



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2019) 2304 final

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

Brussels, 4 September 2019

TEXTE EN

MINUTES

of the 2304th meeting of the Commission

held in Strasbourg

(Winston Churchill building)

on Tuesday 16 July 2019

(afternoon)

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Single sitting: Tuesday 16 July 2019 (afternoon)

The sitting opened at 13.36 with Mr JUNCKER, President, in the chair.

Present:

Mr JUNCKER	President	
Mr TIMMERMANS	First Vice-President	
Ms MOGHERINI	High Representative / Vice-President	Item 6 (in part)
Mr ŠEFČOVIČ	Vice-President	
Mr DOMBROVSKIS	Vice-President	
Mr KATAINEN	Vice-President	
Mr OETTINGER	Member	
Mr HAHN	Member	
Mr ARIAS CAÑETE	Member	
Mr VELLA	Member	
Mr ANDRIUKAITIS	Member	
Mr AVRAMOPOULOS	Member	Items 1 to 6 (in part)
Ms THYSSEN	Member	
Mr STYLIANIDES	Member	
Mr HOGAN	Member	
Ms BULC	Member	
Ms BIENKOWSKA	Member	
Ms JOUROVÁ	Member	
Mr NAVRACSICS	Member	
Ms VESTAGER	Member	
Mr MOEDAS	Member	Item 6 (in part)
Sir Julian KING	Member	
Ms GABRIEL	Member	

Absent:

Ms MALMSTRÖM

Member

Mr MIMICA

Member

Mr MOSCOVICI

Member

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

Mr SKORPEN ANDERSSON	Ms MALMSTRÖM's Office
Mr BEHRNDT	Chef de cabinet to Mr MIMICA
Mr DARMON	Mr MOSCOVICI's Office

The following also sat in:

Ms MARTÍNEZ ALBEROLA	Chef de cabinet to the PRESIDENT
Mr ROMERO REQUENA	Director-General, Legal Service
Ms AHRENKILDE HANSEN	Director-General, DG Communication
Mr SCHINAS	Head of the Spokesperson's Service and Chief Spokesperson of the Commission
Mr MOTOC	European Political Strategy Centre
Ms JUHANSONE	Deputy Secretary-General
Mr THOLONIAT	Adviser in the PRESIDENT's Office
Ms ARKI	PRESIDENT's Office
Mr DE ELERA	A member of Mr TIMMERMANS's staff
Ms VILA NUÑEZ	Secretariat-General
Mr SNELS	Secretariat-General
Mr CAINZOS	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) 2304/FINAL; SEC(2019) 2304)

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) 2304)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 15 July 2019.

3. APPROVAL OF THE MINUTES OF THE 2302ND AND 2303RD MEETINGS OF THE COMMISSION (3 AND 10 JULY 2019)

The Commission decided to hold over approval of the minutes of its 2302nd and 2303rd meetings for a later meeting.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2019) 81)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 12 July 2019 (RCC(2019) 81).

It paid particular attention to the following points.

4.1. HORIZONTAL ITEM

i) 2021-2027 Multiannual Financial Framework – Council

(point 1.1.3 of the IRG record)

- Proposal presented to the Council by the High Representative of the Union for Foreign Affairs and Security Policy, with the support of the Commission, for a Council Decision establishing a European Peace Facility – HR(2018) 94

The Commission approved the line set out in SI(2019) 526.

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

ii) Follow-up to opinions of the Committee of the Regions – Plenary session of February 2019

(point 6.4.1 of the IRG record)

The Commission decided to postpone this item for a later meeting.

4.3. OTHER BUSINESS

iii) Active Monitoring and Forecast of Budget Implementation 2019 (AMFBI) – Summer Information Note

(point 7.1 du compte rendu de GRI)

The Commission took note of the information in SP(2019) 34.

iv) United Nations High Level Political Forum on Sustainable Development (New York, 16-17 July 2019)

(point 7.2 of the IRG record)

The Commission took note of the information in SI(2019) 525 and /2.

