



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2019) 2290 final

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

Brussels, 30 April 2019

TEXTE EN

MINUTES

of the 2290th meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 3 April 2019

(morning)

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

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Single sitting: Wednesday 3 April 2019 (morning)

The sitting opened at 10.17 with Mr JUNCKER, President, in the chair.

Present:

Mr JUNCKER	President	
Mr TIMMERMANS	First Vice-President	Items 1 to 13 (in part)
Ms MOGHERINI	High Representative / Vice-President	
Mr ANSIP	Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Mr DOMBROVSKIS	Vice-President	
Mr KATAINEN	Vice-President	
Mr OETTINGER	Member	Items 1 to 13 (in part)
Mr HAHN	Member	
Ms MALMSTRÖM	Member	
Mr ARIAS CAÑETE	Member	
Mr AVRAMOPOULOS	Member	
Mr MOSCOVICI	Member	Items 1 to 13 (in part)
Mr STYLIANIDES	Member	
Mr HOGAN	Member	
Ms BULC	Member	
Ms BIENKOWSKA	Member	Items 1 to 8 (in part)
Ms JOUROVÁ	Member	
Mr NAVRACSICS	Member	
Ms CREȚU	Member	
Ms VESTAGER	Member	
Ms GABRIEL	Member	Items 1 to 9 (in part)

Absent:

Mr MIMICA	Member
Mr VELLA	Member
Mr ANDRIUKAITIS	Member
Ms THYSSEN	Member
Mr MOEDAS	Member
Sir Julian KING	Member

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

Mr BEHRNDT	Chef de cabinet to Mr MIMICA
Mr INOTAI	Acting Deputy Chef de cabinet to Mr VELLA
Ms BERNAERTS	Chef de cabinet to Ms THYSSEN
Ms DEL BRENNA	Deputy Chef de cabinet to Mr MOEDAS
Mr MORRISON	Chef de cabinet to Sir Julian KING

The following also sat in:

Ms MARTÍNEZ ALBEROLA	Chef de cabinet to the PRESIDENT	
Mr ROMERO REQUENA	Director-General, Legal Service	
Ms AHRENKILDE HANSEN	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	
Mr LEARDINI	Acting Deputy Secretary-General	
Mr SZOSTAK	Deputy Chef de cabinet to the PRESIDENT	
Mr BALTAZAR	Senior adviser in the PRESIDENT's Office	Items 10 to 12
Ms HILI	Adviser in the PRESIDENT's Office	Items 1 to 8
Ms BARA	Adviser in the PRESIDENT's Office	Items 1 to 8
Mr DELVAUX	Adviser in the PRESIDENT's Office	Item 13
Mr REMY	PRESIDENT's Office	
Mr SMULDERS	Chef de cabinet to Mr TIMMERMANS	Items 1 to 8
Mr NOCIAR	Chef de cabinet to Mr ŠEFČOVIČ	Items 10 to 12
Mr WYNANDS	Chef de cabinet to Mr DOMBROVSKIS	Item 9
Ms LOBILLO BORRERO	Chef de cabinet to Mr ARIAS CAÑETE	Items 10 to 12

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Mr HEDBERG	Deputy Chef de cabinet to Ms BIENKOWSKA	Items 8 (in part) to 13
Mr SLEATH	Director in the Secretariat-General	Items 1 to 8
Ms VILA NUÑEZ	Secretariat-General	
Mr CAINZOS	Secretariat-General	
Ms ANDREEVA	Commission Spokesperson's Service	

Secretary: Ms JUHANSONE, Deputy Secretary-General, assisted by
Mr AYET PUIGARNAU, Director in the Secretariat-General.

1. AGENDAS

(OJ(2019) 2290/FINAL; SEC(2019) 2290/FINAL/2)

The Commission took note of that day's agenda and of the tentative agendas for forthcoming meetings.

2. WEEKLY MEETING OF CHEFS DE CABINET

(RCC(2019) 2290)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 1 April 2019.

3. APPROVAL OF THE MINUTES OF THE 2287TH, 2288TH AND 2289TH MEETINGS OF THE COMMISSION (12, 20 AND 26 MARCH 2019)

(PV(2019) 2287; PV(2019) 2287, 2ND PART; PV(2019) 2288; PV(2019) 2288, 2ND PART)

The Commission approved the minutes of its 2287th and 2288th meetings and decided to hold over approval of the minutes of its 2289th meeting for a later meeting.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2019) 40)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 29 March 2019 (RCC(2019) 40).

