



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2018) 2262 final

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

Brussels, 5 September 2018

TEXTE EN

MINUTES

of the 2262nd meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 11 July 2018

(morning)

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PV(2018) 2262 final

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

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Single sitting: Wednesday 11 July 2018 (morning)

The sitting opened at 10.09 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 8 (in part) and 9 (in part) to 11
Mr ANSIP	Vice-President	
Mr ŠEFČOVIČ	Vice-President	Items 1 to 11 (in part)
Mr DOMBROVSKIS	Vice-President	
Mr KATAINEN	Vice-President	
Mr OETTINGER	Member	
Mr HAHN	Member	Items 1 to 11 (in part)
Ms MALMSTRÖM	Member	
Mr MIMICA	Member	
Mr ARIAS CAÑETE	Member	
Mr VELLA	Member	
Mr ANDRIUKAITIS	Member	
Mr AVRAMOPOULOS	Member	Items 1 to 11 (in part)
Ms THYSSEN	Member	
Mr MOSCOVICI	Member	Items 1 to 10
Mr STYLIANIDES	Member	
Mr HOGAN	Member	Items 7 (in part) to 11
Ms BULC	Member	
Ms BIENKOWSKA	Member	
Ms JOUROVÁ	Member	
Mr NAVRACSICS	Member	
Ms CREȚU	Member	
Ms VESTAGER	Member	
Sir Julian KING	Member	Items 1 to 11 (in part)
Ms GABRIEL	Member	

Absent:

Mr MOEDAS

Member

(11 July 2018)

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

Mr VICENTE	Chef de cabinet to Mr MOEDAS
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The following also sat in:

Ms MARTÍNEZ ALBEROLA	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 AHRENKILDE HANSEN	Deputy Secretary-General	Items 1 to 11 (in part)
Mr SZOSTAK	Deputy Chef de cabinet to the PRESIDENT	
Mr DELVAUX	Adviser in the PRESIDENT's Office	Item 11
Ms SILLAVEE	PRESIDENT's Office	
Mr SMULDERS	Chef de cabinet to Mr TIMMERMANS	Items 1 to 10
Mr GRASSI	Chef de cabinet to Ms MOGHERINI	Items 8 (in part) and 9 (in part)
Mr WYNANDS	Chef de cabinet to Mr DOMBROVSKIS	Items 1 to 7
Mr HAGER	Chef de cabinet to Mr OETTINGER	Items 1 to 6
Ms ÅSENIUS	Chef de cabinet to Ms MALMSTRÖM	Item 11
Mr BAILLY	Chef de cabinet to Mr MOSCOVICI	Item 7
Mr SNELS	Secretary-General	
Ms ANDREEVA	Commission Spokesperson's Service	

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

1. AGENDAS

(OJ(2018) 2262/FINAL; SEC(2018) 2262/FINAL)

The Commission took note of that day's agenda and of the tentative agendas for forthcoming meetings. It also took note of the addition of items 6.1, 6.2 and 6.3 (on three administrative decisions) to that day's agenda.

2. WEEKLY MEETING OF CHEFS DE CABINET

(RCC(2018) 2262)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 9 July 2018.

3. APPROVAL OF THE MINUTES OF THE 2259TH, 2260TH AND 2261ST MEETINGS OF THE COMMISSION (20 AND 27 JUNE AND 3 JULY 2018)

(PV(2018) 2259; PV(2018) 2259, 2ND PART; PV(2018) 2260)

The Commission approved the minutes of its 2259th and 2260th meetings and decided to hold over approval of the minutes of its 2261st meeting for a later meeting.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2018) 115)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 6 July 2018 (RCC(2018) 115).

It paid particular attention to the following points.

4.1. LEGISLATIVE MATTERS

i) Trilogues

(point 3.1 of the IRG record)

- Amendment of Regulation (EU) 2017/825 to increase the financial envelope of the Structural Reform Support Programme and adapt its general objective (Regulation) – TOMAŠIĆ report – 2017/0334 (COD)

The Commission approved the line set out in SI(2018) 391/2.

- Amendment of Regulation (EC) 726/2004 as regards the establishment of the seat of the European Medicines Agency (Regulation) – LA VIA report – 2017/0328 (COD) / Amendment of Regulation (EU) 1093/2010 as regards the establishment of the seat of the European Banking Authority (Regulation) – BALZ / BERÈS report – 2017/0326 (COD)

The Commission approved the line set out in SI(2018) 394.

4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

ii) Programming of Council business

(SI(2018) 397)

The Commission took note of the information in SI(2018) 397 on the Council meetings between 12 and 25 July 2018.

iii) Non-legislative dossiers

(point 4.1 of the IRG record)

- Conclusion and signature, on behalf of the European Union, of the Agreement to prevent unregulated high seas fisheries in the central Arctic Ocean (Council Decisions) – 2018/0239 (NLE) and 2018/0240 (NLE)

The Commission approved the line set out in SI(2018) 392/2.

