



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2017) 2222 final

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

Brussels, 8 November 2017

TEXTE EN

MINUTES

**of the 2222nd meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 26 July 2017
(morning)**

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Single sitting: Wednesday 26 July 2017 (morning)

The sitting opened at 10.15 with Mr JUNCKER, President, in the chair.

Present:

Mr JUNCKER	President	
Mr TIMMERMANS	First Vice-President	Items 1 to 10 (in part)
Ms MOGHERINI	High Representative / Vice-President	
Mr ANSIP	Vice-President	
Mr ŠEFČOVIČ	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 VELLA	Member	
Mr ANDRIUKAITIS	Member	
Mr AVRAMOPOULOS	Member	Items 1 to 10 (in part)
Ms THYSSEN	Member	
Mr MOSCOVICI	Member	Items 1 to 10 (in part)
Mr STYLIANIDES	Member	Items 1 to 10 (in part)
Mr HOGAN	Member	Items 1 to 10 (in part)
Ms BULC	Member	
Ms BIENKOWSKA	Member	
Ms JOUROVÁ	Member	
Mr NAVRACSICS	Member	
Mr MOEDAS	Member	
Sir Julian KING	Member	Items 1 to 10 (in part)
Ms GABRIEL	Member	

Absent:

Ms CREȚU

Member

Ms VESTAGER

Member

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

Mr DE MICHELIS	Chef de cabinet to Ms CREȚU
Ms McCALLUM	Deputy Chef de cabinet to Ms VESTAGER

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	
Ms ANDREEVA	Commission Spokesperson's Service	Items 1 to 10 (in part)
Ms METTLER	Head of the European Political Strategy Centre	
Ms MICHOU	Deputy Secretary-General	
Ms MARTÍNEZ ALBEROLA	Deputy Chef de cabinet to the PRESIDENT	
Mr GRASSI	Adviser in the PRESIDENT's Office	
Mr SZOSTAK	Adviser in the PRESIDENT's Office	Item 10 (in part)
Ms ARKI	PRESIDENT's Office	
Ms SUTTON	Deputy Chef de cabinet to Mr TIMMERMANS	Items 1 to 9
Mr ROMAkkANIEMI	Chef de cabinet to Mr KATAINEN	Item 10
Ms SCHMITT	Chef de cabinet to Mr AVRAMOPOULOS	Items 8 and 9

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

The PRESIDENT opened the Commission meeting by paying tribute to Mr Fritz HELLWIG, who died on 22 July 2017 at the age of 104. He praised him as an outstanding German politician, a colleague of the German Chancellor Konrad Adenauer. As a native of the Saarland, he had first-hand knowledge of European borders. The PRESIDENT also paid tribute to him as a committed European, who was a Member of the High Authority of the European Coal and Steel Community from 1963 to 1967 as well as Vice-President and Member of the first European Commission (1967 to 1970), under the presidency of Jean REY, following the 1965 Merger Treaty. On his own behalf and on behalf of the Commission, the PRESIDENT, who had known Mr HELLWIG personally, extended his sincere condolences to his family and friends.

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1. AGENDAS

(OJ(2017) 2222/FINAL; SEC(2017) 353/FINAL)

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(2017) 2222)

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

3. APPROVAL OF THE MINUTES AND SPECIAL MINUTES OF THE 2218TH MEETING OF THE COMMISSION (28 JUNE) AND THE MINUTES OF THE 2220TH AND 2221ST MEETINGS (12 AND 19 JULY) (PV(2017) 2218 AND /2; PV(2017) 2218, 2ND PART)

The Commission approved the minutes of its 2218th meeting, and decided to hold over approval of the minutes of its 2220th and 2221st meetings until a later meeting.

4. INTERINSTITUTIONAL RELATIONS (RCC(2017) 98)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 20 July (RCC(2017) 98).

It paid particular attention to the following points.

4.1. LEGISLATIVE MATTERS

i) Trilogue

(point 3.1 of the IRG record)

- Amendment of Regulation (EU) 2016/1036 on protection against dumped imports from countries not members of the European Union and Regulation (EU) 2016/1037 on protection against subsidised imports from countries not members of the European Union (Regulation) – CICU report – 2016/0351 (COD)

The Commission approved the line set out in SI(2017) 368/2.

