



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2018) 2249 final

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

Strasbourg, 17 April 2018

TEXTE EN

MINUTES

of the 2249th meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 28 March 2018

(morning)

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Single sitting: Wednesday 28 March 2018 (morning)

The sitting opened at 9.47 with Mr JUNCKER, President, in the chair. The discussion of item 10 was chaired in part by Mr TIMMERMANS.

Present:

Mr JUNCKER	President	Items 1 to 10 (in part)
Mr TIMMERMANS	First Vice-President	
Ms MOGHERINI	High Representative / Vice-President	
Mr DOMBROVSKIS	Vice-President	
Mr KATAINEN	Vice-President	
Mr OETTINGER	Member	
Ms MALMSTRÖM	Member	
Mr MIMICA	Member	
Mr ARIAS CAÑETE	Member	
Mr VELLA	Member	
Mr ANDRIUKAITIS	Member	
Mr AVRAMOPOULOS	Member	
Mr MOSCOVICI	Member	Items 1 to 10 (in part)
Mr STYLIANIDES	Member	
Mr HOGAN	Member	
Ms BULC	Member	
Ms BIENKOWSKA	Member	Items 1 to 10 (in part)
Ms JOUROVÁ	Member	
Mr NAVRACSICS	Member	
Ms CREȚU	Member	
Sir Julian KING	Member	
Ms GABRIEL	Member	

Absent:

Mr ANSIP	Vice-President
Mr ŠEFČOVIČ	Vice-President
Mr HAHN	Member
Ms THYSEN	Member
Ms VESTAGER	Member
Mr MOEDAS	Member

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

Ms KLOC	Deputy Chef de cabinet to Mr ANSIP
Mr NOCIAR	Chef de cabinet to Mr ŠEFČOVIČ
Mr KARNITSCHNIG	Chef de cabinet to Mr HAHN
Ms BERNAERTS	Chef de cabinet to Ms THYSSEN
Ms McCALLUM	Deputy Chef de cabinet to Ms VESTAGER
Ms DEL BRENNIA	Deputy Chef de cabinet to Mr MOEDAS

The following also sat in:

Ms MARTÍNEZ ALBEROLA	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	Items 9 (in part) and 10
Mr SWIEBODA	European Political Strategy Centre	Items 1 to 9 (in part)
Ms AHRENKILDE-HANSEN	Acting Deputy Secretary-General	Item 10
Mr SZOSTAK	Deputy Chef de cabinet to the PRESIDENT	
Ms CANENBLEY	Adviser in the PRESIDENT's Office	Item 10
Ms SILLAVEE	PRESIDENT's Office	
Mr HAGER	Chef de cabinet to Mr OETTINGER	
Ms DRZEWOSKA	A member of Ms BIENKOWSKA's staff	Item 10 (in part)
Ms VILA NUÑEZ	Secretariat-General	
Ms ANDREEVA	Commission Spokesperson's Service	
Ms CALVIÑO	Director-General, DG Budget	Item 10

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

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The Commission paid tribute to the four victims of the terrorist attacks in Trèbes and Carcassonne on 23 March. They included Lieutenant-Colonel Arnaud Beltrame, who had died a hero after voluntarily taking the place of one of the hostages. In memory of the victims and in solidarity with their families, the authorities and the French nation, European flags had been flown at half-mast in front of all Commission buildings that Wednesday.

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1. AGENDAS

(OJ(2018) 2249/FINAL; SEC(2018) 2249/FINAL/2)

The Commission took note of that day's agenda and of the tentative agendas for forthcoming meetings. It also noted the addition to the agenda of that day's meeting of items 9.3, 9.4 and 9.5 on administrative decisions.

2. WEEKLY MEETING OF CHEFS DE CABINET

(RCC(2018) 2249)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 26 March.

3. APPROVAL OF THE MINUTES OF THE 2246TH, 2247TH AND 2248TH MEETINGS OF THE COMMISSION (7, 13 AND 21 MARCH)

(PV(2018) 2246; PV(2018) 2246, 2ND PART; PV(2018) 2247; PV(2018) 2247, 2ND PART)

The Commission approved the minutes of its 2246th and 2247th meetings and decided to hold over approval of the minutes of its 2248th meeting for a later meeting.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2018) 43)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 23 March (RCC(2018) 43).

It paid particular attention to the following points.

4.1. LEGISLATIVE MATTERS

i) Trilogues

(point 3.1 of the IRG record)

- Amendment of Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services in view of changing market realities (Directive) – VERHEYEN/KAMMEREVERT report – 2016/0151 (COD)

The Commission approved the line set out in SI(2018) 140.

