



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2017) 2205 final

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

Strasbourg, 4 April 2017

TEXTE EN

MINUTES

of the 2205th meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 22 March 2017

(morning)

PV(2017) 2205 final

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

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Single sitting: Wednesday 22 March 2017 (morning)

The sitting opened at 11.49 with Mr JUNCKER, President, in the chair. Item 9 was chaired in part by Mr TIMMERMANS.

Present:

Mr JUNCKER	President	Items 1 to 9 (in part)
Mr TIMMERMANS	First Vice-President	
Mr ANSIP	Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Mr DOMBROVSKIS	Vice-President	
Mr KATAINEN	Vice-President	
Mr OETTINGER	Member	Items 1 to 9 (in part)
Mr HAHN	Member	Items 1 to 9 (in part)
Ms MALMSTRÖM	Member	Items 1 to 9 (in part)
Mr MIMICA	Member	
Mr ARIAS CAÑETE	Member	
Mr VELLA	Member	
Mr ANDRIUKAITIS	Member	
Mr AVRAMOPOULOS	Member	Items 1 to 9 (in part)
Ms THYSSEN	Member	
Mr MOSCOVICI	Member	Items 1 to 9 (in part)
Mr STYLIANIDES	Member	
Mr HOGAN	Member	
Ms BULC	Member	
Ms BIENKOWSKA	Member	Items 1 to 9 (in part)
Ms JOUROVÁ	Member	
Ms CREȚU	Member	
Ms VESTAGER	Member	Items 1 to 9 (in part)
Mr MOEDAS	Member	Items 1 to 9 (in part)
Sir Julian KING	Member	

Absent:

Ms MOGHERINI

High Representative /
Vice-President

Mr NAVRACSICS

Member

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

Ms PANZETTI	Chef de cabinet to Ms MOGHERINI	Items 1 to 9 (in part)
Mr PETROCELLI	A member of Ms MOGHERINI's staff	Item 9 (in part)
Ms REILLY	Expert in Mr NAVRACSICS's office	

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	
Mr SZOSTAK	Adviser in the PRESIDENT's Office	Item 9 (in part)
Ms SILLAVEE	PRESIDENT's Office	
Mr COLOMBANI	A member of Mr TIMMERMANS's staff	Item 9 (in part)
Ms JUUL-JØRGENSEN	Chef de cabinet to Ms VESTAGER	Item 9 (in part)
Mr BARNIER	Chief negotiator and Head of the Article 50 Task Force	
Ms ANDREEVA	Commission Spokesperson's Service	

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

**STATEMENT FROM THE PRESIDENT ON THE FIRST ANNIVERSARY
OF THE TERRORIST ATTACKS ON 22 MARCH 2016**

‘One year on from the appalling attacks of 22 March 2016 which the whole of Europe mourned, the memory of the victims remains, and will forever remain, in our minds and in our hearts. It is with great sorrow that I think of each of these shattered lives, such as that of our colleague Patricia Rizzo, the suffering endured by the wounded and the grief of their families and relatives. I would like to express my deepest sympathy to every one of them.

These loathsome terrorist attacks struck at the very heart of Europe here in Belgium, in our capital, Brussels – a multilingual and multinational city where we enjoy living together in harmony. Faced with this unprecedented and incomprehensible violence, those of us living in Brussels and Belgium, with the support of all the peoples of Europe, chose to stand firm and not lose hope. During this terrible ordeal, Europeans stood together in the fight against terrorism that threatens our safety and peace throughout the world. We showed our determination to defend our values and our freedoms no matter what.

That is why the terrorists have failed, because we have responded to hate and violence with a renewed determination to defend democracy and peaceful coexistence in diversity. We must build our future on these noble ideals which we Europeans hold dear. We owe it to each of the victims of these attacks. ‘

* * *

1. AGENDAS

(OJ(2017) 2205/FINAL; SEC(2017) 145/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(2017) 2205)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 20 March.

3. APPROVAL OF THE MINUTES AND SPECIAL MINUTES OF THE 2203RD MEETING OF THE COMMISSION (8 MARCH) AND THE MINUTES OF THE 2204TH MEETING (14 MARCH)

(PV(2017) 2203 AND /2; PV(2017) 2203, 2ND PART)

The Commission approved the minutes of its 2203rd meeting, and decided to hold over for one week approval of the minutes of its 2204th meeting.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2017) 27)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 17 March (RCC(2017) 27).

