



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2019) 2281 final

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Brussels, 20 February 2019

TEXTE EN

MINUTES

of the 2281st meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 30 January 2019

(morning)

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Single sitting: Wednesday 30 January 2019 (morning)

The sitting opened at 10.11 with Mr JUNCKER, President, in the chair.

Present:

Mr JUNCKER	President	
Mr TIMMERMANS	First Vice-President	Items 1 to 12 (in part)
Ms MOGHERINI	High Representative / Vice-President	Items 1 to 6
Mr ANSIP	Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Mr DOMBROVSKIS	Vice-President	
Mr KATAINEN	Vice-President	
Mr OETTINGER	Member	Items 1 to 12 (in part)
Mr HAHN	Member	Items 6 (in part) to 12
Ms MALMSTRÖM	Member	
Mr MIMICA	Member	
Mr ARIAS CAÑETE	Member	
Mr VELLA	Member	
Mr ANDRIUKAITIS	Member	
Mr AVRAMOPOULOS	Member	
Ms THYSSEN	Member	
Mr MOSCOVICI	Member	
Mr STYLIANIDES	Member	
Mr HOGAN	Member	
Ms BULC	Member	
Ms BIENKOWSKA	Member	Items 1 to 7/8/9 (in part)
Ms JOUROVÁ	Member	
Ms CREȚU	Member	
Mr MOEDAS	Member	
Sir Julian KING	Member	
Ms GABRIEL	Member	

Absent:

Mr NAVRACSICS

Member

Ms VESTAGER

Member

(30 January 2019)

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

Ms REILLY Deputy Chef de cabinet to Mr NAVRACSICS

Ms JUUL-JØRGENSEN Chef de cabinet to Ms VESTAGER

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

Mr SZOSTAK Deputy Chef de cabinet to the PRESIDENT

Ms DEJMEK HACK Adviser in the PRESIDENT's Office Items 1 to 10

Mr THOLONIAT Adviser in the PRESIDENT's Office Item 11

Ms HILI Adviser in the PRESIDENT's Office Item 12

Ms ARKI PRESIDENT's Office

Ms BRAUN A member of Mr TIMMERMANS's staff Item 11

Ms HOPMEIER A member of Mr KATAINEN's staff Item 11

Mr HAGER Chef de cabinet to Mr OETTINGER Items 1 to 7/8/9 (in
part)

Mr SCHULTE A member of Mr OETTINGER's staff Items 6 to 9

Ms SCHMITT Chef de cabinet to Mr AVRAMOPOULOS Item 12

Mr HEDBERG Deputy Chef de cabinet to Ms BIENKOWSKA Items 7/8/9 (in part) to 12

Mr BARNIER Chief negotiator and Head of the Article 50
Task Force Items 1 to 10

Ms VILA NUÑEZ Secretariat-General

Ms ANDREEVA Commission Spokesperson's Service

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

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1. AGENDAS

(OJ(2019) 2281/FINAL; SEC(2019) 2281)

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 item 5.3 (on an administrative decision) to that day's agenda.

2. WEEKLY MEETING OF CHEFS DE CABINET

(RCC(2019) 2281)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Friday 25 January 2019.

3. APPROVAL OF THE MINUTES OF THE 2279TH AND 2280TH MEETINGS OF THE COMMISSION (15 AND 23 JANUARY 2019)

The Commission held over approval of the minutes of its 2279th and 2280th meetings for a later meeting.

4. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2019) 52 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 21 and 25 January 2019.

4.2. EMPOWERMENT

(SEC(2019) 53 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 21 and 25 January 2019.

4.3. DELEGATION / SUBDELEGATION OF POWERS
(SEC(2019) 54 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 21 and 25 January 2019 archived in Decide.

4.4. SENSITIVE WRITTEN PROCEDURES
(SEC(2019) 55)

The Commission took note of the sensitive written procedures for which the time limit expired between 28 January and 2 February 2019.

5. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2019) 56 ET /2)

ADMINISTRATIVE MATTERS
(PERS(2019) 4 AND /2)

At the request of the PRESIDENT, Mr OETTINGER presented an additional proposal for a decision, which he was submitting to the College for approval (see item 5.3 of these minutes).

