Brussels,

Mr Klaus ZINSER

E-mail: ask

@asktheeu.org

By registered letter with acknowledgment of receipt

Dear Sir,

Subject: Your application for access to documents – Ref GestDem No 2015/6636

We refer to your e-mail dated 10 December 2015 in which you make, among others, a request for access to documents. This request was registered on 17 December 2015 under the above-mentioned reference number.

Points 5 and 6 of your mail do not constitute a request for access to documents, but a request for information. Point 5 is being dealt with by the Directorate-General for Justice and Consumers (DG JUST), which will directly reply to you. Regarding point 6, I refer to the website on President Juncker's team (https://ec.europa.eu/commission/2014-2019/president/team_en), where the responsibilities of Mr Michael Shotter are described.

Concerning point 4 of your mail, I refer to pages 3 to 8 of the Official Journal C 415 of 15 December 2015 (enclosed), and in particular to the table of the amounts of basic monthly salaries on page 3. I would like to add for your information that Heads of Unit are classified in grades AD 9 to AD 14 and Directors in grades AD 14 to AD 15.

As regards point 1 of your mail, the post of Head of Unit JUST.A.1 was published in accordance with the normal Commission procedures. 19 officials submitted their application for this post. I enclose the vacancy notice (COM/2013/1693) and the appointment decision of 20 November 2013. For data protection reasons, the grade of Mr Shotter was redacted in this decision. For the same reasons, which are explained below in more detail, the other documents relating to this selection procedure cannot be disclosed.

With regard to point 2 of your mail, I have to signal that Mr Shotter was seconded to the Cabinet of President Juncker in the interests of the service, on the basis of Articles 37(a) and 38 of the Staff Regulations of Officials of the European Union. Accordingly, as Article 29 of the Staff Regulations was not applicable, there was no formal selection procedure. For the above-mentioned data protection reasons, the documents concerning this secondment cannot be made public, with the exception of the final decision, which is enclosed to the present note (and in which the grade of Mr Shotter had to be redacted).

As was the case for the post of Head of Unit JUST.A.1, the post of Director JUST.D was published under the usual Commission procedure. In order to address point 3 of your mail, I enclose the vacancy notice (COM/2014/149), which led to the application of five officials. Ms Saastamoinen was appointed by decision of the College of Commissioners of 9 April 2014, which you will find on page 36 of the annexed minutes of the Commission meeting.

The other documents concerning the selection procedures COM/2013/1693 and COM/2014/149 and the secondment of Mr Shotter contain personal data relating, respectively, to Mr Shotter, Ms Saastamoinen and the other applicants. Pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data1.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable². According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced.

Those two conditions are cumulative. Only if both conditions are fulfilled, can the processing (transfer) of personal data be considered as compliant with the requirement of lawfulness provided for in Article 5 of Regulation No 45/2001.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. We are therefore not in a position to grant access to the documents in question.

I have also examined the possibility of granting partial access to the requested documents in accordance with Article 4(6) of Regulation No 1049/2001. However, apart from the two documents in which the grade of Mr Shotter was redacted, partial access is not possible given that these documents are covered in their entirety by the exception under Article 4(1)(b) of Regulation No 1049/2001.

In case you would disagree with the assessment that these documents cannot be disclosed under the rules of personal data protection, you are entitled, in accordance with Article 7(2) of Regulation No 1049/2001, to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission Secretary-General Transparency unit SG-B-4 BERL 5/327 B-1049 Bruxelles

¹ OJ L 8 of 12.1.2001, p. 1.

² Judgment of the Court of Justice of the EU of 29 June 2010 in Case 28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.

or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

Irene SOUKA Director-General

Enclosures: Pages 3 to 8 of the Official Journal C 415 of 15 December 2015

Vacancy notice COM/2013/1693

Decision appointing Mr Shotter to the post of Head of Unit JUST.A.1

Decision on the secondment of Mr Shotter

Vacancy notice COM/2014/149

Minutes of the College meeting of 9 April 2014 (PV(2014) 2082)

COMMISSION EUROPEENNE

VU le Statut des fonctionnaires de l'Union européenne, notamment les articles 1, 2, 7 1, 29, 1, a(t) et 44,

VU la décision C(2013) 3288 de la Commission du 4 juin 2013 relative à l'exercica des pouvoirs dévolus par le Statut à l'Autorité Investie du Pouvoir de Nomination (AIPN) et par le Régime Applicable aux Autres Agents de l'Union européenne (RAA) à l'Autorité Habilitée à Conclure les Contrats d'engagement (AHCC) ainsi que les décisions par lesquelles certains de ces pouvoirs ont été subdélégués.

CONSIDERANT l'avis de vacance COM/2013/1693;

L'AUTORITE INVESTIE DU POUVOIR DE NOMINATION D E C I D E

Article 1

Monsieur Michael SHOTTER (n° pers. 47063), fonctionnaire de grade te actuellement détaché au Cabinet de Madame Reding en qualité d'Expert de cabinet,

est nommé à la fonction de Chef de l'unité "Politique de justice civile" (JUST.A.1) auprès de la Direction générale "Justice" à BRUXELLES.

Article 2

Le grade et l'échelon restent inchangés.

Article 3

La présente décision prend effet le 01/12/2013.

Bruxelles, le 2010V. 2013

Francoise LE BAIL Directeur-général Justice

JOMMISSION EUROPEENNE

- 23 3 Statut mas idnotionnaires de l'Union auropéenne et notamment ses exticles 37 coint a) deuxième tiret et 38;
- Tu décision C(2013)3288 de la Commission du 4 juin 2013 relative à l'exercice des couvoirs dévoius par le Statut à l'Autorité Investie du Pouvoir de Momination (AIPN) et par le Régime Apolicable aux autres Agents (RAA) à l'Autorité Habilitée à Conclure les Contrats d'angagement (AHCC) et ses modifications ultérieures, ainsi que les décisions par lesquelles derains de ces pouvoirs ont été subdélégués;

CONSIDERANT

que Monsieur Michael SHOTTER, fonctionnaire de grade et Chef de l'unité "Politique de justice civile" (JUST.A.1) auprès de la Direction générale 'Justice et Consommateurs' (DG JUST), a été appelé à exercer temporairement, à partir du 01/12/2015, les fonctions de membre auprès du Cabinet de Monsieur le Président JUNCKER;

L'AUTORITÉ INVESTIE DU POUVOIR DE NOMINATION DECIDE QUE :

Article 1

Monsieur Michael SHOTTER (N° Pers. 47063) est affecté sur une fonction de Chef d'unité en détachement auprès de la Direction générale "JUST" et est détaché dans l'intérêt du service en qualité de membre auprès du Cabinet de Monsieur le Président JUNCKER, pour la durée de son mandat.

Article 2

Son classement en grade et échelon reste inchangé.

Article 3

A l'expiration du détachement, Monsieur Michael SHOTTER réintégrera immédiatement sa DG d'origine.

Article 4

Cette décision prend effet le 01/12/2015.

Le Directeur général de la Direction générale "Ressources Humaines et Sécurité"

Irène SOUKA

Theum Le

3ruxelles, le 2 5 NOV. 2015



COMMISSION EUROPÉENNE

Avis de vacance COM/2013/1693 (Etat: Publié)

CHEF D'UNITÉ (AD9/AD14)

JUST.A.1

BRUXELLES(Belgique)

Numéro COM: COM/2013/1693

Publication: du 08/07/2013 au 06/09/2013 jusqu'à 12.00 heures midi heure de Bruxelles

Type de publication: Interne

ris de vacance ouvert aux candidats d'autres institutions: oui

Charactéristiques du poste:

ID Poste:

8538

Job disponible du:

16/04/2013

Poste d'encadrement:

oui

Budget:

Administration

Habilitation à la securité

non

requise:

Nous sommes:

Unit A1 is the responsible Unit for civil policy in the 'Civil justice' Directorate. Its mission is to develop and promote the establishment of a genuine European area of justice in civil and commercial matters which "people can approach courts and authorities in any Member State as easily as in their own". It represents the Union at international level for civil law issues. The Unit's activities are core in the 'justice for growth' policy and thus are essential to ensure that justice boosts confidence and growth in the EU.

barticular the Unit ensures that:

- Citizens and businesses exercise their rights without difficulties by the incompatibility of legal and judicial systems in Member States, thus facilitating an easy access to justice and creating a more friendly-business environment;
- Judicial decisions as well as other official documents are mutually recognized and circulate freely in the European Union;
- Member States implement the Union legislation in the civil policy field.

Nous proposons:

The main tasks of the Head of Unit include:

- •ensuring strong motivation and leadership of a team of about 20 staff members, in a co-operative and dynamic but highly challenging working environment;
- *providing strategic leadership in developing the Commission's policies in the field of civil and commercial matters as well as in the field of family law;
- *being responsible for the establishment and delivery of the unit's work programme;
- ·managing the unit's human and budgetary resources;
- *ensuring effective cooperation with other DG JUSTICE and Commission services;
- •representing the Commission in formal negotiations and present the unit's policy to a wide range of high level audiences including Member States and third countries.

Nous recherchons:

We look for

·a lawyer with a strong legal background in Union law;

•a very good understanding of the economic impact of civil law on growth and the advantages it can bring to business and citizens:

·a sound political judgment;

- excellent negotiation skills and ability to represent the Commission in high level and international fora;
- excellent ability to co-ordinate and co-operate within the unit and with colleagues outside the unit;

excellent setting of priorities, and ability to drive and motivate staff;

•managerial and inter-personal skills in order to lead a team;

excellent oral and written communication skills in order to communicate efficiently and fluently with internal and external stakeholders.

Politique de recrutement:

DG JUSTICE applies an equal opportunities policy. Applications shall be introduced via the new on-line application modality in

SYSPER 2 (use the "Apply for this job" button).

In case of technical problem only, or for applicants who do not benefit from an access to SYSPER2, applications may be sent to the following functional mailbox: home-just-encadrement-avis-de-vacance@ec.europa.eu - Please provide also a copy of your last appraisal report as well as the proof of your participation in the mandatory training for managers. Registration will not be possible after 12:00 noon Brussels time on the closing date.

Contacts

Nom	Email	
Paraskevi MICHOU	53437	Paraskevi.Michou@ec.europa.eu

Comment postuler

Les candidatures doivent être introduites via la nouvelle fonctionnalité de candidature en ligne dans SYSPER2 (utilisez le bouton "Introduire votre candidature "). En cas de problème technique uniquement, ou pour les candidats ne bénéficiant pas d'un accès à SYSPER2, les candidatures peuvent être envoyées à la boite fonctionnelle suivante:

HOME-JUST-AVIS-DE-VACANCE@ec.europa.eu

Echéance

Date de clôture d'enregistrement: 06/09/2013. L'enregistrement ne sera plus possible après midi (12h00), heure de Bruxelles.





EUROPEAN COMMISSION

Vacancy notice COM/2014/149 (Status: Published)

DIRECTOR (AD14/AD15)

JUST D

BRUSSELS(Belgium)

COM number: COM/2014/149

Publication: from 20/01/2014 to 31/01/2014 until 12:00 hours noon Brussels time

Publication Type: Internal

scancy open to candidates from other institutions; no

Job Properties

Job ID:

5524

Job available from:

16/01/2013

Management job:

ves

Budget:

Administration

Security clearance required:

no

We are

DG JUSTICE is looking to appoint a director in Directorate D "Equality" which consists of 4 units and one advisor, totalling a staff of around 65.

