



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2018) 2241 final

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

Strasbourg, 13 March 2018

TEXTE EN

MINUTES

of the 2241st meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 31 January 2018

(morning)

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PV(2018) 2241 final

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

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Single sitting: Wednesday 31 January 2018 (morning)

The sitting opened at 10.08 with Mr JUNCKER, President, in the chair.

Present:

Mr JUNCKER	President	
Mr TIMMERMANS	First Vice-President	
Ms MOGHERINI	High Representative / Vice-President	Items 1 to 10 (in part)
Mr ANSIP	Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Mr DOMBROVSKIS	Vice-President	
Mr KATAINEN	Vice-President	
Mr OETTINGER	Member	
Mr HAHN	Member	Items 6 (in part) to 11
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 HOGAN	Member	
Ms BULC	Member	
Ms BIENKOWSKA	Member	
Ms JOUROVÁ	Member	
Mr NAVRACSICS	Member	
Ms CREȚU	Member	
Ms VESTAGER	Member	
Mr MOEDAS	Member	
Sir Julian KING	Member	
Ms GABRIEL	Member	

Absent:

Mr STYLIANIDES

Member

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

Ms CHRISTOPHIDOU Chef de cabinet to Mr STYLIANIDES

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 BALTAZAR Chief adviser in the PRESIDENT's Office Item 8

Mr DELVAUX Adviser in the PRESIDENT's Office Items 9 to 10

Ms SILLAVEE PRESIDENT's Office

Ms MADSEN Deputy Chef de cabinet to Mr KATAINEN Items 7, 9 and 10

Mr HAGER Chef de cabinet to Mr OETTINGER

Mr MUELLER Chef de cabinet to Mr VELLA Item 8

Ms ANDREEVA Commission Spokesperson's Service

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

1. AGENDAS

(OJ(2018) 2241/FINAL; SEC(2018) 2241/FINAL)

The Commission took note of that day's agenda and of the tentative agendas for forthcoming meetings. It also noted the addition to the agenda of that day's meeting of items 6.1 to 6.3 on administrative decisions.

2. WEEKLY MEETING OF CHEFS DE CABINET

(RCC(2018) 2241)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 29 January.

3. APPROVAL OF THE MINUTES OF THE 2235TH, 2236TH, 2237TH, 2238TH, 2239TH AND 2240TH MEETINGS OF THE COMMISSION (6, 12 AND 20 DECEMBER 2017, 10, 16 AND 24 JANUARY 2018)
(PV(2017) 2236)

The Commission approved the minutes of its 2236th meeting, and decided to hold over approval of the minutes of its 2235th, 2237th, 2238th, 2239th and 2240th meetings until a later meeting.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2018) 14)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 26 January (RCC(2018) 14).

It paid particular attention to the following points.

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4.1. LEGISLATIVE MATTERS

i) Trilogue

(point 3.1 of the IRG record)

- Establishment of the European Electronic Communications Code (Directive – recast) – DEL CASTILLO VERA report – 2016/0288 (COD)

The Commission approved the line set out in SI(2018) 22 and /2.

ii) European Parliament dossiers – February I part-session

(point 3.2 of the IRG record)

- ‘EU Fund for External Action’ – Amendment of Regulation (EC, Euratom) 480/2009 establishing a Guarantee Fund for external actions (Regulation) – 2016/0274 (COD) / Amendment of Decision 466/2014/EU granting an EU guarantee to the European Investment Bank against losses under financing operations supporting investment projects outside the Union (Decision) – 2016/0275 (COD) – GARDIAZABAL RUBIAL reports

The Commission approved the line set out in SP(2018) 44 and took note of the compromise texts annexed thereto.

- Amendment of Directive 2003/87/EC to enhance cost-effective emission reductions and low-carbon investments (Directive) – GIRLING report – 2015/0148 (COD)

The Commission took note of SP(2018) 46, further to note SI(2017) 495/2, which it had already approved on 8 November 2017.

iii) Council dossier

(point 3.3 of the IRG record)

- Transparent and predictable working conditions in the European Union (Directive) – 2017/0355 (COD)

The Commission approved the line set out in SI(2018) 28.

4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

iv) Programming of Council business

(PERS(2018) 34)

The Commission took note of the information in SI(2018) 34 on the Council meetings between 1 and 14 February.

v) Non-legislative dossiers

(point 4.1 of the IRG record)

- Provisions for cross-border data flows and for personal data protection in European Union trade and investment agreements

The Commission approved the line set out in SI(2018) 24 and /2.