- Approval and signature of a Declaration on the establishment of a Blue Partnership for the Oceans: towards better ocean governance, sustainable fisheries and a thriving maritime economy between the European Union and the People's Republic of China (Commission Decision) – C(2018) 3911

The Commission approved the line set out in SI(2018) 393.

4.3. RELATIONS WITH PARLIAMENT

- iv) Action to be taken on Parliament's legislative resolutions and other resolutions of a legal nature**
(SP(2018) 441)

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(2018) 441, drawn up following the part-session of Parliament of 2 to 5 July 2018, the contents of which were noted.

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

The Commission approved document SP(2018) 458 on the action taken on the legislative opinions and non-legislative resolutions adopted by Parliament at its June part-session, for transmission to Parliament.

- vi) Participation by Members of Parliament in international conferences**
(point 5.7 of the IRG record)

(11 July 2018)

- High-level political forum on sustainable development, under the auspices of the United Nations Economic and Social Council ('ECOSOC') (New York, 9 to 18 July 2018)

The Commission agreed to the request to the PRESIDENT from Mr Antonio TAJANI, the President of the European Parliament, concerning the attendance of nine Members of the European Parliament at the above-mentioned meeting, from 15 to 18 July 2018 as observers in the EU delegation, with a reminder about the procedure to be followed as set out in SP(2018) 459.

- World Summit on Climate Action (San Francisco, 12 to 14 September 2018)

The Commission agreed to the request to the PRESIDENT from Mr Antonio TAJANI, the President of the European Parliament, concerning the attendance of four Members of the European Parliament at the above-mentioned meeting as observers in the EU delegation, with a reminder about the procedure to be followed, in accordance with SP(2018) 460.

vii) Results of the July 2018 part-session of Parliament

(SP(2018) 447; SP(2018) 448)

The Commission took note of the information in SP(2018) 447 and SP(2018) 448 on the proceedings of the part-session of Parliament held in Strasbourg from 2 to 5 July.

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

viii) Follow-up to opinions of the European Economic and Social Committee – Plenary session of December 2017

(point 6.3.1 of the IRG record)

The Commission approved document SC(2018) 27/3 on the follow-up by the Commission to the opinions adopted by the European Economic and Social Committee during the December 2017 session, for transmission to that Committee.

ix) Follow-up to opinions of the European Economic and Social Committee – Plenary session of January 2018

(point 6.3.2 of the IRG record)

The Commission approved document SC(2018) 28/2 on the follow-up by the Commission to the opinions adopted by the European Economic and Social Committee during the January 2018 session, for transmission to that Committee.

4.5. OTHER BUSINESS

x) Active Monitoring and Forecast of Budget Implementation (AMFBI) – Summer Information Note

(point 7 of the IRG record)

The Commission took note of the information in SPI(2018) 30.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED

(SEC(2018) 343 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 2 and 6 July 2018.

5.2. EMPOWERMENT

(SEC(2018) 344 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 2 and 6 July 2018.

5.3. *DELEGATION / SUBDELEGATION OF POWERS*
(SEC(2018) 345 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 2 and 6 July 2018, as archived in Decide.

5.4. *SENSITIVE WRITTEN PROCEDURES*
(SEC(2018) 346 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 9 and 13 July 2018.

6. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2018) 347 AND /2)

ADMINISTRATIVE MATTERS
(PERS(2018) 46 AND /2)

Mr OETTINGER presented three proposals for additional decisions concerning appointments to senior management posts, which were being submitted to the College for approval after consultation with the relevant Members of the Commission, and considering the experience and skills of the officials in question as well as the requirements of the posts to be filled. These decisions were set out in points 6.1, 6.2 and 6.3 below.

6.1. DG BUDGET – APPOINTMENT OF DIRECTOR-GENERAL

On a proposal from Mr OETTINGER, in agreement with the PRESIDENT, the Commission decided to transfer in the interest of the service, under Article 7 of the Staff Regulations, Mr Gert-Jan KOOPMAN, an AD16 official currently Deputy Director-General of DG Competition, to the post of Director-General of DG Budget.

This decision would take effect on 1 August 2018.

**6.2. SECRETARIAT GENERAL – TERMINATION OF THE INTERNAL SELECTION PROCEDURE AND APPOINTMENT OF DEPUTY SECRETARY-GENERAL
(PERS(2018) 17 TO /3)**

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

- to terminate internal selection procedure COM/2018/550 for the post of Deputy Secretary-General at the Secretariat-General, without making an appointment;
- to transfer in the interest of the service, under Article 7 of the Staff Regulations, Ms Céline GAUER, an AD15 official currently Deputy Director-General of DG Health and Food Safety, to the post of Deputy Secretary-General in charge of Smart Regulation and Work Programme, as well as Policy Coordination I.

