



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

**PV(2019) 2296 final**

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

Brussels, 12 June 2019

# TEXTE EN

## MINUTES

**of the 2296<sup>th</sup> meeting of the Commission**

**held in Brussels**

**(Berlaymont)**

**on Wednesday 22 May 2019**

**(morning)**

—

**PV(2019) 2296 final**

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

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**Single sitting: Wednesday 22 May 2019 (morning)**

The sitting opened at 9.40 with Mr JUNCKER, President, in the chair.

Present:

|                 |                |
|-----------------|----------------|
| Mr JUNCKER      | President      |
| Mr ŠEFČOVIČ     | Vice-President |
| Mr KATAINEN     | Vice-President |
| Mr OETTINGER    | Member         |
| Mr HAHN         | Member         |
| Ms MALMSTRÖM    | Member         |
| Mr MIMICA       | Member         |
| Mr ANDRIUKAITIS | Member         |
| Mr AVRAMOPOULOS | Member         |
| Ms THYSSEN      | Member         |
| Mr STYLIANIDES  | Member         |
| Mr HOGAN        | Member         |
| Ms JOUROVÁ      | Member         |
| Ms VESTAGER     | Member         |
| Mr MOEDAS       | Member         |
| Sir Julian KING | Member         |

Items 1 to 8 (in part)

Absent:

|                 |                                         |
|-----------------|-----------------------------------------|
| Mr TIMMERMANS   | First Vice-President                    |
| Ms MOGHERINI    | High Representative /<br>Vice-President |
| Mr ANSIP        | Vice-President                          |
| Mr DOMBROVSKIS  | Vice-President                          |
| Mr ARIAS CAÑETE | Member                                  |
| Mr VELLA        | Member                                  |
| Mr MOSCOVICI    | Member                                  |
| Ms BULC         | Member                                  |
| Ms BIENKOWSKA   | Member                                  |
| Mr NAVRACSICS   | Member                                  |
| Ms CREȚU        | Member                                  |
| Ms GABRIEL      | Member                                  |

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

|                    |                                             |                        |
|--------------------|---------------------------------------------|------------------------|
| Mr SMULDERS        | Chef de cabinet to Mr TIMMERMANS            | Items 1 to 8 (in part) |
| Mr GRASSI          | Chef de cabinet to Ms MOGHERINI             |                        |
| Mr LEPASSAAR       | Chef de cabinet to Mr ANSIP                 |                        |
| Mr SUARDI          | Deputy Chef de cabinet to<br>Mr DOMBROVSKIS |                        |
| Ms LOBILLO BORRERO | Chef de cabinet to Mr ARIAS CAÑETE          |                        |
| Mr MUELLER         | Chef de cabinet to Mr VELLA                 |                        |
| Mr BAILLY          | Chef de cabinet to Mr MOSCOVICI             |                        |
| Mr ZAKONJŠEK       | Chef de cabinet to Ms BULC                  |                        |
| Mr HUSAK           | Chef de cabinet to Ms BIENKOWSKA            |                        |
| Ms KIRALY          | Chef de cabinet to Mr NAVRACSICS            |                        |
| Ms RUS             | Chef de cabinet to Ms CREȚU                 |                        |
| Ms BORISSOVA       | Chef de cabinet to Ms GABRIEL               |                        |

The following also sat in:

|                      |                                                                                |                  |
|----------------------|--------------------------------------------------------------------------------|------------------|
| Ms MARTÍNEZ ALBEROLA | Chef de cabinet to the PRESIDENT                                               |                  |
| Ms BANKS             | Deputy Director-General, Legal Service                                         |                  |
| Ms AHRENKILDE HANSEN | Director-General, DG Communication                                             |                  |
| Mr SCHINAS           | Head of the Spokesperson's Service and<br>Chief Spokesperson of the Commission |                  |
| Mr MOTOC             | European Political Strategy Centre                                             |                  |
| Ms JUHANSONE         | Deputy Secretary-General                                                       | Items 1 to 6     |
| Mr LEARDINI          | Acting Deputy Secretary-General                                                |                  |
| Mr SZOSTAK           | Deputy Chef de cabinet to the PRESIDENT                                        |                  |
| Ms DEJMEK HACK       | Adviser in the PRESIDENT's Office                                              | Items 1 to 6     |
| Mr DELVAUX           | Adviser in the PRESIDENT's Office                                              | Item 8 (in part) |
| Mr REMY              | PRESIDENT's Office                                                             |                  |

