



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2018) 2243 final

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

Strasbourg, 13 March 2018

TEXTE EN

MINUTES

of the 2243rd meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 14 February 2018

(morning)

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Single sitting: Wednesday 14 February 2018 (morning)

The sitting opened at 9.44 with Mr JUNCKER, President, in the chair.

Present:

Mr JUNCKER	President	
Mr TIMMERMANS	First Vice-President	
Mr ANSIP	Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Mr DOMBROVSKIS	Vice-President	
Mr OETTINGER	Member	
Mr HAHN	Member	Items 9 and 10
Mr MIMICA	Member	
Mr ARIAS CAÑETE	Member	
Mr VELLA	Member	
Mr ANDRIUKAITIS	Member	
Ms THYSEN	Member	
Mr MOSCOVICI	Member	
Mr STYLIANIDES	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	

Absent:

Ms MOGHERINI	High Representative / Vice-President
Mr KATAINEN	Vice-President
Ms MALMSTRÖM	Member
Mr AVRAMOPOULOS	Member
Ms GABRIEL	Member

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

Ms PANZETTI	Chef de cabinet to Ms MOGHERINI
Ms MADSEN	Deputy Chef de cabinet to Mr KATAINEN
Ms ÅSENIUS	Chef de cabinet to Ms MALMSTRÖM
Ms SCHMITT	Chef de cabinet to Mr AVRAMOPOULOS
Mr BUHR	Deputy Chef de cabinet to Ms GABRIEL

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	
Ms KRAMER	Director of Coordination and Administration in the PRESIDENT's Office	Item 8
Mr BALTAZAR	Chief adviser in the PRESIDENT's Office	Items 9 and 10
Mr GRASSI	Adviser in the PRESIDENT's Office	
Ms SILLAVEE	PRESIDENT's Office	
Mr SMULDERS	Chef de cabinet to Mr TIMMERMANS	Items 1 to 7
Mr HAGER	Chef de cabinet to Mr OETTINGER	Items 1 to 8
Ms UDWIN	Deputy Chef de cabinet to Mr HAHN	Items 1 to 8
Ms ANDREEVA	Commission Spokesperson's Service	

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

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1. AGENDAS

(OJ(2018) 2243/FINAL; SEC(2018) 2243/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 item 6 on an administrative decision.

2. WEEKLY MEETING OF CHEFS DE CABINET

(RCC(2018) 2243)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 12 February.

3. APPROVAL OF THE MINUTES OF THE 2237TH, 2238TH, 2239TH, 2240TH, 2241ST AND 2242ND MEETINGS OF THE COMMISSION (20 DECEMBER 2017, 10, 16, 24, 31 JANUARY, AND 6 FEBRUARY 2018) (PV(2017) 2237; PV(2017) 2237, 2ND PART)

The Commission approved the minutes of its 2237th meeting and decided to hold over approval of the minutes of its 2238th, 2239th, 2240th, 2241st and 2242nd meetings until a later meeting.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2018) 19)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 9 February (RCC(2018) 19).

It paid particular attention to the following points.

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4.1. LEGISLATIVE MATTERS

i) Trilogues

(point 3.1 of the IRG record)

- Enforcement of Directive 2006/123/EC on services in the internal market, laying down a notification procedure for authorisation schemes and requirements related to services, and amendment of Directive 2006/123/EC and Regulation (EU) 1024/2012 on administrative cooperation through the Internal Market Information System (Directive) – GUTIÉRREZ PRIETO report – 2016/0398 (COD)

The Commission approved the line set out in SI(2018) 41.

- Proportionality test before adoption of new regulation of professions (Directive) – SCHWAB report – 2016/0404 (COD)

The Commission approved the line set out in SI(2018) 50.

- Amendment of Regulation (EC) 726/2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency (Regulation) – TĂNĂSESCU report – 2014/0256 (COD)

The Commission approved the line set out in SI(2018) 46/2.

- Rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio (Regulation) – WÖLKEN report – 2016/0284 (COD)

The Commission approved the line set out in SI(2018) 49.

ii) Council dossier

(point 3.3 of the IRG record)

- Amendment of Directive (EU) 2016/97 as regards the date of application of Member States' transposition measures (Directive) – LANGEN report – 2017/0350 (COD)

The Commission approved the line set out in SI(2018) 54/4.