- Reform of the Internet Corporation for Assigned Names and Numbers' 'WHOIS database'

The Commission approved the line set out in SI(2018) 26 and /2.

- European Union Capacity Building Mission in Somalia (EUCAP Somalia) (Council Decision (CFSP)) – HR(2017) 163

The Commission approved the line set out in SI(2018) 29.

vi) Latest developments in the Council

(point 4.4 of the IRG record)

- Draft Joint Employment Report from the Commission and the Council accompanying the Communication from the Commission on the Annual Growth Survey 2018 – COM(2017) 674

The Commission approved the line set out in SI(2018) 32.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED

(SEC(2018) 74 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 22 and 26 January.

5.2. EMPOWERMENT

(SEC(2018) 75 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 22 and 26 January.

5.3. DELEGATION / SUBDELEGATION OF POWERS

(SEC(2018) 76 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 22 and 26 January, as archived in Decide.

5.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2018) 77 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 29 January and 2 February, and of the finalisation

written procedure initiated following the weekly meeting of Chefs de cabinet on Monday 29 January.

6. ADMINISTRATIVE AND BUDGETARY MATTERS (SEC(2018) 78)

ADMINISTRATIVE MATTERS (PERS(2018) 5)

At the PRESIDENT's request, Mr OETTINGER presented three proposals for decisions on senior management posts in the Commission which he was submitting to the College.

The first concerned Mr Matthias RUETE, currently Director-General of DG Migration and Home Affairs and one of the most experienced and qualified senior officials in the Commission. The Commission proposed to appoint him as an adviser hors classe for strategic matters related to the Energy Union, the Security Union, subsidiarity and proportionality, within the Secretariat-General, with effect from 1 March 2018.

Mr OETTINGER described Mr RUETE's long and distinguished career, during which he had held many important positions and had made a major contribution to developing the Commission's policies in areas such as enlargement, transport, energy and, more recently, migration and home affairs. It was in this latter function that he had contributed and worked with great efficiency, in particular in managing and designing measures to tackle the migration crisis. Since 2006 he had served successively as Director-General of DG Energy and Transport, DG Mobility and Transport and DG Migration and Home Affairs. Given his vast experience and deep knowledge of key Commission policies, his advice on strategic matters would continue to be highly valuable for the institution.

The second decision concerned Ms Paraskevi MICHOU, currently

Deputy Secretary-General. The Commission proposed to appoint her as Director-General of DG Migration and Home Affairs, with effect from 1 March 2018. Ms MICHOU was one of the key figures behind the Commission's global response to the migration crisis, in particular coordinating numerous initiatives and steering its crisis management on migration in the different departments. In her new role as Director-General, she would work directly with Mr AVRAMOPOULOS, the Member of the Commission responsible for migration, home affairs and citizenship, Sir Julian KING, the Member of the Commission responsible for the Security Union, and Mr TIMMERMANS, First Vice-President of the Commission, responsible for better regulation, interinstitutional relations, the rule of law and the Charter of Fundamental Rights.

Mr OETTINGER stressed that Ms Paraskevi MICHOU was in effect immediately to assume responsibility for the work under way on reform of the European asylum system provided for by the 'Dublin III' regulation. This fundamental reform to ensure the proper functioning of the Schengen area would be on the agenda of the European Council in June and must first be examined by the European leaders at their informal meeting in May.

Mr OETTINGER reviewed Ms MICHOU's career and noted that she would be the first woman to hold the position of Director-General of DG Migration and Home Affairs. She had joined the European Commission in 1995 and worked in several Commission DGs, serving as Acting Director-General in DG Justice between October 2014 and October 2015. In recognition of her abilities and her extensive experience in the Commission she had been appointed to her current position as Deputy Secretary-General in charge of institutional and administrative policies and policy coordination II in 2015.

Mr OETTINGER stressed that these two appointments would ensure the continuity of senior management in the crucial area of migration and home affairs.

Finally, the third decision concerned the authorisation for the internal publication of the vacancy notice for the post of Deputy Secretary-General, with immediate effect.

