



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2016) 2169 final

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

Brussels, 7 June 2016

TEXTE EN

MINUTES

of the 2169th meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 18 May 2016

(morning)

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Single sitting: Wednesday 18 May 2016 (morning)

The sitting opened at 10.34 with Mr JUNCKER, President, in the chair.

Present:

Mr JUNCKER	President	
Mr TIMMERMANS	First Vice-President	
Ms MOGHERINI	High Representative / Vice-President	
Ms GEORGIEVA	Vice-President	
Mr ANSIP	Vice-President	
Mr DOMBROVSKIS	Vice-President	
Mr KATAINEN	Vice-President	
Mr OETTINGER	Member	
Mr HAHN	Member	
Ms MALMSTRÖM	Member	
Mr MIMICA	Member	
Mr ARIAS CAÑETE	Member	
Mr ANDRIUKAITIS	Member	
Mr AVRAMOPOULOS	Member	
Ms THYSSEN	Member	
Mr MOSCOVICI	Member	Items 1 to 12 (in part)
Mr STYLIANIDES	Member	
Mr HOGAN	Member	
Lord HILL	Member	
Ms BULC	Member	
Ms BIENKOWSKA	Member	
Ms JOUROVÁ	Member	
Ms CREȚU	Member	
Ms VESTAGER	Member	
Mr MOEDAS	Member	

Absent:

Mr ŠEFČOVIČ

Vice-President

Mr VELLA

Member

Mr NAVRACSICS

Member

(18 May 2016)

*- English language version of the French text which is authentic -*The following sat in to represent absent Members of the Commission:

Mr NOCIAR	Chef de cabinet to Mr ŠEFČOVIČ
Mr MUELLER	Chef de cabinet to Mr VELLA
Ms HERBOWSKA	Deputy Chef de cabinet to Mr NAVRACSICS

The following also sat in:

Mr SELMAYR	Chef de cabinet to the PRESIDENT	
Mr ROMERO REQUENA	Director-General, Legal Service	
Mr PESONEN	Director-General, DG Communication	
Mr SCHINAS	Head of the Spokesperson's Service and Chief Spokesperson of the Commission	
Ms METTLER	Head of the European Political Strategy Centre	
Ms MARTÍNEZ ALBEROLA	Deputy Chef de cabinet to the PRESIDENT	
Mr THOLONIAT	Adviser in the PRESIDENT's Office	Items 1 to 11
Ms SILLAVEE	PRESIDENT's Office	
Mr SMULDERS	Chef de cabinet to Mr TIMMERMANS	Item 12 (in part)
Mr WYNANDS	Chef de cabinet to Mr DOMBROVSKIS	Items 1 to 11
Mr VINCIUNAS	Chef de cabinet to Mr ANDRIUKAITIS	Item 12 (in part)
Mr HERMANS	Chef de cabinet to Ms THYSSEN	Items 1 to 11
Mr BAILLY	Chef de cabinet to Mr MOSCOVICI	Items 1 to 11
Mr PAQUET	Deputy Secretary-General	Items 1 to 11
Ms ANDREEVA	Commission Spokesperson's Service	
Ms BREIDTHARDT	Commission Spokesperson's Service	Items 1 to 11

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

1. AGENDAS

(OJ(2016) 2169/FINAL; SEC(2016) 218/FINAL/2)

The Commission took note of that day's agenda and of the tentative agendas for forthcoming meetings.

2. WEEKLY MEETING OF CHEFS DE CABINET

(RCC(2016) 2169)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Tuesday 17 May.

3. APPROVAL OF THE MINUTES OF THE 2167TH AND 2168TH MEETINGS OF THE COMMISSION (4 AND 10 MAY 2016)

The Commission held over approval of the minutes of its 2167th and 2168th meetings for the following week.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2016) 61)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 13 May (RCC(2016) 61).

It paid particular attention to the following points.

4.1. LEGISLATIVE MATTERS

i) Trilogue

(point 3.1 of the IRG record)

- Amendment of Council Regulation (EC) 1236/2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment (Regulation) – SCHAAKE report – 2014/0005 (COD)

The Commission approved the line set out in SI(2016) 188.