- Establishing a common framework for European statistics relating to persons and households, based on data at individual level collected from samples (Regulation) – MESZERICS report – 2016/0264 (COD)

The Commission approved the line set out in SI(2018) 147/3.

- Harmonisation of gross national income at market prices (GNI Regulation) repealing Council Directive 89/130/EEC, Euratom and Council Regulation (EC, Euratom) 1287/2003 (Regulation) – GUALTIERI report – 2017/0134 (COD)

The Commission approved the line set out in SI(2018) 148/2.

ii) Council dossier

(point 3.3 of the IRG record)

- Establishment of a European Travel Information and Authorisation System (ETIAS) and amendment of Regulations (EU) 515/2014, (EU) 2016/399, (EU) 2016/794 and (EU) 2016/1624 (Regulation) – GÁL report – 2016/0357 (COD)

The Commission approved the line set out in SI(2018) 151/2.

4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

iii) Programming of Council business

(SI(2018) 157)

The Commission took note of the information in SI(2018) 157 on the Council meetings between 29 March and 11 April.

iv) Non-legislative dossier

(point 4.1 of the IRG record)

- Communicating together the results of European Union cohesion policy – Letter from Commissioners CREȚU and THYSEN with annexed progress report on Joint Communication Actions

The Commission approved the line set out in SI(2018) 132.

v) Latest developments in the Council

(point 4.4 of the IRG record)

- Draft Council Implementing Decision on the European Union Integrated Political Crisis Response (IPCR) Arrangements

The Commission approved the line set out in SI(2018) 155 and /2.

4.3. RELATIONS WITH PARLIAMENT

vi) Action taken on the legislative opinions and non-legislative resolutions adopted by Parliament at its February I and II part-sessions

(point 5.6.2 of the IRG record)

The Commission approved for transmission to Parliament document SP(2018) 178 on the action taken on the legislative opinions and non-legislative resolutions adopted by Parliament at its February I and II part-sessions.

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 July 2017

(point 6.4.1 of the IRG record)

The Commission approved, for transmission to the Committee of the Regions, document SR(2018) 8/2 on the action taken by the Commission on the opinions adopted by that Committee at its session of July 2017.

5. MONITORING THE APPLICATION OF EUROPEAN UNION LAW

INFRINGEMENTS – URGENT INDIVIDUAL CASE

(SEC(2018) 177)

The Commission adopted the decision in SEC(2018) 177.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

6.1. WRITTEN PROCEDURES APPROVED
(SEC(2018) 163 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 19 and 23 March.

6.2. EMPOWERMENT
(SEC(2018) 164 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 19 and 23 March.

6.3. DELEGATION / SUBDELEGATION OF POWERS
(SEC(2018) 165 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 19 and 23 March, as archived in Decide.

6.4. SENSITIVE WRITTEN PROCEDURES
(SEC(2018) 166 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 26 and 30 March.

**7. JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL ON THE ACTION PLAN ON MILITARY MOBILITY**
(JOIN(2018) 5 AND /2; RCC(2018) 47)

The Commission approved the joint communication in JOIN(2018) 5/2, for transmission to the European Parliament and the Council and, for information, to the national parliaments.

8. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EC) NO 924/2009 AS REGARDS CERTAIN CHARGES ON CROSS-BORDER PAYMENTS IN THE UNION AND CURRENCY CONVERSION CHARGES (COM(2018) 163 TO /3; SWD(2018) 84; SWD(2018) 85; SEC(2018) 170; RCC(2018) 46)

The Commission adopted the proposal for a Regulation in COM(2018) 163/3 for transmission to Parliament, the Council, the European Economic and Social Committee, the national parliaments, and, for information, to the European Central Bank and the Committee of the Regions, together with the impact assessment, the summary thereof and the opinion of the Regulatory Scrutiny Board in staff working documents SWD(2018) 84, SWD(2018) 85 and SWD(2018) 170, the contents of which were noted.

9. ADMINISTRATIVE AND BUDGETARY MATTERS (SEC(2018) 167/2 AND /3)

ADMINISTRATIVE MATTERS

(PERS(2018) 22/2 AND /3)

The PRESIDENT gave the floor to Mr OETTINGER, who wished to present to the meeting two new proposals for administrative decisions.

Mr OETTINGER turned first to the proposal he was submitting to the College, in agreement with the PRESIDENT, in order to address the concerns of officials and other agents with British nationality working for the European Commission, who were worried about their future after the United Kingdom's withdrawal from the European Union (item 9.3 of these minutes).