The Directorate is structured around one horizontal unit dealing with legal issues and three policy units dealing with gender equality, rights of persons with disabilities and general policies to fight discrimination on other grounds defined by EU law. Directorate D deals with issues concerning gender equality and fighting discrimination which are directly relevant to economic growth, social cohesion and the protection of fundamental rights. Its mission is to develop and implement an effective policy to: promote gender equality and to combat discrimination on grounds of sex, racial or ethnic origin, religion and belief, disability, and sexual orientation including through other EU policies,

•promote measures for the legal protection of people living in the European Union from discrimination on these grounds, •coordinate policy developments in respect of Roma.

We propose

The Director will be expected to provide guidance and coordination in the formulation, adoption and implementation of policy and legal instruments and in securing and promoting gender equality, protection against discrimination on grounds of sex, racial or ethnic origin, religion and belief, disability, age and sexual orientation, including non-discrimination and integration of Roma. The activities of the Directorate include involvement in the European Semester policy-cycles and policy interactions with the Commission services that are responsible for the coordination of the European structural financial instruments. The Director sets the agenda and chairs the meetings of the Roma Task Force made up of the director-level representatives

of 14 DGs and the Fundamental Rights Agency.

The Director will also represent the Commission on the Management Board of the European Institute for Gender Equality, in different Committees, in bilateral and multilateral fora (UN, OECD...). The tasks of the Directorate entail close collaboration with the European Parliament, the Member States and a wide array of networks of experts and stakeholders that provide input to policy formulation and act as multipliers of the Commission's political messages and actions. Working under direct supervision of the Director-General, the Director will plan and manage the activities of the Directorate. (S)he will oversee the work of the units, ensure coordination within the DG and with other DGs, and ensure that the Directorate contributes to and implements the annual DG JUST work programme.

Furthermore, (s)he will ensure an effective planning, allocation and management of human and financial resources of the spectorate.

We look for

A highly qualified candidate possessing:

•A substantial experience in inter-institutional relations and legislative procedures to steer the Directorate's complex and high-profile legislative initiatives;

*Good understanding of the issues dealt with by the Directorate;

*Excellent interpersonal, communication and negotiation skills. Ability to build a trusted working relationship with stakeholders and to represent the Directorate at high level;

•Very good conceptual and analytical skills, strong capacity to develop long-term strategies and political vision and to set priorities and objectives;

•Proven leadership, management and coordination skills including the ability to lead the activities of a large team and to develop teams to the best of their potential.

Recruitment policy

The short-listed candidates who apply for a Director or equivalent post will be invited, before the CCA interview, to attend a one-day assessment centre run by external consultants, unless they have been already evaluated through the assessment centre in the two preceding years.

DG JUSTICE strives to create a good balance between private and professional life while providing good working conditions at a pleasant working atmosphere.

G JUSTICE applies an equal opportunities policy.

Contacts

Name	Phone number	Email
Nancy VANHAVERBEKE-MERCKX	54178	Nancy.Vanhaverbeke-
		Merckx@ec.europa.eu

How to apply

Applications shall be introduced via the new on-line application modality in SYSPER 2 (use the "Apply for this job" button). In case of technical problem only, or for applicants who do not benefit from an access to SYSPER2, applications may be sent to the following functional mailbox:

HR-A2-JOB-VACANCIES-MANAGEMENT@ec.europa.eu

Closing date

The closing date for registration is 31/01/2014. Registration will not be possible after 12:00 noon Brussels time.

Jan 20, 2014 2:00 PM

2015 Annual update of the remuneration and pensions of the officials and other servants of the European Union and the correction coefficients applied thereto

(2015/C 415/04)

1.1. Table of the amounts of basic monthly salaries for each grade and step in function groups AD and AST referred to in Article 66 of the Staff Regulations, applicable from 1 July 2015:

1.7.2015			STEP		
GRADE	1	2	3	4	5
16	17 463,71	18 197,56	18 962,24		
15	15 435,00	16 083,60	16 759,45	17 225,73	17 463,71
14	13 641,95	14 215,21	14 812,55	15 224,66	15 435,00
13	12 057,21	12 563,87	13 091,82	13 456,06	13 641,95
12	10 656,56	11 104,36	11 570,98	11 892,90	12 057,21
11	9 418,62	9 814,39	10 226,81	10 511,34	10 656,56
10	8 324,49	8 674,29	9 038,80	9 290,27	9 418,62
9	7 357,45	7 666,63	7 988,79	8 211,05	8 324,49
8	6 502,76	6 776,01	7 060,75	7 257,19	7 357,45
7	5 747,35	5 988,86	6 240,52	6 414,14	6 502,76
6	5 079,70	5 293,16	5 515,58	5 669,03	5 747,35
5	4 489,61	4 678,27	4 874,85	5 010,47	5 079,70
4	3 968,06	4 1 3 4,80	4 308,55	4 428,42	4 489,61
3	3 507,10	3 654,47	3 808,04	3 91 3,98	3 968,06
2	3 099,69	3 229,94	3 365,67	3 459,31	3 507,10
1	2 739,61	2 854,73	2 974,69	3 057,45	3 099,69

2. Table of the amounts of basic monthly salaries for each grade and step in function group AST/SC referred to in Article 66 of the Staff Regulations, applicable from 1 July 2015:

1.7.2015			STEP		
GRADE	1	2	3	4	5
6	4 453,98	4 641,14	4 8 3 6, 1 7	4 970,71	5 039,39
5	3 936,57	4 101,99	4 274,97	4 393,28	4 453,98
4	3 479,28	3 625,47	3 777,82	3 882,93	3 936,57
3	3 075,09	3 204,31	3 338,97	3 431,85	3 479,28
2	2 717,87	2 8 3 2,0 8	2 951,09	3 033,19	3 075,09
1	2 402,14	2 503,08	2 608,27	2 680,82	2 717,87

^{3.} Table of the correction coefficients applicable to the remuneration and pensions of officials and other servants of the European Union referred to in Article 64 of the Staff Regulations containing:

[—] Correction coefficients applicable from 1 July 2015 to the remuneration of officials and other servants referred to in Article 64 of the Staff Regulations (indicated in column 2 of the following table),

- Correction coefficients applicable from 1 January 2016 under Article 17(3) of Annex VII to the Staff Regulations to transfers by officials and other servants (indicated in column 3 of the following table),
- Correction coefficients applicable from 1 July 2015 to pensions under Article 20(1) of Annex XIII to the Staff Regulations (indicated in column 4 of the following table),

1	2	3	4
	Remuneration	Transfer	Pension
Country / Place	1.7.2015	1.1.2016	1.7.2015
Bulgaria	52,1	53,3	
Czech Rep.	73,4	68,0	
Denmark	131,8	129,0	129,0
Germany	96,6	96,0	
Bonn	93,4		
Karlsruhe	93,8		
Münich	106,0		
Estonia	78,0	79,3	
ireland	116,6	107,8	107,8
Greece	79,9	78,7	
Spain	90,2	89,1	
France	114,6	104,7	104,7
Croatia	74,6	69,8	
Italy	99,4	96,7	
Varese	92,2		
Cyprus	77,3	83,1	
Latvia	74,2	71,8	
Lithuania	69,0	66,6	
Hungary	69,0	62,2	
Malta	84,5	85,8	
Netherlands	107,8	104,2	104,2
Austria	105,9	102,4	102,4
Poland	71,8	63,7	
Portugal	79,2	79,9	
Romania	64,8	58,4	
Slovenia	81,2	78,0	
Slovakia	76,4	69,9	
Finland	119,7	113,3	113,3
Sweden	127,9	116,5	116,5
United Kingdom	166,9	134,7	134,7
Culham	127,7		

- 4. Amount of the parental leave allowance referred to in the second and third paragraphs of Article 42a of the Staff Regulations, applicable from 1 July 2015:
- EUR 941,08,
- EUR 1 254,77 for single parents.
- 5.1. Basic amount of the household allowance referred to in Article 1(1) of Annex VII to the Staff Regulations, applicable from 1 July 2015 EUR 176,01.
- 5.2. Amount of the dependent child allowance referred to in Article 2(1) of Annex VII to the Staff Regulations, applicable from 1 July 2015 EUR 384,60.
- 5.3. Amount of the education allowance referred to in Article 3(1) of Annex VII to the Staff Regulations, applicable from 1 July 2015 EUR 260,95.
- 5.4. Amount of the education allowance referred to in Article 3(2) of Annex VII to the Staff Regulations, applicable from 1 July 2015 EUR 93,95.
- 5.5. Minimum amount of the expatriation allowance referred to in Article 69 of the Staff Regulations and in the second subparagraph of Article 4(1) of Annex VII thereto, applicable from 1 July 2015 EUR 521,66.
- 5.6. Amount of the expatriation allowance referred to in Article 134 of the Conditions of Employment of Other Servants, applicable from 1 July 2015 EUR 375,01.

6.1. Amount of the kilometric allowance referred to in Article 7(2) of Annex VII to the Staff Regulations, applicable from 1 July 2015:

EUR 0 for every km from	0 to 200 km
EUR 0,1940 for every km from	201 to 1 000 km
EUR 0,3234 for every km from	1 001 to 2 000 km
EUR 0,1940 for every km from	2 001 to 3 000 km
EUR 0,0646 for every km from	3 001 to 4 000 km
EUR 0,0312 for every km from	4 001 to 10 000 km
EUR 0 for every km over	10 000 km.

- 6.2. Amount of the flat-rate supplement to the kilometric allowance referred to in Article 7(2) of Annex VII to the Staff Regulations, applicable from 1 July 2015:
- EUR 97,01 if the geographical distance between the places referred to in paragraph 1 is between 600 km and 1 200 km,
- EUR 194,01 if the geographical distance between the places referred to in paragraph 1 is greater than 1 200 km.
- 7.1. Amount of the kilometric allowance referred to in Article 8(2) of Annex VII to the Staff Regulations, applicable from 1 January 2016:

EUR 0 for every km from	0 to 200 km
EUR 0,3912 for every km from	201 to 1 000 km
EUR 0,6520 for every km from	1 001 to 2 000 km
EUR 0,3912 for every km from	2 001 to 3 000 km
EUR 0,1303 for every km from	3 001 to 4 000 km
EUR 0,0629 for every km from	4 001 to 10 000 km
EUR 0 for every km over	10 000 km.

- 7.2. Amount of the flat-rate supplement to the kilometric allowance referred to in Article 8(2) of Annex VII to the Staff Regulations, applicable from 1 January 2016:
- EUR 195,58 if the geographical distance between the place of employment and the place of origin is between 600 km and 1 200 km,
- EUR 391,13 if the geographical distance between the place of employment and the place of origin is greater than 1 200 km.
- 8. Amount of the daily subsistence allowance referred to in Article 10(1) of Annex VII to the Staff Regulations, applicable from 1 July 2015:
- EUR 40,43 for an official who is entitled to the household allowance,
- EUR 32,59 for an official who is not entitled to the household allowance.
- 9. Amount of the lower limit for the installation allowance referred to in Article 24(3) of the Conditions of Employment of Other Servants, applicable from 1 July 2015:
- EUR 1 150,88 for a servant who is entitled to the household allowance,
- EUR 684.31 for a servant who is not entitled to the household allowance.