It paid particular attention to the following points.

4.1. HORIZONTAL MATTERS

i) 2021-2027 Multiannual Financial Framework – Trilogues

(point 1.1.1 of the IRG record)

- Establishment of the specific programme implementing Horizon Europe
– The Framework Programme for Research and Innovation (Decision) –
EHLER report – 2018/0225 (COD)

The Commission approved the line set out in SI(2019) 331.

ii) 2021-2027 Multiannual Financial Framework – European Parliament – April I 2019 part-session

(point 1.1.2 of the IRG record)

- ‘Customs’ programme for cooperation in the field of customs
(Regulation) – GRAPINI report – 2018/0232 (COD) / 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 took note of the information in SP(2019) 314/2 and
SP(2019) 315.

- European Maritime and Fisheries Fund and repeal of Regulation
(EU) 508/2014 of the European Parliament and of the Council
(Regulation) – MATO report – 2018/0210 (COD)

The Commission approved the line set out in SP(2019) 311.

- European Social Fund Plus (ESF+) (Regulation) – LOPE FONTAGNÉ
report – 2018/0206 (COD)

The Commission approved the line set out in SP(2019) 316/2, further to
SP(2019) 9 and /2, which it had already approved on 15 January 2019.

iii) 2021-2027 Multiannual Financial Framework – Council

(point 1.1.3 of the IRG record)

- Common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, and the European Maritime and Fisheries Fund and financial rules for those and for the Asylum and Migration Fund, the Internal Security Fund and the Border Management and Visa Instrument (Regulation) – NOVAKOV & KREHL report – 2018/0196 (COD)

The Commission approved the line set out in SI(2019) 341.

4.2. LEGISLATIVE MATTERS

iv) Trilogues

(point 3.1 of the IRG Record)

- European Border and Coast Guard and repeal of Council Joint Action 98/700/JHA, Regulation (EU) 1052/2013 of the European Parliament and of the Council and Regulation (EU) 2016/1624 of the European Parliament and of the Council (Regulation) – METSOLA report – 2018/0330 (COD)

The Commission approved the line set out in SI(2019) 345 and /2.

- Amendment of Council Directive 93/13/EEC of 5 April 1993, Directive 98/6/EC of the European Parliament and of the Council, Directive 2005/29/EC of the European Parliament and of the Council and Directive 2011/83/EU of the European Parliament and of the Council as regards better enforcement and modernisation of EU consumer protection rules (Directive) – DALTON report – 2018/0090 (COD)

The Commission approved the line set out in SI(2019) 335.

- Establishment of a common framework for European statistics relating to persons and households, based on data at individual level collected from samples (Regulation) – MESZERICS report – 2016/0264 (COD)

The Commission approved the line set out in SI(2019) 336.

- Type-approval requirements for motor vehicles and their trailers, and systems, components and separate technical units intended for such vehicles, as regards their general safety and the protection of vehicle occupants and vulnerable road users, amendment of Regulation (EU) 2018/..., and repeal of Regulations (EC) 78/2009, (EC) 79/2009 and (EC) 661/2009 (Regulation) – THUN UND HOHENSTEIN report – 2018/0145 (COD)

The Commission approved the line set out in SI(2019) 339.

- Establishment of the European Cybersecurity Industrial, Technology and Research Competence Centre and the Network of National Coordination Centres (Regulation) – REDA report – 2018/0328 (COD)

The Commission approved the line set out in SI(2019) 342.

- Amendment of Regulation (EC) 862/2007 of the European Parliament and of the Council on Community statistics on migration and international protection (Regulation) – WIKSTRÖM report – 2018/0154 (COD)

The Commission approved the line set out in SI(2019) 347.

- v) European Parliament dossiers – April I 2019 part-session**
(point 3.2 of the IRG Record)

Ordinary legislative procedure – First reading

- Amendment of Regulation (EU) 1303/2013 as regards the adjustment of annual pre-financing for the years 2021 to 2023 (Regulation) – PIOTROWSKI report – 2018/0322 (COD)

The Commission approved the line set out in SP(2019) 305.