4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

ii) Non-legislative dossier

(point 4.1 of the IRG record)

- Adoption of Council Decision on a European Union stabilisation action in Mopti and Segou (Commission position / Council Decision (CFSP) – HR(2017) 95

The Commission approved the line set out in SI(2017) 369.

iii) Latest developments in the Council

(point 4.4 of the IRG record)

- Draft arrangements with the Council on non-legally binding instruments

The Commission took note of the information in SI(2017) 371.

- Transfer of the backup Galileo Security Monitoring Centre located in the United Kingdom

The Commission approved the line set out in SI(2017) 372.

- Joint EEAS-Commission services Issues Paper on Resilience in Practice – The operationalisation of the Humanitarian-Development nexus

The Commission approved the line set out in SI(2017) 373.

4.3. RELATIONS WITH PARLIAMENT

iv) Follow up to the non-legislative resolution adopted by Parliament at its May II part-session with recommendations to the Commission on the protection of vulnerable adults – BERGERON report

(point 5.6.1 of the IRG record)

The Commission approved document SP(2017) 510 on the action taken on the non-legislative resolution adopted by Parliament at its May II part-session, for transmission to Parliament.

v) Action taken on the non-legislative resolutions adopted by Parliament at its May I part-session

(point 5.6.2 of the IRG record)

The Commission approved documents SP(2017) 511 and /2 on the action taken on the non-legislative resolutions adopted by Parliament at its May I part-session, for transmission to Parliament.

vi) Participation by Members of Parliament in international conferences

(point 5.7 of the IRG record)

- Aid for Trade Global Review 2017 ‘Promoting trade, inclusiveness and connectivity for sustainable development’ (Geneva, 11 to 13 July)

The Commission agreed to the request to the PRESIDENT from Mr Antonio TAJANI, the President of the European Parliament, concerning the attendance of four Members of Parliament at the above-mentioned meeting, from 11 to 13 July, as observers in the EU delegation, with a reminder about the procedure to be followed as set out in SP(2017) 506.

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

vii) Follow-up to opinions of the Committee of the Regions – Plenary session of February 2017

(point 6.4.1 of the IRG record)

The Commission approved document SR(2017) 20/2 on the action taken by the Commission on the opinions adopted by the Committee of the Regions at its session of February 2017, for transmission to the Committee of the Regions.

4.5. OTHER BUSINESS

viii) Ministerial meeting of the contact group on the Central Mediterranean migration route (Tunis, 23 and 24 July)
(point 7 of the IRG record)

The Commission approved the line set out in SI(2017) 370 and /2 (see also item 8 of these minutes).

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED
(SEC(2017) 354 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 17 and 21 July.

5.2. EMPOWERMENT
(SEC(2017) 355 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 17 and 21 July.

5.3. DELEGATION / SUBDELEGATION OF POWERS
(SEC(2017) 356 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 17 and 21 July, as archived in Decide.

5.4. SENSITIVE WRITTEN PROCEDURES
(SEC(2017) 357 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 24 and 28 July and of the urgent written procedure initiated following the weekly meeting of Chefs de cabinet on Monday 24 July.

6. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2017) 358 AND /2)

ADMINISTRATIVE MATTERS

(PERS(2017) 97)

6.1. COMMISSION DECISION APPOINTING TWO MEMBERS OF THE COMMITTEE OF INDEPENDENT EMINENT PERSONS ESTABLISHED BY ARTICLE 11 OF REGULATION (EU, EURATOM) NO 1141/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 22 OCTOBER 2014 ON THE STATUTE AND FUNDING OF EUROPEAN POLITICAL PARTIES AND EUROPEAN POLITICAL FOUNDATIONS

(C(2017) 5286)

The Commission decided to appoint Ms Meglena KUNEVA and Mr António VITORINO as members of the committee of independent eminent persons established by Regulation (EU, Euratom) 1141/2014, in accordance with the Decision in C(2017) 5286, and to publish the Decision in the Official Journal of the European Union.

