



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2016) 2186 final

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

Brussels, 16 November 2016

TEXTE EN

MINUTES

of the 2186th meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 19 October 2016

(morning)

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Single sitting: Wednesday 19 October 2016 (morning)

The sitting opened at 10.19 with Mr JUNCKER, President, in the chair.

Present:

Mr JUNCKER	President
Mr TIMMERMANS	First Vice-President
Ms MOGHERINI	High Representative / Vice-President
Ms GEORGIEVA	Vice-President
Mr ANSIP	Vice-President
Mr ŠEFČOVIČ	Vice-President
Mr DOMBROVSKIS	Vice-President
Mr KATAINEN	Vice-President
Mr OETTINGER	Member
Mr HAHN	Member
Ms MALMSTRÖM	Member
Mr MIMICA	Member
Mr VELLA	Member
Mr ANDRIUKAITIS	Member
Mr AVRAMOPOULOS	Member
Ms THYSSEN	Member
Mr STYLIANIDES	Member
Mr HOGAN	Member
Ms BULC	Member
Ms JOUROVÁ	Member
Mr NAVRACSICS	Member
Ms VESTAGER	Member
Mr MOEDAS	Member
Sir Julian KING	Member

Absent:

Mr ARIAS CAÑETE	Member
Mr MOSCOVICI	Member
Ms BIEŃKOWSKA	Member
Ms CREȚU	Member

(19 October 2016)

*- English language version of the French text which is authentic -*The following sat in to represent absent Members of the Commission:

Ms LOBILLO BORRERO	Chef de cabinet to Mr ARIAS CAÑETE
Mr BAILLY	Chef de cabinet to Mr MOSCOVICI
Mr BERMIG	Expert from Ms BIENKOWSKA's cabinet
Mr NEJDL	A member of Ms CREȚU's staff

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 MICHOU	Deputy Secretary-General	
Ms MARTÍNEZ ALBEROLA	Deputy Chef de cabinet to the PRESIDENT	
Mr DELVAUX	Adviser in the PRESIDENT's Office	Item 6
Mr SZOSTAK	Adviser in the PRESIDENT's Office	Item 7 (in part)
Ms SILLAVEE	PRESIDENT's Office	
Mr ROMAkkANIEMI	Chef de cabinet to Mr KATAINEN	Items 1 to 6
Ms ÅSENIUS	Chef de cabinet to Ms MALMSTRÖM	Items 1 to 6
Ms ASTERIADI	Deputy Chef de cabinet to Mr AVRAMOPOULOS	Item 7 (in part)
Mr WINTERSTEIN	Commission Spokesperson's Service	

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

1. AGENDAS

(OJ(2016) 2186/FINAL; SEC(2016) 424/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(2016) 2186)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 17 October.

3. APPROVAL OF THE MINUTES OF THE 2184TH AND 2185TH MEETINGS OF THE COMMISSION (4 AND 12 OCTOBER)

The Commission held over approval of the minutes of its 2184th and 2185th meetings for the following week.

4. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2016) 425 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 10 and 14 October.

4.2. EMPOWERMENT

(SEC(2016) 426 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 10 and 14 October.

4.3. DELEGATION / SUBDELEGATION OF POWERS

(SEC(2016) 427 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 10 and 14 October, as archived in Decide.

4.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2016) 428 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 17 and 21 October and of the urgent written procedures initiated following the weekly meeting of Chefs de cabinet on Monday 17 October.

5. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2016) 429)

ADMINISTRATIVE MATTERS

(PERS(2016) 106)

5.1. DG COMPETITION – APPOINTMENT OF AD14/15 DIRECTOR

(PERS(2016) 69 TO /3)

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director of the ‘Policy and Strategy’ Directorate in DG Competition (PERS(2016) 69).

It took note of the opinions of the Consultative Committee on Appointments of 28 July and 29 September (PERS(2016) 69/2 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 Ms GEORGIEVA, in agreement with the PRESIDENT and after consulting Ms VESTAGER and also Mr ANSIP, Mr ŠEFČOVIČ and Mr KATAINEN, it decided to appoint Mr Kris DEKEYSER to the post.

This decision would take effect immediately.

5.2. DG COMPETITION – APPOINTMENT OF AD14/15 DIRECTOR (PERS(2016) 58 TO /3)

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director of the ‘Markets and cases III – Financial services’ Directorate in DG Competition (PERS(2016) 58).

It took note of the opinions of the Consultative Committee on Appointments of 28 July and 29 September (PERS(2016) 58/2 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 Ms GEORGIEVA, in agreement with the PRESIDENT and after consulting Ms VESTAGER and also Mr ANSIP, Mr ŠEFČOVIČ and Mr KATAINEN, it decided to appoint Ms Maria VELENTZA to the post.