He recalled that the day after the referendum on the UK withdrawal from the Union, the PRESIDENT had assured the Commission's UK staff that he would do

everything in his power to support them and that the provisions of the Staff Regulations would be interpreted and applied in a European spirit.

While the Treaties continued to apply to the UK, the Commission was implementing a strict policy of non-discrimination based on nationality. However, for officials with only British nationality, the question arose of their long-term job security after the date of the UK's withdrawal, since, pursuant to Article 49 of the Staff Regulations, an official could be required to resign if he or she no longer fulfilled the condition of being a national of one of the Member States of the Union. The same applied to temporary and contract staff, subject to derogations (Article 47(b)(iii) and (c)(ii) of the Conditions of Employment of Other Servants of the European Union).

In a spirit of mutual loyalty with regard to staff members with British nationality, who above all were European officials dedicated to serving the Union, Mr OETTINGER therefore proposed, in agreement with the PRESIDENT, that the Commission give an undertaking that:

- in the case of officials with British nationality who would no longer fulfil the condition of being a national of one of the Member States of the Union after the United Kingdom's withdrawal from the European Union, the appointing authority would not use its discretionary power under Article 49 of the Staff Regulations, except when duly justified in specific cases, such as conflicts of interest or due to international obligations;
- in the case of temporary or contract staff with British nationality who would no longer fulfil the condition of being a national of one of the Member States of the Union after the United Kingdom's withdrawal from the European Union, the Commission would be legally obliged to carry out a case-by-case analysis in order to allow duly justified exceptions to the nationality requirement laid down by the Conditions of Employment of Other Servants; however, the Commission gave an undertaking that the authority empowered to conclude contracts would make extensive and transparent use of this derogation possibility; its assessment

would be based on the interest of the service.

Mr OETTINGER pointed out that the other EU institutions, which complied with the same Staff Regulations and faced the same difficulties, were waiting to see how the Commission would proceed. He considered that the undertakings given that day would provide useful clarity and thus reassure staff with British nationality.

A brief discussion ensued, during which the main point raised by the Commission was its support for the fair approach proposed and for the principle of providing Commission staff with British nationality with some certainty and security. It was emphasised that UK staff had a profound sense of being officials and agents serving the Union and the European project.

Mr OETTINGER then turned to the secondment of Mr Mario NAVA, a Director in the Directorate-General for Financial Stability, Financial Services and Capital Markets, to the post of head of the Italian national authority responsible for supervising stock markets (*Commissione Nazionale per le Società e la Borsa – CONSOB*) (item 9.4 of these minutes).

He pointed out that, on 10 January 2018, the Permanent Representative of Italy to the European Union had informed the Commission that the Italian government had appointed Mr NAVA to this post.

He explained that the Staff Regulations provided for the possibility of seconding officials in the interest of the service to institutions other than the Commission and that the request from Mr NAVA was covered by the institution's policy on external mobility. The aim of this policy was to encourage secondments of EU officials in the interest of the service to national, regional or local public administrations or other public sector bodies in the Member States, or to intergovernmental organisations for a limited period, normally three years.

Mr OETTINGER thus proposed, to the College, in agreement with the PRESIDENT and after consultation with Mr DOMBROVSKIS, to approve Mr NAVA's secondment in the interest of the service for a period of three years.

He pointed out that it would be for the next Commission to decide on any exceptional renewal of this secondment and that the Italian government had undertaken to pay the salary for the post Mr NAVA would occupy, for the duration of his secondment.

The PRESIDENT then presented the draft decision he was submitting to the College for adoption in order to provide a Member of the Commission with legal assistance for his defence against legal action affecting him in his capacity and functions as a Member of the Commission (item 9.5 of these minutes).

**9.1. DG HUMAN RESOURCES AND SECURITY – SPECIAL ADVISERS TO
THE COMMISSION FROM 1 APRIL 2017 TO 31 MARCH 2019
(PERS(2018) 23/2)**

The Commission decided:

- to adopt the list of special advisers to Commission Members set out in PERS(2018) 23/2;
- by way of derogation from the provisions under point 6, paragraph 2, of Commission Decision C(2007) 6655 of 19 December 2007 on the rules on special advisers to the Commission, to authorise the Member of the Commission responsible for budget and human resources, Mr OETTINGER, to conclude addenda to the existing contracts in the event of duly justified and urgent needs occurring between the first and second wave of appointments of special advisers, subject to the availability of sufficient budgetary appropriations;
- to authorise the Director-General of DG Human Resources and Security to implement this decision by signing contracts of employment on behalf of the authority empowered to conclude contracts of employment.