These decisions would take effect on 1 August 2018.

6.3. DG COMMUNICATION – AMENDMENT OF THE ORGANISATION CHART AND APPOINTMENT OF HEAD OF THE EUROPEAN COMMISSION REPRESENTATION IN MADRID

(11 July 2018)

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

- to transfer in the interest of the service, under Article 7 of the Staff Regulations, Mr Francisco FONSECA MORILLO, an AD15 official currently Deputy Director-General of DG Justice and Consumers, to the post of Head of the European Commission Representation in Madrid;
- following this decision, and by derogation from Commission Decision C(2016) 3288 regarding middle management staff, to upgrade the post of Head of the Commission's Representation in Madrid to the level of Deputy Director-General (AD15/16) for the duration of Mr FONSECA MORILLO's posting.

These decisions would take effect on 1 September 2018.

**6.4. DG COMMUNICATION NETWORKS, CONTENT AND TECHNOLOGY
– APPOINTMENT OF AD14/15 DIRECTOR
(PERS(2018) 8 TO /3)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director of the Resources and Support Directorate in DG Communication Networks, Content and Technology.

It took note of the opinions of the Consultative Committee on Appointments of 29 March and 17 May 2018 (PERS(2018) 2 and /3).

The Commission proceeded to compare the applicants' qualifications for the post. It also considered their ability, efficiency and conduct in the service. On a proposal from Mr OETTINGER, in agreement with the PRESIDENT and after consulting Ms GABRIEL and also Mr ANSIP, it decided to appoint Mr Morten FJALLAND to the post.

This decision would take effect on 16 July 2018.

**6.5. DG HUMAN RESOURCES AND SECURITY – APPOINTMENT OF
AD14/15 PRINCIPAL ADVISOR
(PERS(2017) 128 TO /3)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Principal Adviser responsible for HR Professionalisation and Customer Orientation in DG Human Resources and Security (PERS(2017) 128).

It took note of the opinions of the Consultative Committee on Appointments of 21 December 2017 and 11 January 2018 (PERS(2017) 128/2 and /3).

The Commission proceeded to consider the applicant's qualifications for the post. It also considered their ability, efficiency and conduct in the service. On a proposal from Mr OETTINGER, in agreement with the PRESIDENT, it decided to appoint Mr Norman JARDINE to the post.

This decision would take effect on 16 July 2018.

**6.6. DG MOVE – APPROVAL OF LIST OF CANDIDATES FOR THE AD14
POST OF EXECUTIVE DIRECTOR OF THE EUROPEAN MARITIME
SAFETY AGENCY
(PERS(2018) 13 TO /3)**

On a proposal from Mr OETTINGER, in agreement with the PRESIDENT, and after consulting Mr BULC and also Mr ŠEFČOVIČ and Mr KATAINEN, the Commission decided:

- to approve the list of three candidates, presented in alphabetical order, set out in point 3 of PERS(2018) 46, for the post of Executive Director of the European Maritime Safety Agency (EMSA), and to consider this list as the Commission proposal;

(11 July 2018)

- to ask Ms BULC, Member of the Commission with responsibility for transport, to communicate the list of candidates to the Agency's Management Board.

These decisions would take effect immediately.

6.7. DG HUMAN RESOURCES AND SECURITY – APPROVAL OF TWO TRANSFERS IN THE INTEREST OF THE SERVICE IN ORDER TO FILL THE POSTS OF HEAD OF THE EUROPEAN UNION DELEGATION IN THE REPUBLIC OF KAZAKHSTAN AND HEAD OF THE EUROPEAN UNION DELEGATION IN THE REPUBLIC OF KIRGHIZSTAN AT GRADE AD9/14 (PERS(2018) 47)

The Commission took note of the information in PERS(2018) 46 and, on a proposal from Mr OETTINGER, in agreement with the PRESIDENT, decided to approve the proposals for transfers in the interest of the service, under Article 95(2) of the Staff Regulations, of Mr Sven-Olov CARLSSON to the post of Head of the European Union Delegation in the Republic of Kazakhstan, and of Mr Eduard AUER to the post of Head of the European Union Delegation in the Republic of Kirghizstan; these decisions would serve as a basis for the competent authority of the European External Action Service (EEAS) to make the final transfers.

These decisions would take effect immediately.

6.8. COMMUNICATION TO THE REPUBLIC OF ICELAND OF THE TECHNICAL SPECIFICATIONS OF THE UNIFORM FORMAT FOR VISAS, IN ACCORDANCE WITH THE EXCEPTION AD HOC PROCEDURE

The Commission took note of the information in PERS(2018) 46 and, on a proposal from Mr OETTINGER, in agreement with the PRESIDENT, decided to communicate to the Republic of Iceland the technical specifications for the

uniform format for visas applicable to Member States and the four Schengen Associated Countries, specified in Annex 2 to Commission Implementing Decision C(2018) 674, in accordance with the exceptional ad hoc procedure laid down in Article 57 of Commission Decision 2015/444.

