



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2016) 2180 final

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

Brussels, 21 September 2016

TEXTE EN

MINUTES

of the 2180th meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 7 September 2016

(morning)

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PV(2016) 2180 final

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

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Single sitting: Wednesday 7 September 2016 (morning)

The sitting opened at 10.15 with Mr JUNCKER, President, in the chair.

Present:

Mr JUNCKER	President	
Mr TIMMERMANS	First Vice-President	
Ms MOGHERINI	High Representative / Vice-President	Item 9
Ms GEORGIEVA	Vice-President	
Mr ANSIP	Vice-President	
Mr ŠEFČOVIČ	Vice-President	Items 7 (in part) to 9
Mr DOMBROVSKIS	Vice-President	
Mr KATAINEN	Vice-President	
Mr OETTINGER	Member	
Ms MALMSTRÖM	Member	
Mr MIMICA	Member	
Mr ARIAS CAÑETE	Member	
Mr VELLA	Member	
Mr ANDRIUKAITIS	Member	
Mr AVRAMOPOULOS	Member	
Ms THYSSEN	Member	
Mr MOSCOVICI	Member	
Mr STYLIANIDES	Member	
Mr HOGAN	Member	Items 7 (in part) to 9
Ms BULC	Member	
Ms BIEŃKOWSKA	Member	
Ms JOUROVÁ	Member	
Ms CREȚU	Member	
Ms VESTAGER	Member	
Mr MOEDAS	Member	

Absent:

Mr HAHN

Member

Mr NAVRACSICS

Member

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

Mr KARNITSCHNIG	Chef de cabinet to Mr HAHN
Ms KIRALY	Chef de cabinet to Mr NAVRACSICS

The following also sat in:

Mr SELMAYR	Chef de cabinet to the PRESIDENT	
Mr ROMERO REQUENA	Director-General, Legal Service	
Mr PESONEN	Director-General, DG Communication	
Mr SCHINAS	Head of the Spokesperson's Service and Chief Spokesperson of the Commission	
Ms METTLER	Head of the European Political Strategy Centre	
Ms MARTÍNEZ ALBEROLA	Deputy Chef de cabinet to the PRESIDENT	
Ms KRAMER	Director of Coordination and Administration in the PRESIDENT's Office	Item 7 (in part)
Mr KASEL	Adviser in the PRESIDENT's Office	Item 7 (in part)
Ms WERNER	Chef de cabinet to Ms GEORGIEVA	Item 7 (in part)
Ms ANDREEVA	Commission Spokesperson's Service	
Ms CALVIÑO	Director-General, DG Budget	Item 7 (in part)

Secretary: Mr ITALIANER, Secretary-General, assisted by Mr François GENISSON, Head of Unit in the Secretariat-General.

1. AGENDA

(OJ(2016) 2180/FINAL)

The Commission took note of that day's agenda.

2. WEEKLY MEETING OF CHEFS DE CABINET

(RCC(2016) 2180)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 5 September.

3. APPROVAL OF THE MINUTES AND SPECIAL MINUTES OF THE 2178TH MEETING OF THE COMMISSION (20 JULY) AND THE MINUTES OF THE 2179TH MEETING (27 JULY)

(PV(2016) 2178; PV(2016) 2178, PART II)

The Commission approved the minutes of its 2178th meeting, and decided to hold over for one week approval of the minutes of its 2179th meeting.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2016) 105)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 2 September (RCC(2016) 105).

It paid particular attention to the following points.

4.1. LEGISLATIVE MATTERS

i) European Parliament dossiers – September part-session

(point 3.2 of the IRG record)

Ordinary legislative procedure – Second reading

- Amendment of Regulation (EC) 471/2009 on Community statistics relating to external trade with non-member countries as regards conferring of delegated and implementing powers upon the Commission for the adoption of certain measures (Regulation) – LANGE report – 2013/0279 (COD)

The Commission took note of the compromise text in SP(2016) 527, further to communication COM(2016) 420, which it had already approved on 21 June.

- Technical requirements for inland waterway vessels and repeal of Directive 2006/87/EC of the European Parliament and of the Council (Directive) – BELET (ex-WORTMANN-KOOL) report – 2013/0302 (COD)

The Commission took note of the compromise text in SP(2016) 528, further to communication COM(2016) 429, which it had already approved on 21 June.