It paid particular attention to the following points.

4.1. LEGISLATIVE MATTERS

i) Trilogues

(point 3.1 of the IRG record)

- Amendment of Directive (EU) 2015/849 on the prevention of the use of financial system for the purposes of money laundering and terrorist financing and of Directive 2009/101/EC (Directive) – KARINŠ & SARGENTINI report – 2016/0208 (COD)

The Commission approved the line set out in SI(2017) 96.

- Entry/Exit System to register entry and exit data and refusal of entry data of third country nationals crossing the external borders of the Member States of the European Union and determining the conditions for access to the EES for law enforcement purposes, and amendment of Regulation (EC) 767/2008 and Regulation (EU) 1077/2011 (Regulation) / Amendment of Regulation (EU) 2016/399 as regards the use of the Entry/Exit System (Regulation) – DÍAZ DE MERA GARCÍA CONSUEGRA reports – 2016/0106 (COD) / 2016/0105 (COD)

The Commission approved the line set out in SI(2017) 97/2.

- Measures to safeguard the security of gas supply and repeal of Regulation (EU) No 994/2010 (Regulation) – BUZEK report – 2016/0030 (COD)

The Commission approved the line set out in SI(2017) 104 and /2.

ii) Council dossiers

(point 3.3 of the IRG record)

- Follow-up to the Marrakech Treaty – Permitted uses of works and other subject-matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print disabled, and amendment of Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society (Directive) / Cross-border exchange between the Union and third countries of accessible format copies of certain works and other subject-matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print disabled (Regulation) – ANDERSSON reports – 2016/0278 (COD) / 2016/0279 (COD)

The Commission approved the line set out in SI(2017) 99/2.

- Multiannual Framework for the European Union Agency for Fundamental Rights 2018-2022 (Council Decision) – MLINAR report – 2016/0204 (APP)

The Commission approved the line set out in SI(2017) 102.

4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

iii) Programming of Council business

(SI(2017) 106)

The Commission took note of the information in SI(2017) 106 on the Council meetings between 23 March and 5 April.

4.3. RELATIONS WITH PARLIAMENT

iv) Action to be taken on Parliament's legislative resolutions and other resolutions of a legal nature

(SP(2017) 164 and /2)

The Commission decided to empower the Members of the Commission responsible for the sectors in question, in agreement with the PRESIDENT and Mr TIMMERMANS and, if necessary, with the other Members concerned, to adopt the amended proposals for transmission to Parliament and the Council, as set out in SP(2017) 164/2, drawn up following the part-session of Parliament of 13 to 16 March, the contents of which were noted.

v) Action taken on non-legislative resolutions adopted by Parliament at its November I 2016 part-session

(point 5.6.1 of the IRG record)

The Commission approved documents SP(2017) 148/3 on the action taken on the non-legislative resolutions adopted by Parliament at its November I 2016 part-session, further to notes SP(2017) 148 and /2 already approved by the Commission on 14 March, for transmission to Parliament.

vi) Results of Parliament's March II part-session

(SP(2017) 157; SP(2017) 159)

The Commission took note of the information in SP(2017) 157 and SP(2017) 159 on the proceedings of the part-session of Parliament held in Strasbourg from 13 to 16 March.

4.4. OTHER BUSINESS

vii) Digital Day (Rome, 23 March 2017)

(point 7.1 of the IRG record)

The Commission took note of the information in SI(2017) 90.

viii) Conference of Ministers of the Interior – Central Mediterranean Route of Migratory Flows (Rome, 19 and 20 March)

(point 7.2 of the IRG record)

The Commission approved the line set out in SI(2017) 101 and /2.

5. MONITORING THE APPLICATION OF EUROPEAN UNION LAW

5.1. STATE AID AND OTHER COMPETITION RULES

The Commission's decision on this item is recorded in the special minutes.

5.2. INFRINGEMENTS – URGENT INDIVIDUAL CASE (SEC(2017) 164)

The Commission adopted the decision in SEC(2017) 164.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

6.1. WRITTEN PROCEDURES APPROVED (SEC(2017) 146 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 13 and 17 March.

6.2. EMPOWERMENT
(SEC(2017) 147 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 13 and 17 March.

6.3. DELEGATION / SUBDELEGATION OF POWERS
(SEC(2017) 148 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 13 and 17 March, as archived in Decide.