6.2. EXTENSION OF THE TERM OF OFFICE OF THE DIRECTOR OF THE OFFICE FOR INFRASTRUCTURE AND LOGISTICS IN BRUSSELS

The Commission, on a proposal from Mr OETTINGER, in agreement with the PRESIDENT, decided to extend the term of office of

(26 July 2017)

Mr Marc MOULIGNEAU as Director of the Office for Infrastructure and Logistics in Brussels (OIB) until a new director took up his/her duties, but not beyond 31 May 2018.

This decision would take effect on 1 September 2017.

6.3. DG HUMAN RESOURCES AND SECURITY / EUROPEAN PERSONNEL SELECTION OFFICE – DEPUTISING FOR THE DIRECTOR OF THE EUROPEAN PERSONNEL SELECTION OFFICE

Under Article 27 of its Rules of Procedure, the Commission, on a proposal from Mr OETTINGER, in agreement with the PRESIDENT, decided:

- to designate the following officials, in the order set out below, to deputise for the Director of the European Personnel Selection Office (EPSO):
 - Mr Nicholas David BEARFIELD;
 - Mr Didier Gilles GUILLARD, Head of Unit, ‘Resources and Administrative Support’ (EPSO.03);
 - Ms Sari LEHKONEN, Head of Unit, ‘Stakeholder Relations and Selection Management’ (EPSO.04);
 - Ms Claudine CAMILLERI, Head of Unit, ‘Communication and Attractiveness’ (EPSO.05);
 - Ms Angela HEBERLING, Head of Unit, ‘E-selection and Test Development’ (EPSO.01);
- that these designations were no longer valid if the official in question was no longer posted or seconded to the European Personnel Selection Office.

These decisions would take effect on 1 September 2017.

7. RESPECT FOR THE RULE OF LAW IN POLAND – LATEST DEVELOPMENTS AND NEXT STEPS

(SEC(2017) 374; C(2017) 5320; SEC(2017) 378)

The Commission referred to the respect of the rule of law in Poland and decided:

- to adopt, in the authentic language version (Polish), under the EU’s Rule of Law Framework, the Recommendation in C(2017) 5320, to notify the Republic of Poland and to publish it for information in the Official Journal of the European Union, complementing the Commission’s Recommendations of 27 July and 21 December 2016;
- to authorise Mr TIMMERMANS, with the agreement of the PRESIDENT, to formally adopt the decision in SEC(2017) 378, once the law on the organisation of ordinary courts had been published, to initiate an infringement procedure and to send to the Polish authorities a letter of formal notice concerning the new arrangements on retirement age, which introduced discrimination between men and women, and the Minister for Justice’s discretionary power to extend the mandate of judges who had reached retirement age and to dismiss and appoint court presidents; the deadline for replying to this letter of formal notice was one month.

8. FOURTEENTH REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL ON THE RELOCATION AND RESETTLEMENT OF REFUGEES

(COM(2017) 405 AND /2; RCC(2017) 100)

The PRESIDENT referred to the conclusions delivered that very morning by the Advocate-General of the Court of Justice of the European Union in Cases C-643/15 and C-647/15, which recommended rejecting the appeals brought by Slovakia and Hungary against the European mechanism for the urgent relocation of asylum

seekers within the Union, which had been decided on by the Council on a proposal from the Commission.

He then invited Mr AVRAMOPOULOS to report on the Union's results in relation to the relocation of asylum seekers and the resettlement of refugees from third countries.

Mr AVRAMOPOULOS began by referring to the letter that he, the PRESIDENT and Mr TIMMERMANS had sent to the Italian Prime Minister, Paolo Gentiloni, the previous day, in which they had made it clear that the Commission was prepared to provide Italy with the support it needed to streamline its asylum and return procedures. He explained that substantial assistance had already been provided, and presented the new measures to be implemented, which included (i) extra emergency financial assistance of up to €100 million, and (ii) the deployment of some 500 additional experts to ensure efficient return procedures, together with 40 experts on asylum law.

However, he stressed that the main solidarity mechanism for dealing with the influx of migrants was the European Emergency Relocation Mechanism decided on by the Council. In June, a record number of relocations had been recorded from the two Member States on the frontline, with 2 000 people relocated from Greece and 1 000 from Italy. These figures would increase to around 1 600 and 600 respectively in the month of July. All Member States were being called upon to relocate eligible asylum seekers by September in line with their individual commitments, in order to achieve the target set by the Commission. This meant approximately 6 800 more people would have to be relocated from Greece, and even more from Italy. The relocation obligations would not come to an end on 26 September when the current mechanism expired, and all eligible asylum seekers arriving in the EU before that date would have to be relocated within a reasonable time frame.

