



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2020) 2325 final

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

Brussels, 4 March 2020

TEXTE EN

MINUTES

**of the 2325th meeting of the Commission
held in Strasbourg
(Winston Churchill building)
on Tuesday 11 February 2020
(afternoon)**

PV(2020) 2325 final

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Single sitting: Tuesday 11 February 2020 (afternoon)

The sitting opened at 13.16 with Ms von der LEYEN, President, in the chair.

Present:

Ms von der LEYEN	President	
Mr TIMMERMANS	Executive Vice-President	Items 1 to 7 (in part)
Ms VESTAGER	Executive Vice-President	
Mr DOMBROVSKIS	Executive Vice-President	Items 1 to 7 (in part)
Mr BORRELL i FONTELLES	High Representative/ Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Ms JOUROVÁ	Vice-President	
Ms ŠUICA	Vice-President	
Mr SCHINAS	Vice-President	
Mr HAHN	Member	
Mr HOGAN	Member	
Ms GABRIEL	Member	
Mr SCHMIT	Member	
Mr GENTILONI	Member	
Mr WOJCIECHOWSKI	Member	
Mr BRETON	Member	
Ms FERREIRA	Member	
Ms KYRIAKIDES	Member	
Mr REYNDERS	Member	
Ms DALLI	Member	
Ms JOHANSSON	Member	
Mr LENARČIČ	Member	
Ms VÁLEAN	Member	
Ms URPILAINEN	Member	
Ms SIMSON	Member	
Mr SINKEVIČIUS	Member	

Absent:

Mr VÁRHELYI

Member

The following sat in to represent an absent Member of the Commission:

Ms HAENICKE	A member of Mr VÁRHELYI's staff
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The following also sat in:

Mr SEIBERT	Chef de cabinet to the PRESIDENT	
Mr ROMERO REQUENA	Director-General, Legal Service	
Ms AHRENKILDE HANSEN	Director-General, DG Communication	
Mr MAMER	Head of the Spokesperson's Service and Chief Spokesperson of the Commission	
Ms PETKOVA	Director of Coordination and Administration in the PRESIDENT's Office	
Mr USTUBS	Adviser in the PRESIDENT's Office	
Mr JØRGENSEN	Chef de cabinet to Ms VESTAGER	Item 7
Ms LOTSON LÓPEZ	Mr BORRELL's Office	Items 7 and 8
Mr VALERO LADRÓN	Secretariat-General	

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

1. AGENDAS

(OJ(2020) 2325/FINAL; SEC(2020) 2325/FINAL)

The Commission took note of that day's agenda and of the tentative agendas for forthcoming meetings.

2. WEEKLY MEETING OF CHEFS DE CABINET

(RCC(2020) 2325)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 10 February 2020.

3. APPROVAL OF THE MINUTES OF THE 2321ST, 2322ND, 2323RD AND 2324TH MEETINGS OF THE COMMISSION (14, 22 AND 29 JANUARY, AND 5 FEBRUARY 2020)

(PV(2020) 2321; PV(2020) 2321, 2ND PART; PV(2020) 2322; PV(2020) 2322, 2ND PART)

The Commission approved the minutes of its 2321st and 2322nd meetings and decided to hold over approval of the minutes of its 2323rd and 2324th meetings for a later meeting.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2020) 15)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 7 February 2020 (RCC(2020) 15).

It paid particular attention to the following points.

4.1. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

i) Programming of Council business

(SI(2020) 43)

The Commission took note of the information in SI(2020) 43 on the Council meetings between 13 and 26 February 2020.

4.2. RELATIONS WITH PARLIAMENT

ii) Non-legislative dossiers – Preparation for the February 2020 part-session

(point 5.1 of the IRG record)

- Oral question O-000011/2020 – Protecting the EU's internal market and consumer rights against the negative implications of the illegal trade in companion animals

The Commission took note of SP(2020) 32.

- Oral question O-000008/2020 – Automated decision-making processes: ensuring consumer protection and the free movement of goods and services

The Commission took note of document SP(2020) 52/2.