4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

iii) Programming of Council business

(SI(2018) 55)

The Commission took note of the information in SI(2018) 55 on the Council meetings between 15 and 28 February.

iv) Latest developments in the Council

(point 4.4 of the IRG record)

- Findings of 17 March 2017 of the Aarhus Convention Compliance Committee regarding compliance case ACCC/C/2008/32 – Application of Article 241 of the Treaty on the Functioning of the European Union

The Commission approved the line set out in SI(2018) 51.

4.3. RELATIONS WITH PARLIAMENT

v) Non-legislative dossier

(point 5.1 of the IRG record)

- Further macro-financial assistance to Georgia (Decision) – Preparation of an exchange of views and the vote of the Committee on International Trade (INTA) on 19 and 20 February – TAKKULA report – 2017/0242 (COD)

The Commission approved the line set out in SP(2018) 93.

vi) Action taken on the legislative opinions and non-legislative resolutions adopted by Parliament at its January 2018 part-session
(point 5.6.1 of the IRG record)

The Commission approved document SP(2018) 83 on the action taken on the legislative opinions and non-legislative resolutions adopted by Parliament at its January 2018 part-session, for transmission to Parliament.

vii) Action taken on the non-legislative resolutions adopted by Parliament at its November II 2017 part-session
(point 5.6.2 of the IRG record)

The Commission approved document SP(2018) 87/4 on the action taken on the non-legislative resolutions adopted by Parliament at its November II 2017 part-session, for transmission to Parliament.

viii) Action to be taken on Parliament's legislative resolutions and other resolutions of a legal nature
(SP(2018) 64)

The Commission decided to empower the Members of the Commission responsible for the sectors concerned, in agreement with the PRESIDENT and Mr TIMMERMANS and, where appropriate, with the other Members concerned, to adopt the amended proposals for transmission to Parliament and the Council, as set out in SP(2018) 64, drawn up following Parliament's February 2018 part-session, the contents of which were noted.

ix) Results of Parliament's February I 2018 part-session
(SP(2018) 70; SP(2018) 71)

The Commission took note of the information in SP(2018) 70 and SP(2018) 71 on the proceedings of the part-session of Parliament held in Strasbourg from 5 to 8 February.

4.4. OTHER BUSINESS

- x) **Revision of the Commission guidelines on market analysis and the assessment of significant market power in the electronic communication sector**

(point 7 of the IRG record)

The Commission took note of the information in SI(2018) 53/2.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED

(SEC(2018) 94 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 5 and 9 February.

5.2. EMPOWERMENT

(SEC(2018) 95 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 5 and 9 February.

5.3. DELEGATION / SUBDELEGATION OF POWERS

(SEC(2018) 96 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 5 and 9 February, as archived in Decide.

5.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2018) 97)

The Commission took note of the sensitive written procedures for which the time limit expired between 12 and 16 February.

6. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2018) 98)

ADMINISTRATIVE MATTER
(PERS(2018) 14)

At the invitation of the PRESIDENT, Mr OETTINGER and Mr DOMBROVSKIS presented to the College the proposal for the appointment of Mr Bostjan JAZBEC as Member of the Board and Director of Resolution Planning and Decisions of the Single Resolution Board, the central authority of the Banking Union. The Commission would communicate this proposal to Parliament and inform the Council of it, in accordance with Regulation (EU) 806/2014 establishing the Single Resolution Board.

They reminded the College that, following an open selection procedure, the Commission had drawn up a list of candidates to the post in December 2017 which it had sent to Parliament while informing the Council. The Commission was now preparing to communicate its proposal to Parliament. Once Parliament had approved the proposal, it would be up to the Council to appoint Mr Bostjan JAZBEC for a non-renewable five-year term.

Mr Bostjan JAZBEC, a Slovenian national, was currently Governor of the Bank of Slovenia, and had been a Member of the Governing Council and the General Council of the European Central Bank since 2013. He was also the Slovenian Governor of the International Monetary Fund and a Member of the Central Bank Governance Group of the Bank for International Settlements.