This decision would take effect immediately.

**6.9. SECRETARIAT-GENERAL / DG BUDGET / DG HUMAN RESOURCES
AND SECURITY – COMPLEMENTARY ALLOCATION OF HUMAN
RESOURCES FOR 2018
(SEC(2018) 365)**

The Commission approved the communication in SEC(2018) 365, concerning the complementary allocation of human resources for 2018.

**7. COMMISSION IMPLEMENTING DECISION ON THE ACTIVATION OF
ENHANCED SURVEILLANCE FOR GREECE
(C(2018) 4495 AND /2)**

The PRESIDENT asked Mr DOMBROVSKIS and Mr MOSCOVICI to present the implementing decision on activation of enhanced surveillance for Greece which the Commission was preparing to take in accordance with Regulation (EU) 472/2013 (two-pack). He emphasised that this was a measure to accompany the end of the stability support programme and pointed out that this programme of loans granted to Greece by the European Stability Mechanism would end on 20 August.

Mr DOMBROVSKIS confirmed that the stability support programme for Greece would end on 20 August 2018, as the Eurogroup had announced on 22 June after finding in the fourth and final review of the programme that Greece had implemented all the agreed prior actions. He emphasised that this major success was attributable to the Greek people, who had made considerable sacrifices, to the country's commitment to reforms and to the solidarity of its European partners.

He went on to explain the terms of the overall agreement arrived at during the 22 June meeting of the Eurogroup, under which euro area Finance Ministers had set out a series of debt-related measures to enable Greece to benefit from a new start, without the financial support of its partners, while the Greek authorities had committed themselves to completing implementation of the key reforms agreed under the existing programme and had agreed to activation of the enhanced surveillance framework.

He explained that Greece needed to continue effectively to implement reforms in order to address the economic, social and budgetary challenges that it was still faced with, with high levels of unemployment and debt, coupled with poor competitiveness. It therefore needed to follow cautious budgetary and macroeconomic policies and effectively implement the reforms agreed. The aim of the enhanced surveillance framework was precisely to help Greece to boost the confidence of markets, investors and undertakings by creating the conditions for the stability and predictability which they sought. It would also enable Greece to attract greater investment and ensure a lasting growth trend, which would create jobs and improve living conditions for the Greek people.

The decision before the Commission that day consequently aimed to activate the enhanced surveillance framework provided for by the two-pack legislation, in particular Regulation (EU) 472/2013. This monitoring tool was established within the framework of the measures implemented to tackle the financial crisis. It did not entail any new obligations or new conditions for Greece, but it would involve a more regular dialogue with the Commission, which would, moreover, continue to provide technical support to the Greek authorities in their reform efforts.

Mr DOMBROVSKIS emphasised the fact that the enhanced surveillance framework was based on the progress made by Greece to facilitate the normalisation of its situation, which would, *inter alia*, lead to its full inclusion in the European Semester for the coordination of economic and budgetary policies.

Mr MOSCOVICI noted that the implementing decision put before the

Commissioners that day by written procedure constituted a third crucial stage in the completion of the financial assistance programme for Greece. He pointed out that all countries leaving a financial assistance programme underwent surveillance by the European institutions and the International Monetary Fund. In the case of Greece, which had been in crisis and excluded from the financial markets for a number of years, was planning ambitious and thorough-going reforms and still had a very high level of debt, he felt it was normal that such monitoring would initially be tighter.

He explained that the purpose of the decision on the enhanced surveillance framework to enter into force on 21 August was precisely to provide a framework that ensured that Greece would continue to implement responsible policies. He also pointed out that the enhanced surveillance framework did not require Greece to take any new measures or make any additional efforts, but that it would confirm the country's commitment to pursue and complete the reforms already undertaken within the framework of the programme under the European Stability Mechanism, which would expire in a few weeks' time.

Specifically, he explained that the enhanced surveillance framework would involve more frequent visits by the Commission and the partner institutions in Greece, as well as quarterly reports and more detailed information to be provided by the Greek authorities, in particular concerning the financial sector, since financial stability was a crucial pillar of future overall stability.

Returning to the normalisation of Greece's position within the European Union and the euro area, Mr MOSCOVICI pointed out that the end of the financial assistance programme gave the country greater independence in elaborating its economic policies. This was why Greece would for the first time undergo the same economic and budgetary policy coordination procedures as other euro area Member States, otherwise known as the European semester. The Commission would therefore draw up an opinion on Greece's draft budget for 2019 in the autumn, followed by specific recommendations in the spring. For that reason, he wanted the enhanced surveillance framework to coincide as far as possible with the stages and reviews which took place as part of the European Semester in order to optimise synergies

between the two processes and, in this way, to avoid unnecessary administrative expenses.