- 10.1. Amount of the lower and upper limits of the unemployment allowance referred to in the second subparagraph of Article 28a(3) of the Conditions of Employment of Other Servants, applicable from 1 July 2015:
- EUR 1 380,24 (lower limit),
- EUR 2 760,49 (upper limit).
- 10.2. Amount of the standard allowance referred to in Article 28a(7) of the Conditions of Employment of Other Servants, applicable from 1 July 2015 EUR 1 254,77.
- 11. Table containing the amounts of the scale of basic salaries provided for in Article 93 of the Conditions of Employment of Other Servants, applicable from 1 July 2015:

FUNCTION	1.7.2015				STEP			
GROUP	GRADE	1	2	3	4	5	6	7
IV	18	6 020,18	6 145,37	6 273,17	6 403,62	6 536,80	6 672,73	6 811,49
	17	5 320,79	5 431,44	5 544,39	5 659,69	5 777,39	5 897,53	6 020,18
:	16	4 702,65	4 800,44	4 900,27	5 002,18	5 106,21	5 212,40	5 320,79
	15	4 1 5 6, 3 2	4 242,76	4 330,99	4 421,06	4 51 2,99	4 606,84	4 702,65
	14	3 673,47	3 749,86	3 827,85	3 907,44	3 988,71	4 071,65	4 1 5 6, 3 2
	13	3 246,70	3 314,23	3 383,14	3 453,50	3 525,31	3 598,63	3 673,47
III	12	4 1 5 6, 2 6	4 242,69	4 3 3 0, 9 2	4 420,98	4 51 2,90	4 606,75	4 702,55
•	11	3 673,44	3 749,82	3 827,79	3 907,39	3 988,64	4 071,59	4 1 5 6, 2 6
	10	3 246,69	3 314,21	3 383,12	3 453,48	3 525,29	3 598,60	3 673,44
	9	2 869,53	2 929,20	2 990,11	3 052,29	3 115,77	3 180,55	3 246,69
	8	2 5 3 6, 1 8	2 588,92	2 642,76	2 697,71	2 753,81	2 811,07	2 869,53
II	7	2 869,46	2 929,15	2 990,07	3 052,26	3 115,75	3 180,55	3 246,70
	6	2 536,06	2 588,81	2 642,65	2 697,62	2 753,72	2 811,00	2 869,46
	5	2 241,39	2 288,01	2 335,60	2 384,18	2 433,76	2 484,39	2 536,06
	4	1 980,96	2 022,16	2 064,22	2 107,16	2 150,98	2 195,72	2 241,39
I	3	2 440,39	2 491,03	2 542,74	2 595,51	2 649,37	2 704,36	2 760,49
	2	2 157,40	2 202,18	2 247,88	2 294,54	2 342,16	2 390,77	2 440,39
	1	1 907,24	1 946,83	1 987,23	2 028,47	2 070,57	2 113,55	2 1 5 7,40

^{12.} Amount of the lower limit for the installation allowance referred to in Article 94 of the Conditions of Employment of Other Servants, applicable from 1 July 2015:

- EUR 865,66 for a servant who is entitled to the household allowance,
- EUR 513,23 for a servant who is not entitled to the household allowance.
- 13.1. Amount of the lower and upper limits of the unemployment allowance referred to in the second subparagraph of Article 96(3) of the Conditions of Employment of Other Servants, applicable from 1 July 2015:
- EUR 1 035,18 (the lower limit),
- EUR 2 070,35 (the upper limit).

- 13.2. Amount of the standard allowance referred to in Article 96(7) of the Conditions of Employment of Other Servants shall be EUR 941,08.
- 13.3. Amount of the lower and the upper limits for the unemployment allowance referred to in Article 136 of the Conditions of Employment of Other Servants, applicable from 1 July 2015:
- EUR 910,74 (lower limit),
- EUR 2 142,90 (upper limit).
- Amount of the allowances for shift work laid down in the first subparagraph of Article 1(1) of Council Regulation (ECSC, EEC, Euratom) No 300/76 (1):
- EUR 394,48,
- EUR 595,40,
- EUR 651,00,
- EUR 887,52.
- 15. Coefficient, applicable from 1 July 2015 to the amounts referred to in Article 4 of Council Regulation (EEC, Euratom, ECSC) No 260/68 (2) — 5,6944.

Table of the amounts provided for in Article 8(2) of Annex XIII to the Staff Regulations, applicable from 1 July 2015:

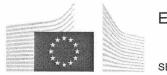
1.7.2015	STEP							
GRADE	1	2	3	4	4 5 6		7	8
16	17 463,71	18 197,56	18 962,24	18 962,24	18 962,24	18 962,24		
15	15 435,00	16 083,60	16 759,45	17 225,73	17 463,71	18 197,56		
14	13 641,95	14 215,21	14 812,55	15 224,66	15 435,00	16 083,60	16 759,45	17 463,71
13	12 057,21	12 563,87	13 091,82	13 456,06	13 641,95			
12	10 656,56	11 104,36	11 570,98	11 892,90	12 057,21	12 563,87	13 091,82	13 641,95
11	9 418,62	9 814,39	10 226,81	10 511,34	10 656,56	11 104,36	11 570,98	12 057,21
10	8 324,49	8 674,29	9 038,80	9 290,27	9 418,62	9 814,39	10 226,81	10 656,56
9	7 357,45	7 666,63	7 988,79	8 211,05	8 324,49			
8	6 502,76	6 776,01	7 060,75	7 257,19	7 357,45	7 666,63	7 988,79	8 324,49
7	5 747,35	5 988,86	6 240,52	6 414,14	6 502,76	6 776,01	7 060,75	7 357,45
6	5 079,70	5 293,16	5 515,58	5 669,03	5 747,35	5 988,86	6 240,52	6 502,76
5	4 489,61	4 678,27	4 874,85	5 010,47	5 079,70	5 293,16	5 51 5,58	5 747,35
4	3 968,06	4 1 3 4,80	4 308,55	4 428,42	4 489,61	4 678,27	4 874,85	5 079,70
3	3 507,10	3 654,47	3 808,04	3 913,98	3 968,06	4 1 34,80	4 308,55	4 489,61
2	3 099,69	3 229,94	3 365,67	3 459,31	3 507,10	3 654,47	3 808,04	3 968,06
1	2 739,61	2 854,73	2 974,69	3 057,45	3 099,69			<u> </u>

⁽¹⁾ Council Regulation (ECSC, EEC, Euratom) No 300/76 of 9 February 1976 determining the categories of officials entitled to allowances for shiftwork, and the rates and conditions thereof (OJ L 38, 13.2.1976, p. 1). Regulation as supplemented by Regulation (Euratom, ECSC, EEC) No 1307/87 (OJ L 124, 13.5.1987, p. 6).
(2) Regulation (EEC, Euratom, ECSC) No 260/68 of the Council of 29 February 1968 laying down the conditions and procedure for

applying the tax for the benefit of the European Communities (OJ L 56, 4.3.1968, p. 8).

- 17. Amount, applicable from 1 July 2015, of the fixed allowance mentioned in the former Article 4a of Annex VII to the Staff Regulations, in force before 1 May 2004, which is used for the application of Article 18(1) of Annex XIII to the Staff Regulations:
- EUR 136,08 per month for officials in Grade C4 or C5,
- EUR 208,65 per month for officials in Grade C1, C2 or C3.
- 18. Table containing the amounts of the scale of basic salaries provided for in Article 133 of the Conditions of Employment of Other Servants, applicable from 1 July 2015:

Grade	1	2	3	4	5	6	7
Full-time basic salary	1 734,87	2 021,11	2 191,31	2 375,84	2 575,91	2 792,84	3 028,03
Grade	8	9	10	11	12	13	14
Full-time basic salary	3 283,03	3 559,50	3 859,24	4 184,22	4 536,58	4 918,60	5 332,81
Grade	15	16	17	18	19		
Full-time basic salary	5 781,88	6 268,79	6 796,69	7 369,03	7 989,59		



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2014) 2082 final

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Brussels, 7 May 2014

TEXTE EN

MINUTES

of the 2082nd meeting of the Commission held in Brussels (Berlaymont) on Wednesday 9 April 2014 (morning)

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TABLE OF CONTENTS

AGENDAS (OJ(2014) 2082/FINAL; SEC(2014) 238)	8
WEEKLY MEETING OF CHEFS DE CABINET (RCC(2014) 2082)	8
APPROVAL OF THE MINUTES OF THE 2080TH MEETING OF THE COMMISSION (27 MARCH) AND THE MINUTES AND SPECIAL MINUTES OF THE 2081ST MEETING (2 APRIL) (PV(2014) 2080; PV(2014) 2081; PV(2014) 2081, PART II)	8
INTERINSTITUTIONAL RELATIONS (RCC(2014) 36)	8
4.1. LEGISLATIVE MATTERS	9
4.2. RELATIONS WITH PARLIAMENT	24
4.3. RELATIONS WITH THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, THE COMMITTEE OF THE REGIONS, THE OMBUDSMAN AND THE NATIONAL PARLIAMENTS	24
4.4. EXTERNAL RELATIONS	25
WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION	
OF POWERS	25
5.1. WRITTEN PROCEDURES APPROVED (SEC(2014) 239 ET SEQ.)	25
5.2. EMPOWERMENT (SEC(2014) 240 ET SEQ.)	25
5.3. DELEGATION AND SUBDELEGATION OF POWERS (SEC(2014) 241 ET SEQ.)	26
5.4. SENSITIVE WRITTEN PROCEDURES (SEC(2014) 242 AND /2)	26
5.5. GENERAL EMPOWERMENT TO ADOPT DECISIONS DECLARING FORMAL INVESTIGATION PROCEDURES RELATING TO STATE AID INEFFECTIVE IN ACCORDANCE WITH ARTICLE 64(2)(A) OF COUNCIL REGULATION 659/1999	
	WEEKLY MEETING OF CHEFS DE CABINET (RCC(2014) 2082)

	OF 22 MARCH 1999 LAYING DOWN DETAILED RULES FOR THE	
	APPLICATION OF ARTICLE 108 OF THE TREATY ON THE FUNCTIONING OF	
	THE EUROPEAN UNION, AND REQUIRING AN UNDERTAKING OR AN	
	ASSOCIATION OF UNDERTAKINGS TO PROVIDE INFORMATION IN	
	ACCORDANCE WITH ARTICLE 6A(7) OF THE SAME REGULATION	
	(C(2014) 2370)	. 26
	5.6. AD HOC EMPOWERMENT ON THE ROLE PLAYED BY THE COMMISSION IN	
	EXAMINING COMPLIANCE WITH THE CONDITIONS ATTACHED TO THE	
	FINANCIAL SUPPORT PROVIDED TO GREECE BY THE EURO-AREA	
	MEMBER STATES (C(2014) 2463)	. 27
6.	GREEN PAPER ON MOBILE HEALTH ('MHEALTH')	
	(COM(2014) 219 AND /2; SWD(2014) 135 AND /2; RCC(2014) 40)	27
7.	PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT	
	AND OF THE COUNCIL ON SINGLE-MEMBER PRIVATE LIMITED	
	LIABILITY COMPANIES (COM(2014) 212 AND /2; SWD(2014) 124;	
	SWD(2014) 123; SWD(2014) 125; SEC(2014) 236; RCC(2014) 38)	28
8.	PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT	
	AND OF THE COUNCIL AMENDING DIRECTIVE 2007/36/EC AS	
	REGARDS THE ENCOURAGEMENT OF LONG-TERM	
	SHAREHOLDER ENGAGEMENT AND DIRECTIVE 2013/34/EU AS	
	REGARDS CERTAIN ELEMENTS OF THE CORPORATE	
	GOVERNANCE STATEMENT (COM(2014) 213 TO /3;	
	SWD(2014) 127; SWD(2014) 126; SWD(2014) 128; SEC(2014) 237;	
		20
	RCC(2014) 38)	20
9.	COMMISSION RECOMMENDATION ON THE QUALITY OF	
	CORPORATE GOVERNANCE REPORTING ('COMPLY OR	
	EXPLAIN') (C(2014) 2165 AND /2; SWD(2014) 127; SWD(2014) 126;	
	SEC(2014) 237; RCC(2014) 38)	28