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|                   |                                   |                        |
|-------------------|-----------------------------------|------------------------|
| Mr HAGER          | Chef de cabinet to Mr OETTINGER   | Items 1 to 7           |
| Mr SCHULTE        | A member of Mr OETTINGER's staff  | Item 8 (in part)       |
| Ms ÅSENIUS        | Chef de cabinet to Ms MALMSTRÖM   | Item 8                 |
| Ms JUUL-JØRGENSEN | Chef de cabinet to Ms VESTAGER    | Item 8 (in part)       |
| Mr BENGTTSSON     | A member of Ms VESTAGER's staff   | Items 1 to 8 (in part) |
| Ms VILA NUÑEZ     | Secretariat-General               |                        |
| Ms ANDREEVA       | Commission Spokesperson's Service |                        |

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

**1. AGENDAS**

**(OJ(2019) 2296/FINAL; SEC(2019) 2296/2)**

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(2019) 2296)**

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 20 May 2019.

**3. APPROVAL OF THE MINUTES OF THE 2293<sup>RD</sup>, 2294<sup>TH</sup> AND 2295<sup>TH</sup> MEETINGS OF THE COMMISSION (30 APRIL, 7 AND 15 MAY 2019)**

**(PV(2019) 2293; PV(2019) 2293, 2<sup>ND</sup> PART; PV(2019) 2294)**

The Commission approved the minutes of its 2293<sup>rd</sup> and 2294<sup>th</sup> meetings and decided to hold over approval of the minutes of its 2295<sup>th</sup> meeting for a later meeting.

**4. INTERINSTITUTIONAL RELATIONS**

**(RCC(2019) 59)**

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 17 May 2019 (RCC(2019) 59).

It paid particular attention to the following points.

#### **4.1. HORIZONTAL MATTERS**

##### **i) 2021-2027 Multiannual Financial Framework – Council**

(point 1.1.3 of the IRG record)

- Asylum and Migration Fund (Regulation) – DALLI report – 2018/0248 (COD)

The Commission approved the line set out in SI(2019) 415.

- Establishment, as part of the Integrated Border Management Fund, of the instrument for financial support for border management and visa (Regulation) – FAJON report – 2018/0249 (COD)

The Commission approved the line set out in SI(2019) 416.

#### **4.2. LEGISLATIVE MATTERS**

##### **ii) Council dossiers**

(point 3.3 of the IRG record)

- Conditions for accessing the other EU information systems and amendment of Regulation (EU) 2018/1862 and Regulation (EU) 2018/xxx [ECRIS-TCN] (Regulation) – 2019/0001 (COD) / Conditions for accessing other EU information systems for ETIAS purposes and amendment of Regulation (EU) 2018/1240, Regulation (EC) 767/2008, Regulation (EU) 2017/2226 and Regulation (EU) 2018/1861 (Regulation) – 2019/0002 (COD)

The Commission approved the line set out in SI(2019) 418.

- 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 SI(2019) 425/3.

#### **4.3. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL**

##### **iii) Programming of Council business**

(SI(2019) 432)

The Commission took note of the information in SI(2019) 432 on the Council meetings between 23 May and 5 June 2019.

##### **iv) Non-legislative dossiers**

(point 4.1 of the IRG record)

- European Union pledges to the ‘Ending Sexual and Gender-Based Violence in Humanitarian Crises’ Conference (Oslo, 23-24 May 2019)

The Commission approved the line set out in SI(2019) 410/2.

- Position to be taken on behalf of the European Union in the International Telecommunication Union (ITU) World Radiocommunication Conference 2019 (WRC-19) – COM(2019) 117 (Council Decision) – 2019/0065 (NLE)

The Commission approved the line set out in SI(2019) 420.

- International Olive Council (IOC) – Renewal of the Executive Director and the two Deputy Executive Directors

The Commission approved the line set out in SI(2019) 421.

- Conclusion of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau (2019-2024) / Signing, on behalf of the Union, and provisional application of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau (2019-2024) (Council Decisions) – 2019/0090 (NLE) and 2019/0091 (NLE)

The Commission approved the line set out in SI(2019) 422.