6.1. SECRETARIAT-GENERAL – AMENDMENT OF THE ORGANISATION CHART AND APPOINTMENT OF AD16 ADVISER HORS CLASSE

On a proposal from Mr OETTINGER, in agreement with the PRESIDENT, the Commission decided:

- to create a temporary post of senior adviser hors classe for ‘strategic matters related to the Energy Union, the Security Union, subsidiarity and proportionality’ in the Secretariat-General; this post would be abolished upon the departure of the job holder;
- to transfer in the interest of the service, under Article 7 of the Staff Regulations, Mr Matthias RUETE, an AD16 official currently Director-General of DG Migration and Home Affairs, to the newly created post of adviser hors classe;
- that, by derogation from the Commission Decision of 26 May 2004 (C(2004) 1891/2), Mr Matthias RUETE would retain his managerial level entitlement for a period not exceeding 12 months.

These decisions would take effect on 1 March 2018.

6.2. DG MIGRATION AND HOME AFFAIRS – APPOINTMENT OF AD15 DIRECTOR-GENERAL

On a proposal from Mr OETTINGER, in agreement with the PRESIDENT, and after consulting Mr AVRAMOPOULOS and Mr TIMMERMANS, the Commission decided to transfer in the interest of the service, under Article 7 of the Staff Regulations, Ms Paraskevi MICHOU, an AD15 official currently Deputy Secretary-General, to the post of Director-General of DG Migration and Home Affairs.

This decision would take effect on 1 March 2018.

**6.3. SECRETARIAT-GENERAL – INTERNAL PUBLICATION OF THE
VACANCY NOTICE FOR AN AD15/16 POST OF DEPUTY
SECRETARY-GENERAL
(PERS(2018) 6)**

On a proposal from Mr OETTINGER, in agreement with the PRESIDENT, the Commission decided to authorise the publication, under Article 29(1)(a)(i) and (iii) of the Staff Regulations, of the vacancy notice in PERS(2018) 6 for the post of Deputy Secretary-General.

This decision would take effect immediately.

7. OTHER BUSINESS

SITUATION IN IRAN

Ms MOGHERINI briefly reviewed the situation in Iran and the implementation of the Joint Comprehensive Plan of Action of July 2015 concerning the Iran nuclear deal, and reported on economic cooperation with that country.

**8. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND
OF THE COUNCIL ON THE QUALITY OF WATER INTENDED FOR
HUMAN CONSUMPTION (RECAST)**

**(COM(2017) 753 TO /4; SWD(2017) 449 TO /3; SWD(2017) 448 TO /3;
SWD(2017) 451 TO /3; SEC(2017) 527; RCC(2018) 15)**

Mr VELLA presented to the College the proposal for a Directive on the quality of water intended for human consumption that he was tabling for adoption with a view to revising the existing Directive.

He pointed out, first, that most people living in the EU already enjoyed very good access to high-quality drinking water, which was guaranteed by EU legislation that

had protected Europeans for more than 30 years and illustrated the added value of action at EU level.

He noted, second, that the right to access essential services of good quality, including water, was one of the principles (Number 20) of the European Pillar of Social Rights approved by unanimity by the Heads of State or Government at the Gothenburg Summit in November 2017.

He explained, lastly, that the legislative proposal presented that day aimed to implement this right and followed the first successful campaign under the European citizens' initiative entitled 'Right2Water', which collected 1.6 million signatures in support of improving access to safe drinking water for all Europeans.

Mr VELLA referred to the main objectives of the proposal for a Directive, namely (i) to update existing safety standards in order to improve health protection, in particular by revising the list of substances presenting a health risk that must be monitored in accordance with the recommendations of the World Health Organisation, (ii) to enable the competent authorities to better manage the risks associated with the supply of water by introducing a new risk-assessment system, (iii) to offer the public easy and user-friendly access, in particular online, to information on the quality and supply of drinking water in their place of residence, and to increase their confidence in tap water, (iv) to contribute to the transition towards the circular economy by helping Member States to manage drinking water efficiently and sustainably in order to reduce energy consumption, water wastage and the consumption of plastic bottles, and lastly, (v) above all, to improve access to drinking water for all citizens, in particular for vulnerable and marginalised groups.

He reported that Mr TIMMERMANS and he had presented this proposal for a Directive to the organisers of the citizens' initiative the day before it was adopted; they had agreed that it was an important step in addressing the questions raised in their initiative.