Mr AVRAMOPOULOS turned to the infringement proceedings launched in June against Hungary, Poland and the Czech Republic for non-compliance with their legal obligations on relocation, reporting that in their replies, none of the

Member States in question had shown any intention of rapidly relocating the required number of asylum seekers to their territory. For this reason, the Commission had decided to send reasoned opinions to these three Member States, to which they had four weeks to respond (PE/2017/5355). Although the Commission remained ready to cooperate with the governments of these three countries to help them confront their practical difficulties, the issue was first and foremost one of political will.

He also noted that a growing number of Member States had already met or would soon meet their resettlement commitments in full, since almost three-quarters of the 22 504 resettlements decided upon in July 2015 had been completed. The resettlement policy was a key issue for transit countries, since a reduction in migration flows could allow the number of resettlements from these countries to be increased.

He also referred to judgments C-490/16 and C-646/16 of the Court of Justice, which had confirmed that day that Croatia was responsible for examining applications for international protection by persons who crossed its border en masse during the migration crisis in 2015 and 2016, based on the 'Dublin III' Regulation. The proceedings had been brought before the Court by Slovenia and Austria, which took the view that, as the applicants had entered Croatia unlawfully, it was for the authorities of that Member State to examine their applications for international protection.

Mr AVRAMOPOULOS then reported on the success of the Tunis conference, which he had attended on 23 and 24 July alongside the interior ministers of seven European countries – Austria, France, Germany, Italy, Malta, Slovenia and Switzerland – and the six African countries most affected by Central Mediterranean migration flows: Algeria, Chad, Libya, Mali, Niger and Tunisia. These countries had shown a desire to cooperate with the European Union to tackle the issue and take shared responsibility for managing migration flows, while all ministers had recognised the need to help Italy. He also cited the Union's well-received initiatives

in favour of countries of transit and origin, such as Libya. These initiatives demonstrated that the EU was committed not just to preventing irregular migration, but also to providing assistance to migrants and stabilising local communities. All participants had said that they were ready to strengthen information exchanges and operational cooperation against illegal trafficking of migrants, including by sea, and an ambitious official declaration had already been approved by all parties on either side of the Central Mediterranean.

Mr AVRAMOPOULOS reported on a number of issues discussed at bilateral meetings, explaining that (i) a deal aimed at relaunching negotiations on readmission agreements in October had been reached with Tunisia; (ii) Algeria was now ready to engage in dialogue on migration and the fight against terrorism; (iii) cooperation with Libya had been positive, although the country's situation remained difficult. On this issue, he cited the initiative of French President Emmanuel Macron to host talks in Paris between Khalifa Haftar and Fayeze al-Sarraj, head of the national unity government, and the agreement they had reached, which could allow progress to be made in the country's stabilisation process and have a positive impact on the Union's actions in relation to Libya; (iv) it was important, with regard to Niger, to monitor trafficking routes closely; (v) the Malian Minister had declared himself ready to resume cooperation on readmissions; and (vi) Chad was a special case, to be examined from the point of view of illegal migration. Egypt had not been represented at the conference. Given the importance of cooperation with that country, a visit could be held in October to discuss migration issues and encourage the government to coordinate its efforts with the Union and other affected countries.

Meanwhile, Ms MOGHERINI referred to the positive outcome of the seventh session of the EU-Egypt Association Council, held in Brussels the previous day, and the latest measures implemented in cooperation with the Malian government, for example to identify irregular migrants. She reported that several African countries were more open to the idea of signing agreements with the Union for the readmission of irregular migrants who were citizens of their respective

countries.

She also mentioned the Council's approval the previous day for extending the mandate of EUNAVFOR MED - Operation Sophia, the naval operation launched by the Union to disrupt the business model of migrant smugglers and human traffickers in the Southern Central Mediterranean. She highlighted the problem of arrival ports associated with the operations of the European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX), since the existing agreements could have a significant impact on Operation Sophia.