4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

ii) Programming of Council business

(SI(2016) 197)

The Commission took note of the information in SI(2016) 197 on the Council meetings between 19 May and 1 June.

iii) Non-legislative dossiers

(point 4.1 of the IRG record)

- Preparation of the 1st World Humanitarian Summit (Istanbul, 23 and 24 May)

The Commission approved the line set out in SI(2016) 190/2.

- Council conclusions on the role of Europeana for the digital access, visibility and use of European cultural heritage

The Commission approved the line set out in SI(2016) 193.

- Conclusion of the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the States of the *SADC EPA Group*, of the other part (Council Decision) – LAMBSDORFF Report – 2016/0005 (NLE)

The Commission approved the line set out in SI(2016) 195.

4.3. RELATIONS WITH PARLIAMENT

- iv) Action to be taken on Parliament's legislative resolutions and other resolutions of a legal nature**
(SP(2016) 336)

The Commission decided to empower the Commission Members responsible for the sectors in question, in agreement with the PRESIDENT and Mr TIMMERMANS and, if necessary, with the other Members concerned, to adopt the amended proposals for transmission to Parliament and the Council, as set out in SP(2016) 336, drawn up following the part-session of Parliament of 9 to 12 May, the contents of which were noted.

- v) Results of the May I part-session of Parliament**
(SP(2016) 313; SP(2016) 314)

The Commission took note of the information in SP(2016) 313 and SP(2016) 314 on the proceedings of the part-session of Parliament held in Strasbourg from 9 to 12 May.

- vi) Participation by Members of Parliament in international conferences**
(point 5.7 of the IRG record)

- First World Humanitarian Summit (Istanbul, 23 and 24 May)

The Commission replied to the request to the PRESIDENT from Mr Martin Schulz, the President of the European Parliament, concerning the attendance of twelve Members of the European Parliament at the above-mentioned meeting from 23 to 24 May as observers in the EU delegation, with a reminder about the procedure to be followed as set out in SP(2016) 317/2, which cancelled and replaced SP(2016) 317, approved by the Commission on 10 May.

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

- vii) Written answer to the UK House of Commons Transport Committee on the current type-approval system and the Volkswagen case**
(point 6.3.1 of the IRG record)

The Commission authorised Mr Antti PELTOMÄKI, the Deputy Director-General of DG Internal Market, Industry, Entrepreneurship and SMEs to answer the questions of the UK House of Commons Transport Committee following the line set out in SNP(2016) 25 and /2.

4.5. OTHER BUSINESS

- viii) Norwegian International Shipping Register**
(point 7.1 of the IRG record)

The Commission approved the line set out in SI(2016) 189.

5. WRITTEN PROCEDURES, EMPOWERMENTS AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED
(SEC(2016) 219 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 9 and 13 May.

5.2. EMPOWERMENT
(SEC(2016) 220 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 9 and 13 May.

**5.3. DELEGATION AND SUBDELEGATION OF POWERS
(SEC(2016) 221 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 9 and 13 May, as archived in Decide.

**5.4. SENSITIVE WRITTEN PROCEDURES
(SEC(2016) 222 AND /2)**

The Commission took note of the sensitive written procedures for which the time limit expired between 17 and 20 May.

**6. REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT,
THE EUROPEAN COUNCIL AND THE COUNCIL – THIRD REPORT ON
RELOCATION AND RESETTLEMENT
(COM(2016) 360 AND /2)**

The Commission approved the report in COM(2016) 360/2, for transmission to Parliament, the European Council and the Council and, for information, to the national parliaments.

**7. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2016) 223)**

**ADMINISTRATIVE MATTERS
(PERS(2016) 46)**

**DG MIGRATION AND HOME AFFAIRS – APPOINTMENT OF AN AD15/16
DEPUTY DIRECTOR-GENERAL
(PERS(2016) 41 TO /4)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Deputy Director-General in charge of Migration and Asylum at DG Migration and Home Affairs (PERS(2016) 41 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 4 and 11 May (PERS(2016) 41/3 and /4).

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 Ms GEORGIEVA, in agreement with the PRESIDENT and after consulting Mr AVRAMOPOULOS and also Mr TIMMERMANS, it decided to appoint Mr Olivier ONIDI to the post.

This decision would take effect immediately.

