



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2019) 2282 final

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

Brussels, 20 February 2019

TEXTE EN

MINUTES

of the 2282nd meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 6 February 2019

(morning)

—

PV(2019) 2282 final

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

EN

TABLE OF CONTENTS

Attendance list	4-6
1. AGENDAS (OJ(2019) 2282/FINAL/2; SEC(2019) 2282/FINAL)	7
2. WEEKLY MEETING OF CHEFS DE CABINET (RCC(2019) 2282)	7
3. APPROVAL OF THE MINUTES OF THE 2279 TH , 2280 TH AND 2281 ST MEETINGS OF THE COMMISSION (15, 23 AND 30 JANUARY 2019) (PV(2019) 2279; PV(2019) 2279, 2 ND PART).....	7
4. INTERINSTITUTIONAL RELATIONS (RCC(2019) 11)	7
4.1. HORIZONTAL MATTERS	8
4.2. LEGISLATIVE MATTERS	9
4.3. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL	16
4.4. RELATIONS WITH PARLIAMENT	17
4.5. RELATIONS WITH NATIONAL PARLIAMENTS, THE OTHER INSTITUTIONS AND BODIES, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS.....	18
4.6. OTHER BUSINESS.....	18
5. MONITORING THE APPLICATION OF EUROPEAN UNION LAW	19
INFRINGEMENTS – URGENT INDIVIDUAL CASE (SEC(2019) 85).....	19
6. COMMISSION RECOMMENDATION ON A EUROPEAN ELECTRONIC HEALTH RECORD EXCHANGE FORMAT (C(2019) 800 AND /2; RCC(2019) 13)	19
7. ADMINISTRATIVE AND BUDGETARY MATTERS (SEC(2019) 61 AND /2).....	19

7.1. DG INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND SMEs – APPOINTMENT OF AD16 DIRECTOR-GENERAL	21
7.2. DG COMMUNICATION – APPOINTMENT OF AD15 DIRECTOR-GENERAL	21
7.3. DG HUMAN RESOURCES AND SECURITY – FEMALE REPRESENTATION IN MANAGEMENT FUNCTIONS IN THE COMMISSION – CURRENT SITUATION WITH REGARD TO THE GOAL SET OF AT LEAST 40% (SEC(2019) 28).....	22
8. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS.....	22
8.1. WRITTEN PROCEDURES APPROVED (SEC(2019) 57 ET SEQ.).....	22
8.2. EMPOWERMENT (SEC(2019) 58 ET SEQ.)	22
8.3. DELEGATION / SUBDELEGATION OF POWERS (SEC(2019) 59 ET SEQ.)	22
8.4. SENSITIVE WRITTEN PROCEDURES (SEC(2019) 60 AND /2)	23
9. GUIDELINES ON ETHICAL STANDARDS FOR THE PARTICIPATION OF THE MEMBERS OF THE EUROPEAN COMMISSION IN THE ELECTION CAMPAIGN – ELECTIONS TO THE EUROPEAN PARLIAMENT 2019 (23-26 MAY 2019) (C(2019) 990).....	23
10. OTHER BUSINESS.....	25
10.1. ACTION TO BE TAKEN ON DIRECTIVE (EU) 2018/2001 ON THE PROMOTION OF THE USE OF ENERGY FROM RENEWABLE SOURCES – ADDRESSING EMISSIONS FROM THE PRODUCTION OF BIOFUELS (INFO(2019) 5 AND /2)	25
10.2. WINTER ECONOMIC FORECASTS (INFO(2019) 6)	28
10.3. RESPECT FOR THE RULE OF LAW IN POLAND	29

Single sitting: Wednesday 6 February 2019 (morning)

The sitting opened at 10.23 with Mr JUNCKER, President, in the chair.

Present:

Mr JUNCKER	President	
Mr TIMMERMANS	First Vice-President	
Ms MOGHERINI	High Representative / Vice-President	
Mr ANSIP	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	Items 1 to 9 (in part)
Ms THYSSEN	Member	
Mr MOSCOVICI	Member	
Mr STYLIANIDES	Member	
Mr HOGAN	Member	
Ms BULC	Member	
Ms BIENKOWSKA	Member	
Ms JOUROVÁ	Member	
Mr NAVRACSICS	Member	Items 1 to 10 (in part)
Ms CREȚU	Member	
Ms VESTAGER	Member	
Sir Julian KING	Member	
Ms GABRIEL	Member	

Absent:

