



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2020) 2337 final

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

Brussels, 10 June 2020

TEXTE EN

MINUTES

of the 2337th meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 13 May 2020

(morning)

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

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Single sitting: Wednesday 13 May 2020 (morning)

The sitting opened at 9.00 with Ms von der LEYEN, President, in the chair.

Present:

Ms von der LEYEN	President
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The following members attended by videoconference or teleconference:

Mr TIMMERMANS	Executive Vice-President
Ms VESTAGER	Executive Vice-President
Mr DOMBROVSKIS	Executive Vice-President
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 KYRIAKIDES	Member
Mr REYNDERS	Member
Ms DALLI	Member
Ms JOHANSSON	Member
Mr LENARČIČ	Member
Ms VÁLEAN	Member
Mr VÁRHELYI	Member
Ms URPILAINEN	Member
Ms SIMSON	Member
Mr SINKEVIČIUS	Member

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Absent:

Ms FERREIRA

Member

Mr SOBRAL Chef de cabinet to Ms FERREIRA

Mr SEIBERT

Mr FLOSDORFF Executive Adviser in the PRESIDENT's Office

Ms HILI Adviser in the PRESIDENT's Office Items 7 to 11

Mr WINTERSTEIN DG Competition

Mr ROMERO REQUENA Director-General, Legal Service

Mr LEARDINI Deputy Secretary-General

Ms PETKOVA Director of Coordination and Administration in
the PRESIDENT's Office

Mr MOUTARLIER	Chef de cabinet to Mr BRETON	Items 1 to 7/11 (in part)
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Mr TAQUET-GRAZIANI Secretariat-General

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1. AGENDAS**(OJ(2020) 2337/FINAL; SEC(2020) 2337/FINAL)**

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

The PRESIDENT opened the meeting of the College by announcing that, for the time being, it would be the last one to be held by videoconference and teleconference given the gradual easing of the lockdown measures in Belgium and the rest of the Union. She stated that the Commission meeting of 20 May would take place in the 'Robert Schuman' room of the Berlaymont, which, given its size, would enable compliance with the physical distancing requirement. She added that this would also be the case for the Commission seminar taking place on Thursday 14 May and dedicated to the preparation of the Commission's revised proposal for the 2021-2027 multiannual financial framework.

2. WEEKLY MEETING OF CHEFS DE CABINET

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 11 May 2020 by videoconference and teleconference.

**3. APPROVAL OF THE MINUTES OF THE 2334TH, 2335TH AND 2336TH MEETINGS OF THE COMMISSION (22 AND 29 APRIL, AND 6 MAY 2020)
(PV(2020) 2334)**

The Commission held over approval of the minutes of its 2334th, 2335th and 2336th meetings for a later meeting.

4. INTERINSTITUTIONAL RELATIONS (RCC(2020) 60)

The Commission took note of the record of the virtual meeting of the Interinstitutional Relations Group (IRG) held by videoconference and teleconference during the week of 4 to 8 May 2020 (RCC(2020) 60).

It paid particular attention to the following points.

4.1. LEGISLATIVE MATTERS

i) European Parliament dossiers – May 2020 part-session

- 2018 Discharge – Consolidated annual accounts of the European Union for the financial year 2018

The Commission approved the line set out in SP(2020) 118 and /4.

- Draft motion for a European Parliament resolution, under Article 225 of the Treaty on the Functioning of the European Union ‘A safety net to protect the beneficiaries of the EU programmes – Setting up a Multiannual Financial Framework contingency plan’ – OLBRYCHT & MARQUES report – 2020/2051 (INL)

The Commission approved the line set out in SP(2020) 119 and /2.

- Empowering of Germany to amend its existing bilateral road transport agreement with Switzerland with a view to authorising cabotage operations in the course of international road passenger transport services by coach and bus in the border regions between the two countries (Decision) – FERBER report – 2019/0107 (COD) / Empowering of Italy to negotiate and conclude an agreement with Switzerland authorising cabotage operations in the course of international road passenger transport services by coach and bus in the border regions between the two countries (Decision) – FERBER report – 2019/0108 (COD)

The Commission approved the line set out in SP(2020) 167.

4.2. RESPONSE TO THE COVID-19 PANDEMIC

- ii) Amendment of Regulation (EU) 2017/352, so as to enable managing bodies or competent authorities to provide flexibility in respect of the levying of port infrastructure charges in the context of the COVID-19 outbreak (Regulation) – 2020/0067 (COD)**

The Commission approved the line set out in SI(2020) 143.