- 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 Commission approved the line set out in SP(2019) 306, further to note SI(2019) 62/2, which it had already approved on 30 January 2019.

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

The Commission took note of SP(2019) 307, further to note SI(2019) 140, which it had already approved on 12 February 2019.

- Multiannual recovery plan for Mediterranean swordfish, and amendment of Regulations (EC) 1967/2006 and (EU) 2017/2107 (Regulation) – AFFRONTÉ report – 2018/0109 (COD)

The Commission took note of SP(2019) 308, further to note SI(2019) 88, which it had already approved on 6 February 2019.

- Pan-European Personal Pension Product (Regulation) – IN 'T VELD report – 2017/0143 (COD)

The Commission took note of SP(2019) 309, further to note SI(2019) 134, which it had already approved on 12 February 2019.

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- Strengthening the security of identity cards of Union citizens and of residence documents issued to Union citizens and their family members exercising their right of free movement (Regulation) – DEPREZ report – 2018/0104 (COD)

The Commission took note of SP(2019) 235, further to note SI(2019) 203, which it had already approved on 27 February 2019.

- Amendment of Directive 2009/73/EC concerning common rules for the internal market in natural gas (Directive) – BUZEK report – 2017/0294 (COD)

The Commission took note of SP(2019) 257, further to note SI(2019) 163, which it had already approved on 20 February 2019.

- Work-life balance for parents and carers and repeal of Council Directive 2010/18/EU (Directive) – CASA report – 2017/0085 (COD)

The Commission took note of SP(2019) 268, further to note SI(2019) 81, which it had already approved on 6 February 2019.

- Amendment of Directive 2008/106/EC on the minimum level of training of seafarers and repeal of Directive 2005/45/EC (Directive) – RIQUET report – 2018/0162 (COD)

The Commission took note of SP(2019) 312, further to note SI(2019) 167, which it had already approved on 27 February 2019.

- Re-use of public sector information (Directive – recast) – SYLIKIOTIS report – 2018/0111 (COD)

The Commission took note of SP(2019) 313, further to note SI(2019) 159, which it had already approved on 20 February 2019.

Special legislative procedure

- Preparation for the United Kingdom's withdrawal from the Union – Measures concerning the implementation and financing of the general budget of the Union in 2019 in relation to the withdrawal of the United Kingdom from the Union (Council Regulation) – ARTHUIS report – 2019/0031 (APP)

The Commission approved the line set out in SP(2019) 317.

4.3. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

vi) Programming of Council business

(SI(2019) 344)

The Commission took note of the information in SI(2019) 344 on the Council meetings between 4 and 17 April 2019.

vii) Non-legislative dossier

(point 4.1 of the IRG Record)

- The role of taxation in support of inclusive and sustainable economic growth – Non-paper from the Commission services

The Commission took note of the information in SI(2019) 340 and /2.

4.4. RELATIONS WITH PARLIAMENT

viii) Results of Parliament's March II 2019 part-session

(SP(2019) 299)

The Commission took note of the information on the proceedings of the part-session of Parliament held in Strasbourg from 25 to 28 March 2019, as set out in SP(2019) 299.

ix) Action to be taken on Parliament's legislative resolutions and other resolutions of a legal nature

(SP(2019) 284)

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(2019) 284, drawn up following the March II 2019 part-session of Parliament, the contents of which were noted.

4.5. OTHER BUSINESS

x) Digital Day 3 (Brussels, 9 April 2019)

(point 7.1 of the IRG Record)

The Commission took note of the information in SI(2019) 337.

xi) Working arrangement between the European Commission's Directorate General for Communications Networks, Content and Technology and the European Space Agency's Directorate for Telecommunications and Integrated Applications

(point 7.2 of the IRG Record)

The Commission took note of the information in SI(2019) 343.

5. MONITORING THE APPLICATION OF EUROPEAN UNION LAW

STATE AID AND OTHER COMPETITION RULES

The Commission's decision on this item is recorded in the special minutes.

6. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2019) 167)

ADMINISTRATIVE MATTERS
(PERS(2019) 19)

**6.1. DG JUSTICE – LIST OF CANDIDATES FOR THE AD14 POST OF
DIRECTOR OF THE EUROPEAN INSTITUTE FOR GENDER
EQUALITY (EIGE)**
(PERS(2018) 52 TO /3)

The Commission took note of the information in point 1 of PERS(2019) 19 and, on a proposal from Mr OETTINGER, in agreement with the PRESIDENT, and after consulting Ms JOUROVÁ and also Mr TIMMERMANS, Mr DOMBROVSKIS and Mr KATAINEN, decided:

- to approve the list of one candidate set out in point 1 of PERS(2019) 19, for the post of Director of the European Institute for Gender Equality (*EIGE*), and to consider this list as the Commission proposal;
- to ask Ms JOUROVÁ to communicate this list to the Management Board of the European Institute for Gender Equality (*EIGE*) in Vilnius, Lithuania.

These decisions would take effect immediately.

**6.2. DG EMPLOYMENT, SOCIAL AFFAIRS AND INCLUSION –
APPOINTMENT OF AD14 DIRECTOR OF THE EUROPEAN CENTRE
FOR THE DEVELOPMENT OF VOCATIONAL TRAINING (CEDEFOP)**
(PERS(2019) 8 AND /2)

The Commission took note of the information in point 2 of PERS(2019) 19 and had before it applications for the post of Director of the European Centre for the Development of Vocational Training (CEDEFOP) in Thessaloniki,

Greece, within the Directorate-General for Employment, Social Affairs and Inclusion.

It took note of the opinions of the Consultative Committee on Appointments of 5 and 14 February 2019 (PERS(2019) 8 and /2).

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Mr OETTINGER, in agreement with the PRESIDENT and after consulting Ms THYSEN and also Mr DOMBROVSKIS and Mr KATAINEN, the Commission decided to appoint Mr Juergen SIEBEL to the post.

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

6.3. DG HUMAN RESOURCES AND SECURITY – APPROVAL OF LIST OF CANDIDATES FOR THE POST OF HEAD OF THE EUROPEAN UNION DELEGATION IN BRAZIL (AT GRADES AD14-15/AD14) (PERS(2019) 20)

The Commission took note of the information in point 3 of PERS(2019) 19 and, on a proposal from Mr OETTINGER, in agreement with the PRESIDENT, decided to approve the list of candidates for the post of Head of the EU Delegation in Brazil in PERS(2019) 20, which would serve as a basis for the competent authority of the European External Action Service to make a final appointment.

This decision would take effect immediately.

6.4. DG HUMAN RESOURCES AND SECURITY – APPROVAL OF LIST OF CANDIDATES FOR THE POST OF DEPUTY HEAD OF THE EUROPEAN UNION DELEGATION IN CHINA (AD9-14/AD12) (PERS(2019) 21)

The Commission took note of the information in point 4 of PERS(2019) 19 and, on a proposal from Mr OETTINGER, in agreement with the

PRESIDENT, decided to approve the list of candidates for the post of Deputy Head of the EU Delegation in China in PERS(2019) 21, which would serve as a basis for the competent authority of the European External Action Service to make a final appointment.

This decision would take effect immediately.

7. OTHER BUSINESS

COMMISSION DECISION ON THE ADMISSIBILITY OF THE PROPOSED CITIZENS' INITIATIVE ENTITLED 'RESPECT FOR THE RULE OF LAW WITHIN THE EUROPEAN UNION'

(C(2019) 2314)

Mr TIMMERMANS presented the draft decision being tabled for approval by the College on the registration of the proposed European Citizens' Initiative entitled 'Respect for the rule of law within the European Union'. In substance, this initiative called on the Commission to provide the European Union with general legislation making it possible to verify objectively the practical application of national provisions relating to the rule of law in order to strengthen mutual trust between the Member States and facilitate the implementation of Article 7 of the Treaty on European Union concerning possible breaches of the Union's values. It also called on the Commission to facilitate the enforcement of European laws on judicial cooperation in criminal matters.

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

He noted that the request submitted by the proponents of the European citizens'

initiative fell within the Commission's powers to propose legal acts for the purpose of implementing the Treaties, in particular under Article 70 – evaluation of the implementation, by the national authorities, of Union policies in the area of freedom, security and justice – and Article 352 – establishment of a European Union Agency for Fundamental Rights – of the Treaty on the Functioning of the European Union.

However, he noted that the organisers' attention should clearly be drawn to the fact that legislative acts aimed at implementing the Treaties could not be adopted for the purpose of amending the procedure provided for in Article 7 of the Treaty on European Union.