6.4. SENSITIVE WRITTEN PROCEDURES
(SEC(2017) 149 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 20 and 24 March and of the finalisation written procedure initiated following the weekly meeting of Chefs de cabinet on Monday 20 March.

6.5. GRANTING OF AN EMPOWERMENT RELATING TO THE COMMISSION'S OPINION ON EUROPEAN INVESTMENT BANK FINANCING OPERATIONS
(C(2017) 1666 AND /2)

The Commission adopted the decision in C(2017) 1666/2 and decided to empower the Member of the Commission responsible for jobs, growth, investment and competitiveness, to adopt on behalf of the Commission and under its responsibility, the Commission's opinion on European Investment

Bank (EIB) financing operations referred to in Article 19 of the EIB Statute under the conditions set out in Article 3 of C(2017) 1666/2.

7. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2017) 150/2)

ADMINISTRATIVE MATTERS

(PERS(2017) 14/2)

7.1. DG HUMAN RESOURCES AND SECURITY – SPECIAL ADVISERS TO THE COMMISSION FROM 1 APRIL 2017 TO 31 MARCH 2018

(PERS(2017) 15/2)

The Commission decided:

- to adopt the list of special advisers to Commission Members set out in PERS(2017) 15/2;
- to authorise the Member of the Commission responsible, Mr OETTINGER, to conclude addenda to the existing contracts in the event of duly justified and urgent needs occurring between the first and second wave of appointments of special advisers, 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.

**7.2. DG MOBILITY AND TRANSPORT / DG ENERGY – AMENDMENT OF
THE ORGANISATION CHART
(SEC(2017) 162; SEC(2017) 163)**

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

- to create a new ENER.DG.01 unit, ‘Resource management and Support Luxembourg’ in Luxembourg (a new unit which would have a direct functional relationship with the Shared Resource Directorate (SRD) MOVE/ENER);
- to transfer the staff and corresponding quota of posts of the SRD MOVE/ENER as agreed by both departments, to the newly created unit in DG Energy;
- to abolish units MOVE.SRD.5 ‘Document Management’ and MOVE.SRD.6 ‘Internal Control’ and also unit MOVE.SRD.2 ‘Human Resources’ as part of the measures for modernising the human resources function;
- to adopt the new organisation charts set out in SEC(2017) 162 and SEC(2017) 163;
- to take note of the fact that the definitive transfer of the establishment plan posts and the corresponding budget would be regularised in the next final decision fixing the allocation of resources.

These decisions would take effect on 1 April 2017.

Following this reorganisation, the number of units in the SRD MOVE/ENER would decrease from 6 to 3 and the number of units in DG Energy would

increase from 20 to 21.

8. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL TO EMPOWER THE COMPETITION AUTHORITIES OF THE MEMBER STATES TO BE MORE EFFECTIVE ENFORCERS AND TO ENSURE THE PROPER FUNCTIONING OF THE INTERNAL MARKET (COM(2017) 142 TO /3; SWD(2017) 114; SWD(2017) 115; SWD(2017) 116; SEC(2017) 154; RCC(2017) 30)

The Commission:

- adopted the proposal for a Directive in COM(2017) 142/3, for transmission to Parliament, the Council, the European Economic and Social Committee and the national parliaments, together with the impact assessment in SWD(2017) 114, the summary thereof in SWD(2017) 115, and the staff working document in SWD(2017) 116, the contents of which were noted;
- also took note of the opinion of the Regulatory Scrutiny Board, distributed as SEC(2017) 154.

9. OTHER BUSINESS

9.1. LATEST DEVELOPMENTS IN THE WORK IN PROGRESS AHEAD OF THE NOTIFICATION BY THE UK AUTHORITIES OF WITHDRAWAL FROM THE UNION UNDER ARTICLE 50 OF THE TREATY ON THE EUROPEAN UNION

The PRESIDENT welcomed Mr Michel BARNIER, who had been invited to the Commission meeting to give the Members of the Commission a progress

report on the work being carried out on the procedure for the United Kingdom's withdrawal from the European Union.

