned and the definitive date(s) of entry into force of the respective closure(s) of bluefin tuna fishing on the basis of the available information indicating definitive trends in quota consumption and Member States' actions in response to these, and consequently to adopt the Commission implementing regulation prohibiting bluefin tuna fishing at that date for purse seiners and/or traps and/or longliners for certain Member States. This empowerment may be exercised by way of the adoption of one or more successive regulations, as appropriate. The definitive date(s) of entry into force of the respective closure(s) may not be before the date communicated to the Member States by way of prior warning by fax.

**7. ADMINISTRATIVE AND BUDGETARY MATTERS**  
**(SEC(2014) 313)**

**ADMINISTRATIVE MATTERS**  
**(PERS(2014) 82)**

***DG BUDGET – APPOINTMENT OF AD14/15 PRINCIPAL ADVISER***  
***(PERS(2014) 65 TO /3)***

The Commission had before it an application under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Principal Adviser in DG Budget (PERS(2014) 65).

It took note of the opinions of the Consultative Committee on Appointments of 16 and 24 April (PERS(2014) 65/2 and /3).

The Commission proceeded to consider the applicant's qualifications for the post. It also considered his ability, efficiency and conduct in the service. On a proposal from the PRESIDENT, in agreement with Mr PIEBALGS, it then decided to appoint Mr Robert GEILISSE to the post.

This decision would take effect on 1 June 2014.

**8. RELATIONS WITH NON-MEMBER COUNTRIES**

***SITUATION IN UKRAINE AND SECURITY OF ENERGY SUPPLIES***

Referring to the series of visits to the Commission by the Ukrainian government (13 May), the Moldovan government (15 May) and the Georgian government that day, signalling the Union's support for closer relations with the Eastern Partnership countries, the PRESIDENT turned in particular to the situation in Ukraine, on the eve of the crucial presidential election. Underlining the symbolic coincidence that

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this poll and the European elections were being held on the same day, 25 May, he pointed out that this event would be a milestone for the country and for the legitimacy of the new Ukrainian government. He referred to the confident comments made in Brussels the previous week by Prime Minister Arseniy Yatsenuk to the effect that, despite the potential difficulties people would face voting in Donetsk and Luhansk, the election would pass off smoothly and peacefully throughout the country.

The Ukrainian elections constituted a key phase in legitimising the new authorities in Kiev, and would naturally have an impact on the future steps taken by the European Union in response to any moves by Russia to destabilise the process. The Union Heads of State or Government would probably look at this ballot closely at their informal dinner on 27 May, although the intention was to focus on the outcome of the European elections and the implications for institutional transition.

The PRESIDENT referred to the latest developments in Ukraine: the holding of another illegal referendum in the east of the country, a diplomatic move by the Organisation for Security and Cooperation in Europe (OSCE) and the national talks started by the government. The Union would pursue its policy of supporting Ukraine. The PRESIDENT also welcomed the State Building Contract signed a few days previously and the fact that the procedures for the EU Macro-Financial Assistance amounting to an additional one billion euros were now complete, which had enabled Mr KALLAS to symbolically disburse the first tranche of this financing to the Ukrainian authorities in Kiev the evening before. He asked Mr FÜLE and Mr OETTINGER to report to the Commission Members on their recent activities and contacts.

The PRESIDENT wound up his comments by emphasising the priorities in the coming weeks: (i) the need to urge Russia and Ukraine to comply with the undertakings in the Geneva Declaration and the OSCE roadmap, (ii) continued efforts to support Ukraine, (iii) as much assistance as possible in bringing about a negotiated settlement of the disputes over deliveries of Russian gas before the end

of May, (iv) preparations to adopt further restrictive sectoral measures against Russia if the situation on the ground deteriorated and if the Council decided to take this direction, and (v) the importance of not losing sight of the situation in Moldova and Georgia, which he would be visiting in June. Lastly, he turned to the G7 Summit to be held in Brussels on 4 and 5 June, which would naturally discuss the events in Ukraine in order to arrive at a common position.

Mr FÜLE reported on his visit to Kiev on 16 May, the objective of which had been to make progress in implementing the European Agenda for Reform and to encourage ownership of this by Ukrainian civil society and the international donors rallying to help the country. He said that he had been accompanied by Peter BALÁS, the head of the Support Group for Ukraine set up within the Commission, the members of which would be recruited the following month on the basis of a call for expressions of interest aimed at Commission staff, and a call aimed at officials from the European External Action Service (EEAS).

In Kiev Mr FÜLE had impressed upon the Ukrainian Prime Minister the urgent need to set up a coordination mechanism, under his own authority, which would bring together all the ministries responsible for implementing the European Agenda for Reform and cooperate closely with their counterparts in the Commission and the international donor organisations. This measure would facilitate the organisation of a high-level meeting in Brussels in the next few weeks, prior to convening a proper, official donor conference.

He reported on the positive indications he had received from the authorities and his many contacts in Ukraine, particularly as regards the non-discrimination legislation, which would make it possible to consider moving onto the second stage of the action plan on the liberalisation of the visa regime. He also mentioned 'the round tables for national unity', the public debates on constitutional reform and the steps taken to encourage citizens to take ownership of the measures aimed at defusing internal tensions in the country, such as the Memorandum of Peace and Accord adopted by the Ukrainian parliament the previous day.

