



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2018) 2242 final

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

Strasbourg, 13 March 2018

TEXTE EN

MINUTES

of the 2242nd meeting of the Commission

held in Strasbourg

(Winston Churchill building)

on Tuesday 6 February 2018

(afternoon)

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Single sitting: Tuesday 6 February 2018 (afternoon)

The sitting opened at 13.20 with Mr JUNCKER, President, in the chair.

Present:

Mr JUNCKER	President	
Mr TIMMERMANS	First Vice-President	
Ms MOGHERINI	High Representative / 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 ARIAS CAÑETE	Member	
Mr VELLA	Member	
Mr ANDRIUKAITIS	Member	
Mr AVRAMOPOULOS	Member	Items 1 to 8 (in part)
Ms THYSSEN	Member	
Mr MOSCOVICI	Member	
Mr STYLIANIDES	Member	
Mr HOGAN	Member	
Ms BULC	Member	
Ms BIENKOWSKA	Member	
Ms JOUROVÁ	Member	
Mr NAVRACSICS	Member	
Ms VESTAGER	Member	
Mr MOEDAS	Member	
Sir Julian KING	Member	
Ms GABRIEL	Member	

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Absent:

Ms CREȚU

Member

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

Mr LATOUDIS	A member of Ms CRETŮ's staff
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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 MARTÍNEZ ALBEROLA	Deputy Chef de cabinet to the PRESIDENT
Ms SILLAVEE	PRESIDENT's Office
Ms PANZETTI	Chef de cabinet to Ms MOGHERINI
Mr KARNITSCHNIG	Chef de cabinet to Mr HAHN
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) 2242/FINAL; SEC(2018) 2242/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(2018) 2242)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Friday 2 February.

3. APPROVAL OF THE MINUTES OF THE 2235TH, 2237TH, 2238TH, 2239TH, 2240TH AND 2241ST MEETINGS OF THE COMMISSION (6 AND 20 DECEMBER 2017 AND 10, 16, 24 AND 31 JANUARY 2018)
(PV(2017) 2235; PV(2017) 2235, 2ND PART)

The Commission approved the minutes of its 2235th meeting and decided to hold over approval of the minutes of its 2237th, 2238th, 2239th, 2240th and 2241st meetings until a later meeting.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2018) 17)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 2 February (RCC(2018) 17).

It paid particular attention to the following points.

4.1. HORIZONTAL ITEM

- i) Negotiations on an agreement with the United Kingdom of Great Britain and Northern Ireland setting out the arrangements for its withdrawal from the European Union under Article 50 of the Treaty on European Union – Position Paper on Transitional Arrangements in the Withdrawal Agreement**

The Commission approved the line set out in SI(2018) 42 and authorised the ‘Article 50 Task Force’ to send to the Council (Article 50) and the European Parliament the ‘Essential Principles’ paper in question.

4.2. LEGISLATIVE MATTERS

- ii) Trilogue**

(point 3.1 of the IRG record)

- Amendment of Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (Directive) – MORIN-CHARTIER and JONGERIUS report – 2016/0070 (COD)

The Commission approved the line set out in SI(2018) 38/2.

- iii) European Parliament dossiers – February I part-session**

(point 3.2 of the IRG record)

Ordinary legislative procedure – First reading

- Geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market and amendment of Regulation (EC) 2006/2004 and Directive 2009/22/EC (Regulation) – THUN UND HOHENSTEIN report – 2016/0152 (COD)

The Commission took note of SP(2018) 45, further to notes SI(2017) 496 and /2, which it had already approved on 22 November 2017.

Delegated Act

- Amendment of Delegated Regulation (EU) 2016/1675 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council, as regards adding Sri Lanka, Trinidad and Tobago and Tunisia to the table in point I of the Annex (Delegated Regulation) – Objection under Article 105(3) of the European Parliament's Rules of Procedure – C(2017) 8320

The Commission took note of SP(2018) 81.