PV(2014) 2082 final

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

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10.	PROPOSAL FOR A DECISION OF THE EUROPEAN PARLIAMENT	
	AND OF THE COUNCIL ON ESTABLISHING A EUROPEAN	
	PLATFORM TO ENHANCE COOPERATION IN THE PREVENTION	
	AND DETERRENCE OF UNDECLARED WORK (COM(2014) 221	
	AND /2; SWD(2014) 137; SWD(2014) 138; SEC(2014) 246;	
	RCC(2014) 41)	30
11.	ADMINISTRATIVE AND BUDGETARY MATTERS	
	(SEC(2014) 243/3)	30
	11.1. SECRETARIAT-GENERAL / DG BUDGET / DG HUMAN RESOURCES AND	
	SECURITY / DG DEVELOPMENT AND COOPERATION - EUROPEAID -	
	CREATION OF A SUPPORT GROUP FOR UKRAINE, ADMINISTRATIVE AND	
	BUDGETARY ARRANGEMENTS FOR SETTING IT UP AND FOR ITS	
	OPERATION	31
	11.2. DG JUSTICE – APPOINTMENT OF AD14/15 DIRECTOR (PERS(2014) 25 TO /3)	36
	11.3. DG TRADE – APPOINTMENT OF AD14/15 DIRECTOR (PERS(2014) 14 TO /3)	36
	11.4. DG TRADE – INTERNAL PUBLICATION OF VACANCY NOTICES FOR TWO	
	AD15/16 DEPUTY DIRECTOR-GENERAL POSTS (PERS(2014) 67;	
	PERS(2014) 68)	37
12.	MONITORING THE APPLICATION OF EUROPEAN UNION LAW	37
	12.1. STATE AID – INDIVIDUAL CASES (SEC(2014) 251; RCC(2014) 39)	37
	12.2. STATE AID – HORIZONTAL CASES	37
13.	RELATIONS WITH NON-EU COUNTRIES	47
	SUPPORT FOR UKRAINE (INFO/2014) 20)	

Single sitting: Wednesday 9 April 2014 (morning)

The sitting opened at 9.05 with Mr BARROSO, President, in the chair.

Chair

Present:

Mr BARROSO

	Chan
Ms REDING	Vice-President
Mr ALMUNIA	Vice-President

Ms KROES Vice-President

Mr TAJANI Vice-President Item 12

Mr ŠEFČOVIČ Vice-President

Mr POTOČNIK Member
Mr PIEBALGS Member

Mr BARNIER Member

Ms VASSILIOU Member Item 12

Mr ŠEMETA Member

Mr DE GUCHT Member Item 12

Ms GEOGHEGAN-QUINN Member
Mr LEWANDOWSKI Member
Ms DAMANAKI Member
Ms GEORGIEVA Member
Mr OETTINGER Member

Mr FÜLE Member

Mr ANDOR Member Items 1 to 12

Ms MALMSTRÖM Member
Mr CIOLOŞ Member
Mr BORG Member
Mr MIMICA Member

Absent:

High Representative/ Vice-President **Baroness ASHTON**

Vice-President Mr KALLAS

Mr REHN Vice-President

Mr HAHN Member

Ms HEDEGAARD Member

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

Mr BANNERMAN Adviser in Baroness ASHTON's Office

Ms OEN Deputy Chef de cabinet to Mr KALLAS

Ms LEIB Member of Mr REHN's staff

Mr GAMBS Chef de cabinet to Mr HAHN

Mr VIS Chef de cabinet to Ms HEDEGAARD

The following also sat in:

Mr LAITENBERGER Chef de cabinet to the PRESIDENT

Mr ROMERO REQUENA Director-General, Legal Service

Ms TIVEUS DG Communication Items 1 to 12

Ms AHRENKILDE HANSEN Commission Spokeswoman

Mr THEBAULT Head of the Bureau of European Policy

Advisers

Mr SOBRAL Deputy Chef de cabinet to the Items 12 (in part) and 13

PRESIDENT

Ms VANNINI Adviser in the PRESIDENT's Office

Mr MARTÍNEZ MONGAY Chef de cabinet to Mr ALMUNIA

<u>Secretary</u>: Ms DAY, Secretary-General, assisted by Ms ALLOUIS-LE LOSTEC, Deputy Head of Unit in the Secretariat-General.

1. AGENDAS

(OJ(2014) 2082/FINAL; SEC(2014) 238)

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) 2082)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 7 April.

3. APPROVAL OF THE MINUTES OF THE 2080TH MEETING OF THE COMMISSION (27 MARCH) AND THE MINUTES AND SPECIAL MINUTES OF THE 2081ST MEETING (2 APRIL) (PV(2014) 2080; PV(2014) 2081; PV(2014) 2081, PART II)

The Commission approved the minutes of its 2080th and 2081st meetings.

4. INTERINSTITUTIONAL RELATIONS (RCC(2014) 36)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 4 April (RCC(2014) 36).

It paid particular attention to the following points.

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4.1. LEGISLATIVE MATTERS

i) Ordinary legislative procedure

(point 1.2 of the IRG record)

Dossiers at Parliament first reading

 Establishment of a framework for managing financial responsibility linked to investor-state dispute settlement tribunals established by international agreements to which the European Union is party (Regulation) – ZALEWSKI report – 2012/0163 (COD)

The Commission approved the line set out in SI(2014) 169.

ii) Preparations for April II part-session of Parliament

(point 1.3 of the IRG record)

Ordinary legislative procedure - First reading

 Multiannual Financial Framework 2014-2020 – European Maritime and Fisheries Fund (Regulation) – CADEC report – 2011/0380 (COD)

The Commission took note of the compromise text in SP(2014) 291/2, further to note SI(2014) 74/3, which it had already approved on 19 February by finalisation written procedure (PE/2014/1133).

 Multiannual Financial Framework 2014-2020 – Multiannual funding for the action of the European Maritime Safety Agency (EMSA) 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 took note of the compromise text in SP(2014) 338, further to note SI(2014) 95, which it had already approved on 25 February.

PV(2014) 2082 final

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Official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant reproductive material, plant protection products and amendment of Regulations (EC) 999/2001, 1829/2003, 1831/2003, 1/2005, 396/2005, 834/2007, 1099/2009, 1069/2009, 1107/2009, 1151/2012, (EU) .../2013, and Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC, 2008/120/EC and 2009/128/EC (Regulation) – PIRILLO report – 2013/0140 (COD)

The Commission approved the line set out in SP(2014) 339 and /2.

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

The Commission approved the line set out in SP(2014) 340 and /2.

Protective measures against pests of plants (Regulation) – FAJMON report – 2013/0141 (COD)

The Commission approved the line set out in SP(2014) 341 and /2.

Amendment of Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic (Directive) – LEICHTFRIED report – 2013/0105 (COD)

The Commission approved the line set out in SP(2014) 342, /2 and /3.

 Technical requirements for inland waterway vessels and repeal of Directive 2006/87/EC (Directive) - WORTMANN-KOOL report -2013/0302 (COD)

The Commission approved the line set out in SP(2014) 343/2.

Simplifying the transfer of motor vehicles registered in another Member
 State within the Single Market (Regulation) – MANDERS report –
 2012/0082 (COD)

The Commission approved the line set out in SP(2014) 344 and /2.

 Mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters (Regulation) – CORREIA DE CAMPOS report – 2013/0410 (COD)

The Commission approved the line set out in SP(2014) 345 and /2.

 Product safety and market surveillance package - Consumer product safety and repeal of Council Directive 87/357/EEC and Directive 2001/95/EC (Regulation) - SCHALDEMOSE report - 2013/0049 (COD)

The Commission approved the line set out in SP(2014) 347 and /2.

Product safety and market surveillance package – Market surveillance of products and amendment of Council Directives 89/686/EEC and 93/15/EEC, Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 1999/5/EC, 2000/9/EC, 2000/14/EC, 2001/95/EC, 2004/108/EC, 2006/42/EC, 2006/95/EC, 2007/23/EC, 2008/57/EC, 2009/48/EC, 2009/105/EC, 2009/142/EC and 2011/65/EU, Regulation (EU) 305/2011, Regulation (EC) 764/2008 and Regulation (EC) 765/2008 of the European Parliament and of the Council (Regulation) – PIETIKÄINEN report – 2013/0048 (COD)

The Commission approved the line set out in SP(2014) 348 and /2.

 Amendment of Council Regulation (EC) 1225/2009 on protection against dumped imports from countries not members of the European Community and Council Regulation (EC) 597/2009 on protection against subsidised imports from countries not members of the European Community (Regulation) – FJELLNER report – 2013/0103 (COD)

The Commission approved the line set out in SP(2014) 50/5 and /6, further to notes SI(2014) 50/2, /3 and /4, which it had already approved on 29 January and 4 February.

Amendment of Regulation (EU, Euratom) 966/2012 on the financial rules applicable to the general budget of the Union and repeal of Council Regulation (EC, Euratom) 1605/2002 (Regulation) – GRÄSSLE report – 2013/0313 (COD)

The Commission approved the line set out in SP(2014) 351 and /2 and took note of the compromise text attached to SP(2014) 351.

 Monitoring, reporting and verification of carbon dioxide emissions from maritime transport and amendment of Regulation (EU) 525/2013 (Regulation) - SKYLAKAKIS report - 2013/0224 (COD)

The Commission approved the line set out in SP(2014) 352 and /2.

 Fight against fraud affecting the Union's financial interests by means of criminal law (Directive) - GRÄSSLE & LÓPEZ AGUILAR report -2012/0193 (COD)

The Commission approved the line set out in SP(2014) 355 and /2.

 European long-term investment funds (Regulation) – KRATSA-TSAGAROPOULOU report – 2013/0214 (COD)

The Commission approved the line set out in SP(2014) 357 and /2.

Amendment of Directive 94/62/EC on packaging and packaging waste to reduce the consumption of lightweight plastic carrier bags (Directive) – AUKEN report – 2013/0371 (COD)

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The Commission approved the line set out in SP(2014) 358 and /2.

New psychoactive substances (Regulation) - PROTASIEWICZ report - 2013/0305 (COD) / Amendment of Council Framework Decision 2004/757/JHA laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking, as regards the definition of 'drug' (Directive) - JIMÉNEZ-BECERRIL BARRIO report - 2013/0304 (COD)

The Commission approved the line set out in SP(2014) 359.

Amendment of Regulation (EC) 638/2004 on Community statistics relating to trading of goods between Member States as regards conferring of delegated and implementing powers upon the Commission for the adoption of certain measures, the communication of information by the customs administration, the exchange of confidential data between Member States and the definition of statistical value (Regulation) – MARTIN report – 2013/0278 (COD)

The Commission approved the line set out in SP(2014) 361 and took note of the compromise text attached to that document.