Ordinary legislative procedure – First reading

- European statistics on natural gas and electricity prices and repeal of Directive 2008/92/EC of the European Parliament and of the Council concerning a Community procedure to improve the transparency of gas and electricity prices charged to industrial end-users (Regulation) – KAPPEL report – 2015/0239 (COD)

The Commission approved the line set out in SP(2016) 529 and took note of the compromise text annexed thereto.

- Amendment of Council Regulation (EC) 1236/2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment (Regulation) – SCHAAKE report – 2014/0005 (COD)

The Commission took note of the compromise text in SP(2016) 530, further to note SI(2016) 188, which it had already approved on 18 May.

- European travel document for the return of illegally staying third-country nationals (Regulation) – HALLA-AHO report – 2015/0306 (COD)

The Commission took note of the compromise text in SP(2016) 531, further to note SI(2016) 286, which it had already approved on 27 June.

Non-legislative procedure

- Amendment of Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece (Council Decision) – KELLER report – 2016/0089 (NLE)

The Commission approved the line set out in SP(2016) 532.

- Guidelines for the employment policies of the Member States (Council Decision) – AGEA report – 2016/0043 (NLE)

The Commission approved the line set out in SP(2016) 533 and /2.

- Implementation of the Agreement concluded between the General Confederation of Agricultural Cooperatives in the European Union (COGECA), the European Transport Workers' Federation (ETF) and the Association of National Organisations of Fishing Enterprises (EUROPÊCHE) of 21 May 2012 as amended on 8 May 2013 concerning the implementation of the Work in Fishing Convention, 2007 of the

International Labour Organisation (Council Directive) – LÓPEZ
BERMEJO report – 2016/0124 (NLE)

The Commission approved the line set out in SP(2016) 534/3.

4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

ii) Programming of Council business

(SI(2016) 330)

The Commission took note of the information in SI(2016) 330 on the Council meetings between 8 and 21 September.

iii) Non-legislative dossiers

(point 4.1 of the IRG record)

- The position to be adopted, on behalf of the European Union, with regard to certain proposals submitted to the 17th meeting of the Conference of the Parties (COP 17) to the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) to be held in Johannesburg, South Africa, from 24 September to 5 October 2016 (Council Decision) – 2016/0200 (NLE)

The Commission approved the line set out in SI(2016) 328.

- Position to be adopted, on behalf of the European Union, in respect of an international instrument to be drawn up by the International Civil Aviation Organisation (ICAO) and intended to lead to the implementation from 2020 of a single global market-based measure for addressing international aviation emissions (Council Decision) – 2016/0094 (NLE)

The Commission took note of the information in SI(2016) 329.

4.3. RELATIONS WITH PARLIAMENT

iv) Non-legislative dossiers

(point 5.1 of the IRG record)

- Committee of inquiry into Emission Measurements in the Automotive Sector (EMIS) – Preparation of hearing of Ms BIENKOWSKA on 12 September – Preparation of written answers

The Commission took note of SP(2016) 544 and the replies to the questions set out in the Annex thereto.

- Committee of inquiry into Emission Measurements in the Automotive Sector (EMIS) – Preparation of hearing of Mr VELLA on 12 September – Preparation of written answers

The Commission took note of SP(2016) 543 and the replies to the questions set out in the Annex thereto.

v) Action taken on non-legislative resolutions adopted by Parliament at its May II part-session

(point 5.6.1 of the IRG record)

The Commission approved documents SP(2016) 539 and /2 on the action taken on the non-legislative resolutions adopted by Parliament at its May II part-session, for transmission to Parliament.

vi) Participation by Members of Parliament in international conferences

(point 5.7 of the IRG record)

- Fourteenth session of the United Nations Conference on Trade and Development (UNCTAD 14) (Nairobi, 17 to 22 July)

The Commission agreed to the request to the PRESIDENT from Mr Martin Schulz, the President of the European Parliament, concerning the attendance of eleven Members of the European Parliament at the above-mentioned meeting from 15 to 22 July as observers in the EU delegation, with a reminder about the procedure to be followed as set out in SP(2016) 535.

- Seventeenth meeting of the Conference of the Parties (CoP17) of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (Johannesburg, 24 September to 5 October)

The Commission agreed to the request to the PRESIDENT from Mr Martin Schulz, the President of the European Parliament, concerning the attendance of four Members of the European Parliament at the above-mentioned meeting from 23 to 25 September as observers in the EU delegation, with a reminder about the procedure to be followed as set out in SP(2016) 536.