**8. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE
EUROPEAN CENTRAL BANK, THE EUROPEAN ECONOMIC AND
SOCIAL COMMITTEE, THE COMMITTEE OF THE REGIONS AND THE
EUROPEAN INVESTMENT BANK – 2016 EUROPEAN SEMESTER –
COUNTRY-SPECIFIC RECOMMENDATIONS
(COM(2016) 321 TO /3; RCC(2016) 63)**

**9. COMMISSION RECOMMENDATIONS FOR COUNCIL
RECOMMENDATIONS ON THE MEMBER STATES' 2016 NATIONAL
REFORM PROGRAMMES, AND DELIVERING A COUNCIL OPINION ON
THE 2016 STABILITY AND CONVERGENCE PROGRAMMES OF EACH**

MEMBER STATE

(COM(2016) 322; COM(2016) 323; COM(2016) 324; COM(2016) 325; COM(2016) 326; COM(2016) 327; COM(2016) 328; COM(2016) 329 TO /3; COM(2016) 330; COM(2016) 331; COM(2016) 332 AND /2; COM(2016) 333 AND /2; COM(2016) 334; COM(2016) 335; COM(2016) 336; COM(2016) 337 TO /3; COM(2016) 338; COM(2016) 339; COM(2016) 340 AND /2; COM(2016) 341; COM(2016) 342 TO /3; COM(2016) 343 AND /2; COM(2016) 344; COM(2016) 345 AND /2; COM(2016) 346; COM(2016) 347; COM(2016) 348; RCC(2016) 64)

- 10. DOCUMENTS RELATING TO APPLICATION OF THE RULES OF THE STABILITY AND GROWTH PACT – COMMISSION REPORTS TO THE COUNCIL PREPARED IN ACCORDANCE WITH ARTICLE 126(3) OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION (TFEU) ON BELGIUM, FINLAND AND ITALY – RECOMMENDATIONS FOR COUNCIL DECISIONS PURSUANT TO ARTICLE 126(12) TFEU, REPEALING THE DECISIONS ON THE EXISTENCE OF EXCESSIVE DEFICITS FOR CYPRUS, SLOVENIA AND IRELAND**

(COM(2016) 291; COM(2016) 292; COM(2016) 295; COM(2016) 296; COM(2016) 297; COM(2016) 305)

- 11. COMMUNICATION TO THE COMMISSION – FISCAL COMPACT – FORMAL CONSULTATION OF THE CONTRACTING PARTIES TO THE TREATY ON STABILITY, COORDINATION AND GOVERNANCE IN THE ECONOMIC AND MONETARY UNION**

(C(2016) 3400)

At the invitation of the PRESIDENT, Mr DOMBROVSKIS and Mr MOSCOVICI presented the decisions and documents submitted to the Commission for discussion that day as part of the European Semester for the coordination of economic and fiscal policies (the ‘2016 Spring Package’), following on from the policy debate held on

10 May.

Following these presentations and the ensuing discussion, the Commission:

- approved the overall communication in COM(2016) 321/3 for transmission to Parliament, the European Council, the Council, the European Central Bank, the Economic and Social Committee, the Committee of the Regions and the European Investment Bank, and, for information, to the national parliaments;
- adopted its recommendations for Council recommendations in COM(2016) 322, COM(2016) 323, COM(2016) 324, COM(2016) 325, COM(2016) 326, COM(2016) 327, COM(2016) 328, COM(2016) 329/3, COM(2016) 330, COM(2016) 331, COM(2016) 332/2, COM(2016) 333/2, COM(2016) 334, COM(2016) 335, COM(2016) 336, COM(2016) 337/3, COM(2016) 338, COM(2016) 339, COM(2016) 340/2, COM(2016) 341, COM(2016) 342/3, COM(2016) 343/2, COM(2016) 344, COM(2016) 345/2, COM(2016) 346, COM(2016) 347 and COM(2016) 348 for transmission to the Council and, for information, to Parliament, the European Central Bank, the European Economic and Social Committee, the Committee of the Regions, the European Investment Bank and the national parliaments;
- adopted the reports set out in COM(2016) 291, COM(2016) 292 and COM(2016) 305, for transmission to the Council, and for information, to the European Parliament and the national parliaments;
- adopted the recommendations for Council decisions distributed in COM(2016) 295, COM(2016) 296 and COM(2016) 297 for transmission to the Council, and for information, to the European Parliament and the national parliaments;
- approved the communication in C(2016) 3400, decided to consult the Contracting Parties to the Treaty on Stability, Coordination and Governance in

the Economic and Monetary Union, and authorised Mr DOMBROVSKIS and Mr MOSCOVICI to sign the letters to the contracting parties set out in the annex to the above-mentioned communication.