Mr OETTINGER proposed to postpone by a month, from 1 February to 1 March 2019, the transfer decision adopted, under Article 7 of the Staff Regulations, by the Commission on 19 December 2018, to transfer Mr Didier HERBERT, currently Director of the Regulatory Scrutiny Board, to DG Communication, where he would hold the post of Head of the Commission Representation in the Netherlands. He explained that this slight delay, which Mr HERBERT had accepted, was intended to enable continuity of service

within the Regulatory Scrutiny Board – an independent consultative committee – pending the end of the ongoing recruitment procedure for its new Director-General, to replace Ms Anne BUCHER, who had taken up her duties as Director-General of DG Health and Food Safety on 1 October 2018.

**5.1. DG FINANCIAL STABILITY, FINANCIAL SERVICES AND CAPITAL MARKETS UNION – PROPOSAL FOR THE APPOINTMENT OF A MEMBER OF THE SINGLE RESOLUTION BOARD/DIRECTOR OF RESOLUTION PLANNING AND DECISIONS
(PERS(2018) 64 TO /3)**

The Commission noted the procedure set out in point 1 of PERS(2019) 4, and, on a proposal from Mr OETTINGER, in agreement with the PRESIDENT and Mr DOMBROVSKIS, decided:

- to propose the appointment of Mr Sebastiano LAVIOLA to the post of Member of the Single Resolution Board and Director of Resolution Planning and Decisions;
- to ask Mr DOMBROVSKIS, Member of the Commission responsible for the Euro and Social Dialogue, Financial Stability, Financial Services and Capital Markets Union, to communicate this decision to the European Parliament and to inform the Council.

These decisions would take effect immediately.

**5.2. DG BUDGET – APPOINTMENT OF AD14/15 DIRECTOR
(PERS(2018) 29 TO /4)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) and (2) of the Staff Regulations for the post of Director of the ‘Budget execution (General Budget and EDF)’ Directorate in DG Budget (PERS(2018) 29 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 22 November and 10 December 2018 (PERS(2018) 29/3 and /4).

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Mr OETTINGER, in agreement with the PRESIDENT, it then decided to appoint Ms Nicole SMITH to the post.

This decision would take effect on a date to be determined.

5.3. *DG COMMUNICATION – APPOINTMENT OF AD15 HEAD OF THE REPRESENTATION IN THE NETHERLANDS*

On a proposal from Mr OETTINGER, in agreement with the PRESIDENT, the Commission decided to postpone the date of transfer of Mr Didier HERBERT to the post of Head of the Commission Representation in the Netherlands from 1 February 2019 to 1 March 2019 (see also the minutes of the Commission meeting of 19 December 2018 (PV(2018) 2277)).

This decision would take effect immediately.

6. OTHER BUSINESS

LATEST DEVELOPMENTS CONCERNING THE WITHDRAWAL OF THE UNITED KINGDOM FROM THE EUROPEAN UNION

The Commission referred to the latest developments concerning the withdrawal of the United Kingdom from the Union under Article 50 of the Treaty on European Union, following the votes held the previous day, on 29 January 2019, in the British Parliament.

7. **PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON ESTABLISHING CONTINGENCY MEASURES IN THE FIELD OF SOCIAL SECURITY COORDINATION FOLLOWING THE WITHDRAWAL OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FROM THE EUROPEAN UNION**
(COM(2019) 53 TO /4 ; RCC(2019) 9)
8. **PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL LAYING DOWN PROVISIONS FOR THE CONTINUATION OF ONGOING LEARNING MOBILITY ACTIVITIES UNDER THE ERASMUS+ PROGRAMME IN THE CONTEXT OF THE WITHDRAWAL OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FROM THE EUROPEAN UNION**
(COM(2019) 65 AND /2 ; RCC(2019) 10)
9. **PROPOSAL FOR A COUNCIL REGULATION ON MEASURES CONCERNING THE IMPLEMENTATION AND FINANCING OF THE GENERAL BUDGET OF THE EU IN 2019 IN RELATION TO THE WITHDRAWAL OF THE UNITED KINGDOM FROM THE UNION**
(COM(2019) 64 TO /3 ; SEC(2019) 23 AND /2 ; RCC(2019) 10)

The PRESIDENT opened the discussion on the proposals for new contingency legislative measures, which had been submitted to the College for adoption in the context of the action taken since December 2018 to prepare the Union for the possibility of a disorderly withdrawal of the United Kingdom from the Union on 30 March 2019. He invited the Secretary-General of the Commission, Mr SELMAYR, to present the general framework and political context of the new proposals.