- iii) Amendment of Regulation (EC) No 1008/2008 of the European Parliament and of the Council on common rules for the operation of air services in the Community in view of the COVID-19 pandemic (Regulation) – 2020/0069 (COD)**

The Commission approved the line set out in SI(2020) 147.

- iv) Specific and temporary measures in view of the COVID-19 outbreak and concerning the validity of certain certificates, licences and authorisations and the postponement of certain periodic checks and training in certain areas of transport legislation (Regulation) – 2020/0068 (COD)**

The Commission approved the line set out in SI(2020) 148/2.

- v) Amendment of Directive (EU) 2016/797 and Directive (EU) 2016/798, as regards the extension of their transposition period – 2020/0071 (COD)**

The Commission approved the line set out in SI(2020) 149.

4.3. RELATIONS WITH PARLIAMENT

vi) Action taken on the non-legislative resolutions adopted by Parliament at its January I 2020 part-session – Part I

The Commission approved document SP(2020) 153/2 on the action taken on the non-legislative resolutions adopted by Parliament at its January I 2020 part-session, for transmission to Parliament.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED

(SEC(2020) 162 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 4 and 8 May 2020.

5.2. EMPOWERMENT

(SEC(2020) 163 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 4 and 8 May 2020.

5.3. DELEGATION / SUBDELEGATION OF POWERS

(SEC(2020) 164 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 4 and 10 May 2020 archived in Decide.

5.4. SIGNIFICANT WRITTEN PROCEDURES**(SEC(2020) 165 AND /2)**

The Commission took note of the significant procedures for which the time limit expired between 11 and 15 May 2020 and of the finalisation written procedures initiated following the weekly meeting of Chefs de cabinet on Monday 11 May 2020.

6. ADMINISTRATIVE AND BUDGETARY MATTERS**(SEC(2020) 166 AND /2)****ADMINISTRATIVE MATTERS****(PERS(2020) 40 AND /2)**

At the PRESIDENT's invitation, Mr HAHN presented an additional proposal for an administrative decision which was tabled directly to the College for approval.

Mr HAHN explained that it was proposed to transfer, in the interest of the service, under Article 7 of the Staff Regulations, Mr Bernard MAGENHANN, currently Deputy Director-General of DG Human Resources and Security, to the post of Deputy Director-General in charge of Directorates C, G, R of the Joint Research Centre (JRC), with effect from 16 May 2020.

He highlighted the great skills, outstanding career and recognised expertise of Mr Bernard MAGENHANN, which would be valuable assets in his new post. He also expressed his sincere thanks to him for contributing with great dedication and availability to a smooth transition at the helm of DG Human Resources and Security over the past months.

6.1. JOINT RESEARCH CENTRE – APPOINTMENT OF AD15 DEPUTY DIRECTOR-GENERAL

On a proposal from Mr HAHN, in agreement with the PRESIDENT, and after

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consulting Ms GABRIEL, the Commission decided to transfer, in the interest of the service, under Article 7 of the Staff Regulations, Mr Bernard MAGENHANN, currently Deputy Director-General in charge of Directorates AMC, A and B, and Units R.1 and R.2 of DG Human Resources and Security, to the post of Deputy Director-General in charge of Directorates C, G, R of the Joint Research Centre (JRC).

This decision would take effect on 16 May 2020.

**6.2. DG EUROSTAT – APPOINTMENT OF AN AD14 DIRECTOR
(PERS(2019) 55 TO /4)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii), Article 29(1)(b) and Article 29(2) of the Staff Regulations for the post of Director of the ‘Macro-economic Statistics’ Directorate in Eurostat (PERS(2019) 55 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 17 February and 12 March 2020 (PERS(2019) 55/3 and /4).

The Commission proceeded to compare the applicants’ qualifications for the post. On a proposal from Mr HAHN, in agreement with the PRESIDENT and after consulting Mr GENTILONI, it then decided to appoint Mr František BERNADIČ to the post.

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

**6.3. PUBLICATIONS OFFICE – APPOINTMENT OF AN AD14/15
DIRECTOR
(PERS(2019) 64 TO /3)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii), and Article 29(1)(b) of the Staff Regulations for the post of Director of the ‘Information Management’ Directorate in the Publications Office (PERS(2019) 64).