The PRESIDENT wound up the discussion by asking Mr DOMBROVSKIS and Mr MOSCOVICI to stress very clearly in their communication activities that enhanced surveillance was in no way a new assistance programme and to explain, as they had done that day to the College, that its objective was to continue the reforms and return to a normal situation.

The Commission took note of this information and, on a proposal from the PRESIDENT, confirmed the adoption of the implementing decision in C(2018) 4495/2 by urgent written procedure in accordance with Article 12(5) of the Rules of Procedure, the deadline for which was set at 12.00 on Wednesday 11 July 2018 (PE/2018/4883).

8. OTHER BUSINESS

POLITICAL SITUATION IN THE UNITED KINGDOM

The Commission referred briefly to the political situation in the United Kingdom in the wake of the cabinet reshuffle which had led to the appointment of a new minister responsible for the negotiations on the country's withdrawal from the European Union, the day before the Prime Minister, Theresa May, was due to present the White Paper on the withdrawal arrangements.

9. PREPARATION OF THE COMMISSION'S WORK PROGRAMME FOR 2019, AND KEY WORKING METHODS OF THE INTERINSTITUTIONAL RELATIONS GROUP

(SEC(2018) 357 AND /2; SEC(2018)358)

The PRESIDENT invited Mr TIMMERMANS to present the ongoing work to prepare the Commission's 2019 work programme in order to set in motion a reflection process that would continue during the seminar to be held at the end of August to prepare the State of the Union speech and the letter of intent addressed to the President of the European Parliament and the Council Presidency that would accompany the speech.

Mr TIMMERMANS described the backdrop against which this work was taking place. Firstly, he pointed out that, despite the advanced stage of the Commission's term of office and the significant coordination efforts made by the three institutions in the framework of the Joint Declarations, barely one third of the legislative proposals put forward by the Commission between 2015 and 2018 to deliver on its ten political priorities had been adopted by the co-legislators, meaning that nearly 280 proposals were still awaiting adoption.

He took the view that, over the seven remaining working months before the end of the current term of office, the Commission should therefore focus its resources and show unwavering determination to help ensure the pending proposals were adopted by the co-legislators without, however, sacrificing their quality or ambitious objectives. He noted that it would even be advisable to consider possibly withdrawing any Commission proposals that might be much changed by the end of the interinstitutional negotiation process.

He called on the members of the Commission to mobilise the resources in their departments in order to achieve this aim, but also urged each of them to focus all of their personal and political commitment on that objective. He stressed that the key manifestation of this commitment was their attendance at trilogues relating to the area under their responsibility, and at plenary sessions of Parliament. Supported on this point by the PRESIDENT, Mr TIMMERMANS felt that this need was even greater in light of the upcoming European elections, which would lead to somewhat feverish activity in the Parliament.

He stressed that a collective effort was fundamental and that the work of the

Commission's Interinstitutional Relations Group (IRG) was decisive in that regard. The IRG was responsible for identifying the most sensitive or difficult dossiers and bringing them to the attention of the College. Duly informed, the Members of the Commission could then use all political means available to them to find timely solutions, including for matters not directly under their responsibility. That was why he was stressing the importance of the document submitted to the College that day focusing on the working methods of the Interinstitutional Relations Group and essential practices for its proper functioning, as well as the need to ensure compliance with the document.

Against this general backdrop, Mr TIMMERMANS noted that the main objective of the current Commission's last work programme should be to encourage the adoption of pending proposals by the co-legislators.

He felt that the Commission should in principle refrain from including any new legislative initiatives in its 2019 work programme, unless there were exceptional circumstances or reasons. That could be the case if an envisaged initiative related to the Commission's ten priorities and had clear European added value as well as broad support from Parliament and the Council. Furthermore, unforeseeable events or certain international developments could necessitate EU decisions and proposals. He also considered that it was justified for the Union to continue in its efforts to sign up to the European Convention on Human Rights in the name of protecting the values on which the Union was founded.

Lastly, he recommended that each member of the Commission regularly review the list of more than 1 000 delegated acts or implementing acts during the 'jours fixes' meetings with their Directors-General, in order to flag up to the College any acts that could be politically sensitive or that did not need not be the subject of a decision during the current term of office.

The PRESIDENT asked the members of the Commission to pay particular attention to delegated and implementing acts, which had been widely criticised. He also suggested discussing these with the Parliament's Conference of Presidents in order

to specify the division of responsibilities between the Commission and the co-legislators in relation to references to these acts in legislation adopted by these same co-legislators.