12. OTHER BUSINESS

12.1. EUROPEAN UNION FRAMEWORK TO STRENGTHEN THE RULE OF LAW – COMMISSION OPINION ON THE RULE OF LAW IN POLAND (C(2016) 3500)

At the invitation of the PRESIDENT, Mr TIMMERMANS reported on the progress made in the last few weeks in his discussions with the Polish authorities, on behalf of the Commission, concerning respect for the rule of law in Poland, and presents the draft Commission opinion.

Following this presentation, the Commission took note of the draft opinion on the rule of law in Poland in C(2016) 3500 and decided to empower Mr TIMMERMANS, First Vice-President of the European Commission responsible for better regulation, interinstitutional relations, the rule of law and the Charter of Fundamental Rights, to adopt the draft opinion if necessary on 23 May, in agreement with the PRESIDENT, on behalf of the Commission and under its responsibility, with due regard for any developments that might take place before then.

12.2. LATEST DEVELOPMENTS CONCERNING THE RENEWAL OF APPROVAL OF THE ACTIVE SUBSTANCE GLYPHOSATE (INFO(2016) 46)

Mr ANDRIUKAITIS briefly outlined the content of the information note distributed under his authority, which reported on the latest developments in the comitology procedure for renewal of the approval of glyphosate.

Following the discussions on this subject that had already taken place at Commission meetings, in particular that of 26 April, he pointed out that the European authorisation for glyphosate was due to expire on 30 June, and that the Commission must decide by then on whether to renew it and on the conditions to be attached in the event of renewal.

He also reminded the Members that the Commission's proposal was based, in particular, on the positive assessment by the European Food Safety Authority (EFSA), confirmed by the conclusions of the recent meeting of the Joint Meeting on Pesticide Residues (JMPR), a committee of scientific experts administered jointly by the World Health Organisation (WHO) and the United Nations Food and Agriculture Organisation (FAO). According to these conclusions, 'glyphosate is unlikely to pose a carcinogenic risk to humans from exposure through the diet'.

This matter was continuing to cause a stir in public opinion and the media in certain Member States. In this context, Mr ANDRIUKAITIS warned against the trap of populism and drew attention on the possible risks to the environment, agriculture and public health in the Union should the authorisation of glyphosate not be renewed and should it simply be replaced by other potentially toxic herbicides.

With regard to the vote of the Technical Committee of the Member States expected that week, he hoped that the Member States would assume their responsibilities and put forward their views before the Commission adopted its final position. He pointed out that six weeks remained until the current authorisation expired and described the practical consequences should it not be renewed.

To conclude, he felt that this case demonstrated the efficient functioning of the comitology system, which allowed a decision to be taken at the highest political level where necessary.

During a brief discussion, the Members of the Commission noted their support for the approach set out by Mr ANDRIUKAITIS, the clear results of the scientific studies in this field and their regret that this issue had been exploited for political ends. They also referred to the challenges, both for farmers and for European households, should the authorisation of glyphosate not be renewed.

The PRESIDENT thanked Mr ANDRIUKAITIS for his presentation and confirmed his support for the approach described.

The Commission took note of this information and of the note in INFO(2016) 46, circulated under the authority of Mr ANDRIUKAITIS.

12.3. WORK IN THE CONTEXT OF THE IMPLEMENTATION OF THE ENERGY UNION

At the PRESIDENT's request, Mr MOEDAS explained briefly that an informal discussion paper of the Commission departments had been sent to national experts of the Member States on 13 May. Its purpose was to gather views on the potential future priorities for energy research with a view to further discussions between the Member States and the Commission in the context of the implementation of the Energy Union. He spoke of the confusion being caused by the distribution of non-papers dealing with research in the field of nuclear security, which was a sensitive and controversial issue in certain Member States. He took the opportunity to note that the Member States' choice of energy mix was a matter of exclusive national competence.

During the brief discussion that followed, a Member of the Commission noted that the EU's nuclear research programmes were strictly limited to security issues.

The Commission took note of this information.

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

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The meeting closed at 12.24.