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It took note of the opinions of the Consultative Committee on Appointments of 20 and 27 June, and 20 November 2019 (PERS(2019) 64/2 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 HAHN, in agreement with the PRESIDENT, it then decided to appoint Mr Franck NOËL to the post.

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

**6.4. DG RESEARCH AND INNOVATION – APPOINTMENT OF AD14/15
PRINCIPAL ADVISER AND SECONDMENT TO THE EUROPEAN
RESEARCH COUNCIL EXECUTIVE AGENCY
(PERS(2019) 122 TO /3)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Principal Adviser in DG Research and Innovation (PERS(2019) 122).

It took note of the opinions of the Consultative Committee on Appointments of 11 November and 12 December 2019 (PERS(2019) 122/2 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 HAHN, in agreement with the PRESIDENT, and after consulting Ms GABRIEL, it then decided to:

- appoint Mr Waldemar KÜTT to the vacant post;
- second Mr Waldemar KÜTT to the post of Executive Director of the European Research Council Executive Agency (ERCEA) in Brussels, for a four-year term of office.

These decisions would take effect on a date to be determined.

- 7. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, AND THE COMMITTEE OF THE REGIONS – TOURISM AND TRANSPORT IN 2020 AND BEYOND**
(COM(2020) 550 TO /3; (RCC(2020) 63; INFO(2020) 16/8)
- 8. COMMUNICATION FROM THE COMMISSION (‘NOTICE’) – COVID-19 – EU GUIDANCE FOR THE PROGRESSIVE RESUMPTION OF TOURISM SERVICES AND FOR HEALTH PROTOCOLS IN HOSPITALITY ESTABLISHMENTS**
(C(2020) 3251 TO /5; RCC(2020) 63; INFO(2020) 16/8)
- 9. COMMUNICATION FROM THE COMMISSION (‘NOTICE’) – COVID-19 – TOWARDS A PHASED AND COORDINATED APPROACH FOR RESTORING FREEDOM OF MOVEMENT AND LIFTING INTERNAL BORDER CONTROLS**
(C(2020) 3250 TO /3; RCC(2020) 63; INFO(2020) 16/8)
- 10. COMMUNICATION FROM THE COMMISSION (‘NOTICE’) – COVID-19 – GUIDELINES ON THE PROGRESSIVE RESTORATION OF TRANSPORT SERVICES AND CONNECTIVITY**
(C(2020) 3139 TO /4; RCC(2020) 63; INFO(2020) 16/8)
- 11. COMMISSION RECOMMENDATION ON VOUCHERS OFFERED TO PASSENGERS AND TRAVELLERS AS AN ALTERNATIVE TO REIMBURSEMENT FOR CANCELLED PACKAGE TRAVEL AND TRANSPORT SERVICES IN THE CONTEXT OF THE COVID-19 PANDEMIC**
(C(2020) 3125 AND /2; RCC(2020) 63; INFO(2020) 16/8)

The PRESIDENT introduced the discussion on the set of guidelines and other recommendations that the Commission was presenting in the fields of tourism and transport. She explained that at a time when the curve for the number of cases of

virus transmission had started to decrease across the Union, the proposals were intended to guide the Member States in the different phases to come in exiting the emergency arrangements introduced in response to the COVID-19 pandemic. She therefore considered it appropriate to recommend to the Member States, on the basis of sound epidemiological data and once the health conditions allowed, a number of coordinated steps to start a progressive return to tourism activities in the EU. She highlighted the numerous aspects to be considered in these stages – from the progressive lifting of certain temporary restrictions on the free movement of people to restarting transport and including economic recommendations, the use of digital technologies and provisions on consumer rights.

Ms VESTAGER pointed out the extent to which these guidelines were awaited in Europe, both by citizens, who needed a certain degree of predictability to plan their holidays after a long lockdown, and by businesses in the tourism sector, which were among the hardest hit by the current crisis and could not afford to lose a summer season.

In the light of the results presented that day, she welcomed the excellent cooperation between the many Members of the Commission involved, their cabinets and their departments, given the many elements that had to be combined in order to establish conditions in which it was possible to consider restarting tourist activity, in as coordinated a manner as possible and under the best possible safety conditions in the EU.