Mr BARNIER thanked the PRESIDENT for the trust he had placed in him. He also thanked all the Members of the Commission and their cabinets for their daily support in the difficult and delicate task to be carried out in the context of the future negotiations on the arrangements for the United Kingdom's withdrawal from the Union.

He reported on two key developments that had taken place since he had first spoken to the Commission on this matter at the meeting on 30 November 2016. First, on 15 December the European Council had entrusted the Commission with the key role of conducting the future negotiations as chief negotiator. Second, the UK Government had announced the date on which it would notify its intention of leaving the Union by invoking Article 50 of the Treaty on European Union – 29 March. This announcement now made it possible to prepare the steps to be taken before launching the procedure for negotiating the UK's withdrawal.

With the support of the PRESIDENT and his cabinet, but also with valuable assistance from the Secretariat-General, the Legal Service and the Commission's Directorates-General, Mr BARNIER and his team had stepped up preparations for the process which would begin on 29 March and would be extremely complex in both technical and legal terms. Over the last few months he had toured EU capitals, visited the national parliaments of the Member States, met key political, economic and civil society players throughout Europe, and begun to organise working seminars with the national authorities of the EU 27.

He said that everything was now in place to launch the next stages in a process that he hoped would culminate in an agreement on an orderly withdrawal of the United Kingdom from the Union and prepare the way for a

new partnership.

As regards formal procedure, Mr BARNIER began by listing the steps that would follow the UK's notification on 29 March under Article 50 of the Treaty on the European Union. On the same day the Heads of State or Government and the Presidents of the European Council and the Commission would adopt a joint declaration. In the subsequent 48 hours, draft guidelines would be sent to the 27 Member States and presented to the Committee of Permanent Representatives (COREPER). These draft guidelines would be discussed at two meetings of 'sherpas', before being examined by COREPER, then by the General Affairs Council. In parallel the European Parliament would adopt a resolution. The guidelines would be adopted by the European Council at an extraordinary session on 29 April. Immediately afterwards, the Commission would adopt a recommendation on the negotiating directives. Once adopted by the Council, these directives would enable the negotiations proper to begin, possibly at the beginning of June.

Although this was a tight schedule, it was important to begin talks as early as possible, because as soon as the UK gave its notification, the clock would start ticking on two years of negotiations.

As regards substance, Mr BARNIER stressed that the Union's goal was to conclude an agreement with the United Kingdom on the arrangements for an orderly withdrawal. He outlined some of the very damaging consequences of the United Kingdom leaving the Union without an agreement – chaos at the borders, supply problems for the UK, particularly in fresh produce, and serious disruption to air traffic. While these problems would also affect the Union, the 27 Member States would continue to benefit from the single market, i.e. from cross-border trade without formalities, and from free trade agreements concluded with over 60 third countries, whereas the United Kingdom for its part would have to rebuild its entire regulatory edifice.

To avoid such a scenario it was essential that three fundamental conditions be met: (i) unity among the 27, transparency and public debate, (ii) an end to uncertainty and (iii) an orderly process and a sense of perspective. He then spoke in greater detail about each of these conditions.

First, he stressed that the unity of the 27 and the EU institutions was vital in negotiations that would in many ways be extraordinary. He said that he was working on this every day with his team, but also intended to conduct the negotiations in a spirit of transparency and to explain them in the public debate. In his view this would make it possible to build the trust on all sides that was necessary to bring the process to a successful conclusion.

Secondly, he felt that the Union should make it a priority to remove uncertainties, among both citizens and beneficiaries of the EU budget. He pointed out that more than 4 million citizens on either side of the Channel were unsure of their rights, and that the UK must honour the financial commitments it made as a Member of the Union of 28, to avoid undermining all of the programmes and projects undertaken. Almost all of the EU budget was directly or indirectly devoted to investment, growth and jobs. He particularly emphasised the consequences for the EU's new external borders of the UK's decision to leave the Customs Union. For this reason, he hoped an agreement would be reached as quickly as possible on the principles that would underpin the resolution of these fundamental questions.

Thirdly and finally, in his view an agreement would have to be reached on the principles of an orderly withdrawal before any discussion could take place on the EU's future relationship with the UK, which would have to be based on solid foundations. Mr BARNIER felt that, if these three conditions were met, it would be possible to reach a satisfactory agreement with the UK and to lay the best possible groundwork for a new partnership.