Mr ŠEFČOVIČ

Vice-President

Mr HAHN

Member

Mr MOEDAS

Member

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

Ms UDWIN	Deputy Chef de cabinet to Mr HAHN	Items 1 to 8, and 10
Ms DEL BRENNNA	Deputy Chef de cabinet to Mr MOEDAS	Items 1 to 8, and 10

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	Items 8 and 10
Mr SCHINAS	Head of the Spokesperson's Service and Chief Spokesperson of the Commission	Items 1 to 8, and 10
Mr SWIEBODA	European Political Strategy Centre	Items 1 to 8, and 10
Mr SZOSTAK	Deputy Chef de cabinet to the PRESIDENT	Items 1 to 8, and 10
Mr BALTAZAR	Senior adviser in the PRESIDENT's Office	Item 10 (in part)
Ms DEJMEK HACK	Adviser in the PRESIDENT's Office	Item 8
Mr THOLONIAT	Adviser in the PRESIDENT's Office	Item 10 (in part)
Mr REMY	PRESIDENT's Office	Items 1 to 8, and 10
Mr DE ELERA	A member of Mr TIMMERMANS's staff	Item 10 (in part)
Mr HAGER	Chef de cabinet to Mr OETTINGER	Items 1 to 7
Ms LOBILLO BORRERO	Chef de cabinet to Mr ARIAS CAÑETE	Item 10 (in part)
Ms REILLY	Deputy Chef de cabinet to Mr NAVRACSICS	Item 10 (in part)
Mr SNELS	Secretariat-General	Items 1 to 8, and 10
Ms ANDREEVA	Commission Spokesperson's Service	Items 1 to 8, and 10

Secretary: Mr SELMAYR, Secretary-General, assisted by Mr AYET PUIGARNAU, Director in the Secretariat-General, for items 1 to 8 and 10, and Ms COLLOMP, Senior Expert in the Secretariat-General, for item 9.

1. AGENDAS

(OJ(2019) 2282/FINAL/2; SEC(2019) 2282/FINAL)

The Commission took note of that day's agenda and of the tentative agendas for forthcoming meetings. It also took note of the addition of items 7.1 and 7.2 (on administrative decisions) to that day's agenda.

2. WEEKLY MEETING OF CHEFS DE CABINET

(RCC(2019) 2282)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 4 February 2019.

**3. APPROVAL OF THE MINUTES OF THE 2279TH, 2280TH AND 2281ST MEETINGS OF THE COMMISSION (15, 23 AND 30 JANUARY 2019)
(PV(2019) 2279; PV(2019) 2279, 2ND PART)**

The Commission approved the minutes of its 2279th meeting, and decided to hold over approval of the minutes of its 2280th and 2281st meetings until a later meeting.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2019) 11)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 1 February 2019 (RCC(2019) 11).

It paid particular attention to the following points.

4.1. HORIZONTAL MATTERS

i) Multiannual Financial Framework 2021-2027 – Trilogues

(point 1.1.1 of the IRG record)

- Digital Europe programme for the period 2021-2027 (Regulation) – MLINAR report – 2018/0227 (COD)

The Commission approved the line set out in SI(2019) 87/2.

- European Defence Fund (Regulation) – KRASNODEBSKI report 2018/0254 (COD)

The Commission approved the line set out in SI(2019) 95/2.

ii) Multiannual Financial Framework 2021-2027 – February 2019 part-session of Parliament

(point 1.1.2 of the IRG record)

- Programme for single market, competitiveness of enterprises, including small and medium-sized enterprises, and European statistics and repeal of Regulations (EU) 99/2013, (EU) 1287/2013, (EU) 254/2014, (EU) 258/2014, (EU) 652/2014 and (EU) 2017/826 (Regulation) – DANTI report – 2018/0231 (COD)

The Commission approved the line set out in SP(2019) 72 and /2.

- EU Anti-Fraud Programme (Regulation) – SALAFRANCA SANCHEZ-NEYRA report – 2018/0211 (COD)

The Commission approved the line set out in SP(2019) 73.

- Common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, and the European Maritime and Fisheries Fund and financial rules for those and for the Asylum and Migration Fund, the Internal Security Fund and the Border

Management and Visa Instrument (Regulation) – NOVAKOV & KREHL report – 2018/0196 (COD)

The Commission approved the line set out in SP(2019) 74.