- Oral question O-000012/2020 – Revision of the guidelines for trans-European energy infrastructure

The Commission took note of SP(2020) 70.

iii) Action taken on the non-legislative resolutions adopted by Parliament at its November II 2019 part-session

(point 5.6.2 of the IRG record)

The Commission approved document SP(2020) 56/3 on the action taken on the non-legislative resolutions adopted by Parliament at its November II 2019 part-session, for transmission to Parliament.

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

iv) Action taken on the Contribution of the 62nd Conference of Parliamentary Committees for Union Affairs (Helsinki, 1 to 3 December 2019)

(point 6.1.3 of the IRG record)

The Commission approved document SNP(2020) 4 on the action taken on the contribution to the 62nd Conference of Parliamentary Committees for Union Affairs (COSAC), and decided to send the reply annexed to document SNP(2020) 4 to the COSAC Presidency.

**5. COORDINATION OF EXTERNAL ACTION
(RCC(2020) 19)**

The Commission took note of the operational conclusions in RCC(2020) 19 of the meeting of the Group for External Coordination (EXCO) held on Wednesday 5 February 2020.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

**6.1. WRITTEN PROCEDURES APPROVED
(SEC(2020) 66 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 3 and 7 February 2020.

6.2. EMPOWERMENT
(SEC(2020) 67 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 3 and 7 February 2020.

6.3. DELEGATION / SUBDELEGATION OF POWERS
(SEC(2020) 68 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 3 and 7 February 2020 archived in Decide.

6.4. SIGNIFICANT WRITTEN PROCEDURES
(SEC(2020) 69 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 10 and 17 February 2020 and of the finalisation written procedure initiated following the weekly meeting of Chefs de cabinet on Monday 10 February 2020.

**6.5. UPDATE OF A NUMBER OF EMPOWERMENTS IN THE LIGHT OF
THE NEW ALLOCATION OF RESPONSIBILITIES AMONG THE
MEMBERS OF THE COMMISSION**
(C(2020) 796)

The Commission adopted the decision in C(2020) 796.

7. POLICY DEBATE ON EUROPEAN DEFENCE

(SEC(2020) 83 ; RCC(2020) 20)

The President introduced the policy debate by underlining that an in-depth discussion was required on an issue that had not been on the agenda for decades: European defence.

She pointed out that, following the Second World War, Western Europe had entrusted its security to the North Atlantic Treaty Organisation (NATO), thanks to which the nations that became the European Union benefited from a solid military alliance that protected them and allowed them to prosper. She highlighted the key provision of the North Atlantic Treaty, Article 5, which set out the principle of collective defence, pursuant to which members of the Alliance committed to protecting each other, thereby establishing a spirit of solidarity within NATO.

She noted that, since its establishment in 1949, NATO had modernised to keep step with the events that had transformed Europe and the world. The Union for its part, in adopting the 2007 Treaty of Lisbon, had introduced a provision that went relatively unnoticed at the time, allowing for a core of Member States to collaborate further by creating a European defence structure, known as ‘Permanent Structured Cooperation’ (PESCO).

She saw 2016 as a turning point. The Union was experiencing a difficult period, particularly given the referendum on the withdrawal of the United Kingdom. International crises were proliferating. Moreover, in the United States the newly-elected President, Donald Trump, had declared NATO to be obsolete and had demanded that the European Union engage further with the Alliance and intensify its efforts to guarantee its own defence by ensuring the interoperability of its military capabilities, even though the fragmentation of these capabilities between Member States made collective defence ineffective and particularly costly.

She considered that this combination of events had been a wake-up call for the Union, 22 Member States of which were NATO members, and had particularly

worried the central and eastern Member States, which were very attached to the Alliance. Thus, the idea of defining an approach to European autonomy, without calling into question the NATO framework, had been revived.