Mr BARNIER then turned to the three separate phases of the future

negotiation: phase 1, during which the Union's objective would be to reach an agreement on the principles of an orderly withdrawal by autumn 2017, if the negotiations began in early June; phase 2, beginning in late 2017 or early 2018, which would see the start of 'scoping' work on the EU's future relationship with the UK; and phase 3 when, with the scoping work complete, discussions would be held on the arrangements for the transition to this future relationship, which was in the common interests of the United Kingdom and the European Union.

He explained that the future relationship would be based on a trade agreement (since the UK would no longer be part of the single market or the Customs Union), cooperation on security and defence, and, where necessary, cooperation in other fields such as research, innovation and the fight against climate change.

Mr BARNIER brought his presentation to a close by indicating that, in any event, the UK would become a third country on 29 March 2019, and that this would have tangible repercussions that would need to be incorporated into all of the EU's decision, at all levels.

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

- support from the whole of the Commission for Mr BARNIER in his task as chief negotiator, approval of his approach and positive appraisal of the work accomplished so far;
- the need for the Union to adopt a constructive and open attitude in every aspect of the forthcoming negotiation with the UK;
- the extreme complexity of the UK's withdrawal process, which was the equivalent of an enlargement process in reverse, and was also

unprecedented;

- the need to reach an agreement with the UK, given the negative impact a disorderly withdrawal would have in a large number of areas;
- the need, too, to envisage the UK's future relationship with the EU as a new partnership able to draw on structured cooperation in targeted areas of shared interest;
- the desirability of defining an overall communication strategy based on transparency in order to encourage informed public debate and prevent attempts at disinformation;
- the priority to be given to the rights of citizens when negotiating the agreement, in order to allow British nationals living in the EU to benefit from some of the rights enjoyed by EU citizens, and EU citizens to benefit from the same rights when living in the UK;
- with this in mind, the huge range of complex personal circumstances which would require tailored solutions, and therefore the suggestion of offering assistance for the citizens in question by providing them with information and advice on a dedicated website or through a special helpline;
- in a similar vein, the importance of making sure businesses, especially transport operators, were kept well-informed, in order to minimise the confusion that could be generated by the UK's withdrawal process;
- in the negotiation, the 'red line' for the Union represented by the UK's fulfilment of its financial commitments undertaken as a Member State;
- the importance of taking into account the interests of the Member States that would be most affected economically by the UK's withdrawal from

the EU;

- the particularly sensitive situation that might arise in Northern Ireland as a result of the reintroduction of customs checks with the Republic of Ireland;
- a call for the Union to be vigilant to ensure that the United Kingdom did not undertake any bilateral negotiations on certain technical aspects of the talks, such as health and plant health regulations, for example;
- the need for a discussion about the treatment of sensitive information in the context of certain trade negotiations, to which the United Kingdom would continue to have access to while it remained a full Member of the Union;
- the impact which the UK's withdrawal might have on the exchange of information between the United Kingdom and the Union if its data protection rules subsequently diverged from those of the EU;
- the attention to be paid to the financial services sector in order to minimise the impact of the UK's withdrawal and not to jeopardise the programme of reforms introduced by the Union in this important area;
- similarly, the importance of continuing to regulate State aid in order to avoid any distortion of competition and to monitor the level of the integration of the UK economy with that of the rest of the Union.

Mr BARNIER thanked the Members of the Commission for their support, encouragement and suggestions. He was glad that he could count on a strong team and stressed that the close cooperation established with each member of that team and their respective departments was essential to bringing these complex negotiations to a conclusion.

He intended to stand by his belief in the European project in the public debates that would accompany the negotiations on the UK's withdrawal from the Union. Throughout the process his attitude towards his negotiating partner would be reasonable and conciliatory, but also firm and certainly not naive. He stressed his genuine desire to reach an agreement by the end of the negotiations. He reiterated that he was acting as the negotiator for the European Union, but also for the governments of all the Member States, including those whose economy was likely to be most affected by the UK's withdrawal. The UK government would be the sole negotiating partner.

