



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

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

Brussels, 29 October 2014

TEXTE EN

MINUTES

**of the 2102nd meeting of the Commission
held in Strasbourg
(Winston Churchill building)
on Tuesday 21 October 2014
(afternoon)**

PV(2014) 2102 final

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Single sitting: Tuesday 21 October 2014 (afternoon)

The sitting opened at 13.10 with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	Chair
Mr ALMUNIA	Vice-President
Mr BARNIER	Vice-President
Mr POTOČNIK	Member
Mr ŠEMETA	Member
Mr DE GUCHT	Member
Ms GEOGHEGAN-QUINN	Member
Ms DAMANAKI	Member
Ms GEORGIEVA	Member
Mr HAHN	Member
Mr FÜLE	Member
Mr ANDOR	Member
Ms MALMSTRÖM	Member
Mr BORG	Member
Mr MIMICA	Member
Mr NELLI FEROCI	Member
Ms REICHERTS	Member
Mr DOMINIK	Member

Absent:

Baroness ASHTON	High Representative/ Vice-President
Mr KALLAS	Vice-President
Ms KROES	Vice-President
Mr ŠEFČOVIČ	Vice-President
Mr OETTINGER	Vice-President
Mr KATAINEN	Vice-President
Mr PIEBALGS	Member
Ms VASSILIOU	Member
Ms HEDEGAARD	Member
Mr CIOLOŞ	Member

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

Ms CASTAGNOLI	Adviser in Baroness ASHTON's Office
Ms WOOD	A member of Ms KROES's staff
Ms KEČKÉŠOVÁ	A member of Mr ŠEFČOVIČ's staff
Ms JERN	A member of Mr KATAINEN's 's staff
Ms RAY	A member of Mr PIEBALGS's staff
Mr HILL	Deputy Chef de cabinet to Ms VASSILIOU
Mr MÜLLER	A member of Ms HEDEGAARD's staff

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

Secretary: Mr AYET PUIGARNAU, Director in the Secretariat-General, assisted by Ms COLLOMP and Mr TAQUET-GRAZIANI, Administrators in the Secretariat-General.

1. AGENDAS

(OJ(2014) 2102/FINAL; SEC(2014) 537)

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) 2102)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 20 October.

3. APPROVAL OF THE MINUTES AND SPECIAL MINUTES OF THE 2100TH MEETING OF THE COMMISSION (8 OCTOBER) AND THE MINUTES OF THE 2101ST MEETING (15 OCTOBER)
(PV(2014) 2100; PV(2014) 2100, PART II)

The Commission approved the minutes of its 2100th meeting, and decided to hold over for one week approval of the minutes of its 2101st meeting.

4. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2014) 538 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 13 and 17 October.

4.2. EMPOWERMENT

(SEC(2014) 539 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 13 and 17 October.

4.3. DELEGATION AND SUBDELEGATION OF POWERS

(SEC(2014) 540 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 13 and 17 October, as archived in e-Greffe.

4.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2014) 541)

The Commission took note of the sensitive written procedures for which the time limit expired between 20 and 24 October.

5. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2014) 542)

ADMINISTRATIVE MATTERS

(PERS(2014) 132)

5.1. DG AGRICULTURE AND RURAL DEVELOPMENT – APPOINTMENT OF AD14/15 DIRECTOR

(PERS(2014) 92 TO /3)

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director, ‘Audit of agricultural expenditure’, in DG Agriculture and Rural Development (PERS(2014) 92).

It took note of the opinions of the Consultative Committee on Appointments of 17 July and 25 September 2014 (PERS(2014) 92/2 and /3).

The Commission proceeded to compare the applicants’ qualifications for the post. It also considered their ability, efficiency and conduct in the service. On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr CIOLOŞ, it then decided to appoint Ms Christina BORCHMANN to the post.

This decision would take effect on 1 December 2014.

**5.2. DG HOME AFFAIRS – LIST OF CANDIDATES FOR THE AD14 POST OF EXECUTIVE DIRECTOR OF THE EUROPEAN AGENCY FOR THE MANAGEMENT OF OPERATIONAL COOPERATION AT THE EXTERNAL BORDERS OF THE MEMBER STATES OF THE EUROPEAN UNION (FRONTEX)
(PERS(2014) 108 TO /4)**

Having noted the procedure followed, as set out in point 2 of PERS(2014) 132, the Commission, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms MALMSTRÖM, decided:

- to approve the list of two candidates, presented in the order proposed by the Commission, set out in point 2 of PERS(2014) 132 for the post of Executive Director of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX);
- to ask Ms MALMSTRÖM to communicate this decision to the Management Board of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX).