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

- the importance of dealing with the proposals pending before the co-legislators, in accordance with the ten priorities;
- the suggestion of meeting the political groups in the European Parliament, in order to involve them fully in the dossiers, and the advisability of establishing direct bilateral contact with influential MEPs;
- henceforth, the need to examine on a case-by-case basis the advisability of adopting communications;
- the advisability of emphasising, in communication activities, that a significant number of delegated and implementing acts were not the result of a desire on the part of the Commission, but rather they were legal obligations incumbent on the Commission, and failure to fulfil its obligations could result in referral to the Court of Justice;
- the relevance of identifying the areas in which the current Commission believed that new initiatives would be justified, so that it could inform the next Commission.

The PRESIDENT supported the latter suggestion, as he felt it was the current Commission's responsibility to accomplish that task. He asked for all relevant contributions to be sent to him by the end of August 2018.

Mr TIMMERMANS pointed out that a dozen or so initiatives that had currently been identified required more in-depth discussion between the Chefs de cabinet of the Vice-Presidents.

To conclude, the PRESIDENT stressed how important it was, at this stage of the term of office, to mobilise all efforts, energy and resources to encourage the adoption of the pending legislative proposals, and to keep an even closer political eye on the envisaged delegated acts and implementing acts. In his view, the credibility of the institution was at stake.

The Commission took note of this information and of the documents, together with their annexes, distributed as SEC(2018) 357/2 and SEC(2018) 358.

10. PRESENTATION OF THE REPORT OF THE TASK FORCE ON SUBSIDIARITY, PROPORTIONALITY AND ‘DOING LESS MORE EFFICIENTLY’

By way of introduction, the PRESIDENT reminded the meeting that in November 2017 he had appointed Mr TIMMERMANS, First Vice-President of the Commission, to chair a Task Force on Subsidiarity, Proportionality and ‘Doing Less More Efficiently’, whose members were drawn from national parliaments and the Committee of the Regions. The PRESIDENT asked Mr TIMMERMANS to present the findings of the Task Force report, which he had submitted on 10 July.

Mr TIMMERMANS explained that the report, which did not involve the responsibility of the Commission or of any of the other institutions concerned, set out to answer three questions asked by the PRESIDENT on setting up the Task Force, namely (i) how better to apply the principles of subsidiarity and proportionality within the Union’s Institutions, (ii) how better to involve local and regional authorities and national parliaments in EU policymaking and implementation, and (iii) whether there were any policy areas where powers could be returned over time to the Member States.

He noted that the report had been drawn up in only four months and was designed not to be an academic paper but a practical toolkit. The discussions leading up to it had been frank, with no topics being off limits. The report set out

9 recommendations and 36 targeted measures aimed at achieving more effective action. It set priorities and clarified what had to be done at European level and what could be left to national, regional and local authorities.

He outlined the main conclusions.

First, the Task Force found that all the institutions must introduce a new way of working and of applying subsidiarity and proportionality more systematically and consistently in order to focus on areas where the Union provided added value and could regulate better, while taking into account the role of national, regional and local authorities.

Second, the Task Force stressed the need for more active subsidiarity, i.e. an approach that allowed the Union's 280 regions and 80 000 local authorities to play a part in the European policies to be implemented on the ground. Given their key role in policy implementation, the regions and local authorities could become active ambassadors and explain to the public the added value of action taken at Union level.

Third, the Task Force proposed that the Union use its resources more efficiently and prioritise its measures, but did not see any justification for definitively giving back to the Member States certain powers conferred on the EU by the Treaties or a part of those powers, as suggested in scenario 4 of the White Paper on the Future of Europe presented by the Commission in March 2017.

Fourth, the Task Force argued for a new process for the careful examination of existing legislation in order to take more account of subsidiarity, proportionality, 'legislative density' and the role of the regional and local authorities.

Mr TIMMERMANS noted that the Task Force's recommendations reflected these four main strands and applied to all the Union institutions. As regards the Commission in particular, the Task Force suggested that it strengthen certain aspects of its 'Better Regulation' agenda, for example by adapting its consultations to suit regional and local authorities in order to obtain first-hand information on how

legislation is applied on the ground or to examine existing legislation from the point of view of subsidiarity, proportionality, legislative density and the role of regional and local authorities.

He ended his presentation by saying that the Commission would now reflect on the report's findings in order to present a contribution to the Bregenz conference on subsidiarity and proportionality to be held by the Austrian Presidency in November 2018. At the same time, the Commission was taking stock of its own efforts to improve law-making and in this context would take up some of the issues raised by the Task Force.

The PRESIDENT was impressed by the quality of the report that had been presented to him. He suggested that the College come back to this topic at its seminar on 30 and 31 August as part of the preparations for the State of the Union speech he would give to Parliament on 12 September.