4.3. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

iv) Programming of Council business

(SI(2018) 45)

The Commission took note of the information in SI(2018) 45 on the Council meetings between 8 and 21 February.

v) Non-legislative dossiers

(point 4.1 of the IRG record)

- Draft Global Pact for the Environment

The Commission approved the line set out in SI(2018) 35/2.

- EEAS non-paper on ‘Enhancing EU Security Engagement in and with Asia’

The Commission took note of the non-paper annexed to SI(2018) 25, which would be communicated and presented to the Member States.

- Draft Council Conclusions on Climate Diplomacy

The Commission took note of SI(2018) 37 and the draft conclusions set out in the annex to SI(2018) 37/2.

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

The Commission approved the line set out in SI(2018) 40.

4.4. RELATIONS WITH PARLIAMENT

vi) Non-legislative dossiers

(point 5.1 of the IRG record)

- Annual report on the financial activities of the European Investment Bank
– GARDIAZABAL RUBIAL report – 2017/2071 (INI)

The Commission took note of SP(2018) 59 and /3.

- Replacing Annex A to Regulation (EU) 2015/848 on insolvency proceedings (Regulation) – ZWIEFKA Report – 2017/0189 (COD)

The Commission approved the line set out in SP(2018) 62.

- Application of Council Regulation (EU) 2017/1939 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office (Council Regulation) – Information note for the attention of the LIBE and CONT Committees of the European Parliament

The Commission took note of SP(2018) 77 and /2 and decided to transmit the information note annexed to SP(2018) 77 to the European Parliament and the Council.

vii) Action taken on the non-legislative resolutions adopted by Parliament at its November I 2017 part-session

(point 5.6.1 of the IRG record)

The Commission approved documents SP(2018) 52 and /2 on the action taken on the non-legislative resolutions adopted by Parliament at its November I 2017 part-session, for transmission to Parliament.

5. MONITORING THE APPLICATION OF EUROPEAN UNION LAW

INFRINGEMENTS – URGENT INDIVIDUAL CASE (SEC(2018) 102)

The Commission adopted the decision in SEC(2018) 102.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

6.1. WRITTEN PROCEDURES APPROVED (SEC(2018) 85 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 29 January and 2 February.

6.2. EMPOWERMENT (SEC(2018) 86 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 29 January and 2 February.

6.3. DELEGATION / SUBDELEGATION OF POWERS (SEC(2018) 87 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 29 January and 4 February, as archived in Decide.

6.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2018) 88)

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

7. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2018) 89/2)

ADMINISTRATIVE MATTERS

(PERS(2018) 7)

EUROPEAN ANTI-FRAUD OFFICE – REQUEST FOR AN OPINION ADDRESSED TO THE SUPERVISORY COMMITTEE OF THE EUROPEAN ANTI-FRAUD OFFICE ON THE SELECTION PROCEDURE USED BY THE COMMISSION TO APPOINT DIRECTORS-GENERAL

(PERS(2017) 83 A /4)

In order (i) to enable the Supervisory Committee of the European Anti-Fraud Office to issue an opinion on the selection procedure used by the Commission to appoint Directors-General and, subsequently, (ii) to enable the Commission to establish a list of the most suitable candidates with a view to consultations with the European Parliament and the Council, the Commission, on a proposal from Mr OETTINGER, in agreement with the PRESIDENT, decided:

- to ask the Supervisory Committee to issue a favourable opinion on the selection procedure used by the Commission, based on the conclusions of the Consultative Committee on Appointments;
- to instruct Mr OETTINGER to communicate this decision to the Supervisory Committee of the European Anti-Fraud Office.

These decisions would take effect immediately.

**8. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – A CREDIBLE ENLARGEMENT PERSPECTIVE FOR AND ENHANCED EU ENGAGEMENT WITH THE WESTERN BALKANS
(COM(2018) 65 TO /4; RCC(2018) 18)**

The PRESIDENT asked Ms MOGHERINI and Mr HAHN to present to the College the strategy for a credible enlargement perspective for and enhanced EU engagement with the Western Balkans.