These decisions would take effect immediately.

**5.3. DG HUMAN RESOURCES AND SECURITY - APPROVAL OF THE LIST OF CANDIDATES FOR THE POST OF HEAD OF DELEGATION / EUROPEAN UNION SPECIAL REPRESENTATIVE IN BOSNIA AND HERZEGOVINA
(PERS(2014) 133)**

The Commission took note of the information in point 3 of PERS(2014) 132 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, decided to approve the list of candidates for the AD13-14/AD13 post of Head

of Delegation / European Union Special Representative in Bosnia and Herzegovina in PERS(2014) 133, which would serve as a basis for the competent authority of the European External Action Service to make a final appointment.

This decision would take effect immediately.

**6. COMMISSION DECISIONS ON A PROCEEDING UNDER ARTICLE 101 OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION AND ARTICLE 53 OF THE EEA AGREEMENT (*CASE AT.39924 – SWISS FRANC INTEREST RATE DERIVATIVES*)
(C(2014) 7602 TO /6; C(2014) 7605 TO /6; RCC(2014) 84)**

The Commission:

- took note of the opinions of the Advisory Committee on Restrictive Practices and Dominant Positions of 17 October 2014 in C(2014) 7602/3 and C(2014) 7605/3;
- took note of the final reports of the Hearing Officer of 17 October 2014 in C(2014) 7602/4 and C(2014) 7605/4;
- adopted in the authentic language (English) the decisions in C(2014) 7602/6 and C(2014) 7605/6 finding that the companies to which the decisions were addressed had infringed Article 101 of the Treaty on the Functioning of the European Union and Article 53 of the Agreement on the European Economic Area, requiring the parties to put an end to the infringements immediately and imposing on some of these companies fines totalling €94 031 000;
- decided to notify the decisions in C(2014) 7602/6 and C(2014) 7605/6 to the companies concerned, together with the final reports of the Hearing Officer;

- decided that the key parts of the two decisions, together with the Advisory Committee's opinions and the Hearing Officer's final reports, would be published in the official languages of the Union in the Official Journal of the European Union (with business secrets and other confidential information removed);
- decided to make the two decisions (minus any business secrets and other confidential information) accessible on the Internet.

7. COMMISSION DELEGATED REGULATION (EU) .../... OF 21 OCTOBER 2014 SUPPLEMENTING DIRECTIVE 2014/59/EU OF THE EUROPEAN PARLIAMENT AND THE COUNCIL OF 15 MAY 2014 WITH REGARD TO EX ANTE CONTRIBUTIONS TO RESOLUTION FINANCING ARRANGEMENTS

(C(2014) 7674 TO 3; SWD(2014) 327 AND /2; RCC(2014) 83)

8. COMMISSION DECISION ON THE APPROVAL OF THE CONTENT OF A DRAFT PROPOSAL FOR A COUNCIL IMPLEMENTING REGULATION
(C(2014) 7723 AND /2; RCC(2014) 83)

The Commission adopted the delegated Regulation in C(2014) 7674/3 for transmission to the European Parliament and the Council, together with the staff working document distributed as SWD(2014) 327/2, the contents of which were noted.

It also authorised the publication of this delegated Regulation in the Official Journal of the European Union, with a view to its entry into force, provided neither Parliament nor the Council raised objections within the time limit laid down in

Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014.

The Commission also adopted the decision on the approval of the content of a draft proposal for a Council implementing regulation in C(2014) 7723/2.

9. OTHER BUSINESS

BUDGET IMPLEMENTATION AT 30 SEPTEMBER 2014

(INFO(2014) 76)

The Commission took note of the information note from Mr DOMINIK in INFO(2014) 76.

10. INTERINSTITUTIONAL RELATIONS

(RCC(2014) 81)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 17 October (RCC(2014) 81).

It paid particular attention to the following points.