In the course of the discussion that followed, the Commission raised the following key points: the importance of progressing in the implementation of the Valletta Action Plan, looking ahead to the fifth EU-Africa Summit in November; the European solidary effort with Italy and the wide media coverage of the Commission's letter on this issue; as well as the need to follow up on announcements of practical measures to avoid dashing expectations.

The PRESIDENT wound up the discussion by thanking the speakers and Mr AVRAMOPOULOS and his department for their excellent report.

The Commission approved the report in COM(2017) 405/2, for transmission to Parliament, the European Council and the Council and, for information, to the national parliaments.

9. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL – NINTH PROGRESS REPORT TOWARDS AN EFFECTIVE AND GENUINE SECURITY UNION

(COM(2017) 407 AND /2; SWD(2017) 278 AND /2; RCC(2017) 100)

The PRESIDENT invited Sir Julian KING to present to the College the Ninth Report from the Commission on progress towards an effective and genuine

Security Union.

On the anniversary of the attack at the church of Saint-Etienne-du-Rouvray in France, Sir Julian KING listed the efforts implemented with a view to swiftly bringing about a Union with effective and genuine security, including measures adopted recently to prevent terrorist funding through the illicit trafficking of cultural goods, and improve the interoperability of information systems within the European Union.

He also noted the importance of the comprehensive assessment of the European Union's security policy since 2001 accompanying the report, which highlighted the progress made as well as gaps that still needed to be filled. Among these shortcomings, he mentioned in particular the partial implementation of the agreed actions, the evolving nature of threats such as radicalisation and cybercrime, and the need to modify some of the existing instruments accordingly.

He noted that this work followed the commitment he had personally made to the European Parliament to carry out a thorough review of the EU's security policy. He added that the Union could draw important lessons from this in order to respond more rapidly and in a coordinated manner to the threats as they evolved.

Sir Julian KING then turned to the opinion of the Court of Justice of the European Union delivered that same day concerning the agreement on the transfer and processing of Passenger Name Records (PNR) between the European Union and Canada, which stated that the agreement could not be concluded in its current form because a number of its provisions were incompatible with the fundamental rights recognised by the Union in the Treaties and the Charter of Fundamental Rights. According to this judgment, although the transfer, retention and systematic use of all passenger data were essentially permissible, several provisions of the draft agreement, in particular as regards data retention for law enforcement, failed to meet the requirements.

He also mentioned the impact of this judgment on the conduct of the EU's relations

with its main international partners.

The PRESIDENT thanked Sir Julian KING for presenting the report and welcomed the progress highlighted.

Following this presentation, the Commission approved, subject to a final revision, the report set out in COM(2017) 407/2, for transmission to the European Parliament, the European Council and the Council and, for information, to the national parliaments, together with the staff working document on the comprehensive assessment of the security policy of the EU, distributed as SWD(2017) 278/2, the contents of which were noted.

10. OTHER BUSINESS

10.1. POSSIBLE MEASURES BY THE UNITED STATES IN THE FIELD OF ENERGY – PREPARATION OF A EUROPEAN UNION RESPONSE (SEC(2017) 372 TO /3; RCC(2017) 101)

The Commission referred to the discussions with the US authorities on the draft legislation aimed at extending the sanctions regime imposed on the Russian Federation by the United States.

The Commission took note of the note distributed as SEC(2017) 372/3.

10.2. RESULTS OF THE HIGH-LEVEL DIALOGUE BETWEEN THE EUROPEAN UNION AND TURKEY (BRUSSELS, 25 JULY 2017)

The Commission referred to the high-level political dialogue between the European Union and Turkey.

10.3. AUTOMOTIVE SECTOR – ISSUE WITH DIESEL-POWERED VEHICLES

The Commission took note of the latest developments in connection with the motor-vehicle pollutant emissions.

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The PRESIDENT closed the meeting by warmly thanking the Members of the Commission for the excellent work they had accomplished throughout the year, in a collegiate and friendly atmosphere, and by stressing what a pleasure it had been to work with them. He asked them to convey his sincere thanks and appreciation to the services of the institution, praising the high quality of the work carried out and the competence and dedication shown, which he saw as the linchpin of the European public service and the Commission. He also took the opportunity to thank the interpreters in the room and their colleagues, and also the Registry for its work to keep the wheels of the Commission's decision-making process turning.

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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 12.33.