- Third United Nations Conference on Housing and Sustainable Urban Development – Habitat III (Quito, 17 to 20 October)

The Commission agreed to the request to the PRESIDENT from Mr Martin Schulz, the President of the European Parliament, concerning the attendance of eight Members of the European Parliament at the above-mentioned meeting from 17 to 20 October as observers in the EU delegation, with a reminder about the procedure to be followed as set out in SP(2016) 537.

- Thirty-ninth session of the Assembly of the International Civil Aviation Organisation (ICAO) (Montreal, 27 September to 7 October)

The Commission agreed to the request to the PRESIDENT from Mr Martin Schulz, the President of the European Parliament, concerning the attendance of four Members of the European Parliament at the above-

mentioned meeting from 5 to 7 October as observers in the EU delegation, with a reminder about the procedure to be followed as set out in SP(2016) 538.

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

vii) Participation by Members of the European Economic and Social Committee and of the Committee of the Regions in international conferences

(point 6.2.1 of the IRG record)

- Twenty-second session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP22) (Marrakesh, 7 to 18 November)

The Commission agreed to:

- the request to the PRESIDENT from Mr Georges Dassis, the President of the European Economic and Social Committee, concerning the attendance of four Members of the European Economic and Social Committee at the above-mentioned meeting from 7 to 18 November as observers in the EU delegation, with a reminder about the procedure to be followed as set out in SC(2016) 29;
- the request to the PRESIDENT from Mr Markku Markkula, the President of the Committee of the Regions, concerning the attendance of four Members of the Committee of the Regions at the above-mentioned meeting from 7 to 18 November as observers in the EU delegation, with a reminder about the procedure to be followed as set out in SR(2016) 20.

viii) Follow-up to Committee of the Regions opinions – April plenary session

(point 6.4.1 of the IRG record)

The Commission approved document SR(2016) 19/3 on the action taken by the Commission on the opinions adopted by the Committee of the Regions at its April 2016 session, for transmission to the Committee of the Regions.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED

(SEC(2016) 354 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 25 July and 2 September 2016.

5.2. EMPOWERMENT

(SEC(2016) 355 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 25 July and 2 September 2016.

5.3. DELEGATION / SUBDELEGATION OF POWERS

(SEC(2016) 356 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 25 July and 2 September 2016, as archived in Decide.

5.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2016) 369)

The Commission took note of the sensitive written procedures for which the time limit expired between 5 and 9 September.

**6. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2016) 358)**

**ADMINISTRATIVE MATTERS
(PERS(2016) 84)**

6.1. DG INFORMATICS – APPOINTMENT OF AD14/15 DIRECTOR

On a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT, and having consulted Mr OETTINGER, and also Mr ANSIP and Mr KATAINEN, the Commission decided to fill the post of Director, ‘Resource Management and Optimisation’, in the Directorate-General for Informatics by transferring in the interest of the service, under Article 7 of the Staff Regulations, Ms Petra KNEUER, an AD14 official and currently Director of the ‘Investigations I’ Directorate in the European Anti-fraud Office.

This decision would take effect on 16 September 2016.

6.2. DG CLIMATE ACTION – AMENDMENT OF THE ORGANISATION CHART, CREATION OF AN AD15 ADVISER HORS CLASSE POST AND APPOINTMENT OF AN AD15 ADVISER HORS CLASSE

On a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT and having consulted Mr ARIAS CAÑETE and also Mr ŠEFČOVIČ and Mr KATAINEN, the Commission decided:

- to create a temporary post of adviser hors classe in DG Climate Action; this post would be abolished upon the departure of the job-holder;
- to reinstate Ms Anneli PAULI in this post upon her return from leave on personal grounds on 1 October 2016.

These decisions would take effect immediately.

7. OTHER BUSINESS

7.1. PREPARATION OF THE NEXT MULTIANNUAL FINANCIAL FRAMEWORK

Ms GEORGIEVA reported on all the proposals for the mid-term review/revision of the 2014-2020 multiannual financial framework that would be laid before the Commission at its next meeting, following the approach preferred by the College at its policy debate on 27 July. This package would include a communication taking stock of implementation of the multiannual financial framework, a proposal for a Regulation amending the financial framework to make it more flexible, and a proposal to simplify the financial regulation and some of its basic acts. A proposal to increase the volume of the European Fund for Strategic Investments and a proposal on an external action investment plan would be added.

The package was designed to achieve three objectives, namely (i) allocating the Union's resources to deliver its political priorities, including migration, growth and jobs, (ii) making the multiannual financial framework more flexible and user-friendly than under the current rules and, lastly, (iii) simplifying the rules governing expenditure.