This decision would take effect on 1 November 2016.

**5.3. DG HUMANITARIAN AID AND CIVIL PROTECTION (ECHO) –
APPOINTMENT OF AD14/15 DIRECTOR
(PERS(2016) 68 TO /3)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director of the ‘Emergency Management’ Directorate in DG Humanitarian Aid and Civil Protection (ECHO) (PERS(2016) 68).

It took note of the opinions of the Consultative Committee on Appointments of 22 July and 8 September (PERS(2016) 68/2 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 Ms GEORGIEVA, in agreement with the PRESIDENT and after consulting Mr STYLIANIDES and also Ms MOGHERINI, it decided to appoint Mr Johannes LUCHNER to the post.

This decision would take effect immediately.

**5.4. DG HUMAN RESOURCES AND SECURITY / SECRETARIAT-
GENERAL – APPOINTMENT OF THE CHAIR AND MEMBERS OF
THE INDEPENDENT EUROPEAN FISCAL BOARD
(PERS(2016) 107)**

The Commission noted the information in item 4 of PERS(2016) 106 and, on a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT, decided:

- to appoint Mr Niels THYGESEN to the post of Chair of the Independent European Fiscal Board, and also Mr Roel BEETSMA, Mr Massimo BORDIGNON, Ms Sandrine DUCHÊNE and Mr Mateusz SZCZUREK as members of the Board, for a three-year term,

as special advisers to Mr DOMBROVSKIS;

- to authorise Ms GEORGIEVA to amend the contracts of these special advisers in the event of duly justified needs, subject to the availability of sufficient budgetary appropriations;
- to authorise the Director-General of DG Human Resources and Security to implement this decision by signing contracts of employment on behalf of the authority empowered to conclude contracts of employment.

These decisions would take effect immediately.

6. INTERINSTITUTIONAL RELATIONS

(RCC(2016) 119)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 14 October (RCC(2016) 119).

It paid particular attention to the following points.

6.1. LEGISLATIVE MATTERS

- i) European Parliament dossiers – October II part-session**
(point 3.2 of the IRG record)

Ordinary legislative procedure – Second reading

- Protective measures against pests of plants (Regulation) – McINTYRE report – 2013/0141 (COD)

The Commission took note of the compromise text in SP(2016) 658, further to note COM(2016) 544, which it had already approved on 24 August.

- Accessibility of public sector bodies' websites (Directive) – CHARANZOVÁ report– 2012/0340 (COD)

The Commission took note of the compromise text in SP(2016) 659, further to note COM(2016) 484, which it had already approved on 19 July.

- Amendment of Regulation (EC) 91/2003 of the European Parliament and of the Council of 16 December 2002 on rail transport statistics, as regards the collection of data on goods, passengers and accidents (Regulation) – CRAMER report – 2013/0297 (COD)

The Commission took note of the compromise text in SP(2016) 660, further to note COM(2016) 506, which it had already approved on 10 August.

- Amendment of Regulation (EC) 1365/2006 on statistics of goods transport by inland waterways as regards conferring of delegated and implementing powers upon the Commission for the adoption of certain measures (Regulation) – EICKHOUT report – 2013/0226 (COD)

The Commission took note of the compromise text in SP(2016) 661, further to note COM(2016) 507, which it had already approved on 10 August.

6.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

ii) Programming of Council business

(SI(2016) 395)

The Commission took note of the information in SI(2016) 395 on the Council meetings between 20 October and 2 November.

iii) Non-legislative dossiers

(point 4.1 of the IRG record)

- Ministerial meeting of the Eastern Partnership initiative on Environment and Climate Change (Luxembourg, 18 October 2016)

The Commission took note of the draft declaration annexed to SI(2016) 379.

- Guidelines for conduct of the political dialogue under Article 8 of the Cotonou Agreement

The Commission took note of the non-paper annexed to SI(2016) 391 for transmission to the Member States for discussion in the relevant Council bodies.

- Signing, on behalf of the European Union, and provisional application of the Comprehensive Economic and Trade Agreement between Canada, of the one part, and the European Union and its Member States, of the other part (CETA) (Council Decision) — 2016/0206 (NLE) and 2016/0220 (NLE)

The Commission approved the line set out in SI(2016) 394 (see also item 6.2.iv of these minutes).