- v) Update on negotiations with main implementing partners on tax avoidance criteria and non-paper on transposition requirements**
(point 7.3 of the IRG record)

The Commission approved the line set out in SI(2019) 527.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED

(SEC(2019) 276 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 8 and 12 July 2019.

5.2. EMPOWERMENT

(SEC(2019) 277 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 8 and 12 July 2019.

5.3. DELEGATION / SUBDELEGATION OF POWERS

(SEC(2019) 278 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 8 and 12 July 2019 archived in Decide.

5.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2019) 279 AND /2; RCC(2019) 2304)

The Commission took note of the sensitive written procedures for which the time limit expired between 15 and 19 July 2019, and the finalisation written

procedure (PE/2019/5162) initiated following the weekly meeting of Chefs de cabinet on Monday 15 July 2019, pursuant to point 5.2 of RCC(2019) 2304.

**6. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – STRENGTHENING THE RULE OF LAW WITHIN THE UNION – A BLUEPRINT FOR ACTION
(COM(2019) 343 AND /2; RCC(2019) 85)**

Mr TIMMERMANS presented the blueprint for action to strengthen the rule of law within the European Union, which set out a series of concrete measures to be carried out around the three pillars highlighted in the Commission's Communication of 3 April 2019 on the same subject. These pillars were (i) promotion of a rule of law culture, (ii) prevention of problems related to the rule of law and (iii) an effective response to violations of the rule of law.

In 2014 the Commission had adopted a new framework to strengthen the rule of law, which it had used in recent years to react to a series of situations of non-compliance with the rule of law in the European Union. He stressed that European integration was based on respect for the rule of law, which was a necessary condition for citizens to be able to exercise their rights and for mutual trust to be established between Member States.

In presenting this initiative, which had been announced in the Commission's Work Programme for 2019, Mr TIMMERMANS began by noting that it had been the subject of an extensive consultation and took on board several suggestions made by the European Parliament and by certain Member States, as well as the significant clarifications provided by the recent judgments of the Court of Justice of the European Union.

Concerning the **promotion of a culture, standards and case law with regard to the rule of law**, the Communication included (i) a yearly event on the rule of law open to national stakeholders and civil society organisations, (ii) stronger cooperation with the Council of Europe, the Organisation for Security and Cooperation in Europe (OSCE) and the Organisation for Economic Cooperation and Development (OECD), (iii) increased cooperation with European and other judicial networks to promote rule of law standards, and, lastly, (iv) a specific public communication strategy on the rule of law.

As regards **prevention**, the Communication envisaged two particularly important measures. The first was to set up a permanent network of contact points in Member States and the Commission to enable, on the one hand, ongoing dialogue on rule of law issues in order to detect at an early stage and examine national reforms that might affect the rule of law, and, on the other, continuous information-sharing and discussion on the development of the instruments in the Member States' toolbox. The second measure was to set up an annual Rule of Law Review Cycle in the Member States based on a report drawn up each year by the Commission. This report would cover all the Member States and any noteworthy changes and trends concerning the rule of law, whether positive or negative.

Lastly, with regard to an **effective response to serious challenges to the rule of law**, the Communication suggested a number of measures including (i) a strategic approach to infringement procedures and the promotion of standards developed by the Court of Justice of the European Union, (ii) support provided to the Member States to defuse risk situations or to exit rule of law related procedures, including by means of follow-up monitoring, and (iii) a debate on whether other mechanisms to protect the Union's interests would be appropriate in common policies other than the budget.

Mr TIMMERMANS felt that this set of measures was realistic, sound and capable of meeting expectations. He observed that by significantly strengthening the aspects relating to promotion and prevention, the aim was to reduce the number of systemic violations requiring a response.

He felt that with that day's Communication, the Commission was presenting a sustainable contribution to the defence of one of the EU's most important common values at a particularly timely moment. It was also sending the message that defending the rule of law was and would remain a fundamental guiding principle for the Commission and the Union as a whole, whatever the political or institutional context.