These decisions would take effect immediately.

9.2. DG MOBILITY AND TRANSPORT – EXTENSION OF THE TERM OF OFFICE OF THE EXECUTIVE DIRECTOR OF THE EUROPEAN AVIATION SAFETY AGENCY

On a proposal from Mr OETTINGER, in agreement with the PRESIDENT, and after consulting Ms BULC and also Mr KATAINEN and Mr ŠEFČOVIČ, the Commission decided:

- to propose to the Management Board of the European Aviation Safety Agency that it extend the term of office of its Executive Director, Mr Patrick KY, for five years effective from 1 September 2018, in accordance with Article 39(1) and (4) of Regulation (EC) No 216/2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency;
- to ask Ms BULC, Member of the Commission with responsibility for transport, to communicate this decision to the Management Board of the European Aviation Safety Agency.

These decisions would take effect immediately.

9.3. DG HUMAN RESOURCES AND SECURITY – APPLICATION OF THE STATUTORY CONDITION TO BE A NATIONAL OF ONE OF THE MEMBER STATES OF THE UNION TO STAFF WHO WILL NO LONGER FULFIL THIS CONDITION AFTER THE UNITED KINGDOM'S WITHDRAWAL FROM THE EUROPEAN UNION

On a proposal from Mr OETTINGER, in agreement with the PRESIDENT, the Commission as of that day made the following undertakings:

- in the case of officials with British nationality who would no longer fulfil the condition of being a national of one of the Member States of the European Union after the United Kingdom's withdrawal from the

European Union, the appointing authority would not use its discretionary power under Article 49 of the Staff Regulations, except when duly justified in specific cases, such as conflicts of interest or due to international obligations;

- in the case of temporary or contract staff with British nationality who would no longer fulfil the condition of being a national of one of the Member States of the European Union after the United Kingdom's withdrawal from the European Union, the Commission would be legally obliged to carry out a case-by-case analysis in order to allow duly justified exceptions to the nationality requirement laid down by the Conditions of Employment of Other Servants; however, the Commission gave an undertaking that the authority empowered to conclude contracts would make extensive and transparent use of this derogation possibility; its assessment would be based on the interest of the service.

9.4. DG FINANCIAL STABILITY, FINANCIAL SERVICES AND CAPITAL MARKETS UNION – SECONDMENT OF AN AD14 OFFICIAL

On a proposal from Mr OETTINGER, in agreement with the PRESIDENT, and after consultation with Mr DOMBROVSKIS, the Commission decided, in the interest of the service under Articles 37 and 38 of the Staff Regulations, to second Mr Mario NAVA, currently Director of the 'Financial System Surveillance and Crisis Management' Directorate within the Directorate-General for Financial Stability, Financial Services and Capital Markets Union, to the *Commissione Nazionale per le Società e la Borsa* for a period of three years.

The *Commissione Nazionale per le Società e la Borsa* had undertaken to pay the salary for the post Mr NAVA would occupy, for the duration of his secondment.

This decision would take effect on 16 April 2018.

**9.5. GRANTING OF LEGAL ASSISTANCE TO A MEMBER OF THE
COMMISSION
C(2018)2069**

On a proposal from Mr OETTINGER, in agreement with the PRESIDENT, the Commission adopted the decision in C(2018) 2069.

This decision would take effect immediately.

**10. POLICY DEBATE ON THE MULTIANNUAL FINANCIAL FRAMEWORK
2021-2027
(SEC(2018) 180; RCC(2018) 45)**

The PRESIDENT asked Mr OETTINGER to introduce the College's policy debate on the next Multiannual Financial Framework. The debate would follow the ten questions raised in the background note distributed under their joint authority.

Mr OETTINGER explained that the aim of that day's meeting was to provide guidance based on these ten questions to feed into the drafting of the proposal for the Multiannual Financial Framework for the period 2021-2027 which the Commission would be presenting on 2 May. This policy debate had been preceded by that of 10 January, by the adoption on 14 February of the Commission Communication entitled 'A new, modern Multiannual Financial Framework for a EU that delivers efficiently on its priorities post-2020', which had served as a contribution to the European leaders' informal discussion in Brussels on 23 February, and by a series of internal consultations within the Commission, and discussions with the European Parliament and the Member States, including the public consultations on the Union's priorities launched in January 2018.

The Commission took note of the results and conclusions of the policy debate and of the background note in SEC(2018) 180.

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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 12.20.