10.1. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

i) Programming of Council business

(RCC(2014) 385)

The Commission took note of the information in SI(2014) 385 on the Council meetings between 23 October and 5 November.

ii) Preparations for the European Council (Brussels, 23 and 24 October)

(INFO(2014) 77)

The PRESIDENT took note of the preparations for the European Council in Brussels on 23 and 24 October. He highlighted the three main topics to be discussed: (i) the 2030 framework for energy and climate policies, (ii) the economic situation and (iii) external relations. He intended to spend less time on the first two topics, which the Commission had recently discussed in depth, and, in the case of the third one, to focus on the crisis caused by the Ebola virus.

He started by recalling that one of the main practical results expected from this European Council was to obtain the agreement of the Heads of State or Government on the 2030 framework for energy and climate policies. This agreement would make it possible not only to keep the Union on the path towards the 'decarbonisation' of the economy, but also to give it increased international credibility in the run-up to the United Nations Climate Change Conference to be held in Paris in 2015.

He outlined the history of this ambitious, visionary and realistic policy framework proposed by the Commission, which had been underpinned in the last few months by an energy security strategy and a proposal on energy efficiency. The key component of the framework was the target of reducing greenhouse gas emissions by 40%, as well as several scenarios for fair burden sharing both in the sectors covered by the Emissions Trading Scheme (ETS) and in those not covered by it. While he was expecting tough negotiations, he considered, nevertheless, that agreement was now within reach.

He then turned to the economic situation, another item on the European Council's agenda and also on that of the Euro Area Summit to be held in its wake, which would be attended by European Central Bank President Mario

Draghi.

The PRESIDENT intended to focus his contribution on three main aspects: the general economic situation, the tools introduced by the Commission and the need for continued reforms in the Member States.

Looking at the overall economic situation, the current outlook was unfortunately not as positive as one would have wished, with sluggish growth and weak demand, albeit to differing degrees from one Member State to another. On the one hand inflation was low, and this looked set to last, mainly as a result of the fall in energy costs, while on the other unemployment stood at its highest level for several years, against a background of a fragile recovery, as evidenced by the stock market and sovereign debt turmoil in the past few days.

The PRESIDENT then turned to the ambitious and innovative measures taken by the Commission since the start of the crisis to address these various challenges – from the Youth Guarantee and the Youth Employment Initiative to the 80 proposals submitted in the context of the 2012 Compact for Growth and Jobs, and including the European Investment Bank's capital increase, the initiative on project bonds and the Commission-EIB Joint SME Initiative.

At the same time he regretted the fact that not all Member States had, on all occasions, demonstrated the political will to implement these instruments and pursue simultaneously fiscal consolidation and the structural reforms that were essential, in particular to win back investor confidence.

Lastly, the PRESIDENT tackled the question of external relations, which would also be discussed by the European Council, above all the situation in Ukraine, Syria and Iraq, as well as the Ebola epidemic in West Africa, which he wanted to focus on more specifically.

Based on the briefing note by Mr BORG, Ms GEORGIEVA and

Mr PIEBALGS sent to the Commission Members the evening before, he summarised the challenges to be addressed in the context of this health crisis, saying that it was necessary to (i) identify and meet all needs, (ii) anticipate developments, (iii) coordinate efforts and (iv) ensure clear and accurate information to avoid a panic reaction.

In relation to the needs to be identified, the PRESIDENT singled out the following, in the countries affected by the virus: the weak health systems, which explained the exponential growth in the numbers infected and the number of deaths; the risks threatening the institutional, social and even economic stability of the countries concerned; and, outside Africa, the fact that primary and secondary infection could not be completely ruled out despite very strict screening protocols. Given this series of risks, the Union must coordinate its internal and external policy efforts to protect its citizens while ensuring that this does not aggravate the crisis in Africa.

Whilst welcoming the fact that the European institutions and the Member States had been among the first to take action, providing half of the resources deemed necessary by the World Health Organisation (WHO), he noted that these resources would, however, be insufficient to meet the requirements arising from this serious and fast-spreading virus. There was therefore an urgent need to mobilise additional funding, especially when the sum of €180 million committed by the Commission to date was viewed in the context of the UN's appeal for USD 1 billion. To this end, he proposed that additional resources be mobilised by ratifying the 11th European Development Fund (EDF), that capacity for treating and evacuating healthcare personnel be enhanced and that crisis-preparation measures be implemented to support countries near to Guinea, Sierra Leone and Liberia. He asked Mr BORG and Ms GEORGIEVA to present more detailed information on these points to the College of Commissioners.