***DG FINANCIAL STABILITY, FINANCIAL SERVICES AND CAPITAL MARKETS UNION – PROPOSAL FOR THE APPOINTMENT OF A MEMBER OF THE BOARD AND DIRECTOR OF RESOLUTION PLANNING AND DECISIONS OF THE SINGLE RESOLUTION BOARD
(PERS(2017) 111 TO /4)***

Having taken note of this information and the procedure followed as set out in PERS(2018) 14, the Commission, on a proposal from Mr OETTINGER, in agreement with the PRESIDENT and Mr DOMBROVSKIS, decided:

- to propose the appointment of Mr Bostjan JAZBEC to the post of Member of the Board and Director of Resolution Planning and Decisions of the Single Resolution Board;
- to ask Mr DOMBROVSKIS, the Member of the Commission in charge of the Euro and Social Dialogue, Financial Stability, Financial Services and Capital Markets Union, to communicate this decision to Parliament and to inform the EU Council of Ministers.

These decisions would take effect immediately.

7. OTHER BUSINESS

***COMMISSION DECISION ON THE ADMISSIBILITY OF THE PROPOSED CITIZENS' INITIATIVE ENTITLED 'WE ARE A WELCOMING EUROPE, LET US HELP!'
(C(2018) 895)***

Mr TIMMERMANS presented the draft decision being tabled that day on registration of the European citizens' initiative entitled 'We are a welcoming Europe, let us help!'. In substance, this initiative called on the Commission to (i) offer support to local groups that helped refugees who were granted national visas, (ii) prevent Member States from prosecuting or fining volunteers who offered

refugees humanitarian help or shelter, and (iii) guarantee more effective ways and rules to defend all victims of labour exploitation and crime across Europe and all victims of human rights abuses at our borders.

He reminded the meeting that in accordance with the conditions for admissibility provided for in Regulation (EU) 211/2011 on the citizens' initiative, the proposed action must, in order to be registered, manifestly fall within the Commission's powers to submit a proposal for a legal act for the purpose of implementing the Treaties, and fulfil the other conditions set out in Article 4(2) of that Regulation.

The requests of the proponents of the European citizens' initiative fell within the Commission's powers to propose legal acts for the purpose of implementing the Treaties. As regards the second arm of the proposal, as clearly indicated in the recitals to the Commission's decision, the Union's competences pursuant to Article 83 of the Treaty on the Functioning of the European Union were limited, but this arm could be examined in the light of Article 79(2) of the Treaty.

In conclusion, Mr TIMMERMANS pointed out that the College's task that day was only to decide only on the legal admissibility of the proposal and not at this stage to analyse its substance or political advisability. If, in the space of a year, one million signatures were collected from citizens of at least seven Member States, the Commission would have three months to decide whether or not to consent to the requests, duly justifying its decision.

The Commission confirmed that the admissibility criteria under Article 4(2) of Regulation (EU) 211/2011 were fulfilled for the proposed European citizens' initiative entitled 'We are a welcoming Europe, let us help!'. The Commission therefore decided to register it on 15 February 2018, in accordance with document C(2018) 895, and authorised Mr TIMMERMANS to sign the decision on its behalf, to notify the organisers of the initiative thereof in the authentic language (English), and to publish it, for information, in the Official Journal of the European Union.

8. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL – A NEW, MODERN MULTIANNUAL FINANCIAL FRAMEWORK FOR A EUROPEAN UNION THAT DELIVERS EFFICIENTLY ON ITS PRIORITIES POST-2020

THE EUROPEAN COMMISSION'S CONTRIBUTION TO THE INFORMAL LEADERS' MEETING ON 23 FEBRUARY 2018

(COM(2018) 98 TO /3; RCC(2018) 21)

At the request of the PRESIDENT, Mr OETTINGER presented to the College the Communication on the future multiannual financial framework post-2020, which was to be the Commission's contribution to the informal meeting of European leaders in Brussels on 23 February. He noted that this text was the fruit of internal discussions in the College on this subject, wide-ranging consultations which he had been conducting with the European Parliament and the Member States – and which he intended to continue over the next few weeks – and of course the public consultations on the European Union's priorities that had been launched in January 2018.