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

The Commission approved the line set out in SP(2014) 362 and /2 and took note of the compromise text attached to SP(2014) 362.

Amendment of Council Regulation (EC) 718/1999 of 29 March 1999 on
 a Community-fleet capacity policy to promote inland waterway transport
 (Regulation) – WORTMANN-KOOL report – 2013/0303 (COD)

The Commission approved the line set out in SP(2014) 363 and took note of the compromise text attached to that document.

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Harmonisation of the laws of the Member States relating to the making available on the market of pressure equipment (Directive - recast) ROITHOVÁ report - 2013/0221 (COD)

The Commission approved the line set out in SP(2014) 365 and took note of the compromise text attached to that document.

Amendment of Regulation (EU) 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Regulation) – ZWIEFKA report – 2013/0268 (COD)

The Commission approved the line set out in SP(2014) 366 and took note of the compromise text attached to that document.

 Amendment of Council Regulation (EC) 577/98 on the organisation of a labour force sample survey in the Community (Regulation) – ŽDANOKA report – 2013/0084 (COD)

The Commission approved the line set out in SP(2014) 367 and took note of the compromise text attached to that document.

Innovation Investment Package – Participation of the European 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 European 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 European 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 European Union in the Active and Assisted Living Research and Developing Programme jointly undertaken

EN

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 SP(2014) 368.

 Enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services (Directive) – JAZŁOWIECKA report – 2012/0061 (COD)

The Commission approved the line set out in SP(2014) 369 and took note of the compromise text attached to that document.

 Participation of the European Union in the capital increase of the European Investment Fund (Decision) - GARDIAZÁBAL RUBIAL report - 2014/0034 (COD)

The Commission approved the line set out in SP(2014) 370 and took note of the compromise text attached to that document.

Amendment of Decision 2005/681/JHA establishing the European Police
 College (CEPOL) (Regulation) – GÁL report – 2013/0812 (COD)

The Commission approved the line set out in SP(2014) 371 and /3 and took note of the compromise text attached to SP(2014) 371.

 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 SP(2014) 373 and took note of the compromise text attached to that document.

Amendment of Regulation (EC) 1013/2006 on shipments of waste
 (Regulation) - STAES report - 2013/0239 (COD)

The Commission approved the line set out in SP(2014) 393 and took note of the compromise text attached to that document.

 Statute and funding of European political parties and European political foundations (Regulation) – GIANNAKOU report – 2012/0237 (COD)

The Commission approved the line set out in SP(2014) 349 and took note of the compromise text attached to that document.

 Amendment of Regulation (EU, Euratom) 966/2012 as regards the financing of European political parties (Regulation) – GRÄSSLE report – 2012/0336 (COD)

The Commission approved the line set out in SP(2014) 350 and took note of the compromise text attached to that document.

 Prevention and management of the introduction and spread of invasive alien species (Regulation) – POC report – 2013/0307 (COD)

The Commission approved the line set out in SP(2014) 353 and /2 and took note of the compromise text attached to SP(2014) 353.

 Amendment of Council Regulation (EC) 302/2009 concerning a multiannual recovery plan for bluefin tuna in the eastern Atlantic and Mediterranean (Regulation) - ROMEVA I RUEDA report - 2013/0133 (COD)

The Commission approved the line set out in SP(2014) 354 and took note of the compromise text attached to that document.

 Amendment of Council Directives 78/660/EEC and 83/349/EEC as regards disclosure of non-financial and diversity information by certain large companies and groups (Directive) – BALDASSARRE report – 2013/0110 (COD)

The Commission took note of the compromise text in SP(2014) 356/2.

Framework for the recovery and resolution of credit institutions and investment firms and amendment of Council Directives 77/91/EEC and 82/891/EC, Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC and 2011/35/EU and Regulation (EU) 1093/2010 (Directive) – HÖKMARK report – 2012/0150 (COD)

The Commission took note of the compromise text in SP(2014) 374, further to note SI(2013) 641/2, which it had already approved on 4 December 2013.

 Markets in financial instruments and amendment of the EMIR Regulation on OTC derivatives, central counterparties and trade repositories (Regulation) - FERBER report - 2011/0296 (COD)

The Commission took note of the compromise text in SP(2014) 375, further to note SI(2014) 21/2, which it had already approved on 29 January.

Markets in financial instruments and repeal of Directive 2004/39/EC
 (Directive – recast) – FERBER report – 2011/0298 (COD)

The Commission took note of the compromise text in SP(2014) 376, further to note SI(2014) 21/2, which it had already approved on 29 January.

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

The Commission took note of the compromise text in SP(2014) 377, further to note SI(2014) 83/2, which it had already approved on 25 February.

 Framework for maritime spatial planning and integrated coastal management (Directive) – MEISSNER report – 2013/0074 (COD)

The Commission took note of the compromise text in SP(2014) 378, further to note SI(2014) 75/2, which it had already approved on Wednesday 19 February by finalisation written procedure (PE/2014/1133).

Improvement of securities settlement in the European Union, central securities depositories (CSDs) and amendment of Directive 98/26/EC – (Regulation) – SWINBURNE report – 2012/0029 (COD)

The Commission took note of the compromise text in SP(2014) 379, further to note SI(2014) 63/2, which it had already approved on Wednesday 19 February by finalisation written procedure (PE/2014/1133).

Marine equipment and repeal of Directive 96/98/EC (Directive) –
 RIQUET report – 2012/0358 (COD)

The Commission took note of the compromise text in SP(2014) 380, further to note SI(2014) 77/2, which it had already approved on Wednesday 19 February by finalisation written procedure (PE/2014/1133).

 Amendment of Council Regulation (EC) 2012/2002 establishing the European Union Solidarity Fund (Regulation) – ESTARAS FERRAGUT report – 2013/0248 (COD)

The Commission took note of the compromise text in SP(2014) 381, further to note SI(2014) 105, which it had already approved on 5 March.

 Creation of a European Account Preservation Order to facilitate crossborder debt recovery in civil and commercial matters (Regulation) – BALDASSARRE report – 2011/0204 (COD)

The Commission took note of the compromise text in SP(2014) 382.

Enhanced co-operation between Public Employment Services (PES)
 (Decision) – DAERDEN report – 2013/0202 (COD)

The Commission took note of the compromise text in SP(2014) 383, further to notes SI(2014) 20 and SI(2014) 163, which it had approved on 4 February and 2 April respectively.

 Return of cultural objects unlawfully removed from the territory of a Member State (Directive - recast) - VERGIAT report - 2013/0162 (COD)

The Commission took note of the compromise text in SP(2014) 384, further to note SI(2014) 64/2, which it had already approved on Wednesday 19 February by finalisation written procedure (PE/2014/1133).

 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 SP(2014) 385/2 and took note of the compromise text attached to SP(2014) 385, further to note SI(2014) 91, which it had already approved on 25 February.

Rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Regulation) - COELHO report - 2013/0106 (COD)

The Commission took note of the compromise text in SP(2014) 386, further to note SI(2014) 38/2, which it had already approved on 4 February.

Amendment of Council Directive 2001/110/EC relating to honey
 (Directive) - GIRLING report - 2012/0260 (COD)

The Commission took note of the compromise text in SP(2014) 387/2, further to note SI(2014) 101, which it had already approved on 5 March.

 Fees payable to the European Medicines Agency for the conduct of pharmacovigilance activities in respect of medicinal products for human use (Regulation) - McAVAN report - 2013/0222 (COD)

The Commission took note of the compromise text in SP(2014) 388, further to note SI(2014) 60, which it had already approved on 12 February.

Amendment of Regulation (EU) 525/2013 as regards the technical implementation of the Kyoto Protocol to the United Nations Framework Convention on Climate Change (Regulation) – URUTCHEV report – 2013/0377 (COD)

The Commission took note of the compromise text in SP(2014) 389, further to note SI(2014) 118/2, which it had already approved on 11 March.

Macro-financial assistance to the Republic of Tunisia (Decision) –
 MOREIRA report – 2013/0416 (COD)

The Commission took note of the compromise text in SP(2014) 390, further to note SI(2014) 35, which it had already approved on 4 February.

 Protection of the euro and other currencies against counterfeiting and replacement of Council Framework Decision 2000/383/JHA (Directive) – McINTYRE report – 2013/0023 (COD)

The Commission took note of the compromise text in SP(2014) 391, further to notes SI(2014) 24 and /2, which it had already approved on Tuesday 4 February.

 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 took note of the compromise text in SP(2014) 392, further to notes SI(2014) 79 and /3, which it had already approved on Tuesday 25 February.

Ordinary legislative procedure – Second reading – Empowerment

Deposit guarantee schemes (Directive – recast) – SIMON report –
 2010/0207 (COD)

The Commission empowered Mr BARNIER, under Article 13 of its Rules of Procedure, in agreement with the PRESIDENT and Mr ŠEFČOVIČ and any associated Members, to adopt and transmit to the Council its opinion on the amendments, in accordance with Article 294(7)(c) of the Treaty on the Functioning of the European Union, once Parliament had given its opinion,

together with any amended proposal, on the basis of the Communication from the Commission concerning the Council's position (COM(2014) 140 final, adopted on 4 March 2014).

Rules and procedures with regard to the introduction of noise-related operating restrictions at Union airports within a balanced approach and repeal of Directive 2002/30/EC (Regulation) - LEICHTFRIED report - 2011/0398 (COD)

The Commission empowered Mr KALLAS, under Article 13 of its Rules of Procedure, in agreement with the PRESIDENT and Mr ŠEFČOVIČ and any associated Members, to adopt and transmit to the Council its opinion on the amendments, in accordance with Article 294(7)(c) of the Treaty on the Functioning of the European Union, once Parliament had given its opinion, together with any amended proposal, on the basis of the Communication from the Commission concerning the Council's position (COM(2014) 205 final, adopted on 28 March 2014).

European Union action for the European Capitals of Culture for the years
 2020 to 2033 (Decision) – SCURRIA report – 2012/0199 (COD)

The Commission empowered Ms VASSILIOU, under Article 13 of its Rules of Procedure, in agreement with the PRESIDENT and Mr ŠEFČOVIČ and any associated Members, to adopt and transmit to the Council its opinion on the amendments, in accordance with Article 294(7)(c) of the Treaty on the Functioning of the European Union, once Parliament had given its opinion, together with any amended proposal, on the basis of the Communication from the Commission concerning the Council's position (COM(2014) 183 final, adopted on 25 March 2014).

 Amendment of Council Regulation (EC) 812/2004 laying down measures concerning incidental catches of cetaceans in fisheries and amending Regulation (EC) 88/98 (Regulation) – ROMEVA I RUEDA report – 2012/0216 (COD)

The Commission empowered Ms DAMANAKI, under Article 13 of its Rules of Procedure, in agreement with the PRESIDENT and Mr ŠEFČOVIČ and any associated Members, to adopt and transmit to the Council its opinion on the amendments, in accordance with Article 294(7)(c) of the Treaty on the Functioning of the European Union, once Parliament had given its opinion, together with any amended proposal, on the basis of the Communication from the Commission concerning the Council's position (COM(2014) 159 final, adopted on 7 March 2014).

Special non-legislative procedure

Establishing the Shift2Rail Joint Undertaking (Council Regulation) –
 ANDRÉS BAREA report – 2013/0445 (NLE)

The Commission approved the line set out in SP(2014) 394/2.