4.2. LEGISLATIVE MATTERS

iii) Trilogues

(point 3.1 of the IRG Record)

- Conservation of fishery resources and protection of marine ecosystems through technical measures, amendment of Council Regulations (EC) 1967/2006, (EC) 1098/2007, (EC) 1224/2009 and Regulations (EU) 1343/2011 and (EU) 1380/2013 of the European Parliament and of the Council, and repeal of Council Regulations (EC) 894/97, (EC) 850/98, (EC) 2549/2000, (EC) 254/2002, (EC) 812/2004 and (EC) 2187/2005 (Regulation) – MATO report – 2016/0074 (COD)

The Commission approved the line set out in SI(2019) 60.

- Amendment of Regulation (EU) 1343/2011 on certain provisions for fishing in the General Fisheries Commission for the Mediterranean (GFCM) Agreement area (Regulation) – ENGSTRÖM report – 2018/0069 (COD)

The Commission approved the line set out in SI(2019) 80.

- Multiannual recovery plan for Mediterranean swordfish, and amendment of Regulations (EC) 1967/2006 and (EU) 2017/2107 (Regulation) – AFFRONTE report – 2018/0109 (COD)

The Commission approved the line set out in SI(2019) 88.

- Work-life balance for parents and carers and repeal of Council Directive 2010/18/EU (Directive) – CASA report – 2017/0085 (COD)

The Commission approved the line set out in SI(2019) 81.

- Aspects concerning contracts for the supply of digital content (Directive)
– VOSS & GEBHARDT report – 2015/0287 (COD) / Certain aspects concerning contracts for the sale of goods, amendment of Regulation (EC) 2006/2004 of the European Parliament and of the Council and Directive 2009/22/EC of the European Parliament and of the Council and repeal of Directive 1999/44/EC of the European Parliament and of the Council (Directive) – ARIMONT report – 2015/0288 (COD)

The Commission approved the line set out in SI(2019) 86.

- Transparent and predictable working conditions in the European Union (Directive) – CALVET CHAMBON report – 2017/0355 (COD)

The Commission approved the line set out in SI(2019) 83/2.

- European Labour Authority (Regulation) – LENAERS report – 2018/0064 (COD)

The Commission approved the line set out in SI(2019) 90/2.

- Amendment of Regulation (EU) 952/2013 to prolong the transitional use of means other than the electronic data-processing techniques provided for in the Union Customs Code (Regulation) – SELIMOVIC report – 2018/0040 (COD)

The Commission approved the line set out in SI(2019) 85.

- Rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes (Regulation) – SVOBODA Report – 2016/0284(COD)

The Commission approved the line set out in SI(2019) 58.

- Creation of a European network of immigration liaison officers (Regulation – recast) – KYENGE report – 2018/0153 (COD)

The Commission approved the line set out in SI(2019) 89.

- Amendment of Regulation (EC) 810/2009 establishing a Community Code on Visas (Visa Code) (Regulation) – LÓPEZ AGUILAR report – 2018/0061 (COD)

The Commission approved the line set out in SI(2019) 99.

- Amendment of Directive 2008/96/EC on road infrastructure safety management (Directive) – AIUTO report – 2018/0129 (COD)

The Commission approved the line set out in SI(2019) 91.

- European Maritime Single Window environment and repeal of Directive 2010/65/EU (Regulation) – CLUNE report – 2018/0139 (COD)

The Commission approved the line set out in SI(2019) 93.

- Amendment of Council Directive 96/53/EC as regards the time limit for the implementation of the special rules regarding maximum length in case of cabs delivering improved aerodynamic performance, energy efficiency and safety performance (Decision) – DELLI report – 2018/0130 (COD)

The Commission approved the line set out in SI(2019) 92.

- Amendment of Regulation (EU) 1316/2013 with regard to the withdrawal of the United Kingdom from the Union (Regulation) – DELLI report – 2018/0299 (COD)

The Commission approved the line set out in SI(2019) 105.

- Amendment of Regulation (EC) 469/2009 concerning the supplementary protection certificate for medicinal products (Regulation) – DE GRANDES PASCUAL report – 2018/0161 (COD)

The Commission took note of the information in SI(2019) 101.

- Rules and procedures for compliance with and enforcement of Union harmonisation legislation on products and amendment of Regulations (EU) 305/2011, (EU) 528/2012, (EU) 2016/424, (EU) 2016/425, (EU) 2016/426 and (EU) 2017/1369 of the European Parliament and of the Council, and Directives 2004/42/EC, 2009/48/EC, 2010/35/EU, 2013/29/EU, 2013/53/EU, 2014/28/EU, 2014/29/EU, 2014/30/EU, 2014/31/EU, 2014/32/EU, 2014/33/EU, 2014/34/EU, 2014/35/EU, 2014/53/EU, 2014/68/EU and 2014/90/EU of the European Parliament and of the Council (Regulation) – DANTI report – 2017/0353 (COD)

The Commission approved the line set out in SI(2019) 104.