The Secretary-General recalled that it was the fourth time that the College had received proposals for contingency measures in order to prepare for the possibility of a UK withdrawal from the Union without an agreement, and that three

communications on this issue had already been approved. He also pointed out that these measures were in response to the request made by the European Council (Article 50) at its meetings in November and December 2018 to step up preparations at all levels, and that they were a follow-up to the adoption of the Commission's Contingency Action Plan on 19 December 2018.

In view of the time constraints linked to the approach of 29 March 2019, the length of the adoption procedures under the co-decision procedure and the mandatory time-limit for consulting the national parliaments, the Commission was presenting that day its latest legislative proposals.

The Secretary-General pointed out that the proposals for contingency measures were intended to alleviate the most harmful effects on the Union of a possible withdrawal of the United Kingdom without an agreement. He added that they were unilateral, temporary and targeted, that they took account of the discussions with the Member States and that they were not intended to replicate the conditions of membership of the Union or to reproduce the provisions of the draft withdrawal agreement negotiated by Mr BARNIER and endorsed in November 2018 by the leaders of the European Council and the British Prime Minister, Theresa May.

He said the Commission's departments were stepping up their efforts to support the Member States, in particular by organising visits by Ms GAUER, Deputy Secretary-General, to the capitals of the other 27 EU Member States, setting up a team specifically dedicated to preparedness and contingency measures within the Secretariat-General and issuing sector-specific notes on preparations for the UK withdrawal from the Union.

Finally, the Secretary-General said that the Commission was working closely with the European Parliament and the Council to ensure the adoption of the proposed legislative acts in such a way that they would be in force by 30 March 2019. He also stressed the importance of the earliest possible entry into force of the delegated acts which supplemented the package of measures.

The PRESIDENT then gave the floor to Mr KATAINEN, Ms THYSSEN and Mr OETTINGER and invited them to present the latest proposals for contingency legislative measures, which were being submitted to the College for adoption and concerned respectively the 'Erasmus+' programme, social security coordination and the Union budget.

Mr KATAINEN concentrated on the proposed contingency measures with regard to the Erasmus+ programme. He reminded the meeting that as of 30 March there would be 14 000 young people from the Union of 27 present in the UK on this flagship EU programme, and 7 000 British nationals on the programme present in a Member State of the Union of 27. The proposed measures would enable these young people, in the event of the absence of an agreement, to complete their Erasmus+ semester and continue to receive grants. He was pleased that the Commission was proposing this gesture of fairness in favour of European youth.

Ms THYSSEN reminded the meeting that the Commission had always made it clear that the rights of EU citizens in the UK and those of UK nationals in the EU were its priority, and that those people should not pay the price of the UK's withdrawal.

She explained that in the event of the absence of an agreement between the EU and the UK, the measures proposed for adoption at the meeting would ensure that the authorities of the EU Member States would continue to take into account, when calculating social security benefits, the periods of insurance, self-employment or residence in the UK prior to the latter's withdrawal, i.e. to protect the rights of persons who had exercised their right to free movement before the UK withdrawal. The proposed Regulation ensured the continued implementation of the fundamental principles of social security coordination in the Union, namely equal treatment, assimilation and aggregation of insurance periods.

Mr OETTINGER then presented the contingency measures he was proposing in order to minimise as far as possible the consequences for the 2019 EU budget of an absence of agreement between the EU and the United Kingdom. The idea was to transform a disorderly withdrawal into a managed withdrawal with regard to the

implementation of this one budget.