- Restrictive measures against the Democratic People's Republic of Korea and repeal of Council Regulation (EC) 329/2007 (Council Regulation) – JOIN(2016) 39

The Commission approved the line set out in SI(2016) 396.

iv) Preparation of the European Council (Brussels, 20 and 21 October 2016)

(point 4.2.5 of the IRG record)

As part of the preparation for the upcoming meeting of the European Council, and at the request of the PRESIDENT, Ms MALMSTRÖM informed the College of the latest developments on the ongoing work for the signing of the

Comprehensive Economic and Trade Agreement between Canada, of the one part, and the European Union and its Member States, of the other.

In addition, Mr KATAINEN noted the progress of the work and the next steps as regards the modernisation of the trade defence instruments.

The Commission took note of this information.

6.3. RELATIONS WITH PARLIAMENT

v) Non-legislative dossiers – Preparations for October II part-session (point 5.1.1 of the IRG record)

- Establishment of an EU mechanism on democracy, the rule of law and fundamental rights – IN 'T VELD report – 2015/2254 (INL)

The Commission approved the line set out in SP(2016) 664.

- Committee of Inquiry into Emission Measurements in the Automotive Sector (EMIS) – Commission's reply to the new additional written questions from the Committee of Inquiry to Ms BIENKOWSKA

The Commission took note of SP(2016) 669/2 and the replies to the additional questions set out in the Annex thereto.

vi) Action taken on the legislative opinions and non-legislative resolutions adopted by Parliament at its July part-session (point 5.6.2 of the IRG record)

The Commission approved document SP(2016) 657 on the action taken on the legislative opinions and non-legislative resolutions adopted by Parliament at its July part-session, for transmission to Parliament.

vii) Participation by Members of Parliament in international conferences

(point 5.7 of the IRG record)

- Twentieth extraordinary meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT) (Vilamoura, 14 to 21 November)

The Commission agreed to the request to the PRESIDENT from Mr Martin Schulz, the President of the European Parliament, concerning the attendance of six Members of the European Parliament at the above-mentioned meeting from 17 to 19 November as observers in the EU delegation, with a reminder about the procedure to be followed as set out in SP(2016) 665.

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

viii) Follow-up to opinions of the European Economic and Social Committee – Plenary sessions of March and April 2016

(point 6.3.1 of the IRG record)

The Commission approved document SC(2016) 34/2 on the follow-up by the Commission to the opinions adopted by the European Economic and Social Committee during the March and April 2016 sessions, for transmission to that Committee.

7. OTHER BUSINESS

7.1. PARTNERSHIP WITH THIRD COUNTRIES UNDER THE EUROPEAN AGENDA ON MIGRATION

Although the first report on progress made in implementing the Partnership Framework with third countries under the European Agenda on Migration was adopted on 18 October by written procedure (PE/2016/7160; COM(2016) 700), the PRESIDENT asked Mr TIMMERMANS and Ms MOGHERINI to briefly present the broad outlines to the College, adding that the report had been transmitted to the European leaders prior to the European Council meeting on 20 and 21 October.

Mr TIMMERMANS explained that the report took stock of progress made by the EU under its European Agenda on Migration since the European Council had endorsed the Commission proposal in June to establish a new Partnership Framework with third countries of origin and transit in order to manage common migration issues together. He recalled that, for the EU, the Partnership Framework was about mobilising and focusing EU action and resources on its external activities in relation to migration management. The emphasis was currently on the EU's economic relations with Africa, via the first countries classed as a priority, i.e. Mali, Niger, Nigeria, Senegal and Ethiopia. He said that the European Council expected to see real progress at its meeting on 15 and 16 December in terms of the number of irregular migrants being returned and readmitted.

Ms MOGHERINI pointed out that this first report presented what had been done and what remained to be done in the near future to give practical shape to the Partnership Framework with the third countries. She saw the results as encouraging and took the example of Niger, transit country for 85% of migrants from Libya, where the number of entrants had fallen more sharply than ever in recent months. She said that this success was down to the

combination of efforts undertaken by the Government of Niger and the commitment of the EU. She underlined the pivotal role of the Partnership Framework, even if it could not resolve the current migration phenomenon overnight.

She thanked the Members and the Commission departments that had worked together to tackle the issue and welcomed the approach of involving all of the Member States and the institutions. She strongly encouraged the Members to get involved, in their respective areas of competence, in relations with countries that had a partnership arrangement with the EU. She also suggested examining the possibility of extending the instrument, which she regarded as the most innovative tool of external policy for migration in the broadest sense. She concluded by noting that the Foreign Affairs Council of 17 October had welcomed the approach and the initial results.

Mr AVRAMOPOULOS was pleased to note that the partnerships developed so far with five African countries had started to produce concrete results. In this context, he welcomed the fact that the Home Affairs Council had adopted a Regulation on 13 October establishing a uniform European travel document for the return of illegally staying third-country nationals. He also announced that he would visit Mali and Niger in the immediate future, and that preparations were under way for a trip to Egypt in late November to look at ways to tackle the migratory flows from Libya to Italy transiting via Egypt.