She felt that today's proposals fully met the objective pursued, which was to present clear guidelines that were honest without being overly prescriptive, knowing that the health situation still held many uncertainties. That was why they put health and safety at the heart of these recommendations, calling on all stakeholders – consumers, Member States, regions and tourism businesses – to take the necessary precautions to create a climate of trust and to shoulder their own responsibility in the decisions that fell to each of them. She insisted on the fact that every stakeholder had to be fully informed of the risks of spreading the virus and thus arrive at informed decisions about undertaking a trip, authorising the reopening of borders,

welcoming visitors or offering tourism services in the EU. It was therefore crucial to have access to real-time information, which was provided for by different channels in all the recommendations.

She briefly mentioned the issue of wearing masks, pointing out the huge differences in the positions taken by the Member States and even their cultural traditions in this area. She therefore approved the idea that the Commission would leave a margin of discretion to the national and regional authorities.

She also stressed that all the specific measures that would be taken to ensure tourism in the EU could restart must respect the fundamental principle of non-discrimination. If a Member State decided to authorise travel on its territory or in certain areas within its territory, it would have to authorise it for all citizens and residents of areas in the same epidemiological situation, whatever their nationality.

Ms VESTAGER also referred to the digital contribution to this restart, either by means of future, voluntary, applications for tracing people with COVID-19 and their contacts with a view to informing them and isolating them, or via the website announced in that day's proposals, which would provide real-time information on health conditions throughout the EU for citizens wishing to travel or while they are travelling. She also welcomed the Commission's recommendation to put in place a patronage voucher system and a platform for connecting participants and providers of tourism services.

Concluding her introduction, she felt that the Commission was very well placed to play a role as the digital coordination centre linking all relevant institutional actors.

Mr SCHINAS was very satisfied with the set of recommendations and guidelines that the Commission proposed that day, which covered many sectoral policies. He stressed how closely the four pillars on which they were based were linked – lifting border restrictions, resuming transport, health recommendations to operators in the sector and consumer rights. He welcomed the message that the Commission was going to send – that the summer season would not be lost but that it would be different because it would be surrounded by all the necessary precautions to ensure

the safety of visitors and staff of the tourist industry, which was in itself a major victory given the situation in the EU just two months earlier. He highlighted the balanced tone of the guidelines presented, which were clear, specific and non-discriminatory, without being too prescriptive.

He also noted with satisfaction that the guidelines concerning the progressive lifting of controls at the EU's internal borders avoided the pitfall of replacing the current restrictions with multilateral agreements thanks to the criterion of similar epidemiological situation, which would make it possible to extend the lifting of controls to all parts of the EU which met that criterion. He noted that in this interim step prior to the restoration of the integrity of the Schengen area, the Commission was insisting very clearly that the strategy presented was based on epidemiological data.

Mr SCHINAS concluded by returning to the relaxation of the State aid rules that the Commission had decided to authorise a few weeks earlier to allow Member States to support their businesses. Although he recognised the validity of this measure, which was adopted at the worst moment of the health crisis in order to avoid dramatic cascading bankruptcies, he pointed out that these flexible arrangements should remain exceptional and limited in time so as not to cause distortions in the single market. He suggested that the State aid received should be taken into account in the preparation of the recovery plan that the Commission would propose adding to the revised 2021-2027 multiannual financial framework.

Ms JOUROVÁ noted that it was a particularly appropriate time for the Commission to propose a balanced, prudent and honest package of practical recommendations on the eve of a tourist season that would be very different from previous ones. She confirmed that non-discrimination should be the governing principle in their implementation, including in re-establishing freedom of movement and lifting controls at the Union's internal borders once the epidemiological situation allowed this to be done safely.

She also endorsed the balanced solution adopted on the issue of vouchers between upholding consumer rights and supporting a tourism sector in crisis. From her standpoint, however, this measure would inevitably draw criticism from one side or the other. She therefore urged the Commission to mount a solid communications campaign that at the same time should seek to win the support of consumer organisations.

Finally, she returned briefly to the issue of the wearing of masks and re-emphasised that, depending on the Member State, the Commission would be accused of doing too much or too little. She therefore felt that the position adopted on this issue in its recommendations was appropriate.

Ms KYRIAKIDES felt that the result of the Commission's collective efforts presented today struck the right balance between all the issues at stake and welcomed the fact that the resumption of tourism activities was being considered amid a fundamental concern for continuing to protect public health. She felt that the Commission had a responsibility to provide information that would allow tourists in future to feel safe, bearing in mind that the coronavirus had not disappeared.