- Amendment of Regulation (EC) 862/2007 of the European Parliament and of the Council on Community statistics on migration and international protection (Regulation) – WIKSTRÖM report – 2018/0154 (COD)

The Commission approved the line set out in SI(2019) 107/2.

- Capital Markets Union Action Plan – Amendment of Directive 2009/65/EC of the European Parliament and of the Council and Directive 2011/61/EU of the European Parliament and of the Council with regard to cross-border distribution of collective investment funds (Directive) – KLINZ report – 2018/0041 (COD) / Cross-border distribution of collective investment funds and amendment of Regulation (EU) 345/2013 and (EU) 346/2013 (Regulation) – KLINZ report – 2018/0045 (COD)

The Commission approved the line set out in SI(2019) 109.

iv) European Parliament dossiers – February 2019 part-session

(point 3.2 of the IRG Record)

Ordinary legislative procedure – First reading

- Interoperability of electronic road toll systems and facilitation of cross-border exchange of information on the failure to pay road fees in the Union (Directive – recast) – SALINI report – 2017/0128 (COD)

The Commission approved the line set out in SP(2019) 75 and took note of the compromise text annexed thereto.

- Streamlining measures for advancing the realisation of the trans-European transport network (Regulation) – RIQUET report – 2018/0138 (COD)

The Commission approved the line set out in SP(2019) 76.

- Mutual recognition of goods lawfully marketed in another Member State (Regulation) – ŠTEFANEC report – 2017/0354 (COD)

The Commission took note of SP(2019) 77 and the compromise text annexed thereto.

- Amendment and correction of Regulation (EU) 167/2013 on the approval and market surveillance of agricultural and forestry vehicles (Regulation) – DANTI report – 2018/0142 (COD)

The Commission approved the line set out in SP(2019) 78 and took note of the compromise text annexed thereto.

- Minimum requirements for water reuse (Regulation) – BONAFÈ report – 2018/0169 (COD)

The Commission approved the line set out in SP(2019) 79 and /2.

- Amendment of Council Regulation (EC) 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (Regulation) – RADEV report – 2018/0203 (COD)

The Commission approved the line set out in SP(2019) 80.

- Amendment of Regulation (EC) 1393/2007 of the European Parliament and of the Council on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents) (Regulation) – COFFERATI report – 2018/0204 (COD)

The Commission approved the line set out in SP(2019) 81.

- Law applicable to the third-party effects of assignments of claims (Regulation) – SVOBODA report – 2018/0044 (COD)

The Commission approved the line set out in SP(2019) 82.

- Establishment of a multiannual plan for fish stocks in the Western Waters and adjacent waters, and for fisheries exploiting those stocks, amendment of Regulation (EU) 2016/1139 establishing a multiannual plan for the Baltic Sea, and repeal of Regulations (EC) 811/2004, (EC) 2166/2005, (EC) 388/2006, (EC) 509/2007 and (EC) 1300/2008 (Regulation) – CADEC report – 2018/0074 (COD)

The Commission took note of SP(2019) 83, further to note SI(2018) 725, which it had already approved on 11 December 2018.

- Amendment of Regulation (EC) 924/2009 as regards certain charges on cross-border payments in the Union and currency conversion charges (Regulation) – MAYDELL report – 2018/0076 (COD)

The Commission approved the line set out in SP(2019) 84 and /2, and took note of the compromise text attached to SP(2019) 84.

Special legislative procedure

- Amendment of Directive 2006/112/EC as regards the introduction of the detailed technical measures for the operation of the definitive VAT system for the taxation of trade between Member States (Council Directive) – MARTUSCIELLO report – 2018/0164 (CNS)

The Commission approved the line set out in SP(2019) 87.

v) Council dossiers

(point 3.3 of the IRG Record)

- Action of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (Regulation) – ROZIÈRE report – 2018/0189 (COD)

The Commission approved the line set out in SI(2019) 71/3.

- Quality of water intended for human consumption (Directive – recast) – DANTIN report – 2017/0332 (COD)

The Commission took note of the information in SI(2019) 100.