Ms MOGHERINI explained that this Communication was part of the overall strategy for the future of the Union until 2025, which the PRESIDENT had announced in his State of the Union address in September 2017. She stressed the importance of establishing a policy framework to boost the European perspective of the whole region of the Western Balkans, a region that shared not only its geography, history and cultural heritage with the EU, but also common interests and challenges. She reminded the meeting that the citizens and political leaders of the region had expressed a clear willingness to continue the reform efforts needed to make progress towards European integration. In endorsing this strategy, the Commission was sending a strong political message, on the one hand by establishing a credible enlargement perspective for the region, which therefore had a European future, and on the other by confirming that the accession process would continue to be based on merit and the actual results achieved by each one.

She invited the Members of the Commission to clarify a number of points in the Communication to avoid any misinterpretation. Firstly, the Commission was now charting a course towards a credible enlargement perspective and proposing a stronger EU commitment to this region. Secondly, the strategy set out the steps that Montenegro and Serbia – the only two countries in the region with which accession negotiations were already open – would have to take to complete their accession

process by 2025. Thirdly, each partner in the Western Balkans would be able to make progress on its own path to EU accession. The prospects for the accession of each of them would evolve in line with the practical results obtained, particularly in terms of the implementation of reforms and the definitive settlement of disputes with neighbouring countries. Fourthly, the six flagship initiatives contained in the strategy, along with the accompanying measures, demonstrated the EU's political commitment to step up its support for the transformation of the region in areas of common interest. Fifthly, a significant political investment would have to be made in the coming months, particularly in view of the possible conclusions of the European Council meeting in June, in order to seize this unique and historic opportunity.

Mr HAHN stressed the strategic importance of integrating the partners of the Western Balkans in order to achieve the great ambition of making Europe a continent of peace and an area of stability. Before preparing the Union to welcome new members, he said that the Commission would have to convince the Member States and European citizens, by underlining the significant economic potential of the Western Balkans region, but also by highlighting the risks inherent in a lack of stability in the region.

He went on to present the strategy, the objective of which was to offer a more credible and tangible accession perspective and to reiterate the conditions that were already known, while also exerting positive political pressure to speed up the ongoing transformations in the Western Balkans region. The 2025 date was thus a political horizon serving as an incentive, but it was purely indicative.

He referred to the six flagship initiatives, which were designed to strengthen cooperation and support the reform efforts, explaining that they targeted specific areas of common interest, namely (i) the rule of law, (ii) security and migration, (iii) socio-economic development, (iv) connectivity in the transport and energy sectors, (v) the digital agenda, and (vi) reconciliation and good neighbourly relations.

On this last point, he said that the region must commit itself unequivocally to overcoming the legacy of the past through reconciliation and by settling any outstanding disagreements, including over borders, well before their accession to the European Union, which would refuse to import any bilateral disputes. He also pointed out that the conclusion of an agreement on the normalisation of relations between Serbia and Kosovo¹ would be needed to enable them to progress on their respective paths to EU accession.

Finally, Mr HAHN stated that in order to better structure the process, the strategy included an action plan containing 57 practical measures which could be implemented between 2018 and 2020 in connection with the six flagship initiatives. He reiterated that progress towards accession would be assessed objectively, on the basis of merit and specific results in each of the partners in the Western Balkans, but that by making sustained efforts and by availing themselves of the EU assistance on offer, they would now have the opportunity to make significant advances on their paths to integration.

Mr TIMMERMANS wished to make a number of comments, specifically on the importance of the observance of the rule of law and particularly on the issue of border disputes. Firstly, he noted that in order to regain the trust of those citizens opposed to further enlargements and convince the Member States to support the strategy presented that day, the Commission would need to demonstrate that it had learnt lessons from the past.

He then referred to three aspects which, in his view, were essential to ensure the strategy was successful, namely (i) the importance of strict adherence to the balanced wording of the Communication, particularly as regards the indicative steps required to enable Montenegro and Serbia to complete the accession process by

¹ This designation is without prejudice to positions on status, and is in line with UN Security Council Resolution 1244/1999 and the International Court of Justice Opinion on the Kosovo declaration of independence.