On the issue of masks, she explained that the Commission was not advocating that all citizens should wear them; nor was it advocating specific types of masks, basing itself on the recommendations of the European Centre for Disease Prevention and Control (ECDC).

Furthermore, the preconditions for any resumption of tourism activities were clearly set out in the guidelines sent to the Member States and based on controlling the transmission of the virus. In terms of restarting transport, a scientific opinion was expected imminently. Moreover, the measures recommended to accommodation establishments took account of the opinion of the European Centre for Disease Prevention and Control to help prepare them for the return of tourists, who would nevertheless have to continue to exercise a great deal of responsibility.

Mr BRETON stressed that the set of guidelines presented today was open-ended and would be regularly updated on the basis of the general situation and innovative ideas

from tourism businesses on the ground. He also emphasised that this was the right time to present the guidelines just as the Union was starting to ease its lockdown. However, he acknowledged the political sensitivity of this issue, in view of the high stakes, particularly jobs in the tourism sector, which employed over 23 million workers in small and medium-sized enterprises (SMEs), but also in light of the high expectations of the public and operators, as well as the lingering serious uncertainty about a summer resumption.

The Commission was today advising national, regional and local authorities and also making practical recommendations to businesses in the sector and to consumers to collectively prepare for a summer season which nevertheless promised to be difficult once the conditions had been satisfied. The challenge would be to ensure that these guidelines were developed on the ground.

He reiterated that the sector's 2.4 million or so businesses, representing 90% of SMEs, together with the whole of the ecosystem, accounted for 10% of the Union's gross domestic product. Yet they faced serious cash flow problems which, without support measures, could threaten their existence. That was why the Commission had adopted a raft of support measures over the past two months: an easing of the State aid framework; assistance from the European Investment Fund for SMEs; measures geared to the more flexible use of European funds; and the SURE initiative to support short-time working in the Member States.

Beyond the practical advice and financial support initiatives, Mr BRETON felt that the Union also needed a long-term strategy for European tourism. While he favoured encouraging local tourism inside the Union, which would undoubtedly be popular over the next few months, he also proposed considering more environmentally friendly, digital and resilient forms of tourism by 2050. He therefore called for the organisation of a European Tourism Convention, as soon as the situation allowed, to discuss these future possibilities.

Ms JOHANSSON cited the proposed common approach to re-establishing freedom of movement and the coordinated gradual lifting of restrictions at the Union's

internal borders.

First and foremost, she felt it important to remind citizens that decisions in this area were the responsibility of the Member States.

Secondly, she noted that the Commission was putting forward appropriate criteria to coordinate the Member States' actions with a view to gradually re-establishing freedom of movement, a key achievement of European integration. She reiterated these three criteria: the epidemiological situation; the possibility to apply containment measures at all points along a route, including physical distancing; and the economic and social considerations that should result in priority being given to cross-border travel for key workers and for personal reasons.

Pending a health situation that allowed the generalised lifting of travel restrictions and internal border controls, she pointed out that the recommended incremental and coordinated approach should start with the lifting of restrictions and controls between areas of the Union with similar epidemiological conditions.

She stressed the importance of the principle of non-discrimination in this process, and highlighted the fact that the lifting of controls should apply to all citizens and residents of a given Member State, irrespective of their nationality, and to all parts of the Union with similar epidemiological situations.

She also advocated a flexible approach to allow the necessary adjustments to be made over time, depending on the evolution of the epidemiological situation, according to the Member States' own assessments. On this point, she felt it was useful to urge citizens to behave responsibly, which would undoubtedly have an impact on the pace at which freedom of movement, whose value had been proven time and again, would be fully restored.

Ms VĂLEAN began by saying that citizens and economic operators had very high expectations of the package of guidance and recommendations to be announced that day. She therefore called for the respective responsibilities of the Member States and the Commission to be carefully explained. In particular, she wanted there to be

a clear message that the Commission's principles and recommendations were intended to ensure Europe-wide coordination and to guide the Member States in their decision-making and implementation of practical measures to gradually lift the travel restrictions in order to allow a resumption of tourism, while at the same time respecting the necessary health precautions. She stressed the cardinal principles of non-discrimination and proportionality that framed the guidelines being presented by the Commission that day.

She also supported the idea of developing tools to provide people with accurate information about the restrictions and measures in place in the Member States to which they were travelling.

Ms VĂLEAN then gave a detailed presentation of the guidelines on the progressive restoration of transport services and connectivity.