Mr BARNIER pledged to keep the 27 governments of the Member States and the European Parliament regularly informed of the progress in the negotiations. It was in the Union's interest to be as transparent as possible and to help citizens and economic operators throughout the process of the UK's withdrawal in order to ensure an orderly transition and to mitigate the damage.

He stressed that priority would be given to preserving the rights of EU nationals living in the United Kingdom and UK nationals living in the European Union. There were also numerous areas, from energy to health regulations, where close cooperation with the United Kingdom would very probably have to be maintained. He hoped that a suitable framework could be defined which would allow a new partnership to be established between the European Union and the United Kingdom, built around common interests and guaranteeing conditions of fair competition.

As regards the UK contribution to the EU budget, Mr BARNIER explained that the objective on the European side was not to present the United Kingdom with a final bill, but to ensure that it fully met the financial commitments it had entered into as a Member State with its 27 partners.

In the short term, he outlined the preparatory work to be carried out to

mitigate the effects of the United Kingdom's withdrawal from the Customs Union and to enable the Council to decide on the terms for relocating in the European Union the European decentralised agencies that were currently based in the UK.

Finally, as regards the legal nature of the agreement on the arrangements for the UK's withdrawal from the European Union, he explained that it would not be a mixed agreement requiring ratification in each of the Member States, but an agreement that would be submitted for ratification to the Council, the European Parliament and the UK parliament. However, the future trade partnership would probably be a mixed agreement that would not enter into force until it had been ratified by the European Union and all the national parliaments.

The Commission took note of this information.

9.2. COMMISSION DECISION ON THE ADMISSIBILITY OF THREE PROPOSED CITIZENS' INITIATIVES ENTITLED 'STOP BREXIT', 'EU CITIZENSHIP FOR EUROPEANS: UNITED IN DIVERSITY IN SPITE OF JUS SOLI AND JUS SANGUINIS' AND 'RETAINING EUROPEAN CITIZENSHIP' (C(2017) 2000; C(2017) 2001 AND /2; C(2017) 2002 AND /2)

Mr TIMMERMANS presented three proposed European Citizens' Initiatives for which the information required by Regulation (EU) 211/2011 had been transmitted to the Commission for a decision on their admissibility with a view to the possibility of registering them. The three Citizens' Initiatives were entitled 'Stop Brexit', 'EU Citizenship for Europeans: United in Diversity in spite of *jus solis* and *jus sanguinis*' and 'Retaining European Citizenship'.

He pointed out that according to the admissibility criteria set out in Regulation (EU) 211/2011 on the Citizens' Initiative, in order for it to be

accepted, the proposed action must not manifestly fall outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties. Once formally registered, a European Citizens' Initiative allowed one million citizens from at least one quarter of the EU Member States to invite the European Commission to propose legal acts in areas where the Commission had the power to do so.

He also pointed out that the examination by the Commission at the registration stage was not concerned with the substance of the proposed initiatives, but simply with the admissibility of the initiative in respect of the criteria laid down in the Regulation.

With regard, firstly, to the 'Stop Brexit' initiative, he advised the Commission not to proceed with its registration as in his view the relevant admissibility criteria had not been met. He explained that the initiative called on the Commission to prevent the United Kingdom from leaving the Union. However, Article 50(1) of the Treaty on European Union explicitly authorised any Member State to decide to withdraw from the Union in accordance with its own constitutional requirements.

However, he proposed that the Commission register the other two Citizens' Initiatives concerning the rights of Union citizens in the context of the withdrawal of a Member State from the EU. The first invited the Commission to make the distinction between citizenship of the Union and nationality of a Member State in the context of Brexit (EU Citizenship for Europeans: United in Diversity in spite of *jus solis* and *jus sanguinis*'). The second called on the Commission to preserve the right of citizens of the Union to move and reside freely within the Union and to allow citizens of a Member State that had left the Union to retain their rights with regard to citizenship ('Retaining European Citizenship').

He admitted that there was no legal basis in the Treaties which authorised the

Union institutions to adopt a legal act of the Union designed to give citizenship of the Union to people who were not nationals of one of its Member States. However, he said that a legal act adopted under Article 79 of the Treaty on the Functioning of the European Union could grant citizens of a Member State that had left the Union, as third-country nationals, certain rights similar to those associated with citizenship of the Union, including the conditions governing the right to move and reside freely in other Member States of the Union. In addition, the rights of Union citizens who had already exercised their right to free movement before a Member State left the Union could be safeguarded in an agreement reached under Article 50 of the Treaty on European Union.