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

- the College's support for the findings of the Task Force; the need for a good balance between what is done at European level and what is done at national, regional and local level;
- the suggestion that a clear explanation of the concept of subsidiarity be added;
- support in particular for the recommendation that the working methods of the Union institutions be reviewed regularly, possibly on the basis of ex post consultations with stakeholders;
- the fact that on the one hand the Member States saw the question of subsidiarity as important, but on the other hand there was a lack of concrete initiatives by the Council;

- the observation, based on experience, that where European legislation delegated certain implementing tasks to the national authorities, those authorities did not always want to assume responsibility;
- the need to take account in Union proposals of the fact that some Member States had already adopted provisions that went beyond what was stipulated in European rules; hence the suggestion that legislation be made more flexible;
- a warning against the nationalist vision which some current governments had of subsidiarity in the Union; similarly, the dangerous way in which these governments interpreted the goal of ‘doing less more efficiently’, for example as regards the processing of asylum requests, and the threat which this interpretation posed to the fundamental values of the Union.

The PRESIDENT returned to a number of issues raised during the discussion. He considered that the intense debate in some Member States, apparently over subsidiarity, was in fact concerned with proportionality and ‘legislative density’. In his view, great progress had been made on subsidiarity, a principle laid down by the Maastricht Treaty. He cited as evidence the approach adopted by the current Commission, which had already very much confined its regulatory action to major issues, without getting involved in the minutiae of everyday life. Despite this, the Commission still came in for the same criticisms as before. He felt that the blame placed on the Commission on this issue was unjustified, as it had been making a very special effort over the last three years.

He also endorsed the views that had been expressed on the need to resist any political discourse that flouted the founding principles of European integration. He noted that the members of the Task Force had been appointed by the national parliaments and the Committee of the Regions. On the question of the representation of women, he was proud of the results achieved in the Commission’s departments during the current term of office.

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He asked Mr TIMMERMANS to keep the College informed of the forthcoming debate on the topics raised by the Task Force's report, to involve the European Parliament in that debate and to continue discussions on the recommendations that had been made so that the Commission could adopt a position in due course. The Commission would discuss the matter again at its forthcoming seminar at the end of August.

The Commission took note of this information.

11. OTHER BUSINESS (CONTINUED)

11.1. RECENT DEVELOPMENTS IN TRADE POLICY

The PRESIDENT asked Mr KATAINEN and Ms MALMSTRÖM to review the latest developments in trade policy ahead of the summit between the European Union and China on 16 July and the EU-Japan summit, which had been due to take place that day but had been postponed at the request of Mr Shinzo Abe, the Japanese Prime Minister. In the end, the leaders of the two sides would meet in Tokyo the following week.

Ms MALMSTRÖM began by saying that, having received the green light from the Council, the Economic Partnership Agreement between the European Union and Japan would be signed at that meeting. This agreement could enter into force at the beginning of next year, following the vote in the European Parliament which was due to take place in the autumn. She welcomed this step forward and described the agreement as the most important and most advanced ever negotiated by the European Union.

On the subject of relations with China, she said that in recent months the Chinese authorities had shown great openness towards the European Union, so she was expecting the discussions at the summit to be constructive.

She also informed the meeting that a new round of talks was under way on the

association agreement between the European Union and the Mercosur and confirmed that progress had already been made.

Ms MALMSTRÖM then outlined three ongoing cases concerning trade defence measures relating to steel, provisional duties on imports of electric bikes and the rejection of the request for an expiry review of the measures applying to solar panels.

On the question of the safeguard measures relating to steel imports she explained that the surveillance of steel products had started in May 2016, at the height of the steel crisis. The Commission therefore had the data needed for a safeguard investigation, which had been launched in March in response to the measures taken by the American authorities against steel imports. Based on the information available to date, which pointed to a sharp increase in imports into the European Union, she felt the imposition of provisional safeguard measures was justified, particularly given the vulnerable situation of the EU steel industry and the potentially serious consequences of an import surplus. She stressed that the Commission's proposal to introduce provisional safeguard measures, presented on 5 July, had received widespread support in the committee of Member States.

This proposal sought to protect the industry, but was not a protectionist measure, in that it entailed setting tariff rate quotas based on import levels in 2017. Once the tariff quota was exhausted, an additional duty of 25% was applied. In line with WTO rules, the safeguard measures would apply to all imports, regardless of origin, and would remain in force for 200 days. Ms MALMSTRÖM said that, as members of the European Economic Area, Norway, Iceland and Liechtenstein could be exempted, but the situation would have to be clearly explained to the Union's other partner countries which would also like to obtain an exemption, such as Turkey, Switzerland, the former Yugoslav Republic of Macedonia and Ukraine. She completed her presentation on this point by saying that the safeguard investigation would continue in the meantime and should reach its final conclusions in

January 2019.