She stressed, first, that the resumption of services was conditional on the epidemiological situation being favourable and travel restrictions and border controls being lifted. She added that the resumption of these services by whatever means of transport would have to be gradual, proportionate and accompanied by adequate measures to protect the health of workers and passengers, such as the wearing of masks where physical distancing was not possible.

She welcomed the fact that these guidelines were non-discriminatory and helped to ensure a level playing-field. They also called for priority to be given to safe mobility solutions rather than general bans that risked paralysing transport services.

She also mentioned the practical guidelines for resuming services tailored to the specific needs of each mode of transport.

In the particular case of the airline sector, which was governed by strict rules, she reported that the European Centre for Disease Prevention and Control and the European Aviation Safety Agency would be issuing supplementary opinions to take account of the fact that applying physical distancing in aeroplanes was difficult to reconcile with operating profitable flights and the ventilation systems in newer

aircraft made it possible to limit the risks of infection.

Finally, Ms VĂLEAN turned to the recommendation on vouchers. She supported the idea of offering vouchers on attractive terms as an alternative to the cash refund to which travellers and passengers were entitled under the current regulations if their transport tickets or package travel were cancelled. She was hopeful that travellers would be interested in opting for such vouchers instead of a refund. This would help to alleviate the liquidity problems that operators were facing as a result of the crisis, without undermining the right to reimbursement which, in her view, the Commission should preserve.

Still on the subject of this recommendation, Mr REYNDERS thanked all the staff of the Members' cabinets and the departments who had helped to devise this solution, which he felt was a balanced and viable way of preserving the right to reimbursement guaranteed by the current regulations while also helping to relieve the financial pressures on travel operators due to the many requests for a refund, at a time when there was no corresponding revenue coming in because of the lack of new reservations during the COVID-19 pandemic.

He explained that the range of solutions introduced to tackle the problem of travel and flight cancellations had caused uncertainty that was damaging to operators. In addition, measures adopted unilaterally by some Member States in this connection were denying consumers their right to a refund.

For both of these reasons he welcomed the recommendation. He stressed that consumers must still have the choice between a refund for trips or tickets cancelled due to the COVID-19 pandemic and a voucher, but they would be encouraged to opt for the voucher thanks to various incentives, such as protection against insolvency of the issuer, a minimum period of validity for the voucher of 12 months, the possibility of a refund if the voucher had not been redeemed after a year and a degree of flexibility in how it could be used.

He also mentioned the financial aid available to accompany these measures and said that in parallel to the publication of the recommendation the Commission would ask

each Member State to explain any measures it had taken with regard to the cancellation of package travel or transport tickets. After analysing these measures the Commission would decide whether there was a need for any regulatory initiatives.

Finally, on a more general level, Mr REYNDERS reiterated the importance of the principle of non-discrimination in the guidance and recommendations being proposed that day, particularly in order to restore free movement.

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

- the College’s unconditional support for the careful balance struck in the package of recommendations and guidelines presented by the Commission between the demands of public health and the need to provide answers for an economic sector that had been very badly hit by the crisis caused by the COVID-19 pandemic;
- the welcome degree of predictability which the package would give both consumers and operators in the sector, even if the epidemiological situation made it impossible to remove all the uncertainties weighing on the coming tourist season;
- satisfaction that uniform criteria would be applied throughout the Union to ensure better coordination of the Member States once it was possible to start the phased restoration of free movement and the gradual resumption of transport services;
- the need to help win back consumer confidence in the Union, while appealing to their sense of individual responsibility;
- the contribution that promoting agritourism could make to the sector’s recovery;
- a reminder of the devastating impact of the current crisis on both liquidity and jobs in businesses in the tourist sector, as well as on the Member States in which

this sector represented a major share of their gross domestic product, or in some regions their sole resource;

- the fact that it would, therefore, have been helpful to specify what funding was available to provide specific support to these businesses to help them tackle their serious liquidity problems;
- an observation that some of the proposed measures for tackling the crisis, such as the relaxation of the State aid rules, were driven by national rather than European considerations and were less suited to the needs of the regions most affected by the cessation of tourist activity, because the Member States in which these regions were located were often those with the least fiscal space for granting State aid; there was thus a risk of serious distortion of the internal market;
- a rejection of bilateral arrangements between Member States which were detrimental to EU-wide coordination;
- support for the idea of a European tourism convention to re-think the sector in the long term, and the suggestion that this initiative should be launched quickly, possibly as part of the Conference on the Future of Europe, including within it the health dimension;
- regret that the guidelines on the resumption of activities in the aviation sector made no provision for physical distancing in aeroplanes, pending the recommendations of the European Centre for Disease Prevention and Control.