He stressed that the 28 EU Member States had to honour all the commitments they had made. The United Kingdom was therefore expected to continue to honour all the commitments it had made while it was a member of the Union. The planned contingency measures would therefore allow the Union, in a no-deal scenario, to be in a position to honour its commitments and continue to make payments in 2019 to UK beneficiaries under contracts signed and decisions taken before 30 March 2019, provided that the UK fulfilled a number of fair but rigorous obligations under the 2019 budget and that it accepted the necessary audits and controls. That would therefore mitigate the impact of a no-deal scenario for a large number of sectors receiving EU funding, such as research, innovation and agriculture, and would have the advantage of ensuring stability in the implementation of the 2019 budget.

Mr OETTINGER also said that this matter was without prejudice to the financial settlement between the Union and the United Kingdom for withdrawal.

In the course of the discussion that followed, the Commission raised mainly the budgetary contingency measures:

- the need to speed up the adoption of the contingency measures given the increased risk of an ‘accidental’ no deal;
- the importance for the EU of spelling out that day’s proposals clearly;
- given the UK’s domestic political situation, the likelihood that the British authorities would not wish to address the question of the 2019 budget with the Union between the end of March and the European elections;
- the recommendation to present the Commission’s proposal on the 2019 budget with caution, in view of the pressures on the current UK government;

- a request for clear guidelines concerning the acceptance of requests for participation by the UK in projects financed by the Union and the signing of contracts with partners in the UK;
- in addition, a question on the change in the nature of the projects in which the UK partners would no longer take part after the country's withdrawal from the EU;
- the consequences of a disorderly withdrawal of the UK for the British beneficiaries of six regional policy programmes and the serious problems that would arise for EU beneficiaries, in particular SMEs;

Mr OETTINGER explained that if the UK authorities were to accept the offer the EU was making them that day concerning the 2019 budget, the EU could accept the UK's requests to take part in EU-funded projects and the signing of contracts with partners in the UK in 2019. Should this offer be rejected, he observed that, for the EU's general budget, the consequences would be a lack of commitments, a reduction in budget implementation and even a complete lack of budget implementation in certain sectors.

With regard to the multiannual financial framework, the Secretary-General said that the financial settlement linked to the UK's withdrawal was the balance of all accounts in a financial framework within which commitments had been entered into by all the Member States for seven years, including by the UK, and must be honoured in full. In the event of a disorderly withdrawal, he pointed out that after 30 March 2019 there would no longer be a legal basis for making the payments earmarked for the beneficiaries of EU funding programmes in the UK, since the UK would have become a third country. Hence the desirability of the offer being made that day to the UK.

Winding up the discussion, the PRESIDENT noted the College's agreement on the three proposals for contingency legislative measures presented that day, concerning,

respectively, the Erasmus programme, social security coordination and the EU budget.

Following this discussion the Commission:

- adopted the proposal for a Regulation in the field of social security coordination in COM(2019) 53/4 for transmission to Parliament, the Council and the national parliaments;
- adopted the proposal for a Regulation on the Erasmus programme in COM(2019) 65/2 for transmission to Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the national parliaments;
- adopted the proposal for a Regulation on the implementation and financing of the general budget of the Union in COM(2019) 64/3 for transmission to the Council and the national parliaments and, for approval, to the European Parliament;
- noted the background note distributed as SEC(2019) 23/2.

10. OTHER BUSINESS (CONTINUED)

STATE OF PLAY OF THE ONGOING WORK ON CONTINGENCY MEASURES FOR CERTAIN SECTORS IN THE LIGHT OF THE UNITED KINGDOM'S WITHDRAWAL FROM THE EUROPEAN UNION

The PRESIDENT proposed taking stock of the state of play of the ongoing work on the adoption of the contingency legislation already presented by the Commission to mitigate the significant disruptions of a disorderly withdrawal of the United Kingdom from the European Union in certain sectors.