She noted that in 2017, 25 EU Member States had decided to put into practice the concept of Permanent Structured Cooperation by creating a framework in which they could jointly develop projects involving the pooling and interoperability of their military capabilities, in order to be able to act if necessary. In taking this decision, the Member States had drawn on the lessons of experience, in particular the situation in which they had found themselves in 2014 when they had wished to assist Mali to defend itself while it was destabilised by powerful terrorist movements, but had not had the resources to act. France had then launched operation ‘Barkhane’, providing military support to Mali, which the United Nations and the European Union had subsequently joined and which had prevented the collapse of the Malian state.

The PRESIDENT noted that a three-pronged approach was now being taken to European defence, based on (i) NATO, (ii) Permanent Structured Cooperation and the mechanisms put in place under that framework and (iii) the European Defence Fund, launched at the initiative of the Commission presided by Mr JUNCKER. The allocation to the Fund under the next Multiannual Financial Framework depended on the negotiations ongoing in the European Parliament and the Council.

She welcomed the many advances made in the area of defence over the past two or three years, and particularly the creation of the European Defence Fund, which would make it possible to coordinate, supplement and amplify Member States’ investments in defence resources and encourage cooperation between defence industries across the Union in the production of cutting-edge, interoperable technology and equipment. She underlined that it was in Europe's interest to become autonomous over time, and also highlighted the rationalisation that would result from purchasing military equipment through the launch of a single public procurement procedure rather than 27, by making certain investments jointly and

developing European technology together. She stressed that ownership of a technology was the best means to autonomous decision-making.

Mr BORRELL confirmed the pressing necessity for the Union to do far more to ensure its defence in the face of the complexity and scale of the risks to which its security and that of the world were exposed. He deemed a genuinely common defence policy, a vision referred to in Article 42(2) of the Treaty on European Union, to be indispensable, provided that the political will was present on the part of the Member States.

He noted that the common security and defence policy currently encompassed 16 military and civilian missions deployed in 17 places around the world, representing around 5 000 people. In other words, he perceived in it the germ of an intervention capability which was as yet insufficient to meet current needs.

He indicated that the Commission, which did not have competences in the area of defence, nonetheless had an important role to play in this context, from the point of view in particular of its competences in the area of the internal market. As regards the European Defence Fund, he underlined that the fund's mission would be to avoid duplication of investment by the different Member States, develop synergies between them and pool certain capabilities. He explained that the European Defence Fund would accompany the process from conception to the creation of prototypes, but would not cover the production phase of the equipment and technologies that it would help to develop.

He also referred to the new 'Strategic Compass' initiative taken by the Member States. This was a strategic reflection tool in the area of security and defence that would make it possible to have an overview of threats and capacity with a view to developing a common approach.

He also presented the work carried out by the European Defence Agency headed by him with a view to analysing duplications and contributing to capability development plans.

Mr BORRELL concluded by emphasising that, in spite of this welcome and commendable progress, the Union was still far from having a European army and European defence capabilities, which depended on the political will of the Member States to go much further and do much more together. It would very soon be possible to gauge the extent of this political will in the financial allocation to be granted to the European Defence Fund for 2021-2027. Finally, he reminded the meeting that decisions relating to common security and defence policy required unanimity of the Member States.

Ms VESTAGER raised three main points in this debate. First, she considered that the Commission needed to arrive at a common definition of what would constitute European defence, and the principles that would guide it. NATO would remain the cornerstone of collective European defence, and anything the Union did with regard to defence would complement this framework, as a stronger European Union would make NATO stronger as well. It was therefore a matter of extending and strengthening the excellent cooperation already in place.

Second, the Union had to consolidate and move forward with the significant advances already made at the instigation of the previous Commission, which had laid the foundations of European defence. The political balances underlying the new tools at the Union's disposal would need to be respected. With regard to the European Defence Fund, for instance, Ms VESTAGER recommended setting out a competitive programme which would make provision for the broadest possible cross-border participation of small and medium-sized enterprises in the Union. She also stressed the need to convince the Member States to provide sufficient financing under a 2021-2027 Multiannual Financial Framework that would be in accordance with the Union's new political priorities. She placed particular emphasis on the fact that without funding, the Union would miss out on and lose the opportunity to make defence cooperation a reality on the ground.