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

key points: the particular attention to be given to access to water by the most vulnerable and the already considerable resources allocated to improving water quality, with almost 15 billion euros invested in the sector through the European Structural and Investment Funds. However, some drew attention to the concept of access to water for vulnerable and marginalised groups, which risked opening a debate on how to define these groups, whereas that question should fall under the principle of subsidiarity and be dealt with by the Member States.

The PRESIDENT congratulated Mr VELLA and the Commission services for the quality of their work and the Members of the Commission for their valuable contributions to the debate.

Following this presentation, the Commission, on a proposal from the PRESIDENT, confirmed the formal adoption of the proposal for a Directive in COM(2017) 753/4 by the finalisation written procedure, the deadline for which was set at 10.00 on Thursday 1 February 2018 (PE/2017/561).

Outcome of the ministerial meeting on air quality (Brussels, 30 January)

Mr VELLA also informed the College of the outcome of the ministerial meeting on air quality the previous day. In agreement with the PRESIDENT, he had invited the nine Member States for which the next step in the infringement proceedings concerning them would be referral to the Court of Justice of the European Union.

He highlighted the importance of air quality for the health and well-being of citizens, the urgency of ensuring good air quality while 400 000 people died prematurely each year because of pollution, with an economic cost estimated at more than EUR 20 billion annually, and the added value of EU action in this area.

The last-chance meeting was intended to offer to the nine Member States invited the opportunity to propose new concrete and effective measures to meet existing air-quality standards, which had unfortunately been regularly exceeded over the last 10 years. The ministers invited had all acknowledged that the problem was acute, had a direct impact on citizens' health, and could be resolved only by implementing

comprehensive and effective measures involving different ministries and levels of government. The meeting had also been the occasion to share best practices that had improved air quality in the Member States and to inform them about the support proposed by the Commission in the form of expertise and funding.

However, Mr VELLA regretted that few Member States had proposed new practical measures, which was why he had given them some extra days to present new effective measures. At the end of this short period, the Commission would have to decide on the next steps in the ongoing infringement proceedings.

In the course of the discussion that followed, the Commission raised the following key points: the fundamental nature of air quality for citizens' health, the role played by Europe, the wish for the Commission to show by its actions that it had exhausted all the means to find solutions with certain Member States, and the need to define performance indicators highlighting the added value of EU action in a whole series of horizontal policies.

The Commission took note of this information.

**9. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL ON HEALTH TECHNOLOGY ASSESSMENT AND
AMENDING DIRECTIVE 2011/24/EU
(COM(2018) 51 AND /2; SWD(2018) 41; SWD(2018) 42; SEC(2018) 82;
RCC(2018) 16)**

Mr ANDRIUKAITIS briefly presented to the College the proposal for a Regulation on health technology assessment, which aimed to lay down the foundations for permanent and sustainable cooperation in terms of the common clinical evaluation of new medicines and certain new medical devices across the EU while promoting innovation and competitiveness in the medical industry.

The Commission was proposing a regulatory framework that would bring

considerable benefits to patients, in particular by providing them with access to genuinely innovative and better-quality health care throughout Europe. The Commission would also set in motion a process to make EU health systems more sustainable, for example by requiring Member States to use their resources more efficiently by pooling them and sharing know-how. The Member States should from now on use common methods, procedures and tools and the Commission would continue to support them in their efforts to bring European citizens closer to innovations in the medical field.

The Commission adopted the proposal for a Regulation in COM(2018) 51/2 for transmission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the national parliaments, together with the impact assessment, the summary thereof and the opinion of the Regulatory Scrutiny Board in staff working documents SWD(2018) 41, SWD(2018) 42 and SEC(2018) 82, the contents of which were noted.

10. OTHER BUSINESS (CONTINUED)

10.1. LATEST DEVELOPMENTS CONCERNING THE IMPLEMENTATION OF THE EUROPEAN UNION'S TRADE STRATEGY

Ms MALMSTRÖM, Mr HOGAN and Mr KATAINEN reported on the latest developments in EU trade strategy, in particular in the context of the negotiations with the Mercosur countries.

10.2. DIVERSITY AND GENDER BALANCE ON CONFERENCE PANELS

In reply to a question from Mr KATAINEN, Ms GABRIEL returned to the awareness-raising campaign launched by the Commission to ensure gender balance on panels at conferences and other public events in the area of information and communication technologies. This initiative was not aimed at imposing any formal restrictions on the participation of the Members of the College on panels which they were asked to join, but on the other hand, the

Commission was invited to lead by example and increase the number of women on the panels of the conferences it organised. Sadly, very few of the panels held at its events in Brussels were balanced in terms of gender. Moreover, by addressing this imbalance the Commission would send a strong signal, which at the same time would strengthen women's confidence in their own skills.