Mr VELLA referred to the interinstitutional negotiations on the two proposals for

regulations adopted by the Commission at its meeting of 23 January 2019 in the context of the contingency measures in the **fisheries sector**. He reiterated that the first measure proposed to allow Member States to grant financial compensation under the European Maritime and Fisheries Fund in the event of a temporary cessation of fishing activities resulting from the loss of access to British fishing waters for EU vessels. The second measure would create the right legal framework for the United Kingdom and the Union to decide to maintain reciprocal access for their vessels to their respective fishing waters until the end of 2019.

There had been a positive response to these proposals from the Member States concerned within the working party (Article 50). He was confident that they could enter into force by 29 March 2019, the planned date of withdrawal.

In terms of the second proposal, he pointed out that several Member States were already wondering how and when to approach the UK in order to know whether or not it intended to allow EU vessels to enter its fishing waters, given the fact that the measure provided for in this proposal was subject to reciprocal access.

Ms BULC reminded the meeting that two proposals for regulations had been adopted by the Commission on 19 December 2018 in order to provide contingency measures in the **aviation sector**. Although she felt that the proposal on certain aspects of aviation safety should be adopted quickly, she also drew attention to the two major points of disagreement in the interinstitutional negotiations on the proposal which aimed to ensure basic air transport connectivity.

On the one hand, the European Parliament and the Council wanted to grant UK air carriers market access that was more extensive than that required to avoid the full and sudden suspension of air traffic between the Union and the United Kingdom as a result of a disorderly withdrawal of the United Kingdom from the Union. She emphasised that granting additional rights distorted the emergency measure by adding benefits which should only be obtained through membership of the Single European Sky or via a negotiated withdrawal agreement.

She was also concerned about the relaxation, desired by the European Parliament and the Council, of the rules on ownership and effective control that would apply to air carriers partly owned by UK shareholders. She warned that this would penalise European carriers.

Ms BULC therefore asked for the Commission's support to firmly uphold the Commission's position.

With regard to the **customs sector**, Mr MOSCOVICI stated that all the Member States were taking measures to enable them to apply all EU legislation on the import and export of goods to goods moving between the Union and the United Kingdom, without exception and immediately after the United Kingdom had withdrawn from the Union. Nevertheless, he pointed out that the situation could vary considerably between Member States. He therefore called for continued efforts to accompany national authorities and ensure a consistent approach at Union level.

In the area of **security cooperation**, Sir Julian KING reiterated that the Commission would not adopt any contingency measures. He referred to the work carried out by the Commission in order to explain the possible effects of the United Kingdom's disconnection from the Union's databases on the effectiveness of the protection of citizens in the 27 Member States, as well as in Northern Ireland. He also warned against the risk of developing bilateral intergovernmental agreements in this area.

Lastly, with regard to the **financial sector**, Mr DOMBROVSKIS reminded the Commission of the eight delegated acts and reports that had been adopted that day by written procedure and which aimed to grant the Bank of England adequate exemptions to ensure financial stability and the normal functioning of national banks in the Union. He indicated that he had received written assurances that the UK would grant similar exemptions to the European Central Bank for its London operations.

In conclusion, the PRESIDENT thanked the Members of the Commission who had spoken and stressed that the Commission had to remain firm on its proposals for

contingency measures in the field of aviation.

The Commission took note of this information and these conclusions.

It also took note of the adoption of delegated acts and reports on the activities of the Bank of England and other financial matters by way of urgent written procedure, the deadline for which was set at 11.30 on Wednesday 30 January 2019 (PE/2019/554, PE/2019/557, PE/2019/558, PE/2019/561, PE/2019/556, PE/2019/555, PE/2019/559 and PE/2019/560).

11. REFLECTION PAPER: TOWARDS A SUSTAINABLE EUROPE BY 2030 (COM(2019) 22 TO /3; RCC(2018) 8)

Mr TIMMERMANS presented the reflection paper entitled ‘Towards a sustainable Europe by 2030’ for the Commission’s approval.

He explained that the document explored three scenarios which aimed to stimulate reflection and structure public debates on how to implement across the Union the 2030 Sustainable Development Goals set by the United Nations. These three scenarios proposed (i) a global strategy for the Union to achieve the Sustainable Development Goals that were guiding its action and that of its Member States, (ii) the continued mainstreaming of the Sustainable Development Goals into all Union policies but without binding effect on the action of the Member States, and (iii) increased importance to be given to external action while strengthening the current ambition in the area of sustainable development at Union level. He clarified that the final result of the reflection could combine elements from the different scenarios.