Approval procedure / Special legislative procedure / Non-legislative matter

Implementing measures for the system of own resources of the European Union (Council Regulation) – JENSEN & DEHAENE report – 2011/0184 (APP) / System of own resources of the European Union (Council Decision) – JENSEN & DEHAENE report – 2011/0183 (CNS) / Methods and procedure for making available the traditional and GNI-based own resources and on the measures to meet cash requirements (Council Regulation) – JENSEN & DEHAENE report – 2011/0185 (CNS) / Implementation of measures for the system of own resources of the European Union

The Commission approved the line set out in SP(2014) 395/2 and /3.

4.2. RELATIONS WITH PARLIAMENT

iii) Preparations for April II part-session of Parliament (point 3.1 of the IRG record)

Non-legislative matter

Revision of the Interinstitutional Agreement on the Transparency
 Register (European Parliament Decision) - GUALTIERI report 2014/2010 (ACI)

The Commission approved the line set out in SP(2014) 346 and /2.

- 4.3. RELATIONS WITH THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, THE COMMITTEE OF THE REGIONS, THE OMBUDSMAN AND THE NATIONAL PARLIAMENTS
 - iv) Follow-up to opinions of the European Economic and Social Committee – September, October and December 2013 plenary sessions

(point 4.4 of the IRG record)

The Commission approved document SC(2014) 14/3 on the action taken by it on the opinions adopted by the European Economic and Social Committee during the September, October and December 2013 sessions, for transmission to that Committee.

v) Follow-up to Committee of the Regions opinions – November 2013 plenary session

(point 4.5 of the IRG record)

The Commission approved the replies to the opinions adopted by the Committee of the Regions during its November 2013 plenary session, as set out in SR(2014) 10, for transmission to the Committee of the Regions.

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

4.4. EXTERNAL RELATIONS

vi) Position to be taken on behalf of the European Union as regards the extension of the entitlement to co-productions as provided for in Article 5 of the Protocol on Cultural Cooperation to the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part (Council Decision) – 2014/0041 (NLE)

(point 5.1 of the IRG record)

The Commission approved the line set out in SI(2014) 164/2.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED (SEC(2014) 239 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 31 March and 4 April.

5.2. EMPOWERMENT (SEC(2014) 240 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 31 March and 4 April.

5.3. DELEGATION AND SUBDELEGATION OF POWERS (SEC(2014) 241 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 31 March and 4 April, as archived in e-Greffe.

5.4. SENSITIVE WRITTEN PROCEDURES (SEC(2014) 242 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 7 and 11 April 2014.

5.5. GENERAL EMPOWERMENT TO ADOPT DECISIONS DECLARING FORMAL INVESTIGATION PROCEDURES RELATING TO STATE AID INEFFECTIVE IN ACCORDANCE WITH ARTICLE 6A(2)(A) OF COUNCIL REGULATION 659/1999 OF 22 MARCH 1999 LAYING DOWN DETAILED RULES FOR THE APPLICATION OF ARTICLE 108 OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION, AND REQUIRING AN UNDERTAKING OR AN ASSOCIATION OF UNDERTAKINGS TO PROVIDE INFORMATION IN ACCORDANCE WITH ARTICLE 6A(7) OF THE SAME REGULATION (C(2014) 2370)

The Commission granted the general empowerment as set out in C(2014) 2370 to the Member of the Commission with special responsibility for competition, the Member of the Commission responsible for state aid to fisheries and the Member of the Commission responsible for state aid to agriculture to adopt, each in his or her respective area of competence and in the name and under the authority of the Commission, in agreement with the President and in accordance with Article 6a of Council Regulation 659/99 of 2 March 1999, decisions (i) declaring that a formal investigation procedure

has been ineffective to date; or (ii) requiring an undertaking or an association of undertakings to provide information and indicating the periodic penalty payments provided for in Article 6b of the same Regulation.

5.6. AD HOC EMPOWERMENT ON THE ROLE PLAYED BY THE COMMISSION IN EXAMINING COMPLIANCE WITH THE CONDITIONS ATTACHED TO THE FINANCIAL SUPPORT PROVIDED TO GREECE BY THE EURO-AREA MEMBER STATES (C(2014) 2463)

The Commission decided to empower the Member of the Commission responsible for economic and monetary affairs and the euro, in agreement with the PRESIDENT, in the name and under the authority of the Commission, to prepare, negotiate with the Greek authorities and sign, after approval by the lending Member States, limited revisions to the Memorandum of Understanding setting the detailed policy conditions attached to the loan, consistent with the previous Council Decision 2011/734/EU, as amended, under the terms set out in C(2014) 2463.

6. GREEN PAPER ON MOBILE HEALTH ('MHEALTH') (COM(2014) 219 AND /2; SWD(2014) 135 AND /2; RCC(2014) 40)

On a proposal from the PRESIDENT, the Commission agreed that the Green Paper currently set out in COM(2014) 219/2 would be adopted formally by finalisation written procedure, with a time limit of 10.00 on Thursday 10 April (PE/2014/2226).

- 7. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON SINGLE-MEMBER PRIVATE LIMITED LIABILITY COMPANIES

 (COM(2014) 212 AND /2; SWD(2014) 124; SWD(2014) 123; SWD(2014) 125; SEC(2014) 236; RCC(2014) 38)
- 8. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING DIRECTIVE 2007/36/EC AS REGARDS THE ENCOURAGEMENT OF LONG-TERM SHAREHOLDER ENGAGEMENT AND DIRECTIVE 2013/34/EU AS REGARDS CERTAIN ELEMENTS OF THE CORPORATE GOVERNANCE STATEMENT (COM(2014) 213 TO /3; SWD(2014) 127; SWD(2014) 126; SWD(2014) 128; SEC(2014) 237; RCC(2014) 38)
- 9. COMMISSION RECOMMENDATION ON THE QUALITY OF CORPORATE GOVERNANCE REPORTING ('COMPLY OR EXPLAIN')
 (C(2014) 2165 AND /2; SWD(2014) 127; SWD(2014) 126; SEC(2014) 237; RCC(2014) 38)

The Commission:

- adopted the proposal for a Directive on single-member private limited liability companies set out in COM(2014) 212/2 for transmission to the European Parliament, the Council, the European Economic and Social Committee and the national parliaments, and, for information, to the European Data Protection Supervisor, together with the implementation plan, the impact assessment and the summary thereof, in staff working documents SWD(2014) 125, SWD(2014) 124 and SWD(2014) 123, the contents of which were noted;

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- also took note of the opinion of the Impact Assessment Board on the above proposal for a Directive, as set out in SEC(2014) 236;
- adopted the proposal for a Directive amending Directive 2007/36/EC as regards the encouragement of long-term shareholder engagement and Directive 2013/34/EU as regards certain elements of the corporate governance statement, set out in COM(2014) 213/3 for transmission to the European Parliament, the Council, the European Economic and Social Committee, the European Data Protection Supervisor and the national parliaments, together with the implementation plan, the impact assessment and the summary thereof, in staff working documents SWD(2014) 128, SWD(2014) 127 and SWD(2014) 126, the contents of which were noted;
- also took note of the opinion of the Impact Assessment Board on the above proposal for a Directive, as set out in SEC(2014) 237;
- adopted the recommendation on the quality of corporate governance reporting ('comply or explain') set out in C(2014) 2165/2, for publication in the Official Journal of the European Union, together with the impact assessment and the summary thereof, in staff working documents SWD(2014) 127 and SWD(2014) 126, the contents of which were noted;
- also took note of the opinion of the Impact Assessment Board on the above recommendation, as set out in SEC(2014) 237.

10. PROPOSAL FOR A DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON ESTABLISHING A EUROPEAN PLATFORM TO ENHANCE COOPERATION IN THE PREVENTION AND DETERRENCE OF UNDECLARED WORK

(COM(2014) 221 AND /2; SWD(2014) 137; SWD(2014) 138; SEC(2014) 246; RCC(2014) 41)

The Commission adopted the proposal for a Decision set out in COM(2014) 221/2 for transmission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions, the European Data Protection Supervisor and the national parliaments, together with the impact assessment and the summary thereof in staff working documents SWD(2014) 137 and SWD(2014) 138, the contents of which were noted.

It also took note of the opinion of the Impact Assessment Board on the above proposal for a Decision, as set out in SEC(2014) 246.

11. ADMINISTRATIVE AND BUDGETARY MATTERS (SEC(2014) 243/3)

ADMINISTRATIVE MATTERS (PERS(2014) 66/3)

11.1. SECRETARIAT-GENERAL / DG BUDGET / DG HUMAN RESOURCES AND SECURITY / DG DEVELOPMENT AND COOPERATION EUROPEAID - CREATION OF A SUPPORT GROUP FOR UKRAINE, ADMINISTRATIVE AND BUDGETARY ARRANGEMENTS FOR SETTING IT UP AND FOR ITS OPERATION

Under Article 22 of its Rules of Procedure the Commission took note of the President's decision regarding the creation, with immediate effect, of a Support Group for Ukraine, the terms of which are set out in point 1 of document PERS(2014) 66/3 (see also item 13 of these minutes).

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, Baroness ASHTON, Mr PIEBALGS and Mr FÜLE, the Commission also decided:

- to create a post of Adviser hors classe to lead the Support Group for Ukraine. Mr Peter BALAS, currently Deputy Director-General in DG Trade, was transferred to the post and appointed Head of the Support Group; this decision would take effect on a date to be determined later;
- that for administrative purposes the Support Group would be attached to the Directorate-General for Development and Cooperation EuropeAid; that the Support Group's operating procedures would be reviewed, if necessary, by the Secretariat-General and the Directorates-General for the Budget, Human Resources and Security, and Development and Cooperation EuropeAid, on an annual basis, at least during the spring package of changes to the organisation charts; that the Head of the Support Group would receive the normal administrative support from DG Development and Cooperation EuropeAid, and the customary services from the Secretariat-General, DG Budget and DG Human Resources and Security;

- that the composition of the Support Group, including decisions on appointments, engagements, transfers and the termination of contracts, would be decided by the competent authorities (the appointing authority and the authority authorised to conclude contracts of employment) in agreement with the Head of the Support Group and after consulting the Secretariat-General and DG Human Resources and Security; that the maximum number of officials and other staff assigned to the Support Group, and the group's organisation chart, would be authorised by the PRESIDENT, in agreement with Mr ŠEFČOVIČ, and following consultation of Baroness ASHTON, Mr PIEBALGS, Mr LEWANDOWSKI and Mr FÜLE:
- that the Support Group would consist of:
 - the Head of the Support Group;
 - up to 30 full-time AD and AST officials;
 - seconded national experts;
 - temporary staff, should other specialised external expertise be necessary within the limit of the posts made available to the Support Group;
 - contract staff, as necessary;
 - special advisers, according to need;
- that, with the exception of the Head of the Support Group, the Commission officials would be made available to the Support Group for Ukraine by their present departments, including those occupying posts in the organisation chart; in return, posts in reserve would be allocated to the contributing DGs on a temporary basis;
- that senior managers attached to the Support Group would be assigned to
 Principal Adviser posts in their DG of origin;