During a brief discussion the Commission raised the importance of gender balance, but also the need to avoid introducing obligations or distortions or creating misunderstandings with other institutions or organisations on the campaign's scope.

The PRESIDENT expressed his support for this campaign, but felt it appropriate to ask Ms JOUROVÁ to examine this issue and then inform the Commission about the actions that it could take in this area to dispel possible misunderstandings.

11. COMMISSION DECISION ON A CODE OF CONDUCT FOR THE MEMBERS OF THE EUROPEAN COMMISSION

(C(2018) 700)

At the request of the PRESIDENT, the Secretary-General Alexander ITALIANER presented the final version of the decision on a new Code of Conduct for the Members of the European Commission, the aim of which was to tighten up the ethical rules that apply to them.

On 12 September 2017, the College had in principle approved the draft decision submitted to it. In accordance with the Framework Agreement between the two institutions, the PRESIDENT had also consulted the Parliament on the draft version of the new code, and its President, Antonio TAJANI, had formally notified the PRESIDENT the previous week of the Parliament's opinion, which highlighted the substantial improvements introduced by the new Code of Conduct, taking into

account the observations made by the Members of Parliament.

Mr ITALIANER drew attention to the fact that the entry into force of the new Code of Conduct would be an appropriate time to publish the new declarations of interests that had been completed and signed by the Members of the Commission and examined under the authority of the PRESIDENT. He stressed that it was the individual responsibility of each Member of the Commission to ensure that the declaration was kept up-to-date and that they should be especially mindful of any potential conflicts of interest in their day-to-day activities.

He asked the Members of the Commission to inform him and the PRESIDENT of any questions they might have regarding the new Code of Conduct; the relevant Commission departments would provide the necessary answers and advice.

The Secretary-General also informed the Members of the Commission that their mission expenses would be published shortly, in accordance with Article 6(2) of the new Code of Conduct, probably from 28 February onwards. An IT tool had been developed for this purpose and the Chefs de cabinet would be responsible for approving the information relating to mission expenses; they would have ten days in which to do so in the database provided by the Office for the Administration and Payment of Individual Entitlements (PMO). Given the visibility of this information, he felt that it should be published in a standardised and consistent manner on the websites of the Members of the Commission, and said that appropriate training had been offered to the cabinets that week.

He also emphasised how important it was, in order to protect the Commission's reputation, for the Chefs de cabinet to be extremely diligent when applying the Code of Conduct and managing the declarations of interests and mission expenses.

Lastly, he pointed out that the new provisions in the Code of Conduct allowing Members of the Commission to stand in elections to the European Parliament without needing to take electoral leave could not be applied immediately, since the application of those provisions would first require a number of amendments to be

made to the Framework Agreement between the Parliament and the Commission. These amendments were currently being approved by the European Parliament.

The Director-General of the Legal Service, Luis ROMERO REQUENA, explained that, under the current Framework Agreement between the Parliament and the Commission, Members of the Commission were indeed required to take unpaid electoral leave when standing in European elections. It would therefore be necessary to amend this provision in order to apply the rules in the new Code of Conduct regarding the participation of Members of the Commission in European elections.

The process of amending the Framework Agreement was nearing its conclusion in the Parliament, but Article 10(2) to (5) of the new Code regarding European elections could not enter into force until the necessary amendments had been adopted. For that reason, a paragraph had been added to Article 14, specifying that the previous Code of Conduct would continue to apply until the new Framework Agreement was adopted.

He noted that, in its opinion on the new Code of Conduct for the Members of the Commission, the Parliament had welcomed these provisions and that an agreement had been reached at political level regarding the amendments to be made to the Framework Agreement. He concluded that the new Framework Agreement should enter into force shortly.

In the course of the discussion that followed, the Commission referred to the importance of ensuring the greatest possible transparency vis-à-vis European citizens and the need to promote the highest and strictest ethical standards in all of the European Union's institutions.

After taking note of this double presentation, the Commission adopted the decision in C(2018) 700, and decided to publish it, for information purposes, in all official languages, in the Official Journal of the European Union.

The Commission also decided that the new code of conduct would apply from 1 March 2018.

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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 11.18.