2025, (ii) the need to ensure that no existing conflicts were brought into the Union and that legal uncertainties or loopholes could not be exploited; at the same time he stressed the need for a swift resolution to the current border dispute between Croatia and Slovenia, and (iii) the vital importance of focusing on the rule of law in all future initiatives that would be financed under the next Multiannual Financial Framework.

He concluded by highlighting that the success of the process of rapprochement of the Western Balkans to the EU would depend mainly on their willingness to work together to achieve a common aim, and he called upon the Members of the Commission to be very clear on this point in their communication efforts to prevent any misunderstandings or false expectations.

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

- the sensitive issue of indicative timelines, on the one hand, and the importance of establishing credible perspectives and clear conditions for the region, on the other hand;
- the key role played by civil society in the transformation of the Western Balkans region, and the possibility of furthering this process by drawing on other EU policies, particularly trade policy and transport policy; in this context, reference was made to the encouraging results as regards the implementation of the EU-Western Balkans Transport Community Treaty;
- the contribution of education and cultural and social dimensions to enlargement policy; in this respect, the Commission had recently announced the creation of a Western Balkans Cultural Heritage Route and a number of initiatives which aimed to foster a collective memory in the Western Balkans, for example as part of the Erasmus programme;
- in the context of the next Multiannual Financial Framework, the importance of setting out conditions relating to the observance of the rule of law and

supporting investments that could improve the transparency and efficiency of legal systems, such as the digitisation of courts and e-procurement solutions;

- digital policy as a tool with the potential to speed up the integration process, particularly initiatives designed to improve connections in rural and industrial areas, as well as citizen involvement through the development of e-government solutions;
- the potential benefits of stabilising the region, particularly in the area of security; the fact that it was in the EU's best interest to bolster its commitment to the Western Balkans, a region that had often been used as a platform for organised crime, such as money laundering, for arms trafficking, or as a route for foreign fighters.

Coming back to the question of the Communication, Mr TIMMERMANS noted that the conditions for EU membership were clearly set out in the document and that any country that fulfilled those conditions could potentially join the EU. He explained that by stepping up their efforts, it would theoretically be possible for certain countries to achieve regulatory alignment with the EU by 2025. However, the Commission was currently not in a position to set a deadline, as progress was assessed on the basis of each one's achievements and actual results.

Mr HAHN added that the outline of the steps required to complete the accession process was still indicative, but should motivate the region to commit to this aim by putting in place the reforms needed to achieve long-lasting and irreversible change.

Ms MOGHERINI welcomed the fact that the strategy, which was based on each one's merits, offered the Western Balkans realistic and credible prospects. She referred to the initiatives focused on culture, education and cultural heritage, which were important tools to ease the tensions inherited from the past and encourage cooperation in the Western Balkans and the emergence of a collective memory. Lastly, she felt that if tangible and sustainable results to create the momentum needed for them to join the EU were achieved, the Commission would need to play

a major role in supporting the region on the pathway towards integration.

The PRESIDENT seconded the Commission Members' remarks, particularly as regards communication issues, and reminded them that he had never set a target date for a further enlargement, contrary to certain press reports. He stressed that the Commission did not intend to bring any border disputes into the European Union and, as a result, any such disputes would need to be resolved long before any potential accession, if necessary through arbitration. He added that it was essential to resolve the current border dispute between Croatia and Slovenia before any future enlargement, and he therefore called on these two Member States to reach an agreement as a matter of urgency.

Before closing the discussion, the PRESIDENT emphasised the question of the rule of law and respect for human rights, reminding the meeting that all the Member States and candidate countries were required to adhere strictly to the EU's founding principles and values. He noted that, by signing the EU treaties, countries undertook a commitment to abide by the rules set out in the treaties and citizens expected the Commission to enforce those rules.

Following this discussion, the Commission approved the Communication in COM(2018) 65/4 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions and, for information, to the national parliaments.

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The meeting closed at 14.27.