- that middle managers would be assigned to non-management posts in their DG of origin; that these posts would be created temporarily and abolished on the departure of the jobholder; that, by derogation to the Commission Decisions on middle management staff (C(2008) 5028) and on advisers (C(2008) 5029), the officials concerned would have priority, after the end of their attachment to the Support Group, to be moved without delay to another middle management position in their DG of origin that corresponded to their profile;
- that use should also be made of the opportunities offered by the recently created 'Seniors actifs' programme, in order to mobilise the expertise of a significant number of recently retired Commission officials who would be willing to share their knowledge and experience through a series of missions to the partner countries; that the funding for these missions would be provided from the administrative support budget lines of the European Neighbourhood Instrument managed by the Directorate-General for Development and Cooperation EuropeAid; that the Support Group would also have a coordination role;
- that use would be made of the TAIEX and twinning instruments to provide a framework for the mobilisation of additional short, medium and long-term expertise from Member States; that funding for these activities would be provided by the Comprehensive Institution Building 'envelope' under the European Neighbourhood Instrument;
- that the Head of the Support Group would be responsible for the management of the Support Group's human resources, acting as the functional superior of all its staff on a day-to-day basis and with regard to all tasks necessary for the accomplishment of its mission, including allocating the necessary staff for these tasks; that without prejudice to the established appointing authority powers, the Head of the Support Group

would be consulted by all Directorates-General which had sent staff to the Support Group on all relevant personnel and other administrative decisions, notably with regard to appraisals and promotions; that the Head of the Support Group would decide on leave, working hours and missions, without prejudice to the existing operational and financial provisions;

- that the Head of the Support Group would be able to rely on support from all the Commission's departments with regard to their respective policy areas, in particular from the Directorates-General for Trade, Economic and Financial Affairs, Home Affairs, Justice, Environment, Transport, Energy, Taxation, Enlargement, the Anti-Fraud Office, Health and Consumers, Agriculture and Rural Development, Enterprise, Development and Cooperation EuropeAid, and from the Secretariat-General, the Legal Service, the Directorate-General for Budget, the Directorate-General for Human Resources and Security and the European External Action Service; that, if necessary, other Commission DGs could be involved in the work of the Support Group; that the Secretariat-General would provide the support needed to ensure that the contributions of the other DGs to the Support Group were coherent;
- Group, the Commissioner responsible for administration would be authorised where necessary and only in relation to the Head of the Support Group and the staff assigned to it to depart from certain provisions of Commission Decisions, notably provisions on publication, selection, justification for having recourse to temporary staff, maximum duration of employment, grading, minimum length of employment with the current employer in the case of seconded national experts, fees paid to special advisers, maximum period since retirement and restrictions with regard to assignments or tasks and remuneration in the case of retired officials, by derogation from the following applicable Commission

provisions: (1) Decision C(2008) 6866 of 12 November 2008 laying down rules on the secondment to the Commission of national experts and national experts in professional training; (2) Decision C(2011) 1264 of 2 March 2011 on the general provisions for implementing Article 79(2) of the Conditions of Employment of Other Servants of the European Union, governing the conditions of employment of contract staff employed by the Commission under the terms of Articles 3a and 3b of the said Conditions; (3) Decision C(2013) 9049 of 16 December 2013 on policies for the engagement and use of temporary agents; (4) Decision C(2004) 1597/6 of 28 April 2004 on the maximum duration for the recourse to non-permanent staff in the Commission services; (5) Decision C(2013) 9037 of 16 December 2013 on outside activities and assignments; (6) Decision SEC(2006) 1702 of 13 February 2007 on organisation charts of Commission DGs and Services; and (7) C(2007) 6655 of 19 December 2007 on special advisers to the Commission;

- that the Office for Infrastructure and Logistics in Brussels, in agreement with the Secretariat-General and the Directorate-General for Human Resources and Security, would ensure adequate logistical arrangements in Brussels, in particular by making office space available to the Support Group within one building; that the Directorate-General for Informatics would provide the Support Group with the necessary computer and telephone equipment as a priority, and that the European External Action Service, in accordance with the applicable procedures in force governing relations with the Commission's departments, would assist the Support Group with any office space and other logistical arrangements in Ukraine;
- that financial needs would be covered by the available budget, making use
 as necessary of all the established budgetary procedures.

These decisions would take effect immediately.

11.2. DG JUSTICE – APPOINTMENT OF AD14/15 DIRECTOR (PERS(2014) 25 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 'Equality' in DG Justice (PERS(2014) 25).

It took note of the opinions of the Consultative Committee on Appointments of 27 February and 27 March 2014 (PERS(2014) 25/2 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 Ms REDING, it then decided to appoint Ms Salla SAASTAMOINEN to the post.

This decision would take effect on 1 May 2014.

11.3. DG TRADE – APPOINTMENT OF AD14/15 DIRECTOR (PERS(2014) 14 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 'Sustainable Development; Economic Partnership Agreements – African, Caribbean and Pacific; Agrifood and Fisheries' in DG Trade (PERS(2014) 14).

It took note of the opinions of the Consultative Committee on Appointments of 27 February and 13 March 2014 (PERS(2014) 14/2 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 DE GUCHT, it then decided to appoint Mr Marc VANHEUKELEN to the post.

PV(2014) 2082 final

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

11.4. DG TRADE – INTERNAL PUBLICATION OF VACANCY NOTICES FOR TWO AD15/16 DEPUTY DIRECTOR-GENERAL POSTS (PERS(2014) 67; PERS(2014) 68)

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr DE GUCHT, the Commission decided to authorise the publication, under Article 29(1)(a)(i) and (iii) of the Staff Regulations, of the vacancy notices in PERS(2014) 67 and PERS(2014) 68 for the posts of Deputy Director-General responsible for Directorates B, C and D and Directorates E, F, G and H in DG Trade.

This decision would take effect immediately.

12. MONITORING THE APPLICATION OF EUROPEAN UNION LAW

12.1. STATE AID – INDIVIDUAL CASES (SEC(2014) 251; RCC(2014) 39)

The Commission adopted the decisions in SEC(2014) 251.

12.2. STATE AID - HORIZONTAL CASES

i) Guidelines on State aid for environmental protection and energy 2014-2020

(C(2014) 2322 to /4; SWD(2014) 139 and /2; SWD(2014) 140 and /2; SEC(2014) 247; RCC(2014) 39)

The PRESIDENT opened the discussion on the Guidelines on State aid for environmental protection and energy 2014-2020 by drawing attention to the long public consultation process which had led to the drafting of the proposed

PV(2014) 2082 final

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document and the balance struck by it.

Mr ALMUNIA explained that the purpose of drawing up these Guidelines was to ensure that aid within the framework of energy policy was compatible with the development of a global view of environmental policy – two policies where convergence should be reinforced. He reminded that this work stemmed from three public consultations, two consultations with the Member States and two internal Commission consultations, and had given rise to numerous contacts, not forgetting the Commission's general discussion of 8 October 2013. He highlighted the new elements taken into account in the communication: firstly, the increased proportion of renewable energy in the Member States' energy mix; secondly, the maturity of certain technologies, which should be integrated into the energy network from that point on; and, thirdly, the increase in the cost of energy faced by numerous industries in recent years.

Mr ALMUNIA explained that the Guidelines took up these new elements in the provisions relating to (i) integration of renewable energy into the energy network, excluding small installations; (ii) the competitive bidding system for renewable energy, which was flexible without introducing complete technological neutrality; and (iii) the need to preserve the competitiveness of industries that consume energy, whose payments finance the development of renewable energy, justifying the application of a certain degree of exemption, without undermining the principles of free competition. A list of exempt sectors had therefore been drawn up according to two parameters: intensity of electricity consumption ('electro-intensity') greater than 10%, and exposure to trade with third-countries ('trade intensity') greater than 10%. He added that industries with very high energy consumption, i.e. electro-intensity of over 20% and trade exposure of over 4%, and those with high exposure to international trade but low electro-intensity would also be placed on the list of sectors benefiting from these exemptions.

On the basis of these criteria, he pointed that a list of 68 sectors benefiting from an exemption had been drawn up. He explained that the Guidelines do, however, allow Member States to include in the list businesses in other sectors, provided that the electro-intensity of the enterprise is over 20% and the exposure to international trade of the sector is over 4%.

Mr ALMUNIA stated that in any event, industry would have to contribute to funding support for energy from renewable sources by paying an own contribution of 15% minimum, capped at 4% of the gross value added of the undertaking concerned, or for very energy-intensive industries, by a contribution representing at most 0.5% of gross value added. He stressed that these rules would be accompanied by a four-year transition period, ending on 1 January 2019.

These rules would be applied retroactively from 2011, when the Commission declared that a support scheme for renewable energy adopted in Austria was incompatible with European law on state aid. In addition, the rules would cover state aid that was incompatible with the new rules that had been granted without the Commission being notified. However, in such cases the state aid granted would not be recovered in full, but only 20% of the amount, based on a progressive adaptation schedule from 2011. He considered that in cases where part of the state aid was recovered, the amounts in question would be limited and would compensate for the negative impact of the recovery on the competitiveness of the industry in question, without undermining the European system of state aid monitoring.

A discussion followed in which Members of the Commission raised the following main points:

 broad support for the Guidelines proposed by Mr ALMUNIA, the detailed preparation of which enabled the Commission to take several political priorities into account in a dossier of strategic importance;

- the Commission's full support for the need for better integration of renewable energy into the Union's energy mix, in order to achieve the anti-climate change and energy efficiency goals set at the European level, and also to reinforce European energy security and independence, which had become even more essential since the recent geo-political upheavals linked to the situation in Ukraine; the argument whereby the relevance of these Guidelines setting out a clear framework for development of renewable energy, the level of which currently varied from one Member State to another, would become more evident as progress was made towards a real internal energy market;
- approval of the balanced approach outlined by Mr ALMUNIA to reconcile as objectively and effectively as possible the Union's environmental and energy priorities on the one hand, and industrial development and fair competition rules on the other; the fact that the proposed framework reduced to the minimum the cost impact brought about by transition to renewable energy by sharing out as fairly as possible the efforts required from the various industrial sectors, businesses and households, and by basing itself on objective and tested criteria; a reminder, however, that such an attribution of the corresponding burden could not wholly satisfy any of the stakeholders;
- the expediency of stressing the validity of the approach taken to take account of the competitiveness issues from the point of view of European industries that were energy-intensive or subject to higher levels of trade intensity; the consequent support for the possibility of granting aid to these businesses by exempting them from a portion of the contributions that they had to pay to fund support for renewable energy; the advantages of leaving some room for political discretion within this approach;
- a reminder of the goal of greater energy efficiency in response to the challenge of the high energy prices that Europe could face in the long term

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from then on; the parallel need to place even greater emphasis on the sectors of advanced technology and innovation, to enter resolutely into the transition to a green economy; hence the regret that some had expressed at the relatively high number of sectors listed in Annex 3;

- the expediency, according to others, of adding certain sectors to this list, and of examining whether the dairy sector could be eligible in the light of new data available; similarly, the suggestion of including data centres, a sector experiencing strong growth; the possibility of adapting the list of eligible sectors more systematically, according to the availability of updated data;
- similarly, the risk, raised by some, of a threshold effect and the excessive burden that even a limited level of own contributions to support renewables might constitute for the competitiveness of certain energy-intensive undertakings; the suggestion that the possibility of lowering the ceiling on these contributions, as set in the Communication, from 4% to 2.5% of gross value added should be looked into;
- for the same reasons, general support for the idea of an exceptional ceiling (a 'super cap') of 0.5% of the gross value added of particularly energy-intensive undertakings and the suggestion made by some of lowering from 15% to 10% the own contribution to support renewable energies;
- a reminder that one of the conclusions of the Commission's general discussion of 8 October 2013 was to favour an equitable distribution of the costs of transition towards a green economy which would not place too much of a burden on households and consumers;
- questions, with respect to the retroactive effect of some of the provisions
 of the Guidelines, regarding the negative repercussions in terms of

employment and the relocation of businesses that might be caused by the recovery of unlawful aid granted to European undertakings which were not in a position to pay back such grants; the resulting risk of undermining the credibility of the proposal and of creating legal uncertainty through retroactive application;

- the need, on the other hand, to treat aid schemes on an equitable basis; the case for the principle of limiting the impact of recoveries on industry by applying them to only 20% of the grants received rather than the full amount; the unequal treatment that would result from not applying European law on state aid if the sums awarded unlawfully were not taken into account.