Third, it might be necessary for the Union to consider new initiatives to fill certain gaps. In this spirit, she supported the 'strategic compass' initiative, to which the Commission could make a significant contribution.

The PRESIDENT had asked her to promote ‘cross-fertilisation’ between civil, military and space industries, which she considered highly important. She gave a few examples, such as the internet, and regretted that these were all American, not European. Numerous Union programmes supporting research and technology in different fields were not connected to each other, despite the fact that grouping them together strategically would improve Europe’s technological competitiveness. Ms VESTAGER welcomed the creation of an interdepartmental group a few days before, which would start this work within the Commission. The industrial strategy to be presented to the College in March would provide an opportunity to develop this ambition.

Mr BRETON reminded the meeting that the last discussions on the creation of a European defence system dated from 1954, when the Treaty of Paris made provision for the establishment of a European Defence Community (EDC), which was ultimately rejected. He therefore welcomed the fact that, 66 years later, Europe had finally decided to re-address this issue.

The Union had to embark on this debate without naivety and taking into account the international context, which had seen major players such as China and the United States increase their defence budgets sharply, whereas the EU Member States had continued to reduce theirs. Furthermore, the Union could not ignore the need for the Member States to assume greater responsibilities and make greater efforts in the field of defence. In this respect, Mr BRETON recalled the US President’s repeated message that the country spent nearly 400 billion dollars on European defence.

He pointed out that the EU was not starting from scratch in envisaging a Defence Union and that it could draw on numerous existing initiatives. Mr BRETON mentioned in particular the Coordinated Annual Review on Defence (CARD), better rapid-response capabilities for the Union, the new Permanent Structured Cooperation (PESCO) for those Member States willing to strengthen their defence commitments, and the definition of strategic guidelines. The coherence of these initiatives ought to be ensured. However, each of the initiatives had its own

governance rules, and the new European Defence Fund in particular was a Union programme adopted by ordinary legislative procedure, the governance of which was subject to qualified majority voting, with a significant role for the European Parliament.

With regard to the European Defence Fund launched under the previous Commission, Mr BRETON reported that the 27 Member States had unanimously decided to set out a budget for action, enabling a decisive step to be taken towards developing a European defence system. The Fund's philosophy was to pool resources in order to allow joint investments.

The Commission had to prepare actively for the implementation of this instrument, which from 2021 could provide up to EUR 1 billion of financing per year for industrial projects and which would be one of the key elements of a future Defence Union.

For this reason, he considered that the Commission was entering a decisive stage in which it would have to assert its credibility and establish an administrative culture of security and defence within its departments; this had already begun, notably with the creation of a Directorate-General entirely dedicated to the defence industry and space.

Mr BRETON underlined the inclusive nature of the work begun, which would join together all Member States in drawing up a shared philosophy regarding defence and would of necessity involve enterprises of all sizes operating throughout the Union, for the progressive creation of a spirit of cooperation on the basis of shared interests in the field of security. Although cooperation with NATO was an important aspect, the Union nevertheless had to ensure that common defence increased in importance in an autonomous manner, so that over time it could make a more substantial contribution to collective defence.

He explained that the European Defence Fund would provide real support for projects in areas relating to strategic capabilities. He mentioned, in this respect, the

Eurodrone, a medium-altitude, long-endurance drone, which constituted an alternative to US and Israeli rivals. He also mentioned anti-drone systems, space situational awareness capacity, early warning systems, the next generation of ground-based precision strike capabilities, the development of cyber defence technologies and systems, and support for projects at innovative small and medium-sized enterprises.

He further explained that the mechanism of the Fund, which should have a budget of EUR 13 billion for the duration of the next Multiannual Financial Framework, had already been tested and had prompted both the United States and the United Kingdom to express interest in taking part in it, although there was no scope for that at this point.