- Amendment of Regulation (EU) 1093/2010 establishing a European Supervisory Authority (European Banking Authority); Regulation (EU) 1094/2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority); Regulation (EU) 1095/2010 establishing a European Supervisory Authority (European Securities and Markets Authority); Regulation (EU) 345/2013 on European venture capital funds; Regulation (EU) 346/2013 on European social entrepreneurship funds; Regulation (EU) 600/2014 on markets in financial instruments; Regulation (EU) 2015/760 on European

long-term investment funds; Regulation (EU) 2016/1011 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds; Regulation (EU) 2017/1129 on the prospectus to be published when securities are offered to the public or admitted to trading on a regulated market; and Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money-laundering or terrorist financing (Regulation) – KARAS & BERÈS report – 2017/0230 (COD)

The Commission approved the line set out in SI(2019) 108.

4.3. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

vi) Programming of Council business

(SI(2019) 110)

The Commission took note of the information in SI(2019) 110 on the Council meetings between 7 and 20 February 2019.

vii) Non-legislative dossiers

(point 4.1 of the IRG Record)

- Council conclusions on Climate Diplomacy

The Commission took note of the information in SI(2019) 64 and /2.

- International Maritime Organisation – Union submission to the 74th session of the Marine Environment Protection Committee (MEPC 74) of the IMO (London, 13-17 May 2019) concerning a proposal for a new output to draw up harmonized rules on the discharge of liquid effluent from Exhaust Gas Cleaning Systems

The Commission approved the line set out in SI(2019) 94.

- Composition of the Committee of the Regions and composition of the European Economic and Social Committee (Council Decisions) – 2018/0401 (NLE) and 2018/0402 (NLE)

The Commission approved the line set out in SI(2019) 98.

4.4. RELATIONS WITH PARLIAMENT

viii) Action to be taken on Parliament's legislative resolutions and other resolutions of a legal nature

(SP(2019) 62 to /3)

The Commission decided to empower the Members of the Commission 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(2019) 62 to /3, drawn up following the part-session of Parliament of 30 and 31 January 2019, the contents of which were noted.

ix) Action taken on the non-legislative resolutions adopted by Parliament at its November II 2018 part-session

(point 5.6.1 of the IRG record)

The Commission approved document SP(2019) 92/3 on the action taken on the non-legislative resolutions adopted by Parliament at its November II 2018 part-session, for transmission to Parliament.

x) Results of the January II 2019 part-session of Parliament

(point 5.8.1 of the IRG record)

The Commission took note of the information on Parliament's part-session held in Brussels on 30 and 31 January, set out in SP(2019) 93.

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

xi) Action taken on the Contribution of the 60th Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union (Vienna, 18-20 November 2018)

(point 6.1.3 of the IRG record)

The Commission approved document SNP(2019) 5 containing its reply to the Contribution of the 60th Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union (COSAC) for transmission to the Presidency of COSAC.

xii) Follow-up to the opinions of the European Economic and Social Committee – Plenary session of September 2018

(point 6.3.2 of the IRG record)

The Commission approved document SC(2019) 3/2 on the follow-up by the Commission to the opinions adopted by the European Economic and Social Committee during the September 2018 session, for transmission to that Committee.

4.6. OTHER BUSINESS

xiii) Request of the Commission President to the independent advisory European Fiscal Board to carry out an assessment of the EU fiscal rules

(point 7.1 of the IRG Record)

The Commission took note of the information in SI(2019) 96.

xiv) Clarification on Humanitarian Exceptions in EU-UN FAFA (Financial and Administrative Framework Agreement) – Letter to

the UN

(point 7.2 of the IRG Record)

The Commission approved the line set out in SI(2019) 103.

5. MONITORING THE APPLICATION OF EUROPEAN UNION LAW

INFRINGEMENTS – URGENT INDIVIDUAL CASE

(SEC(2019) 85)

The Commission adopted the decision in SEC(2019) 85.

**6. COMMISSION RECOMMENDATION ON A EUROPEAN ELECTRONIC
HEALTH RECORD EXCHANGE FORMAT**

(C(2019) 800 AND /2; RCC(2019) 13)

The Commission approved the recommendation in C(2019) 800/2 and decided to notify it to the Member States that were the addressees of the act and to publish it, for information, in the Official Journal of the European Union.

7. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2019) 61 AND /2)

ADMINISTRATIVE MATTERS

(PERS(2019) 5 AND /2)

At the PRESIDENT's request, Mr OETTINGER presented two proposals for decisions which he was submitting to the College for approval.