Mr KATAINEN stressed that over the years, the Union had become a pioneer in sustainable development by adopting the highest social and environmental standards, by promoting the Paris Agreement on climate change and by encouraging innovative concepts such as the circular economy. He also pointed out that the

current Commission had integrated the priorities linked to sustainable development into all its policies since the beginning of its term of office.

He said that like the rest of the world, the Union was nevertheless facing complex, changing and urgent challenges, which were linked in particular to its ecological debt and to climate change, as well as to demographic change, migration, inequality, economic and social convergence and to the strains on public finances, all of which were undeniable facts that should encourage the Commission to take action.

Also, he noted from his involvement in the recent World Economic Forum in Davos the importance for economic stakeholders of integrating the principle of sustainable development into production processes, while at the same time emphasising the need for it to be accompanied by a regulatory framework that would provide legal certainty for investors. In conclusion he highlighted the important role that implementing a strategy for recycling plastic products within the Union could play in the short term in achieving the Sustainable Development Goals set for 2030.

The Commission approved the Communication in COM(2019) 22/3 for transmission to Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, and, for information, to the national parliaments.

12. INTERINSTITUTIONAL RELATIONS

(RCC(2019) 7)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Thursday 24 January 2019 (RCC(2019) 7).

It paid particular attention to the following points.

12.1. HORIZONTAL MATTERS

i) 2021-2027 Multiannual Financial Framework – Trilogues

(point 1.1.1 of the IRG record)

- Programme for the Environment and Climate Action (LIFE) and repealing Regulation (EU) 1293/2013 (Regulation) – GERBRANDY report – 2018/0209 (COD)

The Commission approved the line set out in SI(2019) 31/2.

- ‘Customs’ programme for cooperation in the field of customs (Regulation) – GRAPINI report – 2018/0232 (COD)

The Commission approved the line set out in SI(2019) 54.

- Establishment, as part of the Integrated Border Management Fund, of the instrument for financial support for customs control equipment (Regulation) – POSPÍŠIL report – 2018/0258 (COD)

The Commission approved the line set out in SI(2019) 55/2.

ii) 2021-2027 Multiannual Financial Framework – January II 2019 part-session of Parliament

(point 1.1.2 of the IRG record)

Special legislative procedure

- Association of the Overseas Countries and Territories with the European Union including relations between the European Union on the one hand, and Greenland and the Kingdom of Denmark on the other (Council Decision) – PONGA report – 2018/0244 (CNS)

The Commission approved the line set out in SP(2019) 53 and /2.

12.2. LEGISLATIVE MATTERS

iii) Trilogues

(point 3.1 of the IRG record)

- Amendment of Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (Directive) – AGEA report – 2018/0081 (COD)

The Commission approved the line set out in SI(2019) 57/2.

- Multi-annual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea (Regulation) – AGUILERA GARCÍA report – 2018/0050 (COD)

The Commission approved the line set out in SI(2019) 59.

- Amendment of Regulation (EC) 810/2009 establishing a Community Code on Visas (Visa Code) (Regulation) – LÓPEZ AGUILAR report – 2018/0061 (COD)

The Commission approved the line set out in SI(2019) 61.

- Amendment of Regulation (EU) 2016/399 as regards the rules applicable to the temporary reintroduction of border control at internal borders (Regulation) – FAJON report – 2017/0245 (COD)

The PRESIDENT invited Mr TIMMERMANS and Mr AVRAMOPOULOS to inform the College of the state of play of the interinstitutional discussions on the proposal to revise the Schengen Border Code presented in 2017 by the Commission.

Mr TIMMERMANS stressed the complexity of this matter, chiefly due to the fact that certain Member States wanted to be completely free to restore

controls at EU internal borders, while others wanted to return to the situation provided for in the rules on the Schengen area.

Mr AVRAMOPOULOS began by pointing out that the College had addressed the question of internal border controls in the Schengen area several times and that six Member States were still applying such controls.