Ms VESTAGER said that the Commission would also be publishing supporting documents that day. These would be very useful for communication activities, providing answers to fundamental questions on all the guidelines and recommendations that had been presented.

Coming back to the question of easing the rules on State aid, she explained that, although the Commission was taking a more generous attitude in these times of

crisis, it was certainly not authorising Member States to grant funding to companies that exceeded the losses they had suffered. She added that this relaxation of the rules would end at some point, which was precisely why the Union needed a substantial recovery plan, which would be the main focus of the College seminar on 14 May.

She called on all the Members of the Commission to inform people of the content of the strategy proposed by the Commission to ensure a safe and coordinated resumption of tourist activity when the conditions were right.

The PRESIDENT followed up what had been said on the subject of State aid by stressing that the easing of the rules was designed to allow support not only to the tourist industry but also to the other sectors of the economy, which were all seriously hit by the current crisis. The Union's response therefore had to be even broader in scope, employing the next multiannual financial framework and the accompanying recovery plan.

She thanked the Members of the Commission, their cabinets and the departments for their hard work and close cooperation leading to the presentation of an impressive, and keenly anticipated, package of Commission recommendations. She extended special thanks to the Directorate-General for Translation whose remarkable efforts meant that all these texts could be published today in the 24 official languages of the Union.

Following these presentations, the Commission:

- approved the communication in C(2020) 550/3 for transmission to Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions, and, for information, to the national parliaments;
- approved the notices in C(2020) 3251/5, C(2020) 3250/3 and C(2020) 3139/4 and decided to publish them, for information, in the *Official Journal of the European Union* and to notify them, for information, to the Member States;
- adopted the recommendation in C(2020) 3125/2, and decided to publish it, for information, in the *Official Journal of the European Union* and to notify it, for

information, to the Member States;

- took note of the information in INFO(2020) 16/8.

12. OTHER BUSINESS

12.1. COMMISSION IMPLEMENTING DECISION ON THE PROPOSED EUROPEAN CITIZENS' INITIATIVE ENTITLED 'START UNCONDITIONAL BASIC INCOMES (UBI) THROUGHOUT THE EU' (C(2020) 3190)

12.2. COMMISSION IMPLEMENTING DECISION ON THE PROPOSED EUROPEAN CITIZENS' INITIATIVE ENTITLED 'FREEDOM TO SHARE' (C(2020) 3191)

Ms JOUROVÁ presented two draft implementing decisions being laid before the Commission for adoption concerning the registration of European citizens' initiatives. She reminded the meeting that at this stage the task was merely to examine the legal admissibility of the initiatives and not to analyse their substance or political merit.

She began with the initiative entitled in English (the authentic language) 'Start Unconditional Basic Incomes (UBI) throughout the EU', which essentially asked the Commission to establish unconditional basic incomes throughout the Union to 'ensure every person's material existence and opportunity to participate in society as part of its economic policy'.

She explained that the conditions for registering European citizens' initiatives were laid down in Article 6(3) of Regulation (EU) 2019/788 of 17 April 2019 (as amended) on the European citizens' initiative which, since 1 January 2020, had repealed and replaced Regulation (EU) No 211/2011.

One of these conditions was the requirement that no part of the citizens' initiative should manifestly fall outside the framework of the Commission's powers to submit a proposal for an EU legal act for the purpose of implementing the Treaties.

Ms JOUROVÁ noted that the initiative in question had originally been submitted on 22 January 2020 and had then been amended by the group of organisers in response to a letter from the Commission of 19 February 2020 explaining that, as things stood, the above requirement had not been met. She pointed out that this first stage allowing for a dialogue between the Commission and the group of organisers had been introduced by Regulation (EU) 2019/788 to make the European citizens' initiative instrument easier to use and thus to encourage participatory democracy in the Union.

She announced that, following an analysis by the Legal Service, she proposed to register the initiative, as amended, on the basis of Article 121(2) of the Treaty on the Functioning of the European Union, which enabled the Commission to make recommendations to the Member States on the coordination of economic policies.

This initiative would be the first to be registered under Regulation (EU) 2019/788 after use had been made of the new preliminary dialogue stage mentioned above.