He stressed that the Communication was not a proposal, or a statement of the Commission's position, but an objective description of the current state of these discussions, together with a number of possible options to address the challenges in the years ahead and meet the needs of European citizens, against the backdrop of the loss of budgetary resources arising from the United Kingdom's withdrawal from the Union.

Mr OETTINGER welcomed the appropriateness of that day's discussion and placed particular emphasis on questions of timing and the need not to waste any time. He felt that the unfortunate experience with the late adoption of the current EU financial framework – which had caused significant delays in the launch of new programmes and, consequently, in achieving the funding priorities – should not be repeated. He was therefore proposing, in agreement with the PRESIDENT, that the Commission's formal proposal on the future multiannual financial framework be

presented on 2 May rather than 29 May, as originally planned.

He began by welcoming the fact that the European Parliament saw adoption of the post-2020 multiannual financial framework as a priority and was preparing to get to work on it as soon as the Commission had presented its proposal in May. Parliament was determined to complete its own work on this dossier in February or March 2019.

The key question at next week's informal meeting would ultimately be whether the European leaders were as determined as the European Parliament and the Commission to make discussion of the future multiannual financial framework a political priority once it had been presented. He strongly hoped that this would be the case because the sooner the Union's financial framework was approved, the better it would be for the local and regional budgets that relied on European co-financing, as well as for businesses, researchers, students and many other beneficiaries of European programmes, who needed to know where they stood.

On 23 February the leaders of the European Union would therefore examine ways of ensuring that the priorities set for Europe in their Bratislava Declaration of 16 September 2016 and the Rome Declaration of 25 March 2017 could be properly funded in order to turn them into reality. Mr OETTINGER stressed that these two aspects – defining common priorities and giving the Union the wherewithal to implement them – were inextricably linked.

He noted that the Commission would play a very important role in this debate through its Communication by (i) providing the facts needed by the leaders to weigh up the Union budget, its benefits, its achievements and its added value, (ii) drawing up scenarios that illustrated the financial impact of the various possible policy choices and (iii) highlighting the repercussions for citizens, businesses and projects in the Union if there were a delay in adopting the new multiannual financial framework.

Mr OETTINGER described the Communication as a range of scenarios presented to

the European leaders to enable them to take their decisions with a full knowledge of the facts, as it quantified the financial impact of the possible policy choices. The illustrative examples put forward were intended to set a framework for discussions and provide a sound objective basis for making these fundamental choices for the future.

He cited as an example the pledge frequently made by the Member States to improve the protection and management of the Union's external borders. The cost of a stronger, permanent force of 3 000 European border guards and coastguards was 20 to 25 billion euros over seven years, or even of around 150 billion euros, if all national expenditure were included, in the case of a fully integrated management system comparable to the US or Canadian systems, with 100 000 staff and a substantial pool of equipment. This was an example of putting a specific and precise figure on the cost of delivering a political priority that the EU had set itself. Other priorities would also have to be duly funded – defence, support for youth mobility, the digital transformation of Europe, promotion of research and innovation, and support for a real economic and monetary union.

He said that the Commission was also presenting options for modernising the Union's financial framework and budget, in particular by strengthening the link between the aims of the budget and how it was funded. On the question of funding, he criticised as unrealistic the notion that the budget should be kept at 1 % of gross national income of the Member States. He pointed out that Union funding benefited all the Member States and rejected the old distinction between net contributors to the EU budget and net recipients. It would have to be clearly explained to the leaders that the funds granted for example to Bulgaria, Greece and Italy to manage the external borders also had direct security benefits for the other Member States. This was a fact that needed to be reflected in the draft multiannual financial framework.

Mr OETTINGER argued that the swift conclusion of an agreement was not only politically desirable, but a practical imperative. Partners and beneficiaries of EU funding – from students and researchers to infrastructure, health care or energy

projects – as well as national, regional and local authorities needed legal and financial certainty. The Commission Communication therefore drew the leaders' attention to specific examples of the detrimental impact any delay in adopting the multiannual financial framework would have on citizens and businesses throughout the Union.

The PRESIDENT confirmed that the Commission would have to reach out and explain the situation to the Member States, in particular the need to conclude the negotiations on the post-2020 financial framework before the European Parliament elections in May 2019, given the implications which any delay might have for regions and local communities. He asked the Members of the Commission to stay in close contact with the latter.