- Authorisation of the opening of negotiations to conclude an international agreement with the United States of America on cross-border access to electronic evidence for judicial cooperation in criminal matters (Council Decision) / Authorisation of the participation in negotiations on a second Additional Protocol to the Council of Europe Convention on Cybercrime (CETS No. 185) (Council Decision)

The Commission approved the line set out in SI(2019) 423.

- Data Retention – Council conclusions on improving retention of data for the purpose of fighting crime effectively

The Commission approved the line set out in SI(2019) 430/5.

- List of ‘high risk’ third countries from an Anti-Money Laundering and Countering Terrorist Financing perspective

The Commission approved the line set out in SI(2019) 426/2.

#### **4.4. RELATIONS WITH PARLIAMENT**

- v) Action taken on the legislative opinions and non-legislative resolutions adopted by Parliament at its March II 2019 part-session**  
(point 5.6.2 of the IRG record)

The Commission approved, for transmission to Parliament, document SP(2019) 437/2 on the action taken on the legislative opinions and non-legislative resolutions adopted by Parliament at its March II 2019 part-session.

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

**vi) Follow-up to opinions of the European Economic and Social Committee – Plenary session of December 2018**

(point 6.3.1 of the IRG record)

The Commission approved document SC(2019) 14/2 on the follow-up by the Commission to the opinions adopted by the European Economic and Social Committee during the December 2018 session, for transmission to that Committee.

**vii) Follow-up to opinions of the European Economic and Social Committee – Plenary session of January 2019**

(point 6.3.2 of the IRG record)

The Commission approved document SC(2019) 16/2 on the follow-up by the Commission to the opinions adopted by the European Economic and Social Committee during the January 2019 session, for transmission to that Committee.

**4.6. OTHER BUSINESS**

**viii) European Union contribution to 1% levy for United Nations reform**

(point 7.1 of the IRG record)

The Commission approved the line set out in SI(2019) 411 and /2.

**5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS**

**5.1. WRITTEN PROCEDURES APPROVED**

**(SEC(2019) 217 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 13 and 17 May 2019.

**5.2. EMPOWERMENT**

**(SEC(2019) 218 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 13 and 17 May 2019.

**5.3. DELEGATION / SUBDELEGATION OF POWERS**

**(SEC(2019) 219 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 13 and 17 May 2019 archived in Decide.

**5.4. SENSITIVE WRITTEN PROCEDURES**

**(SEC(2019) 220 TO /3)**

The Commission took note of the sensitive written procedures for which the time limit expired between 20 and 24 May 2019.

**6. OTHER BUSINESS**

**INFORMATION POINT ON A MERGER CASE**

At the request of the PRESIDENT, Ms VESTAGER drew the College's attention to a specific merger case which would soon be the subject of a formal decision by the Commission.

**7. ADMINISTRATIVE AND BUDGETARY MATTERS**

**(SEC(2019) 221 AND /2)**

**ADMINISTRATIVE MATTERS**

**(PERS(2019) 48 AND /2)**

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

He explained that, first, it was proposed to appoint Ms Clara DE LA TORRE to the post of Deputy Director-General of DG Climate Action, at a date to be determined at a later stage. He stressed that with this appointment, the goal that the current Commission had set itself of achieving at least 40% of female representation in middle and senior management functions by the end of its mandate could be attained in the next few weeks.

Mr OETTINGER added that it was also proposed that the College amend the Secretariat-General's organisation chart by creating a temporary post of adviser hors classe for multilateralism and reform of the World Trade Organisation, and to transfer to this newly-created post in the interest of the service, under Article 7 of the Staff Regulations, Mr Jean-Luc DEMARTY, currently Director-General of DG Trade, on 1 June 2019.

The PRESIDENT noted the College's agreement on these two proposals for decisions.

**7.1. DG CLIMATE ACTION – APPOINTMENT OF AD15/16 DEPUTY  
DIRECTOR-GENERAL  
(PERS(2018) 60 TO /3)**

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 of DG Climate Action (PERS(2018) 60).

It took note of the opinions of the Consultative Committee on Appointments of 19 January and 28 February 2019 (PERS(2018) 60/2 and /3).

The Commission proceeded to compare the applicants' qualifications for the post. It also considered their ability, efficiency and conduct in the service. On a proposal from Mr OETTINGER, in agreement with the PRESIDENT and

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after consulting Mr ARIAS CAÑETE, and also Mr ŠEFČOVIČ and Mr KATAINEN, it decided to appoint Ms Clara DE LA TORRE to the post.