Mr OETTINGER explained that, first, it was proposed to transfer in the interest of the service, under Article 7 of the Staff Regulations, Mr Timo PESONEN, currently

Director-General of DG Communication, to the post of Director-General of DG Internal Market, Industry, Entrepreneurship and SMEs. Mr PESONEN would replace Ms Lowri EVANS, who had announced her decision to exercise her right to retire on 1 March 2019.

He congratulated Mr Timo PESONEN, referring to his extensive professional career and the solid experience he had acquired at the Commission both in managing political dossiers and in management responsibilities. He would take up his new duties on 1 March 2019 in order to ensure an immediate transition at the head of DG Internal Market, Industry, Entrepreneurship and SMEs.

Mr OETTINGER warmly thanked Ms Lowri EVANS for the excellent quality of the work she had accomplished throughout her long career at the Commission and for her unwavering commitment to the institution and to Europe. On behalf of the Commission, he wished her all the best on the eve of a well-deserved retirement.

He added that it was also proposed to transfer in the interest of the service, under Article 7 of the Staff Regulations, Ms Pia AHRENKILDE HANSEN, currently Deputy Secretary-General and Chief Operating Officer at the Secretariat-General, to the post of Director-General of DG Communication.

He congratulated Ms Pia AHRENKILDE HANSEN and referred to the posts she had held and the responsibilities she had carried out at the Commission, in particular in the field of communication; these experiences made her particularly qualified to perform her new functions. Her transfer would be effective as of 16 March 2019 in order to minimise the period of transition to head of DG Communication.

The PRESIDENT noted the College's agreement on these two proposals for decisions and congratulated Mr Timo PESONEN and Ms Pia AHRENKILDE HANSEN, of whose capabilities he had personal knowledge. On behalf of the Commission, he thanked Ms Lowri EVANS for her commitment to serving the Commission and the European cause.

Mr OETTINGER also informed the College of the progress made in increasing female representation in management positions in the Commission, which was the subject of a third report. He highlighted the fact that at the start of its present mandate, the Commission had set itself the goal of achieving at least 40% of female representation in middle and senior management functions in 2019. He noted with satisfaction that the share of women in management posts at the Commission had risen from 30% in November 2014 to 39.6% today, thanks to the measures put in place by the present Commission and the combined efforts of the directorates-general and departments. He was therefore confident that the goal of at least 40% would be reached by the end of the current mandate.

The Commission took note of this information.

7.1. DG INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND SMEs – APPOINTMENT OF AD16 DIRECTOR-GENERAL

On a proposal from Mr OETTINGER, in agreement with the PRESIDENT, and after consulting Ms BIENKOWSKA, and also Mr ANSIP, Mr DOMBROVSKIS and Mr KATAINEN, the Commission decided to fill the post of Director-General of DG Internal Market, Industry, Entrepreneurship and SMEs by transferring in the interest of the service under Article 7 of the Staff Regulations Mr Timo PESONEN, an AD16 official and currently Director-General of DG Communication.

This decision would take effect on 1 March 2019.

7.2. DG COMMUNICATION – APPOINTMENT OF AD15 DIRECTOR-GENERAL

On a proposal from Mr OETTINGER, in agreement with the PRESIDENT, the Commission decided to fill the post of Director-General of DG Communication by transferring in the interest of the service under Article 7 of the Staff Regulations Ms Pia AHRENKILDE HANSEN, an AD15 official and currently Deputy Secretary-General in the

Secretariat-General.

This decision would take effect on 16 March 2019.

**7.3. DG HUMAN RESOURCES AND SECURITY – FEMALE REPRESENTATION IN MANAGEMENT FUNCTIONS IN THE COMMISSION – CURRENT SITUATION WITH REGARD TO THE GOAL SET OF AT LEAST 40%
(SEC(2019) 28)**

The Commission took note of SEC(2019) 28.

8. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

**8.1. WRITTEN PROCEDURES APPROVED
(SEC(2019) 57 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 28 January and 1 February 2019.

**8.2. EMPOWERMENT
(SEC(2019) 58 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 28 January and 1 February 2019.

**8.3. DELEGATION / SUBDELEGATION OF POWERS
(SEC(2019) 59 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 28 January and 1 February 2019 archived in Decide.

8.4. SENSITIVE WRITTEN PROCEDURES**(SEC(2019) 60 AND /2)**

The Commission took note of the sensitive written procedures for which the time limit expired between 4 and 8 February 2019.