Mr HAHN confirmed the significance of Egypt on the migration flow map, not just in terms of its position as a transit country, but also as a potential country of origin of migrants, largely as a result of its population explosion. He recommended that the EU take swift action to develop closer ties with Egypt.

Mr MIMICA welcomed the fact that the management of migration flows and development policy were now interlinked. He was confident that development

policy would contribute to migration management and vice versa thanks to the Partnership Framework and the establishment of the Emergency Trust Fund for stability and addressing the root causes of irregular migration and displaced persons in Africa.

The PRESIDENT thanked all the speakers and said that he would present this first progress report on the Partnership Framework with third countries to the European Council on behalf of the Commission.

The Commission took note of this information.

7.2. OPERATIONALISATION OF THE EUROPEAN BORDER AND COAST GUARD
(INFO(2016) 104)

Mr AVRAMOPOULOS reported on the latest developments in connection with the operationalisation of the European Border and Coast Guard and the next steps in this process. These developments were set out in an information note for the College, as they would be every week from now on, and also in a memo for the attention of the Heads of State or Government ahead of the European Council meeting on 20 and 21 October.

Mr AVRAMOPOULOS informed the meeting that the Management Board of the European Border and Coast Guard was meeting that day for a second day. The next urgent items on which it was necessary to move forward were, firstly, the Agency's vote on the minimum objective criteria for vulnerability assessments at the meeting of its Management Board in November, and secondly, on the same occasion, the adoption of the decisions on the setting up of return pools.

The Commission took note of this information and of note INFO(2016) 104.

7.3. EU-RUSSIA RELATIONS

At the PRESIDENT's invitation, Ms MOGHERINI outlined the main points concerning relations with Russia that she would be raising that week with the members of the European Council. They would focus primarily on the role played by Russia in Ukraine and in the Syrian conflict.

As regards Ukraine first of all, a report would be presented to the European Council about a 'Normandy Format' meeting to be held that day in Berlin between the German Chancellor, Angela Merkel, the French President, François Hollande, the Ukrainian President, Petro Poroshenko, and the Russian President, Vladimir Putin, to discuss the implementation of the Minsk agreements and the next steps in the process towards solving the crisis in eastern Ukraine. She noted that no breakthrough had yet been made on that point.

On the Syrian conflict, she referred to the conclusions of the Foreign Affairs Council on Monday 17 October calling for an end to strikes on the city of Aleppo to allow humanitarian aid to reach its population. She said that a temporary truce had been observed soon afterwards.

Ms MOGHERINI declared her intention of presenting to the EU Heads of State or Government the five principles underpinning the European Union's position in its relations with Russia; these were (i) its unreserved and continued support for the implementation of the Minsk agreements on Ukraine, including the question of sanctions, (ii) support for the reforms introduced by Ukraine, (iii) the strengthening of relations with its partners and neighbours to the East, in particular in Central Asia, (iv) selective engagement in areas of common interest, such as certain foreign policy matters – Iran, the Middle East peace process, Syria – or sectoral policies such as migration, climate change and the fight against terrorism, and lastly (v) contacts between peoples, which needed to be given a new impetus.

The European Council would not be required to take any immediate decisions at its meeting of 20 and 21 October, but a political discussion would be held.

In the course of the discussion that followed, the Commission raised the following key points: (i) the need to avoid isolating Russia and to discuss matters of common interest with it, adopting a pragmatic approach, (ii) the minimum guarantees that should be obtained in the event of selective EU engagement with Russia, particularly in the field of energy, (iii) the scope for dialogue and cooperation with Russia in the fields of the economy, migration policy, health, security and the environment, (iv) the importance of people-to-people contacts, and, nonetheless, (v) a reminder of the context in Ukraine and a warning not to be naive in political dealings with Russia.

The PRESIDENT asked Ms MOGHERINI what practical action had been taken in response to the Commission's desire, expressed a year or so earlier, to ensure that solid arguments were presented to counter the sometimes untrue statements made by the Russian government regarding EU actions.

Ms MOGHERINI gave an account of the numerous activities undertaken as part of this strategic communication process, which had effectively been in place for a year, in Russian and the Eastern European languages, to convey a European message and correct untruths. She also pointed out that a similar approach was being considered for disseminating information in Arabic.

The PRESIDENT concluded the discussion by thanking Ms MOGHERINI for her presentation.

The Commission took note of this information.

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The Commission's other discussions on certain agenda items are recorded in the special minutes.

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The meeting closed at 11.53.