In conclusion, he pointed out that the College's task that day was to decide only on the legal admissibility of the proposal and not at this stage to analyse its substance or political expediency. If, in the space of a year, one million signatures from citizens from at least seven Member States were collected, 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 citizens' initiative entitled 'Respect for the rule of law within the European Union'. The Commission therefore decided to register the initiative, in accordance with document C(2019) 2314, and authorised Mr TIMMERMANS to sign the decision on its behalf, to notify the organisers of the initiative thereof in the authentic language (French), and to publish it, for information, in the Official Journal of the European Union.

8. RESPECT FOR THE RULE OF LAW

8.1. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL – FURTHER STRENGTHENING THE RULE OF LAW WITHIN THE

UNION – STATE OF PLAY AND POSSIBLE NEXT STEPS
(COM(2019) 163 AND /2; RCC(2019) 36)

The PRESIDENT asked Mr TIMMERMANS to present to the College the Communication entitled ‘Further strengthening the rule of law within the Union – state of play and possible next steps’, which was being tabled for its approval.

Mr TIMMERMANS explained that what was being launched that day under his authority, in agreement with the PRESIDENT, was a two-stage process whereby this Communication would initiate a wide-ranging reflection on the rule of law in the European Union. Subsequently, in a few weeks’ time, a new Communication would be presented setting out specific ways forward for the future.

He highlighted the timeliness and relevance of this reflection, given that breaches of the rule of law were multiplying in certain Member States and had even given rise to the opening of two procedures under Article 7(1) of the Treaty on European Union.

Mr TIMMERMANS then returned to that day’s Communication, which, firstly, reviewed the instruments the Union had at its disposal to supervise, assess and safeguard respect for the rule of law within it, and examined how these instruments had operated in recent years. This wide range of instruments included the procedures under Article 7 of the Treaty on European Union, the EU Framework to strengthen the Rule of Law, which had been in place since 2014, the infringement procedures for failure to implement EU law and also the European Semester for the coordination of economic and budgetary policies, the EU Justice Scoreboard and the Cooperation and Verification Mechanism.

The Communication then opened up a wider European debate on the way in which the rule of law could be further strengthened in future. This debate was

based on three pillars drawn from experience, namely the need to (i) better promote respect for the rule of law, (ii) act at an early stage to prevent the risks of infringement and challenges to the rule of law, and (iii) react effectively and appropriately when problems of this kind arose in the Union.

Mr TIMMERMANS considered that the Union's role and its capacity to ensure respect for the rule of law were more essential than ever, since, on the one hand, they were linked to the fundamental values and shared identity of EU citizens, and on the other, they were necessary for the functioning of the Union as a whole.

He hoped that the reflection launched that day would involve all the actors concerned and that they would all take responsibility. This was why the Commission was inviting the European Parliament, the European Council, the Council, the Member States and the other stakeholders, including the judicial networks and civil society, to reflect on the questions presented in its Communication and put forward concrete ideas on how to strengthen the current instruments. On the basis of this process of reflection and the debate under way, the Commission would present its own conclusions and proposals in a few weeks' time.

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

- the extreme importance and timeliness of the reflection exercise launched that day on strengthening the means to uphold the rule of law in the Union, and of the conclusions that the Commission would be drawing in several weeks' time;
- the need for an effective general mobilisation to ensure that all the actors concerned, including the EU institutions, the national governments, the Member States' civil society and the intermediary bodies took an active part in this debate and adopted an unequivocal position;

- the recommendation to illustrate the fact that respect for the rule of law concerned all citizens without exception in numerous very specific aspects of their daily lives;
- the suggestion to point out also that the rule of law was part of the basis of the internal market and constituted a favourable condition for investment;
- some reservations about the idea of integrating the prevention of challenges to the rule of law in the European semester process, which already had several economic, fiscal and social dimensions, whereas respect for the rule of law concerned a more fundamental element of the Union.

Mr TIMMERMANS agreed that integrating the prevention of challenges to the rule of law must not overload the European semester process, but felt that a reference to it would be useful to make investors understand that they also were concerned by respect for the rule of law.

Following this discussion, the Commission approved the Communication in COM(2019) 163/2 on further strengthening the rule of law within the Union, for transmission to Parliament, the European Council and the Council and, for information, to the national parliaments.