She then turned to the case of electric bikes. The Commission had launched an anti-dumping investigation into imports of e-bikes into the Union in October 2017, following a complaint by the European Bicycle Manufacturers Association about a rapid loss of market share by European firms and decreasing profitability, largely due to the fact that imports from China had trebled since 2014. A written procedure was under way with a view to imposing a provisional anti-dumping duty by 19 July. She emphasised the Member States' broad support in principle for these provisional measures, but explained that if the ongoing investigation confirmed the need for them, there would have to be a vote on imposing definitive measures. She also noted that the provisional duties would be between 21.8% and 83.6%, and most of the Chinese imports would be subject to a rate of 37%. She concluded by pointing to the importance of this innovative sector in the Union, which consisted of 37 producers in 12 Member States, employed 3 600 people and had a turnover of almost one billion euros.

Finally, as regards solar panels from China, Ms MALMSTRÖM said that the trade defence measures had been in place since 2013 and the College had decided in March 2017 to extend them for a further 18 months, until September 2018. But in June 2018 the Commission had received a request for an expiry review of the European Union's measures on solar panels. She explained that if a decision were taken to open a review, the measures adopted in 2017 would remain in force during the procedure, which could take up to 15 months. She said that this would be contrary to the 2017 Regulation, according to which the measures should be extended only for a period of 18 months, adding that the request for an expiry review contained no evidence of a change in the situation in terms of competing interests.

Mr KATAINEN referred to his recent exchanges with Chinese partners and hoped that the summit on 16 July would result in tangible progress, particularly in terms of market access. The Chinese authorities had agreed to

the creation of a working group on reforming the WTO, and discussions on geographical indications should take place later in the year. He suggested that the College should return to the issue of EU-China relations in the autumn, particularly in order to carry out a strategic analysis of the impact of this partner country's growing influence at global level and in Europe. He ended by stressing the importance of sticking to the strict line laid down by the College as regards bilateral relations with the United States.

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

- the positive dynamic in bilateral relations ahead of the EU-China summit on 16 July;
- the initiatives taken by the Commission to support the bicycle industry, an important and growing sector for the European Union;
- the important cooperation agreements concluded with China in the field of transport, including the Bilateral Civil Aviation Safety Agreement and the Horizontal Aviation Agreement;
- the need to strengthen cooperation with China on infrastructure investment, with a view also to supporting the European perspective of the Western Balkans;
- the ongoing discussions about harmful subsidies, reciprocity mechanisms, screening of foreign direct investments, and the need to agree a global strategy for the Union's relations with China;
- the positive developments in the area of non-tariff barriers to trade, in particular the opening up of the market for beef and veal and the agreement on introducing geographical indications, negotiations on which should be completed by the end of the year;

- possible new markets, for example in the wine and spirits sector, and the idea of regionalisation, which would be the subject of a memorandum to be sent to Commission Members.

The PRESIDENT thanked Mr KATAINEN and Ms MALMSTRÖM for their detailed presentations. He welcomed the conclusion of the association agreement with Japan, which he would sign on his visit to the country the following week.

He indicated that he would be raising certain trade questions during his trip to Asia, in line with the wishes of the Chinese and Japanese leaders, and also in the United States, where he would be meeting the American President on 25 July.

Returning to the subject of the EU-China summit, the PRESIDENT said he had informed his Chinese partners of his desire to achieve tangible results, particularly in the matter of geographical indications and the creation of the working group on WTO reform. He stressed the need to strengthen cooperation with China, while at the same time citing the importance of relations with other partner countries like the United States. He referred to the progress in the field of aviation and noted in this context that the College must ensure that any initiative was in the exclusive interest of the European Union. He also wanted to raise questions relating to terrorism with the Japanese Prime Minister.

Finally, he stressed that the Commission had exclusive competence in matters of trade policy and regretted certain initiatives by the Member States in this field.

The Commission took note of this information.

**11.2. MINISTERIAL MEETING ON THE IMPLEMENTATION OF THE
JOINT COMPREHENSIVE PLAN OF ACTION ON IRAN'S NUCLEAR
PROGRAMME (VIENNA, 6 JULY)**

(11 July 2018)

Ms MOGHERINI gave a brief account of the constructive meeting of the Joint Commission of the Joint Comprehensive Plan of Action on Iran's nuclear programme which she had chaired in Vienna on 6 July, in the presence of the Foreign Ministers of China, France, Germany, Russia, the UK and Iran. She pointed out that this was the first such meeting not attended by the United States.

She stressed that the participants had all vigorously reaffirmed their political commitment to the full and effective implementation of the Joint Comprehensive Plan of Action. The discussions had also concerned the efforts by certain EU Member States to protect and maintain viable financial channels with Iran, the technical complexity of which should not be underestimated. She noted that the United States would be introducing its first round of sanctions on 5 August.

In conclusion, she felt it was necessary to send positive signals to the Iranian authorities.

The Commission took note of this information.

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The meeting closed at 12.12.