Some of the proposed measures regarding flexibility were ambitious.

Examples included the proposed doubling of the flexibility instrument and emergency aid reserve, the creation of a new reserve for crises within the Union financed by non-committed appropriations and higher overall margins for commitments and payments. Payments related to special instruments were above the ceilings of the multiannual financial framework and simplification of the financial rules allowed for greater flexibility in the management of external action instruments.

The question of simplification would be given special attention in the new draft financial regulation that would be proposed. No fewer than 15 other legislative instruments, mostly relating to implementation of the European Structural and Investment Funds, would also be simplified, thereby making the Union budget more flexible and easier to implement, while optimising Union spending from 2018 onwards.

In subsequent stages of the legislative process, the measures proposed for adoption should be presented as a balanced whole so that they were not discussed in a piecemeal or inconsistent fashion in different Parliament and Council bodies. Parliament and an increasing number of Member States were in favour of a flexible approach.

Lastly, Ms GEORGIEVA noted the main objectives which simplification of the financial rules was designed to achieve, namely simplification of fund management by beneficiaries, elimination of multiple auditing, evaluation, or authorisation requirements and the harmonisation thereof, application of a single set of rules in the case of hybrid activities or activities mobilising several instruments, greater emphasis on the results of funded activities, streamlining of reporting obligations, a reduced administrative burden and greater citizen involvement, all without undermining the sound financial management of the Union budget.

On a more general note, the mid-term review of the multiannual financial

framework would also enable the main issues arising during the preparation of the next multiannual financial framework to be identified, in particular its length, its main priorities and budgetisation of the European Development Fund. The Commission should propose the next multiannual financial framework before 1 January 2018 and provide the main funding components of the EU budget, in particular own resources, spending priorities and the new generation of EU funding programmes.

In Ms GEORGIEVA's view, the right approach to preparing the next multiannual financial framework would be to improve the existing framework where necessary rather than completely overhauling it. There was already a broad consensus on the need to provide the Union budget with European added value and on the importance of implementing simplified, flexible management which was objective-centred and attractive to private funding. However, it was for the political level to define the ambition of the next multiannual financial framework, whereas it was for the technical level to identify ways of measuring budget performance, monitoring implementation and laying down the conditions of use of grants and other financial instruments.

Proposals for the next multiannual financial framework would be submitted to the College at end-2017 and would be the subject of wide-ranging consultations, e.g. at conferences on a budget focused on results and based on the outcome of discussions and exchanges of views in College policy debates. The internal governance structure responsible for the next multiannual financial framework could take the form of a group made up of Vice-Presidents, chaired by the PRESIDENT with Ms GEORGIEVA's assistance, plus a core group established at Commission department level. Lastly, sectoral policy documents should not be presented before proposals had been tabled for the next multiannual financial framework.

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

- it was important to demonstrate that the Union budget met the needs and expectations of Member States and of citizens;
- the importance of the Cohesion Fund, which accounted for more than 50% of public investment in some Member States; the need to ensure that the Union's main funding programmes were not distorted;
- it would be worthwhile developing a single audit system to simplify the management of EU resources;
- consideration should be given to a financial framework lasting more than 5 years, adapted to long-term investments;
- it would be useful to develop performance indicators for the Union's budget, particularly from the point of view of budget implementation and its impact on innovation and start-ups;
- the importance of defining ambitious objectives which focused on the current Commission's priorities for the next multiannual financial framework, while promoting an integrated approach enabling the promotion of cross-cutting programmes.

The Commission took note of this information.

7.2. RESULTS OF THE G20 SUMMIT (HANGZHOU, 4 AND 5 SEPTEMBER 2016)

At the invitation of the PRESIDENT, Mr MOSCOVICI commented on the G20 Summit held in Hangzhou, China, on 4 and 5 September.

He praised the excellent organisation of the event, which was hosted and

chaired by China, as well as its positive outcomes. In relation to the issues discussed, he emphasised the talks on global growth, which had been driven by the IMF's rather severe assessments and allowed a consensus to be reached on the need to encourage more sustainable, inclusive growth, mainly via policies placing a greater focus on combating inequalities.

He went on to recap the key messages the Commission had striven to communicate to its G20 partners, namely (i) the rejection of protectionist policies, (ii) the continuation of negotiations on the Transatlantic Trade and Investment Partnership with the United States and the efforts to be made with a view to rapidly ratifying the EU-Canada Comprehensive Economic and Trade Agreement, (iii) the promotion of ambitious tax initiatives, and (iv) the PRESIDENT's call for greater international solidarity in providing assistance for refugees.