Ms JOUROVÁ then turned to the second initiative, entitled in English (the authentic language) 'Freedom to share', which essentially asked the Commission to 'legalise sharing – via digital networks, for personal use and non-profit purposes – of files containing works and other material protected by copyright, related rights and *sui generis* database rights, with a view to striking a balance between the rights of authors and other right holders and the universal right to science and culture.'

She noted that this request fell within the Commission's powers to propose legal acts for the purpose of implementing the Treaties, in particular

Articles 53(1), 62 and 114 of the Treaty on the Functioning of the European Union.

Since all the conditions for registration set out in Article 6(3) of Regulation (EU) 2019/788 were met, she proposed that the initiative be registered.

If, within a period of twelve months, the registered initiatives gathered the minimum support required, in other words at least one million signatures from citizens of at least a quarter of the Member States, the Commission would then analyse their substance.

Ms JOUROVÁ also announced that a proposal would soon be put to the College by urgent written procedure to make a specific, time-limited amendment to Regulation (EU) 2019/788 in order to take account of the difficulties currently encountered by the organisers of citizens' initiatives in collecting statements of support because of the restrictions on movement and gatherings introduced to combat the COVID-19 pandemic.

Following these presentations, the Commission, on a proposal from the PRESIDENT, agreed to formally adopt the implementing decisions on the registration of the citizens' initiatives entitled 'Start Unconditional Basic Incomes (UBI) throughout the EU' and 'Freedom to share', which were currently set out respectively in C(2020) 3190 and C(2020) 3191, by finalisation written procedure, the deadline for which was set at 10.00 on Friday 15 May (PE/2020/3103 and PE/2020/3081).

12.3. RECENT DEVELOPMENTS IN EXTERNAL RELATIONS

At the invitation of the PRESIDENT, Mr BORRELL gave a quick overview of the latest developments in the field of external action.

Mr BORRELL referred first of all to the outcome of the meeting of European defence ministers held on 12 May, during which the Member States had considered the security and defence implications of the COVID-19 pandemic, focusing in particular on the crucial role played by the armed forces in

supporting civilian actors and providing cross-border support among Member States.

The Task Force set up at the last videoconference of defence ministers on 6 April had worked closely with Member States to ensure the exchange of information and best practices.

The defence ministers had concurred that the EU should continue to do its utmost to maintain the operational presence on the ground of its Common Security and Defence Policy missions and operations, while preserving the safety of the personnel deployed.

The Council had also underlined the need to heighten the European Union's preparedness and resilience going forward by conducting exercises, strengthening work on cybersecurity and countering hybrid threats, including by enhancing efforts to counter disinformation.

NATO Secretary-General Jens Stoltenberg and UN Under-Secretary General for Peace Operations Jean-Pierre Lacroix, who had both been invited to the Council meeting, had provided an update on ongoing work in their organisations and discussed with Union ministers defence cooperation in tackling the COVID-19 crisis.

Finally, he said that the defence ministers were concerned that the economic conditions resulting from the COVID-19 pandemic could jeopardise the funding of the Common Security and Defence Policy, which would lead to a lasting deterioration of the security situation in the European Union.

Mr BORRELL then drew attention to the preparation of the Foreign Affairs Council on 15 May, during which the Member States would exchange views on the Middle East peace process and the countries of the Southern Neighbourhood. At that meeting, ministers would also be informed of a number of recent developments, in particular in the sectoral files linked to the impact of the coronavirus pandemic and in the situation in the Eastern

Mediterranean, the Western Balkans and Sudan. Member States would also discuss the Middle East peace process and the possible annexation of Israeli-occupied territories.

While the health consequences of COVID-19 were mixed in the Middle East, they seemed to be limited in Africa so far, although the economic repercussions and the difficulties in accessing supplies and moving humanitarian staff were already affecting the food situation in the region, where there were major risks of famine.

Mr BORRELL also gave an update on the situation concerning Operation Irini in the Mediterranean, which did not yet have all the necessary resources provided by the Member States to be able to complete the whole of its mission.

Finally, he informed Members that on 26 May there would be a virtual donor conference for Venezuela, with the participation of the United States, and also noted the worrying deterioration of the security and civil rights situation in Afghanistan, in particular for women, in the wake of the tragic terrorist attack on a maternity hospital in Kabul.

The Commission took note of this information.

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The meeting closed at 10.15.