Merger cases – Case M.8900 – *Wieland/Aurubis Rolled Products/Schwermetall* (C(2019) 922 – PE/2019/651) / Case M.8677 – *Siemens/Alstom* (C(2019) 921 – PE/2019/712)

Ms VESTAGER reminded the meeting that at the College's meeting on 15 January 2019 she had presented to the Members of the Commission two merger cases, the first between *Alstom* and *Siemens*, in the high-speed train sector and the sectors of signalling systems for some main lines outside urban areas and for urban systems, and the second concerning *Wieland* and *Aurubis*, in the rolled copper products sector. She welcomed the fact that that presentation had led to a valuable discussion on European competitiveness and a level playing field at international level, particularly with regard to China's trade strategy.

She then presented the two final decisions that she had proposed to the Commission for adoption by written procedure (PE/2019/712 and PE/2019/651).

9. GUIDELINES ON ETHICAL STANDARDS FOR THE PARTICIPATION OF THE MEMBERS OF THE EUROPEAN COMMISSION IN THE ELECTION CAMPAIGN – ELECTIONS TO THE EUROPEAN PARLIAMENT 2019 (23-26 MAY 2019)
(C(2019) 990)

The PRESIDENT presented the guidelines on the ethical standards applicable to the participation of the Members of the European Commission in the 2019 European

Parliament election campaign, which had been finalised under his authority taking into account the comments made at the College's meeting on 9 January 2019 and the opinion of the Independent Ethical Committee.

These guidelines would guarantee the coherent implementation of the revised Code of Conduct for the Members of the European Commission, which he had proposed and which had come into force in January 2018, in order to authorise the Members to participate actively in the European Parliament election campaign, including as lead candidates for the position of President of the Commission, without having to temporarily withdraw from their duties within the Commission, provided they ensured a clear distinction between their election campaign activities and their institutional activities.

Mr TIMMERMANS welcomed the fact that the finalised guidelines provided ethical recommendations and also introduced the concept of proportionality in applying the rules on the participation of Members of the Commission in the election campaign. Thus, all Members were, rightly, called on to use prudence, good judgement and good sense in order to judge, on a case by case basis, whether an activity or position during an election campaign was compatible with their function as a Member of the Commission.

He also underlined the need for Members participating in the European Parliament election campaign to guarantee institutional continuity, as well as the uninterrupted performance of their institutional and portfolio duties. He felt that this point was of particular importance, especially since numerous important legislative dossiers were currently being finalised in the European Parliament and the Council.

The PRESIDENT said he had confidence in the integrity and probity of the Members of the Commission who wished to participate in the European Parliament election campaign. Moreover, he was determined to respond where necessary to the criticisms of those who wanted Members to withdraw temporarily from their duties in order to campaign. He considered, on the one hand, that beyond the Commission, the effect of these criticisms would inevitably be to turn public opinion against

Europe; and, on the other, that the Members of the Commission retained their functions right up to the very last minute of the institution's term of office.

In conclusion, he noted the College's agreement to the Communication on the guidelines on the ethical standards applicable to the participation of Members of the European Commission in the 2019 European Parliament election campaign. These guidelines would enter into force immediately.

The Commission took note of this information and of the note in C(2019) 990.

10. OTHER BUSINESS

10.1. ACTION TO BE TAKEN ON DIRECTIVE (EU) 2018/2001 ON THE PROMOTION OF THE USE OF ENERGY FROM RENEWABLE SOURCES – ADDRESSING EMISSIONS FROM THE PRODUCTION OF BIOFUELS (INFO(2019) 5 AND /2)

At the PRESIDENT's invitation, Mr ARIAS CAÑETE presented to the College the recommended approach for drawing up a delegated act to be adopted as part of the implementation of the latest revision of the Renewable Energy Directive, which came into force on 24 December 2018 and must be transposed into the Member States' national law by 30 June 2021.

Mr ARIAS CAÑETE explained that the Directive, which was now in force, took into account the Indirect Land-Use Changes (ILUC) caused when food and feed production was replaced with crops for the production of biofuels. In particular, the Directive addressed the issue of the extension of agricultural land into areas with high carbon stock, such as forests, wetlands and peatlands, causing additional greenhouse gas emissions.

The Directive therefore set limits for each Member State for the use of high ILUC-risk biofuels. Thus, the use of these biofuels would be frozen at 2019

levels for the period 2021-2023, and would then be gradually reduced from 31 December 2023 to zero by 2030. These measures would have an impact on the amount of biofuels counted by the Member States when calculating the overall share of renewables used at national level and the percentage used in the transport sector. Member States would still be able to use and import fuels affected by these limits, but would no longer be able to count them for their renewable targets.