In conclusion, Mr TIMMERMANS stressed that the Court of Justice of the European Union had recently reaffirmed that the rule of law was essential to the functioning of the Union and that as the watchdog of the Treaties, the European Commission had a particular role to play in this area. He regretted that this principle had been challenged in several ways over the last five years and pointed out that the College had had to resolutely defend this fundamental value, without which the Union would be ineffective. With this blueprint for action, the Commission was showing the way forward. However, all the EU institutions and the Member States had joint responsibility with regard to respect for the rule of law. He warmly thanked all those who had helped to prepare the blueprint.

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

- the importance of defending the rule of law by making available to the Commission all the tools needed to ensure compliance;
- support for a firm approach by the Commission with regard to any compromise that would risk undermining the independence of the judiciary, while taking into account the practical aspects of the functioning of the justice system in the Member States;
- the observation that a uniform interpretation of the prescriptions of the rule of law by the judges in all the Member States was essential for the proper functioning of the Union and its single market;

- emphasis on the importance attached to strengthening the rule of law among the priorities of the Finnish Presidency of the Council of the EU;
- the communication efforts needed to improve citizens' understanding of the consequences of undermining the rule of law and to strengthen mutual trust between stakeholders in the Member States;
- the fears of Member States that were being monitored by the Commission under the Cooperation and Verification Mechanism.

Replying to this last observation, Mr TIMMERMANS pointed out that at the time of their accession to the Union in 2007, Bulgaria and Romania had undertaken to achieve certain rule of law objectives, in particular the fight against corruption. As this process was still ongoing, it was logical for these two Member States to remain subject to the Cooperation and Verification Mechanism; once these objectives were achieved, the countries would move to a system of monitoring and control by means of horizontal instruments. However, he explained that the Commission did not make any distinction between the Member States and refused any system of double standards. He also drew attention to the fact that several Member States would be affected by the recent decision of the EU Court of Justice on the independence of prosecutors.

The PRESIDENT noted the Commission's unanimous agreement on the content of the blueprint for action on the rule of law. He congratulated Mr TIMMERMANS on the excellent work he had consistently carried out to strengthen the rule of law and defend one of the EU's fundamental values.

The PRESIDENT also informed the meeting that he had nominated two candidates for the post of Member of the Commission on the basis of the suggestions made by the Estonian and Romanian governments, following the departure of Mr ANSIP and Ms CREȚU to take up seats in the European Parliament. Since, under the Treaties, the present term of office would end on 31 October, and given the significant costs linked to the appointment of new Members of the Commission, he had proposed to

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the Council, under Article 246, third paragraph, of the Treaty on the Functioning of the European Union, that the two Members of the Commission who had chosen to take up seats in the European Parliament should not be replaced. The Council had not agreed to this proposal. In September the candidates nominated to replace them would appear before the Conference of Committee Chairs of the European Parliament for an exchange of views. Owing to the short time during which they would carry out their duties, he would not assign them a specific portfolio.

Lastly, the PRESIDENT announced, with great regret and sadness, the decision of the Secretary-General of the Commission, Mr Martin SELMAYR, to be removed from office. He said that he had decided to accept this decision, and explained that Mr SELMAYR had taken it because of the pressure from certain political groups in the European Parliament vis-à-vis Ms Ursula von der LEYEN, with a view to her obtaining the necessary votes in the European Parliament to be elected President of the Commission. He felt that by acting in this way, these political groups were failing to respect the prerogatives of the President of the Commission. In conclusion, he said that the College would return to this subject the following week.

On a proposal from the PRESIDENT, the Commission agreed that the Communication set out in COM(2019) 343/2 would be formally adopted by finalisation written procedure, the deadline for which was set at 15.00 on Wednesday 17 July (PE/2019/5105).

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The meeting closed at 14.07.