He reminded the meeting that a joint Commission/EEAS Ebola Task Force, led by the Directorate-General for Humanitarian Aid and Civil Protection (ECHO), had been set up within the Commission's Emergency Response Coordination Centre (ERCC) in order to coordinate EU action. He also noted that on 20 October the Foreign Affairs Council had issued a unanimous call for greater coordination of all aspects of EU action in relation to the current crisis.

The PRESIDENT ended his presentation by stressing that clear and accurate information would play a key role in this crisis so that the legitimate concerns of citizens could be addressed through measures based on scientific evidence, both in the affected parts of Africa and in Europe. On the external front, the Union could assist the governments concerned in their communication activities, while at home it would not only have to mount an organised response that was technically and medically sound but also help educate people about the Ebola virus and how to reduce the risk of it spreading, for example by providing support for relevant measures by the Member States.

Mr BORG stressed the unprecedented scale of the epidemic, which unfortunately had not yet been contained. He noted that action to combat the outbreak had both an internal and an external dimension, in particular as regards the state of readiness of epidemic management systems.

He pointed out that the EU had been one of the first regions in the world to take steps to tackle the epidemic back in March and also to fund international assistance to the countries affected in order to isolate the virus, provide adequate care for patients and assist non-governmental organisations working on the ground. However, the Union's preparation efforts needed to be stepped up in order to prevent the spread of the disease and to allow treatment of patients.

He informed the Members of the Commission of the results of the emergency

high-level coordination meeting, which had been attended by 21 Health Ministers. Following this meeting, the Member States had agreed to step up pre-departure checks on passengers from countries affected by the Ebola virus by improving systematic screening in the three African countries affected. The Commission, in cooperation with the WHO, would conduct an on-the-spot audit of the screening systems in place at exit points from areas affected by the virus in order to check their effectiveness and strengthen them if necessary. He noted, however, that, given the incubation period of the virus, screening measures could not be 100% effective.

Mr BORG pointed out that some Member States were also introducing screening at entry points to their territory. In general, the Commission supported national measures to prevent the spread of the epidemic and in this context it had activated a network of high-security laboratories capable of diagnosing the Ebola virus and had identified all EU hospitals equipped to isolate and treat patients with haemorrhagic fever. He added that the Commission had done a great deal of work on informing travellers and facilitating the exchange of information between Member States, while providing independent scientific assessments of the epidemic.

He expressed his concern at the lack of cooperation by Member States with regard to medical evacuation. For the moment each country was arranging for the evacuation of its own nationals. Joint efforts would have to be stepped up in this area if the epidemic continued to spread. Greater solidarity between Member States would allow more effective support for healthcare workers on the front line and guarantee their swift repatriation in the event of contamination.

Mr BORG ended by saying that on 4 November the Commission would convene a working group of experts from Member States and the international organisations involved so as to exchange the experience gained in treating the

first patients affected by the virus in Europe and thereby reduce the risk of the spread of the disease.

Whilst welcoming intensification of the Union's collective response, which would enable it to offer the large-scale assistance expected of it, Ms GEORGIEVA described the spread of the Ebola epidemic in Africa as worrying. In the three worst-affected countries, 9 200 cases and 4 500 deaths had been reported to date. The evolution of the epidemic also posed a grave threat to neighbouring countries – Burkina Faso, Côte d'Ivoire and Guinea-Bissau – although some, such as Senegal and Nigeria, had in the past few days been declared free of Ebola.

She emphasised the scale of the financial assistance provided by the Union, which the latest figures set at €600 million, of which 180 million came from the Union budget, with the rest from the Member States. Some Member States had announced additional funds at the Foreign Affairs Council of 20 October. Of the 180 million supplied by the Union to date, 42 million had been provided as humanitarian aid – accompanied by the deployment of Commission humanitarian experts on the ground – and 138 million as development aid, to strengthen health systems, ensure food security, improve health-care infrastructure and provide mobile laboratories.

Like Mr BORG, she stressed how important it was to ensure the safety of experts and volunteers from the Union, as the aid efforts intensified. In this context, she mentioned the medical evacuation system that the Commission was putting in place. The Member States had supported this system at the Foreign Affairs Council and some had stated their intention of making national resources available if needed.