For the implementation of this new approach, the Commission was legally required to adopt a delegated act by 1 February 2019, at the request of the Parliament and the Council, setting out specific criteria determining, inter alia, crops with a high risk of causing Indirect Land-Use Change. This delegated act must be founded on the best available scientific data concerning the expansion of this category of food and feed crops worldwide.

Mr ARIAS CAÑETE said that according to the Commission's analyses, based on external studies compiled by the Joint Research Centre, oil crops used for biodiesel production had higher ILUC-risk than cereals and sugar crops. This was particularly true for palm oil, the cultivation of which on high-carbon stock land increased by almost 70% worldwide between 2008 and 2015.

He concluded from this that palm oil-based biofuels would be particularly affected by the limits laid down by the Directive, and that this would necessarily have an impact on the Member States' policy on the use of renewables, as well as on producer and exporter countries. The Commission's proposal must be transmitted to the European Parliament by 14 March to allow time for Parliament to scrutinise the proposed act by the end of the legislature. In order to comply with these deadlines, the Commission must immediately launch the inter-service consultation on the proposed delegated act so that, once this was concluded, the four-week public consultation period could be opened and the proposed delegated act sent to the Committee of Experts from the Member States.

In the course of the discussion that followed, the Commission raised the following key points:

- the importance of ensuring that the Commission's delegated act was compatible with World Trade Organisation rules;
- the need for the Commission not to risk an action for failure to act and for it to fulfil its legal obligations by submitting the delegated act to Parliament and the Council within the stipulated deadlines;
- a recommendation that the Renewable Energy Directive should contain a review clause making it possible in the medium term to envisage adaptations founded on the most highly developed scientific data, analyses and information;
- the need to verify that all the scientific data available had really been taken into account before the adoption of the delegated act;
- the political risks involved in adopting the delegated act, since it posed a threat to numerous economic interests, as well as the Member States' strategy to increase the use of renewables;
- the particular sensitivity of this issue for certain third-country partners of the EU, which could be affected by a significant reduction in palm oil imports into the Member States;
- hence the need for the Commission to assess the effect of the proposed measures on the EU's third-country partners and to plan for suitable communication of the measures to the countries that would be most affected.

Mr ARIAS CAÑETE said that he would take the comments and suggestions made during the discussion into account as far as possible when finalising the draft delegated act. Indonesia and Malaysia, which were major palm oil

exporters, had already expressed their intention of submitting a complaint to the WTO once the Union adopted measures limiting the use of palm oil in biofuels. Moreover, he felt that adoption of the delegated act was likely to expose the Commission to the criticism that it was not doing enough to combat deforestation, given that the European Parliament had wanted to ban altogether the use of palm or soya oil in biofuel production. He felt that the impact of the Commission's proposed measures needed to be put in perspective; this impact should be limited, given that the use of palm oil was still authorised in the agri-food sector and for the production of biofuels.

The Commission took note of this information and endorsed the approach proposed by Mr ARIAS CAÑETE.

10.2. WINTER ECONOMIC FORECASTS (INFO(2019) 6)

The PRESIDENT invited Mr DOMBROVSKIS and Mr MOSCOVICI to give the College a foretaste of the Winter 2019 Economic Forecast to be released on 7 February 2019.

Mr DOMBROVSKIS stressed that these were merely interim forecasts for growth and inflation for the period 2018-2020 in all the Member States, and that they were still subject to certain downside risks when the comprehensive forecast was published in May.

As a general comment, he noted some weakening of economic activity, although in variable proportions in different Member States. This trend was due chiefly to a slowdown in world trade and in growth in certain emerging markets, particularly China.

Mr MOSCOVICI added that this slowdown was also partly explained by internal factors, in particular the vulnerabilities in the budget balance in certain euro area Member States and the prospect of the UK's withdrawal from the Union. However, he stressed that overall the economic situation was

(6 February 2019)

still favourable, with record GDP growth for the sixth consecutive year. He concluded this short presentation by emphasising the good news of high employment rates.

The Commission took note of this information and of the note in INFO(2019) 6.

10.3. RESPECT FOR THE RULE OF LAW IN POLAND

The PRESIDENT invited Mr TIMMERMANS to review the state of play regarding the rule of law in Poland, following his visit to Krakow the previous week.

*

* *

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

*

* *

The meeting closed at 11.39.