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

## **7.2. SECRETARIAT-GENERAL – AMENDMENT OF THE ORGANISATION CHART AND APPOINTMENT OF AD16 ADVISER HORS CLASSE**

On a proposal from Mr OETTINGER, in agreement with the PRESIDENT, the Commission decided:

- to create a temporary post of adviser hors classe entitled ‘Adviser hors classe for multilateralism and reform of the World Trade Organisation’, directly attached to the Secretary-General; this post would be abolished upon departure of the job holder;
- to transfer to this post in the interest of the service, under Article 7 of the Staff Regulations, Mr Jean-Luc DEMARTY, currently Director-General of DG Trade;
- that Mr Jean-Luc DEMARTY would retain his managerial level entitlement and his right to the other logistical arrangements applying to directors-general for a period not exceeding 12 months.

These decisions would take effect on 1 June 2019.

## **7.3. DG INTERNATIONAL COOPERATION AND DEVELOPMENT – APPOINTMENT OF AD14/15 DIRECTOR (PERS(2018) 81 TO /3)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director of Directorate ‘EU-AU Relations, West and East Africa’ in DG International Cooperation and Development (PERS(2018) 81).

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It took note of the opinions of the Consultative Committee on Appointments of 17 December 2018 and 7 February 2019 (PERS(2018) 81/2 and /3).

The Commission proceeded to compare the applicants' qualifications for the post. It also considered their ability, efficiency and conduct in the service. On a proposal from Mr OETTINGER, in agreement with the PRESIDENT and after consulting Mr MIMICA and also Ms MOGHERINI, it decided to appoint Ms Sandra KRAMER to the post.

These decisions would take effect on 1 June 2019.

**7.4. DG MIGRATION AND HOME AFFAIRS – AMENDMENT OF ORGANISATION CHART**  
**(SEC(2019) 222)**

On a proposal from Mr OETTINGER, in agreement with the PRESIDENT and after consulting Mr AVRAMOPOULOS and also Mr TIMMERMANS, the Commission decided:

- to create a new directorate HOME.F 'Financial Audit, Data Management and Risk Assessment' in DG Migration and Home Affairs;
- to transfer in the interest of the service, under Article 7 of the Staff Regulations, Ms Marta CYGAN, currently Director of Directorate HOME.A, 'Strategy and General Affairs', to the post of Director of the new Directorate HOME.F 'Financial Audit, Data Management and Risk Assessment' in DG Migration and Home Affairs;
- to adopt the new organisation chart set out in SEC(2019) 222.

These decisions would take effect on 16 June 2019.

Following the reorganisation, the total number of units in DG Migration and Home Affairs would remain unchanged.

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**7.5. EUROPEAN ANTI-FRAUD OFFICE – AUTHORISATION OF RECRUITMENT OF A TEMPORARY STAFF MEMBER, UNDER ARTICLE 2(A) OF THE CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS OF THE EUROPEAN UNION, AND EXTERNAL PUBLICATION OF A VACANCY NOTICE FOR AN AD14 PRINCIPAL ADVISER POST  
(PERS(2019) 49)**

On a proposal from Mr OETTINGER, in agreement with the PRESIDENT, the Commission decided:

- to authorise the recruitment of an AD14 temporary staff member, under Article 2(a) of the Conditions of Employment of Other Servants of the European Union, in order to fill a principal adviser post at the European Anti-Fraud Office, for a period of four years, renewable once for a maximum of two years;
- to authorise the external publication of the vacancy notice set out in PERS(2019) 49.

These decisions would take effect immediately.

**8. OTHER BUSINESS (CONTINUED)**

**8.1. STATE OF PLAY OF THE DISCUSSIONS ON THE 2021-2027 MULTIANNUAL FINANCIAL FRAMEWORK, FOLLOWING THE MEETING OF THE ‘GENERAL AFFAIRS’ COUNCIL (BRUSSELS, 21 MAY 2019)**

The PRESIDENT once again gave the floor to Mr OETTINGER so that he could report to the College on the discussions that had been held in the ‘General Affairs’ Council on 21 May 2019 on the EU’s next Multiannual Financial Framework, for the period 2021-2027.