She noted that the Commission was making a significant contribution to transport in West Africa by organising airlifts under the responsibility of ECHO. The first three airlifts had enabled medical and protective equipment

to be transported to Liberia.

Over and above this practical support, she welcomed the role played by the Union in managing the crisis, as it would enable development of a broad-based intervention framework giving an overall view of the measures taken at the humanitarian and diplomatic levels and in relation to development aid. She highlighted in particular the excellent work carried out by the Ebola Task Force, which brought together Commission departments, the European External Action Service, the EU delegations, the Member States and the Presidency of the Council. She considered that this arrangement had offered great flexibility in bringing in other partners as necessary.

Ms GEORGIEVA noted, however, that the Member States did not always take measures that were consistent with those adopted by the Union, for example in the case of logistical evacuation resources for humanitarian staff (medevac), which needed to be assessed in conjunction with the Member States to estimate the requirements in transport capabilities and additional specialist equipment.

Finally, she emphasised the need to coordinate the action of the Union with the United Nations, and to support the roadmap drawn up by the WHO to combat the Ebola epidemic. She considered it essential for the Union and its Member States to be fully involved in the general coordination framework and management mechanisms of the UN, without forgetting the activities of other bodies such as the African Union and the Economic Community of West African States (ECOWAS).

A brief discussion followed, in the course of which the Commission raised the following main points: (i) the need to continue the efforts already made by the Union to develop a vaccine against the Ebola virus within the framework of research policy and the Horizon 2020 programme, with current clinical trials making it possible that a vaccine could be available in the first quarter of

2015; (ii) the importance of improving the medical and health-care infrastructure in the longer term in the countries affected by the epidemic; (iii) the possibility of the virus mutating and consequently striking again, which would put the countries already affected in considerable danger.

The PRESIDENT closed the discussion by stating his intention to report the information and observations put forward during the course of the meeting to the Heads of State or Government, to whom he would speak at the European Council at the end of the week.

The Commission took note of this information.

10.2. RELATIONS WITH PARLIAMENT

iii) Preparation of Parliament's October part-session

(point 3.1 of the IRG record)

- Draft general budget of the European Union for the financial year 2015 – General introduction – General statement of revenue – General statement of revenue and expenditure by section – HOHLMEIER & GARDIAZABAL RUBIAL report – 2014/2040 (BUD)

The Commission approved the line set out in SP(2014) 626 and /2, authorised the Member of the Commission with responsibility for the budget to take all the necessary initiatives with a view to reconciling the positions of the European Parliament and the Council in accordance with Article 314(5) of the Treaty on the Functioning of the European Union, and empowered the Member of the Commission with responsibility for the budget, in agreement with the PRESIDENT, to propose, where necessary, in the context of the conciliation procedure, a decision on mobilising the flexibility instrument, pursuant to the conditions laid down in Article 11 of the Council Regulation on the multiannual financial framework 2014-2020, and point 12 of the interinstitutional agreement between the European Parliament, the Council

and the Commission on budgetary discipline, cooperation in budgetary matters and sound financial management.

iv) Action taken on the non-legislative resolutions adopted by Parliament at its September part-session

(point 3.5.1 of the IRG record)

The Commission approved, for transmission to Parliament, document SP(2014) 629 on the action taken on the non-legislative resolutions adopted by Parliament at its September 2014 part-session.

10.3. RELATIONS WITH THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, THE COMMITTEE OF THE REGIONS, THE EUROPEAN OMBUDSMAN AND NATIONAL PARLIAMENTS

v) Follow-up to Committee of the Regions opinions – Sixtieth report – June 2014 plenary session

(point 4.4 of the IRG record)

The Commission approved the replies to the opinions adopted by the Committee of the Regions during the June 2014 plenary session, contained in the document distributed as SR(2014) 25/2, for transmission to the Committee of the Regions.

10.4. EXTERNAL RELATIONS

vi) Recommendation for a Council decision authorising the Commission to open negotiations for an agreement enlarging the scope of the agreement on the international occasional carriage of passengers by coach and bus (Interbus agreement) to include also the international regular carriage of passengers

(point 5.1 of the IRG record)

The Commission approved the line set out in SI(2014) 371.

vii) *Cyber Defence Policy Framework*

(point 5.2 of the IRG record)

The Commission took note of the information in SI(2014) 377/2.

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The meeting closed at 14.06.