He went on to emphasise that the Commission's proposed revision – a proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2016/399 with regard to the rules on the temporary reintroduction of internal border control – was in response to a real need to give the Member States the possibility of deciding, in the last resort, to reintroduce these controls temporarily, provided they were necessary and justified to address a threat. These controls were authorised for one year and could be extended for two additional years. He added that the idea was also to ensure a coordinated European approach, with the help of the Council, and to include reinforced procedural guarantees to limit these restrictions on free movement.

He said that he would participate personally in the second trilogue scheduled that day, which was entering a decisive phase, since while the European Parliament and the Council had very different mandates, they both rejected the carefully balanced proposal put forward by the Commission. They were currently working on a compromise setting a time limit of one year for the reintroductions of internal borders decided on by the national authorities of the Member States, without involving the Council, and they still had to raise the question of strict guarantees.

Mr AVRAMOPOULOS felt that the position of the co-legislators was difficult to accept, since it responded neither to the real need of the Member States to have the legal means to respond to threats lasting more than a year, nor to the need to put in place a coordinated approach. He therefore intended to defend the Commission's initial proposal at that day's trilogue.

He raised another question on which Parliament and the Council seemed to be in agreement, namely the impossibility of using multiple legal bases for the same reasons. In his view, this position would limit the use of Article 29 of the Commission's proposal, a useful tool that allowed the Commission and the Council to protect the Schengen area when its overall functioning was jeopardised by serious deficiencies in external border control.

He felt that this idea had not been sufficiently thought through, since if the Member States could not exceed the maximum one-year time limit under the new procedure, they would be tempted to circumvent the Schengen area rules through successive reintroductions of internal border controls at national level, using different reasons to justify this.

With a view to the trilogue, Mr AVRAMOPOULOS therefore asked the College to grant him a mandate to ensure a coordinated European approach to preserve the Schengen area and prevent any limitation on the use of Article 29 of the legislative proposal under consideration.

The PRESIDENT noted the College's agreement on the mandate granted to Mr AVRAMOPOULOS.

The Commission therefore approved the line set out in SI(2019) 62/2.

- Amendment of Regulation (EU, Euratom) 1141/2014 of the European Parliament and of the Council of 22 October 2014 on the statute and funding of European political parties and European political foundations (Regulation) – WIELAND / BRESSO report – 2017/0219 (COD)

The Commission approved the line set out in SI(2019) 66.

- Rules and procedures for compliance with and enforcement of Union harmonisation legislation on products and amendment of Regulations (EU) 305/2011, (EU) 528/2012, (EU) 2016/424, (EU) 2016/425, (EU) 2016/426 and (EU) 2017/1369 of the

European Parliament and of the Council, and Directives 2004/42/EC, 2009/48/EC, 2010/35/EU, 2013/29/EU, 2013/53/EU, 2014/28/EU, 2014/29/EU, 2014/30/EU, 2014/31/EU, 2014/32/EU, 2014/33/EU, 2014/34/EU, 2014/35/EU, 2014/53/EU, 2014/68/EU and 2014/90/EU of the European Parliament and of the Council (Regulation) – DANTI report – 2017/0353 (COD)

The Commission approved the line set out in SI(2019) 69.

- Amendment of Directive 2009/33/EC on the promotion of clean and energy-efficient road transport vehicles (Directive) – GRZYB report – 2017/0291 (COD)

The Commission approved the line set out in SI(2019) 75.

iv) European Parliament dossiers – January II 2019 part-session

(point 3.2 of the IRG Record)

Ordinary legislative procedure – First reading

- Implementation and functioning of the .eu top level domain name and repeal of Regulation (EC) 733/2002 and Commission Regulation (EC) 874/2004 (Regulation) – FEDERLEY Report – 2018/0110(COD)

The Commission took note of SP(2019) 56 and the compromise text annexed thereto.

- Harmonisation of gross national income at market prices (GNI Regulation) repealing Council Directive 89/130/EEC, Euratom and Council Regulation (EC, Euratom) 1287/2003 (Regulation) – GUALTIERI report – 2017/0134 (COD)

The Commission took note of SP(2019) 57 and the compromise text annexed thereto.