Responding to the various points raised, Mr ALMUNIA highlighted the difficulty of reconciling several policy priorities by emphasising that, in the case at hand, the aim was to foster an internal energy market that would enable the European Union to bolster its energy security and reduce its dependence in terms of supplies, on the one hand, while respecting the freedom enjoyed by Member States to choose their own energy mixes, on the other hand, without losing sight of the European Union's other objectives in terms of competitiveness, industrial renewal and combating climate change.

With respect to the sectors eligible for the exemption under Section 3.7.2 of the Guidelines, listed in Annex 3, he stressed the fact that the period for which Eurostat had provided objective data was one marked by a crisis, during which some agro-industrial sectors had witnessed a sharp drop in exports. This meant that there was a case for allowing the possibility of adapting the list in question. He noted that, in any event, the Commission would adapt the list of eligible sectors if there was a change in the situation.

As for the retroactive effect of the rules concerning exemption from levies aimed at funding support for energy produced from renewable sources,

Mr ALMUNIA felt that it was vital to ensure legal coherence on the issue. He pointed out that the rule on the recovery of unlawful and incompatible aid was contained in the Treaty and he argued that, since the recovery proposed in the new Guidelines did not concern the entirety of the sum but just 20% of the aid granted, the retroactive effect of the measure would actually prove beneficial for the undertakings which had been granted such aid. He explained that the retroactive effect would enable undertakings which had received state aid to benefit from the impact of the new rules, which, he noted, were less restrictive. He added that the situation of each Member State would be assessed on the basis of the specific features of each aid scheme. For that reason he suggested amending the wording to specify clearly that, from 2011, the undertakings which did not comply with rules under the new Guidelines and which benefited from an exemption from the levies for funding renewables would be obliged to draw up an adaptation plan, which would inter alia provide for a contribution from the industry concerned. He also pointed out that this contribution would not cause serious harm to European industry and would be calculated very carefully. He added that contributions which were not paid by industry would ultimately be passed on to consumers and small and medium-sized enterprises, without encouraging the manufacturing sector to reduce its energy consumption and take steps to enhance energy efficiency.

Assuming that the ceiling for industry's contribution was lowered from 4% to 2.5% and that the own contribution to support renewable energies is reduced from 15% to 10% to maintain competitiveness, Mr ALMUNIA took the view that any further reductions in the levels proposed would threaten the overall balance struck by the Guidelines, which were, moreover, favourable to industry as they stood.

The Director-General of the Legal Service, asked to give his opinion by the President on the validity of the choice of 2011 as the beginning of the

period of retroactive effect, explained that since the aid in question was unlawful, a date had to be fixed in order to apply the new rules. He noted that 2011 was the year when the Commission adopted its Decision characterising the above-mentioned Austrian aid scheme as incompatible, as well as the year when Member States were assigned quantified targets in terms of the share of renewables in their energy consumption as part of the 'Europe 2020' strategy. He therefore concluded that there were objective grounds for choosing 2011.

The President thanked the Members of the Commission for their comments and Mr ALMUNIA for the explanations he had provided. As certain suggestions had been dropped during the discussion, he noted that a majority of Commission Members supported the approach put forward by Mr ALMUNIA and agreed to the following amendments to the English-language version of the Guidelines distributed as COM(2014) 2322/3 and 4:

- on page 58, point 249 to read as follows:

'(249) Unlawful environmental aid or energy aid will be assessed in accordance with the rules in force on the date on which the aid was granted in accordance with the Commission notice on the determination of the applicable rules for the assessment of unlawful State aid with the following exception:

unlawful aid in the form of reductions in funding support for energy from renewable sources will be assessed in accordance with the provisions of Sections 3.7.2 and 3.7.3.

As from 1 January 2011, the adjustment plan foreseen in point 195 shall also foresee a progressive application of the criteria of section 3.7.2 and of the own contribution foreseen in point 198. Prior to this date, the Commission considers that all aid granted in the form of reductions in

funding support for electricity from renewable sources can be declared compatible with the internal market[fn].';

on page 58, a footnote referring to point 249 was added to read as follows:

'[fn] The Commission considers that such aid does not adversely affect trading conditions to an extent contrary to the common interest for the following reasons. By 5 December 2010, the Member States had to bring into force the laws, regulations and administrative provisions necessary to comply with the RED, which introduces legally binding targets for consumption of renewable energy. On the other hand, the total costs for the support of the production of electricity from renewable sources remained rather limited until the year 2010, so that the level of charges remained relatively low. Therefore, the amount of aid granted to undertakings in the form of reductions in funding support for electricity from renewable sources remained limited at the level of the individual beneficiary. Furthermore, any aid granted from December 2008 until December 2010 that does not exceed EUR 500,000 per undertaking is likely to be compatible on the basis of the Communication from the Commission - Temporary Community framework for State aid measures to support access to finance in the current financial and economic crisis [OJ C 83 of 7.4.2009, p. 1, as amended].'.

Following the discussion, and the changes made to the wording as indicated above, subject to legal revision, the Commission:

- adopted in principle the Guidelines set out in C(2014) 2322/3 and /4;
- took note of the impact assessment and the summary thereof in the staff working documents distributed as SWD(2014) 139/2 and SWD(2014) 140/2;

- took note of the opinion of the Impact Assessment Board on the above Guidelines, as set out in SEC(2014) 247;
- acting under Article 13 of its Rules of Procedure, empowered Mr ALMUNIA, the Commission Member responsible for competition, in agreement with the President, to adopt formally the Guidelines on State aid for environmental protection and energy 2014-2020 in all the official languages of the Union, with a view to their publication in the Official Journal of the European Union so as to bring them to the attention of Member States and stakeholders;
- authorised the publication as soon as possible on the websites of DG Competition of the Guidelines on State aid for environmental protection and energy 2014-2020, pending their publication in the Official Journal of the European Union.

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

ii) Commission Regulation amending Regulation (EC) 794/2004 as regards the calculation of certain time limits, the handling of complaints and the identification and protection of confidential information

(C(2014) 2239; RCC(2014) 39)

The Commission adopted the Commission Regulation set out in C(2014) 2239, for publication in the Official Journal of the European Union.

13. RELATIONS WITH NON-EU COUNTRIES

SUPPORT FOR UKRAINE (INFO(2014) 29)

Referring to the recent campaign of destabilisation conducted simultaneously in several cities in Eastern Ukraine, the PRESIDENT concluded from this further deterioration that Russian ambitions were not limited to Crimea alone and that the military option had not been ruled out. In addition to these measures designed to intimidate Ukraine, a sharp rise in Russian gas prices had put Kiev under further pressure by increasing the already considerable arrears owed to its main supplier.

The PRESIDENT said that the European Union should pursue with renewed determination its dual objective of helping Ukraine and laying down clear red lines for Russia. Accordingly, he welcomed the adoption, on that day, of two additional measures to help Ukraine, with the creation of the Support Group for Ukraine within the Commission and the appointment of its head (cf. item 11.1 of the minutes).

In the immediate future (until end-2014), the Support Group for Ukraine would focus on stabilising the financial, economic and political situation in Ukraine, planning and implementing reforms to boost growth, identifying reform priorities and advancing the reforms necessary to ensure that Ukraine benefited as soon as possible from the Association Agreement and the Visa Liberalisation Action Plan. Mr FÜLE would coordinate the work of the Support Group, which would report to Baroness ASHTON and the PRESIDENT.

In the medium term, the goal of the Support Group would be to help Ukraine to define and implement comprehensive reform programmes. The 'European agenda for reform', a roadmap prepared in conjunction with the Ukrainian authorities, was distributed to participants (cf. INFO(2014) 29).

PV(2014) 2082 final

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The PRESIDENT also said that the EU would help to organise free, transparent and democratic presidential elections in Ukraine on 25 May by deploying the stability instrument and sending election observers. He referred to Mr OETTINGER's meeting on that day with the Ukrainian energy minister and the rapid introduction of reverse flows from Slovakia.

The Commission was working on possible sanctions against Russia as requested by the European Council of 20 and 21 March and should also be able to put forward measures targeted on Crimea in the near future.

The PRESIDENT ended with a new call for the European Union to be united on this matter, expressing the hope that any new measures would be prepared with the necessary care so that they could be supported in full by all the Member States, thereby avoiding division.

Mr FÜLE took the floor and began by thanking the Members for the help they had provided in identifying Ukraine's needs in terms of reform and in finalising EU support. The roadmap developed with the Ukrainian authorities on the basis of the priorities for action identified by the Prime Minister, Mr Arseniy Yatsenyuk, would now be made public. The document had been designed as an open-ended and non-exclusive instrument.

He suggested 13, 15 and 21 May as the dates of the bilateral meetings which the PRESIDENT wished to hold with the Ukrainian, Moldovan and Georgian prime ministers respectively. He proposed that each of these meetings take place at 12.30, followed by a working lunch with the Members of the Commission and of the Ukrainian, Moldovan and Georgian governments, then by a press briefing and, lastly, by bilateral meetings between certain Members of the Commission and ministers of the three governments. He asked the Members most directly concerned to make a note in their diaries.

Mr FÜLE then turned to discussions under way in various fora on the situation in

PV(2014) 2082 final

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Ukraine and the possible repercussions of the events of recent days and weeks, singling out the Weimar Triangle declaration and the positions expressed at the 'Gymnich' informal meeting of EU foreign ministers in Athens on 4 and 5 April. He noted the idea of launching consultations between the European Union, Russia, Ukraine, Georgia and Moldova on the impact of the conclusion of a free trade agreement with Ukraine and reported on the work of the EU-Russia Working Group. He briefed the meeting on various initiatives, particularly by Baroness ASHTON, to reduce tension following the annexation of Crimea, and on speculation surrounding a recent face-off between pro-Russian separatists and Ukrainian loyalists in Luhansk.

Mr FÜLE ended by welcoming the Commission's decision to appoint Mr Peter BALAS, the current Deputy Director General of DG Trade, as the head of the Ukraine Support Group. The appointee's professional competence was matched by personal qualities and an excellent knowledge of the matter at hand and of the Russian language.

The PRESIDENT thanked Mr FÜLE for providing this information and confirmed that the three meetings planned with the Ukrainian, Moldovan and Georgian prime ministers would take place in May. He asked the Members to ensure that they were in Brussels on those three dates so that working meetings with the ministers of the three governments could take place.

The Commission took note of this information.

PV(2014) 2082 final (9 April 2014)

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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 11.55.