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

- the quality of the Communication, which was reader-friendly and instructive, and also presented the future challenges and consequences of possible choices objectively, which meant that it was very fit for its purpose of stimulating reflection among EU leaders;
- the importance of emphasising that the Communication did not put forward Commission proposals but examples based on the ideas often raised in the public debate, with a view to offering food for thought and providing Heads of State or Government with a solid and objective basis to make the strategic choices required of them;
- the considerable benefits that all Member States derived from their contribution to the EU budget, for example because of the single market or the impact of European investment in areas such as transport and energy infrastructure, security and defence, and space policy, and thus the usefulness of not thinking in terms of net beneficiaries and net contributors;

- the consequences of the UK withdrawal for the EU budget, and the difficult choices that Member States would face;
- in that context, the need to explain clearly the various scenarios and their consequences for European citizens, while avoiding giving the impression that the less ambitious options, particularly as regards the Common Agricultural Policy, were Commission proposals;
- the issue of how ambitious an effective cohesion policy should be; in that context, a reminder of the wish expressed by several Member States, following the publication of the reflection paper on the future of EU finances in June 2017, that cohesion policy support all EU regions;
- the fact that cross-border cooperation between regions should be further encouraged, including in the context of macro-regions;
- as regards policies fostering innovation, the role of regional policy in supporting technology transfer;
- the case for strengthening the link between the payment of EU funds and respect for the EU's fundamental values;
- at the same time, the need to ensure a legally watertight 'conditionality' mechanism based on clear and proportional rules agreed with Member States;
- in that context, the suggestion of examining the possible creation of incentives for enhanced cooperation within the European Public Prosecutor's Office;
- the need to bear in mind that several of the Commission's priority initiatives, notably under the European Pillar of Social Rights, would require structural reforms which would be hard to achieve in the absence of tailored financing tools such as the European Social Fund;

- the importance of learning from the past and avoiding any delay in opening and conducting negotiations on the Multiannual Financial Framework and the legislation applicable to sectoral programmes;
- the need for enhanced communication on the EU budget, by emphasising its added value for citizens and the advantages of creating European public goods such as the single market, while stressing that the EU budget was not an accounting exercise, but rather follow-up to the political choices and priorities agreed by the Heads of State or Government;
- the importance of mainstreaming climate issues in future EU spending, and the potential risk that an own resource based on the emissions trading system could disadvantage highly carbon-intensive countries;
- the question of decommitted funds, and in particular the legal consequences of establishing a reserve;
- as regards own resources, revenue, the idea that other options in the Monti Report could be considered;
- the need to prepare for what would become an indispensable in-depth debate on European integration given the spread of initiatives in some Member States and the rise of populist movements seeking to restrict the EU's role to that of managing the cohesion funds and the single market, while disregarding the foundation on which it was based, namely its common values.

Mr OETTINGER stressed that while the Commission was not in a position to precisely gauge the effects of the decisions to be taken on the various EU policies, it was nevertheless clear that if the Heads of State or Government decided to keep the current threshold for Member States' contributions to the EU budget, major reductions would be unavoidable in the various areas of expenditure. That is why the Communication spelt out the various options being studied and also emphasised the significant added value of the EU budget.

He added that it had been necessary to make choices to ensure this highly political document was clear and concise, but that he would not fail to refer in detail to the budgetary issues specific to the different policy areas in the light of the contributions to the debate on the future of the EU's finances from European leaders and other stakeholders.

Finally, Mr OETTINGER confirmed that the Commission would speed up its work to finalise its MFF proposal and submit it to the European Parliament and the Council by 2 May, so as to minimise the risk of late adoption and the adverse effects that would ensue for citizens, as described in the Communication. He therefore asked the Commissioners concerned to ensure that their departments drew up the sectoral regulations taking into account this adjustment of the timetable.

The PRESIDENT wound up the discussion by warmly thanking Mr OETTINGER for the quality of the Communication presented that day, welcoming the College's fruitful discussion on a crucial issue for the future of the EU and confirming the deadline of 2 May for adoption of the proposal for a new financial framework.

The Commission approved the communication in COM(2018) 98/3 for transmission to the European Parliament, the European Council and the Council, and, for information, to the national parliaments.

9. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL – A EUROPE THAT DELIVERS – INSTITUTIONAL OPTIONS FOR MAKING THE EUROPEAN UNION'S WORK MORE EFFICIENT

THE EUROPEAN COMMISSION'S CONTRIBUTION TO THE INFORMAL LEADERS' MEETING OF 23 FEBRUARY 2018

(COM(2018) 95 TO /3; RCC(2018) 20)

10. COMMISSION RECOMMENDATION ON ENHANCING THE EUROPEAN NATURE AND EFFICIENT CONDUCT OF THE 2019 ELECTIONS TO THE EUROPEAN PARLIAMENT

(C(2018) 900 TO /3; RCC(2018) 20)

The PRESIDENT presented the Communication entitled ‘A Europe that delivers: institutional options for making the European Union's work more efficient’, and the Recommendation on enhancing the European nature and efficient conduct of the 2019 elections to the European Parliament. These two initiatives being submitted to the College for approval were aimed primarily at providing a basis for the discussions between the leaders of EU27 at their informal meeting on 23 February.

He outlined the main institutional options set out in the Communication. He referred first to the system of ‘lead candidates’ (*Spitzenkandidaten*), which he saw as an experiment that should be continued, while also taking on board the reservations expressed by the various EU institutions in this regard. The Communication outlined possible ways in which to improve this process on the basis of the current Treaties while respecting the balance between the EU institutions and among the Member States.

The PRESIDENT then mentioned the composition of the European Commission. Before the investiture of the next Commission, the European Council would have to reexamine whether to retain the principle of one Commissioner per Member State, or whether there was a need to reduce the size of the Commission, pursuant to Article 17(5) of the Treaty on European Union. Theoretically a smaller executive would be easier to govern and more efficient in operational terms, and would allow a more balanced distribution of portfolios. On the other hand, a smaller Commission would leave some Member States without a presence at the Commission’s political level; they would also lose the advantage of a direct link between the institution and citizens and national authorities.

The PRESIDENT also mentioned that in his State of the Union address in September 2017 he had suggested the idea of a ‘double-hatted’ president. In

practice, having a single person fill the two posts of President of the European Council and President of the European Commission would make the EU's structure and workings more efficient and clearer, and the current Treaties allowed such a change. A double-hatted president would by no means require a merging of the two institutions, because the President of the European Commission was already a full member of the European Council and neither of the two Presidents took part in votes in the European Council. Their role was to advise, provide input from the work of their services, build bridges and map out common ground among Member States, and identify areas of convergence. Moreover, the current system only worked if the respective holders of the posts got on well together, otherwise it could lead to deadlock or sterile interinstitutional conflicts.

Ultimately, the EU could not afford to dispense with holding a major public debate on the future of Europe, hence the need to carry on promoting discussions on the model of the citizens' dialogues organised by the present European Commission, adapting them to the needs of each of the Member States, along the lines, in particular, of the proposals of the French President Emmanuel Macron and other formulas used in certain Member States such as Ireland, with the involvement of Commissioners, MEPs, national governments, local and regional authorities and civil-society representatives.

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

General approach

- the relevance of the approach chosen, which allowed the various institutional options to be presented in a neutral manner in the form of a menu designed to provide a basis for the discussions between leaders at their informal meeting on 23 February;

- one Member of the Commission saw the possibility of the institutional options presented by the Commission opening up a broader debate on the issue of federalism;

‘Lead candidates’

- the importance of supporting the system of ‘lead candidates’, while stressing the non-automatic nature of the choice of President of the Commission, whose legitimacy was twofold and must be supported by a qualified majority both within the European Council and in the European Parliament;
- however, some saw a contradiction in appointing one lead candidate per party for the whole of the Union when citizens could only vote for them in a single Member State; the possible link to be made therefore with the issue of transnational lists;
- the wish of some for there to be a longer election campaign, across the Union in all the Member States, to allow parties to genuinely involve citizens in European electoral debates;
- others saw the difficulty of designating lead candidates earlier and of an earlier start to the election campaign, since this would risk jeopardising the appointment of leading politicians with government responsibilities in their respective countries;
- a reminder of the changing and unique nature of European democracy, whose development followed stages defined pragmatically without referring to pre-existing models;