Implementing acts and measures

- Amendment of Implementing Decision 2013/327/EU as regards the renewal of the authorisation to place on the market feed containing or consisting of genetically modified oilseed rapes Ms8, Rf3 and Ms8 × Rf3 pursuant to Regulation (EC) 1829/2003 of the European Parliament and of the Council – 2019/2521 (RSP) / Authorisation of the placing on the market of products containing, consisting of or produced from genetically modified maize 5307 (SYN-Ø53Ø7-1), pursuant to Regulation (EC) 1829/2003 of the European Parliament and of the Council on genetically modified food and feed – 2019/2522 (RSP) / Authorisation of the placing on the market of products containing, consisting of or produced from genetically modified maize MON 87403 (MON-874Ø3-1), pursuant to Regulation (EC) 1829/2003 of the European Parliament and of the Council – 2019/2523 (RSP) / Authorisation of the placing on the market of products containing, consisting of or produced from genetically modified cotton GHB614 × LLCotton25 × MON 15985 pursuant to Regulation (EC) 1829/2003 of the European Parliament and of the Council – 2019/2524 (RSP) – (Commission Implementing Decisions) – Objections under Article 106 of the European Parliament's Rules of Procedure

The Commission took note of SP(2019) 65.

v) Council dossier

(point 3.3 of the IRG Record)

- Adaptation of Directive 2012/27/EU of the European Parliament and of the Council on energy efficiency [as amended by Directive 2018/XXX/EU] and Regulation (EU) 2018/XXX of the

European Parliament and of the Council [Governance of the Energy Union], by reason of the withdrawal of the United Kingdom from the European (Proposal for a Decision) – POCHE report – 2018/0385 (COD)

The Commission approved the line set out in SI(2019) 72.

12.3. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

vi) Programming of Council business

(SI(2019) 79)

The Commission took note of the information in SI(2019) 79 on the Council meetings between 31 January and 13 February 2019.

vii) Non-legislative dossiers

(point 4.1 of the IRG Record)

- Draft Joint Declaration to be adopted at the 5th European Union-League of Arab States Ministerial Meeting (Brussels, 4 February 2019)

The Commission took note of the information in SI(2019) 65 and /2.

- Position to be taken on behalf of the European Union in the Joint Council established under the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part as regards the adoption of the Rules of Procedure for the Joint Council and for the Trade and Development Committee (Council Decision) – 2018/0374 (NLE)

The Commission approved the line set out in SI(2019) 78.

12.4. RELATIONS WITH PARLIAMENT

viii) Non-legislative dossiers – Preparation for the January II 2019 part-session

(point 5.1.1 of the IRG record)

- European Parliament’s targeted review of its Rules of Procedure (European Parliament Regulation) – CORBETT report – 2018/2170 (REG)

The Commission approved the line set out in SP(2019) 25/2.

12.5. OTHER BUSINESS

ix) Financial report on the implementation of Funding for the Migration and Refugee Crisis (2015-2017) – Follow-up to the European Court of Auditors discharge recommendations

(point 7.1 of the IRG Record)

The Commission approved the line set out in SPI(2019) 4.

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The PRESIDENT thanked Mr ŠEFČOVIČ, who was standing as a candidate in the presidential elections in Slovakia and was preparing to take part in the election campaign.

Mr ŠEFČOVIČ announced that this would be his last Commission meeting before the start of his unpaid electoral leave, from 1 February until 17 March and, if he took part in the second round of the elections, until 31 March. He thanked the PRESIDENT for accepting his request to take part in a national election campaign. He also thanked Mr ARIAS CAÑETE for deputising for him as regards the Energy Union portfolio, and Ms BULC and Mr KATAINEN as regards the work of the project group in their areas of responsibilities, a group he usually chaired; he

felt fully confident at leaving his responsibilities in such good hands. He concluded by saying that he was determined to maintain Slovakia's faith in the European project.

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The Commission's other discussions on certain agenda items are recorded in the special minutes.

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The meeting closed at 12.19.