In the light of these elements, he felt the Citizens' Initiative 'Retaining European Citizenship' could be registered.

He explained that the Citizens' Initiative 'EU Citizenship for Europeans: United in Diversity in spite of *jus solis* and *jus sanguinis*' presented a more complex situation insofar as it directly requested the separation of citizenship of the Union from nationality of a Member State, which raised the question for the Commission of whether it should consider Citizens' Initiatives to be partially admissible if just one part of their purpose fell within its remit. He felt that there was nothing stopping the Commission from adopting a more flexible approach so that the organisers did not have to submit an initiative for a second time following a negative decision from the Commission if they wanted it to be registered.

He added that Article 11 of the Treaty on European Union entitled citizens to participate in the democratic life of the Union by means of the European Citizens' Initiative. He was therefore of the opinion that the procedures and conditions required for a Citizens' Initiative should encourage such participation and make the Union more accessible to citizens.

He therefore proposed that the citizens' initiative 'EU Citizenship for Europeans: United in Diversity in spite of *jus soli* and *jus sanguinis*' should be registered, specifying in the Commission decision that the aim of the initiative was a legal act that would ensure that, if a Member State withdrew from the Union, its citizens would continue to benefit from similar rights to those which they had enjoyed as EU citizens.

To sum up, he recommended that both the citizens' initiatives on citizenship should be registered on the same basis, while stating clearly, in the second case, the scope of the initiative and the conditions which the Commission considered to be admissible.

The initiatives 'Retaining European Citizenship' and 'EU Citizenship for Europeans: United in Diversity in spite of *jus soli* and *jus sanguinis*' would be officially registered on 2 May and 27 March respectively. In both cases, this would mark the beginning of a one-year process during which the organisers of the citizens' initiatives would collect signatures in support of them.

Apart from the three proposals for citizens' initiatives submitted that day for a decision on registration, Mr TIMMERMANS hoped that the Commission would go further in making the European citizens' initiative more attractive and relaxing some of its more restrictive conditions, which tended to deter potential organisers. He therefore called for an examination of Regulation (EU) 211/2011 on the citizens' initiative.

Following a brief discussion, Mr TIMMERMANS noted the agreement of the Members of the Commission on the proposals for decisions rejecting registration of the European citizens' initiative 'Stop Brexit', and accepting the admissibility and registration of 'Retaining European Citizenship' and 'EU Citizenship for Europeans: United in Diversity in spite of *jus soli* and *jus sanguinis*' under the conditions set out during the presentation.

He also informed the College that he intended to consider ways of improving this instrument and, consequently, to initiate an examination of Regulation (EU) 211/2011 on the citizens' initiative.

The Commission confirmed, in accordance with Article 4(2) of Regulation (EU) 211/2011, that the conditions governing the admissibility of the two proposed citizens' initiatives entitled 'EU Citizenship for Europeans: United in Diversity in spite of *jus soli* and *jus sanguinis*' and 'Retaining European Citizenship' had been met. The Commission therefore decided to register the initiatives in accordance with documents C(2017) 2002/2 and C(2017) 2001/2, and authorised Mr TIMMERMANS to sign the decisions on its behalf, to notify the organisers of the initiatives thereof in the authentic language (English), and to publish Decision C(2017) 2001/2 on the citizens' initiative entitled 'EU Citizenship for Europeans: United in Diversity in spite of *jus soli* and *jus sanguinis*' in the Official Journal of the European Union.

However, the Commission noted that the proposed citizens' initiative entitled 'Stop Brexit' did not meet the conditions for admissibility as set out in Article 4(2) of Regulation (EU) 211/2011, read in conjunction with Article 2, point 1, of that Regulation. The Commission therefore decided not to register the initiative, in accordance with document C(2017) 2000, and authorised Mr TIMMERMANS to sign the decision on its behalf and to notify the organisers of the initiative thereof in the authentic language (English).

9.3. BUDGET IMPLEMENTATION 2016 **(INFO(2017) 17)**

The Commission took note of the information note distributed under the authority of Mr OETTINGER in INFO(2017) 17.

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

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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 13.33.