The election on 25 May was also expected to proceed smoothly, even in the east of the country, although there was a risk of voting being disrupted in the two very limited areas of Donetsk and Luhansk. In this connection he was pleased to note that support for the separatist groups was falling among the population in these regions, and a number of oligarchs were calling more vociferously for these groups to be isolated.

Mr OETTINGER, for his part, reviewed the energy situation and reported on his latest meetings with Russian and Ukrainian representatives.

He referred first to the energy security of both Ukraine and the European Union, saying that efforts to settle the unresolved supply issues were continuing. In the light of his latest talks with his Russian contacts, notably the Energy Minister, Alexander Novak, on 19 May, gas supplies to Ukraine between November 2013 and March 2014 would no longer be in dispute. Agreement had been reached on the volumes involved and the asking price of \$268 per thousand cubic metres. In the case of the gas supplies for April and May, however, there was still disagreement between the Ukrainian and Russian sides on the price. They also still had to agree on the price to be charged for gas supplies to Ukraine from June onwards.

Mr OETTINGER felt that, despite these issues, his recent discussions with the Russian Energy Minister had been constructive and had laid the basis for the second trilateral meeting between the Union, Russia and Ukraine, which would take place on 26 May. The main objectives of this meeting were to guarantee uninterrupted gas supplies, to ensure the settlement of Ukraine's debt for past supplies, the invoices for which had not yet been paid, and to fix the price per cubic metre of gas that would be applied from June onwards.

On the matter of the arrears of \$3.5 billion for which a solution had to be found before the end of May this year, Mr OETTINGER said that there was still uncertainty about the solvency of the Ukrainian company Naftogaz and the guarantees that the Union might be able to provide to allow Ukraine to honour its

debt. Russia set great store by European Union guarantees for all future gas supplies to Ukraine, which would enable stocks of 10 to 12 billion cubic metres of gas to be built up in preparation for the winter. As regards the price per cubic metre that might be applied, he thought a compromise with Russia would be possible, based on the price proposed by the Union and the International Monetary Fund.

As regards the obligation to pay for the quantities of gas ordered, whether or not they were delivered (the 'take or pay' clause), Mr OETTINGER noted that Ukraine had undertaken to order 30 to 40 billion cubic metres of gas from Russia, whereas its current requirements were estimated at 28 billion cubic metres and might even be revised downwards to 20 billion. This would inevitably represent a loss of profits for Russia and could make the coming negotiations a little more complicated. For the time being, the most urgent problem was the bill for 3.5 billion dollars due at the end of May. He stressed that an agreement on this point was a prerequisite for any security of supply arrangements.

Referring to the ongoing visit by the Russian President, Vladimir Putin, to Beijing, Mr OETTINGER explained that China could not be the only alternative for Russian gas exports, as it was unlikely that it would agree to pay the same prices as the EU. However, in the present situation the Union could not guarantee the gas supplies it needed for the next three to five years, hence the importance of drawing up a strategy for the security of energy supply, which would in fact be the subject of a Commission proposal to the next European Council. In conclusion, he pointed out that the Commission's action on energy security and in connection with the current crisis in Ukraine was in accordance with the mandates it had received from the European Council.

During the discussion which followed, the Commission raised the following main points:

- in addition to the cost of the quantities of gas delivered, the need to assess requirements for gas storage, especially in terms of infrastructure development

and the creation of reverse flows, which would lead to additional costs that would also have to be met;

- the difficulty of drawing up a long-term strategy that would safeguard gas supplies to Ukraine on the one hand and to the EU on the other, while developing a strategy for the diversification of energy sources;
- the case for keeping the alternative offered by the South Stream project and identifying other sources of supply, bearing in mind, in particular, the new possibilities put forward by certain Mediterranean countries;
- the problems caused by the privatisation of public-sector gas distribution companies in the Member States when they were bought by third-country companies, particularly with regard to compliance with EU competition law;
- the priority given by the Ukrainian Government to the liberalisation of visas and the case for a statement from the Commission ahead of the elections of 25 May in the light of the legislative progress made by Ukraine in this matter;
- the need for energy efficiency to be made an integral part of the Union's strategy on security of supply, and the potential benefits of ecodesign of mass-market products, which would eventually permit a 50% reduction in household energy consumption.

Mr OETTINGER stressed the importance of compliance with internal market rules and European competition law when Member States' public-sector gas distribution companies were purchased by third-country companies. He also emphasised the priority given to the development of new infrastructure, in particular with regard to reverse flows. Finally, he drew Members' attention to the obligations established by EU as regards gas storage by the Member States; these obligations were currently set at 30 days, but should in his view be revised upwards to 60 days.

The PRESIDENT thanked the Members of the Commission for their contribution to this discussion on Ukraine and the security of energy supply, a topic to which the

College would definitely be returning in the weeks ahead.

The Commission took note of this information.

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The meeting closed at 10.58.