The creation of transnational lists

- for some, the fact that transnational lists constituted the natural and logical next step in the evolution of European democracy, as European elections could not continue indefinitely as the sum of national elections;

- the appropriateness of exploring this promising institutional innovation in order to set the stage for a European debate;
- for others, the confusion that could be caused by introducing transnational lists in an electoral system still largely based on national lists;

Composition of the Commission

- the efficiency gains that could, in theory, be achieved by reducing the number of Commissioners;
- the difficulty, in practice, of envisaging a reduction in the number of Commissioners in the short term in the absence of unanimity on the issue among the Member States;
- the pragmatic solutions implemented by the current Commission to optimise the organisation and functioning of the College, thanks in particular to the coordination role played by the Vice-Presidents;
- the advantage of having all EU nationalities represented in the College to take account of all sensitivities and maintain direct political communication with the citizens of each Member State;
- the need, in the longer term, to revisit this issue in connection with future EU enlargements and the corresponding increase in the number of Commissioners;

Dual presidency of the Commission and the European Council

- the importance, under the current system, that these two posts be occupied by persons working together on good terms and with due regard both for their respective roles and the interinstitutional balance;
- for some, the risks involved if these two persons proved unable to work together in a climate of trust, whatever the reason;

- for one member of the College, the risk of confusion of powers which could arise if the President of the European executive also chaired the European Council;
- for others, the extreme complexity of this issue, since the European Council acted in some cases as an executive authority, setting policy guidelines followed by specific measures, which could jeopardise the principle of the Commission's independence vis-à-vis the Member States;

Citizens' Dialogues

- the unanimous support of the College for the widest possible promotion of citizens' dialogues in various forms to enable citizens to take ownership of the public debates on the future of Europe and, ultimately, to make informed choices;
- the importance, for some Members, of allowing each Member State to determine the arrangements for these citizens' debates at national level, with support from the Commission in the form of a pooling of consultation tools or exchanges of good practices.

The PRESIDENT returned to a number of issues raised during the discussion. First, regarding the number of Commissioners, he explained that the European Council was required to review its decision of May 2013 to maintain a Commission composed of one member per Member State, before appointing the Commission to succeed this one, which took office on 1 November 2014. He was personally in favour of reducing the number of Commissioners, referring to the possible accession to the EU of the Western Balkans. He reminded the meeting that he had taken the decision on the current Commission structure of Vice-Presidents in order to optimise the organisation of a 28-member Commission – an approach which had proved successful. However, he acknowledged Member States' reticence to give up a Commissioner of each nationality if the Commission were to be reduced in size.

On the issue of a 'double-hatted' President of the Commission and the

European Council, he felt that this was an option that the Commission should submit to the European leaders, even though, in the current circumstances, it was unlikely to be accepted. On the substance, he did not share the fear expressed by some that the European Council would necessarily push for this double hat. On the contrary, he felt that the Commission was sufficiently independent and autonomous not to be considered as being at the mercy of the European Council or the European Parliament. He noted in this connection that the European Council was not a legislative body, as explicitly stated in Article 15(1) of the Treaty on European Union, and that it was the Council of the European Union that played the role of co-legislator.

The PRESIDENT then turned to the issue of ‘lead candidates’, noting that the College was in favour of the approach. He stressed, however, that the current system for nominating lead candidates would need to be improved. In particular, he recommended allowing time in the institutional timetable for the negotiations needed to select the lead candidates and bringing forward this appointment to give those appointed enough time to visit the Member States, listen to citizens’ concerns and run their campaign. As for the principle of non-automaticity and the attendant need to build coalitions, he pointed out that this principle was applied in many European democracies.

Aside from all these issues, the PRESIDENT stressed that the most important thing in his view was to hold an EU-wide public debate on Europe and its future among the parties running in the European Parliament elections and their candidates.

At the end of this discussion, the Commission:

- approved the communication in COM(2018) 95/3 for transmission to Parliament, the European Council and the Council, and, for information, to the national parliaments.
- adopted the recommendation in C(2018) 900/3 and decided to transmit it, for information, to the European Parliament, the European Council, the Council and

the national parliaments, and to publish it in all official languages in the *Official Journal of the European Union*.

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The meeting closed at 11.45.