He also drew attention to the success of the development of the European Union's space policy and, in particular, of Galileo, a flagship, strategic project, for which the new generation of satellites had led to an increase in precision from 20 cm to two centimetres, thus broadening the range of their military applications.

He pointed to the possibility of the European Defence Fund providing *ad hoc* financing for certain permanent structured cooperation ventures. He also pointed out that, in the framework of permanent structured cooperation, it was important for projects to have a structuring effect on the operational level as well as in terms of capabilities.

As regards the implementation of the European Defence Fund, he drew the Commission's attention to the fact that direct management of the projects funded would require working methods adapted to the field of security, and an adequate certification level.

To conclude his presentation, Mr BRETON stressed the importance of not cutting the EUR 13 billion budget provided for in the next Multiannual Financial Framework for the 2021-2027 period so that the European Union could provide

itself with the means to meet its ambitions and be able to develop the tools that would enable it to remain the master of its own destiny.

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

- the gap, at times considerable, between the positions Member States held with respect to a European defence capacity, ranging from the rejection of any initiative in this sensitive area to support for the development of a fully fledged common foreign and defence policy;
- in any case, the inevitability of a European defence dimension in order to put an end to the fragmentation of the European arms sector, which resulted in the duplication of effort and public expenditure, and to benefit from the economies of scale necessary for this sensitive industrial sector to remain viable;
- emphasis on the synergies existing between the defence and the civilian sectors and a reminder that technological innovations financed for military purposes could have a direct impact on civilian applications;
- the need for an inclusive, forward-looking approach for the European Defence Fund, involving all the Member States and all the players in the sector, including small and medium-sized enterprises;
- the importance of moving beyond the mere interoperability of the military equipment developed in Member States to focus on an integrated approach inspired by the initiatives already adopted by some of them, which was the only option in the long term capable of underpinning joint operations involving all Member States;
- the advisability of reiterating that the development of a European defence capacity was aimed at bolstering NATO and not replacing it;

- the advantage of envisaging such a boost to NATO within the framework of real cooperation between the European Union and the alliance, rather than within the latter's own confines;
- the need to take into consideration non-conventional capabilities and the concept of nuclear deterrence in planning for the establishment of a European defence system;
- for some, the case for bringing together all the initiatives under way relating to security within the framework of a 'Defence Union'; the preference expressed by others for the term 'Security Union';
- the importance of a broad conception of European defence, that would extend to other concepts, such as the security of food and energy supplies, as well as the dual external and internal aspects of security;
- the limited enthusiasm, according to some, displayed by European citizens with respect to the concept of European defence and the lack of will on the part of Member States to defend the budget which the Commission suggested allocating to the European Defence Fund in its proposal for the Multiannual Financial Framework for the 2021-2027 period;
- according to others, the manifest and unequivocal public support for a joint capability, regularly reflected in opinion polls, and pointing to a real discrepancy between public opinion and the positions adopted by national governments on this issue;
- the need to include cybersecurity fully within the scope of European defence;
- the importance of taking into consideration the protection of European citizens' personal data, *inter alia* within the context of trade policy;
- the role that trade policy could play in encouraging cooperation with the European Union's international partners in the field of technology;

- the advisability of developing trade defence instruments to protect the European Union from unfair trade practices, particularly in sensitive areas.

The PRESIDENT picked up on some of the points raised during the discussion.

She confirmed that in many Member States, a significant majority of people supported the idea of defence at European level.

On the question of the name, she acknowledged that the term ‘Permanent Structured Cooperation’ did not mean much to the public. She therefore recommended a more understandable name such as the European Defence Union. On the idea of building a European army, she said that in some Member States this raised the question of sovereignty. For this reason, she suggested referring instead to setting up an ‘army of Europeans’, which better conveyed the idea of cooperation.

As regards the benefits of the European Defence Fund instrument, by way of a simple example she pointed out that whereas the United States had six models of combat aircraft, the EU had 20. This meant, moreover, that there were 20 national budgets for maintaining the equipment, training pilots, etc. She approved the change in approach that had led to the building of the Airbus, for which Europeans had joined forces.