Mr OETTINGER explained that the ministers had debated aspects of the Multiannual Financial Framework relating to external action, in particular concerning the Commission's proposals on the integration of the European Development Fund in the EU budget, and the allocation of funds for the neighbourhood policy.

He welcomed the fact that the Member States had not called into question the amount proposed for the neighbourhood policy, but noted that they were reluctant to grant the Commission more flexibility in managing external action funds and programmes, although this was a field in which the Union often had to react swiftly in order to address emergency situations. He felt it was important that this should be the case in the future. He also noted the declared wish of certain Member States to ring-fence funds allocated to the neighbourhood policy, which also went against greater flexibility in the use of these resources.

In addition, he raised the question of the integration of the European Development Fund in the EU budget, as supported by the European Parliament, which saw in it an opportunity to reinforce its sovereign powers. However, this question had to be subject to an agreement between the Member States.

Overall, Mr OETTINGER felt that the negotiations on the next Multiannual Financial Framework were reaching a decisive point. He reminded Members that this important proposal would be on the agenda of the European Council meetings on 20 and 21 June, 17 and 18 October and 12 and 13 December this year. This was why, in his view, it was desirable for the President of the European Council and the EU leaders to make the adoption of the next Multiannual Financial Framework an absolute priority, independently of the institutional transition and the process of the United Kingdom's withdrawal from the Union.

He therefore called on the Members of the College to indicate to the Council of Ministers, in their respective areas of responsibility, that the time had come to inform the EU leaders of the policy lines for the next Multiannual Financial Framework with a view to the next European Council meeting in June. He also said that a number of European Parliament rapporteurs already associated with the dossiers concerning the next Financial Framework should be re-elected, which would make it possible to rapidly confirm a number of partial agreements following the European elections.

Mr HAHN said he felt it was important for the European Development Fund to be integrated in the EU budget, as provided for in the Commission's proposal, to avoid a complete ring-fencing of financing between development policy and neighbourhood policy. He stressed that the Commission had to be allowed more flexibility in managing funds allocated to external action, to enable the Union to address emergency situations swiftly and effectively.

The Commission took note of this information.

## **8.2. RECENT DEVELOPMENTS IN TRADE RELATIONS**

The Commission discussed the recent developments concerning the trade negotiations with the Mercosur countries, Australia and New Zealand, relations in this field with the U.S. and the work under way regarding the reform of the World Trade Organisation (WTO).

## **8.3. INFORMATION POINT ON THE AGREEMENTS SIGNED ON 20 MAY 2019 WITH CHINA IN THE FIELD OF AVIATION**

The PRESIDENT asked Mr KATAINEN, in the absence of Ms BULC, to present to the College the two agreements she had recently signed on the Commission's behalf with China in the field of aviation.

Mr KATAINEN explained that Ms BULC had signed a bilateral agreement on civil aviation safety and a horizontal aviation agreement.

He explained that the aim of the first of these was to support the worldwide trade in aircraft and related products by removing the duplication of the evaluation and certification tasks carried out by the civil aviation authorities in both the EU and China, thus reducing costs in the sector. This agreement would also promote cooperation between the two parties to ensure a high level of civil aviation safety and environmental compatibility.

By the second agreement, China recognised the principle of EU designation, whereby all EU airlines would be able to offer flights to China from any EU Member State with a bilateral air services agreement with China under which unused traffic rights were available. Up until now, only airlines owned and controlled by a given Member State or its nationals could fly between that Member State and China. The conclusion of this agreement would thus bring bilateral air services agreements between China and EU Member States into line with EU law, providing more legal certainty which would be beneficial to airlines on both sides.

Mr KATAINEN also drew the College's attention to a question that was holding up the signing of four important air transport agreements concluded with Ukraine in October 2013, Armenia in November 2017, Tunisia in December 2017 and Qatar in February 2019. The signing of these agreements was still pending due to the dispute between Spain and the UK on the issue of the definition of the territory of the European Union (the 'Gibraltar clause'). The fact that the four agreements had not been signed represented a significant cost to the Union of around EUR 1.2 billion per year.

To break the deadlock, he referred to the option advocated by Ms BULC, consisting of trying to obtain a commitment from the UK in the Council not to oppose the signing of the four EU agreements, which would mean activating paragraph 7 of the European Council (Article 50) conclusions of 10 April 2019.

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 10.35.