However, he noted the impression of division given by the European attendees at the Summit, caused by the cautious approach taken by leaders faced with tricky political and electoral circumstances in certain Member States and the result of the UK referendum on membership of the EU. He reported that the G20 members had shown a supportive attitude to the EU, but that they also expected to receive clarification on certain matters.

With regard to the meeting between the G20's finance ministers and central bank governors, he pointed out that the talks had focused on ways of fostering more inclusive growth, again by emphasising investment, though without relaxing budgetary discipline given the fragility of the current recovery.

The PRESIDENT, meanwhile, remarked on the results of the talks and reported on conversations he had had with certain leaders on the fringes of the Summit. In particular, he mentioned the ongoing negotiations on the agreement with the US and the ratification of the agreement with Canada. He warned against the unclear and sometimes contradictory public positions on

these agreements taken by some EU leaders, which were weakening the EU and could make it look like an unreliable international partner.

He explained that he had also, alongside the President of the European Council Donald Tusk, met with the Turkish president Recep Tayyip Erdoğan to discuss the implementation of the EU-Turkey statement on managing the refugee crisis and the ongoing work and discussions on visa liberalisation, both of which were being overseen by Mr TIMMERMANS and Mr AVRAMOPOULOS.

Finally, he reported that the Commission's recent decision on State aid in relation to Apple in Ireland had been raised by a number of attendees on the fringes of the Summit.

Mr ŠEFČOVIČ reported that, at the opening of the G20 Summit, China and the United States had submitted to the UN Secretary-General, Mr Ban Ki-Moon, the documents ratifying the agreement signed at the 21st United Nations Climate Change Convention held in Paris in December 2015. In the interests of international credibility given the EU's leading role in combating climate change, he suggested – like Mr ARIAS CAÑETE – exploiting all possible means to ratify the agreement quickly on behalf of the Union, before beginning the ratification process at Member State level, which would take longer.

The PRESIDENT confirmed that he would call for such a course of action in his State of the Union address to the European Parliament on 14 September. He also took the opportunity to stress the importance with which he viewed the visits made by Commission members to national parliaments, and expressed his firm hope that this activity could be increased following his State of the Union address.

In the course of the discussion that followed, the Commission raised the

media impact of the announcement of its decision on State aid in relation to Apple and the political reactions it had generated, and the discussions on fiscal policy with certain entities such as the OECD.

The Commission took note of this information.

8. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING A UNION CERTIFICATION SYSTEM FOR AVIATION SECURITY SCREENING EQUIPMENT (COM(2016) 491 AND /2; SWD(2016) 261 AND /2; SWD(2016) 259 AND /2; SEC(2016) 361; RCC(2016) 106)

Mr AVRAMOPOULOS briefly introduced the proposal for a Regulation, tabled that day for approval by the Commission, to establish a Union certification system for aviation security screening equipment. He explained that it was intended to contribute to the proper functioning of the EU internal market and to increase the global competitiveness of EU industry by offering technological solutions for improving the prevention of and response to security threats.

Until now, he said, even if screening equipment had been certified in one Member State, it could still be subjected to further testing and even refused in other Member States. The measures set out in the proposal, which were largely based on the Common Evaluation Process drawn up by the European Civil Aviation Conference, aimed to put in place a single EU certification system based on certificates of conformity issued by manufacturers and valid in all the EU Member States in accordance with the principle of mutual recognition.

At the end of the presentation the Commission adopted the proposal for a Regulation in COM(2016) 491/2 for transmission to Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the

national parliaments, together with the impact assessment and the summary thereof in staff working papers SWD(2016) 261/2 and SWD(2016) 259/2, the contents of which were noted.

It also took note of the opinion of the Regulatory Scrutiny Board in SEC(2016) 361.

9. OTHER BUSINESS (CONTINUED)

FLIGHTS BY DRONES OVER PUBLIC AND PRIVATE AREAS

Replying to a question from the PRESIDENT about the phenomenon of the civil use of drones and uncontrolled flights over public and private areas which were now taking place throughout the EU, Ms BULC announced that her departments were in the process of drawing up guidelines for the Member States on regulating the civil use of drones, an area still in its infancy and for which the Declaration of Riga in March 2015 had laid the foundations for a joint approach. She would shortly be notifying the College of the conclusions of the work in this connection.

The Commission took note of this information.

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The meeting closed at 11.20.