Concerning the flags used by European peacekeeping or security missions, she believed that the EU flag should accompany that of the participating Member States.

On the subject of the ‘intervention initiative’ recently presented by France, she said that this was a very important strategic reflection initiative aimed at developing a common strategic culture in the EU.

Lastly, she asked Mr BORRELL to explain how the Permanent Structured Cooperation would tie in with third countries and suggested to Mr SCHINAS that a policy debate on hybrid threats be held before June.

Mr BORRELL said that exchanges on European defence should be stepped up. He highlighted three groups of Member States: (i) those which felt the NATO

framework was sufficient to ensure defence of the EU, (ii) those which, conversely, wanted to move towards a European army capable of being deployed on the ground, as in the operation in Mali, and (iii) those which did not want to put in place means of intervention, preferring instead to build up defence capabilities that were as interoperable as possible.

On a personal note, he echoed what the PRESIDENT had said in her political guidelines: ‘We need further bold steps in the next five years towards a genuine European Defence Union’.

In his view, security and defence went hand in hand and it was essential to increase investment and develop EU defence capabilities, including at the operational level, in order to equip the Union with the means to be a key player on the world stage. He mentioned that the political will of the Member States would be put to the test in the coming days or weeks, since they would have to take decisions on the subject of the situation in the Sahel and Libya.

He also announced that in June he would be presenting a report to the Foreign Affairs Council on the coherence of all the defence initiatives taken at EU level.

In conclusion, he regretted that the European Defence Agency did not receive the financing commensurate with its task, which, moreover, tied in with the task of the European Defence Fund.

Ms VESTAGER noted that the Member States had misgivings about the Fund since they felt that the cooperation projects it financed benefited only a small number of Member States. For this reason, she recommended strongly making the point that this instrument would benefit not just several Member States but also SMEs in the Union. In her view, the result of the invitations to tender for previous projects, which would be delivered in April 2020, was the best way to demonstrate this ambition in practice.

Mr BRETON returned to the deficit in the financing of the European Defence Agency and the Agency’s involvement in implementing the European Defence

Fund. He said that he would shortly be making proposals to strengthen the link with the Agency, while drawing attention to the governance issues that had to be taken into account. These chiefly related to the need to distinguish clearly among management methods based on the source of the financing.

The PRESIDENT wound up the policy debate by thanking the College for this fruitful first discussion, to which the Commission would return in due course.

The Commission took note of the contributions to the debate and its results and of the background note in SEC(2020) 83.

8. OTHER BUSINESS

LATEST DEVELOPMENTS CONCERNING THE CORONAVIRUS

The PRESIDENT asked Ms KYRIAKIDES to brief the College on the latest developments regarding the spread of the Coronavirus from Wuhan in China where the outbreak started, and on the measures taken by the Union.

Ms KYRIAKIDES noted that the Commission was continuing to work on all fronts to support the efforts to tackle the virus, by coordinating and working with the Member States to share information, assess needs and ensure a coherent response and preparedness in the whole of the Union. The Commission and the European External Action Service were monitoring the situation closely and the crisis mechanisms had been triggered at European level. She also mentioned her contacts both with the Chinese authorities and the World Health Organisation, and the initiatives she had taken within the Commission in cooperation with Mr LENARČIČ. She referred in particular to the setting up of a working group to ensure the rapid exchange of information.

She felt that it was time to put in place a coordinated EU-wide approach. This would be discussed by the Employment, Social Policy, Health and Consumer Affairs Council at its extraordinary meeting on the coronavirus on 13 February.

She added two important points of information. First, two Member States were already applying travel restrictions to contain the spread of the epidemic. Second, if the crisis were to continue and transport continued to be seriously disrupted, the Union might have difficulties in securing supplies of medicines whose ingredients were produced in China.

The PRESIDENT thanked Ms KYRIAKIDES and Mr LENARČIČ for the calm manner and the excellent spirit of cooperation with which they were managing this crisis on behalf of the Commission.

The Commission took note of this information.

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The meeting closed at 15.11.