8.2. INFRINGEMENTS – URGENT INDIVIDUAL CASE (SEC(2019) 181)

Mr TIMMERMANS also informed the College about the situation in certain Member States, in the case at hand Poland and Romania.

Firstly, with regard to Poland, he referred to the new disciplinary regime applicable to Polish judges. In particular, he drew attention to the disciplinary proceedings and sanctions that could be applied to judges under this regime, for example for having submitted requests for preliminary rulings to the Court of Justice to the European Union

Mr TIMMERMANS therefore proposed to the College launching a formal infringement procedure against Poland by sending it a letter of formal notice on the new disciplinary regime for judges. The Polish government would have two months in which to reply to this letter.

The PRESIDENT thanked Mr TIMMERMANS and noted the Commission Members' agreement to sending such a letter of formal notice to the Polish authorities.

Mr TIMMERMANS also referred to the case of Romania, where the government was apparently refusing to implement the recommendations in the Commission's last report of November 2018 under the Cooperation and Verification Mechanism.

The Commission adopted the decision to launch an infringement procedure against Poland for the violation of Union law by the new disciplinary regime applicable to Polish judges, set out in SEC(2019) 181 and bearing the number 2019/2076, and, consequently, decided to send the Polish authorities a letter of formal notice under Article 258 of the Treaty on the Functioning of the European Union.

9. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

9.1. WRITTEN PROCEDURES APPROVED

(SEC(2019) 163 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 25 and 29 March 2019.

9.2. EMPOWERMENT

(SEC(2019) 164 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 25 and 29 March 2019.

9.3. DELEGATION / SUBDELEGATION OF POWERS
(SEC(2019) 165 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 25 and 29 March 2019 archived in Decide.

9.4. SENSITIVE WRITTEN PROCEDURES
(SEC(2019) 166 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 1 and 5 April.

Update of the second Enhanced Surveillance Report on Greece adopted on 27 February 2019 – COM(2019) 170 – PE/2019/2376

Mr DOMBROVSKIS referred to the decision to update the second Enhanced Surveillance Report on Greece. This update was to be adopted that day, 3 April 2019, at 12.00 by written procedure, under Article 12(5) of the Commission's Rules of Procedure (PE/2019/2376).

He noted that in the second Enhanced Surveillance Report on the subject of Greece, adopted on 27 February 2019, the Commission had concluded that, although Greece had made considerable progress in implementing its reform commitments by the end of 2018, the pace of work in certain areas had been much slower, delaying some key reforms. Greece had continued its efforts since then, in particular by implementing the new scheme for the protection of primary residences. This scheme had given rise to intense discussions within the context of enhanced surveillance for a number of reasons, the first being the fact that Greece still suffered from the highest rate of non-performing loans in the European Union, at over 40% of total loan volumes, which

threatened the viability of the Greek banking sector in the long term. It was therefore essential for Greece's banks to continue to reduce their overall levels of non-performing loans.

Mr DOMBROVSKIS explained that, with the *Katseli* Law, the Greek government had introduced a scheme which protected the primary residences of households that were unable to repay their loans within the context of the economic and financial crisis. This protection was intended to be temporary and was to expire at the end of 2018, but the lending institutions had agreed to its replacement with a new scheme, provided that it really was temporary, that it was targeted at the most vulnerable households and that it did not encourage strategic defaulting. The core idea of the new scheme was to restructure non-performing loans so that debtors could repay smaller amounts thanks to a contribution from the State. Therefore, as long as payments to pay down the restructured debt were made, debtors were protected against any foreclosure procedures on their primary residences.

He pointed, however, to a major risk to be taken into consideration, namely that debtors might decide not to repay any more of their debt in order to benefit from the protection scheme. This was the point that had given rise to lengthy discussions with the Greek government, which had made it possible to bolster guarantees against abuse of the protection scheme and to limit the scope of loans eligible for the scheme, but without entirely banishing all risks to financial stability or relating to payment discipline. Under the agreement reached, the scheme would be open to vulnerable homeowners with up to EUR 15 000 of liquid assets and EUR 80 000 of non-liquid assets. He pointed out that the secondary legislation had yet to be finalised and that the protection scheme also had to be approved by the Commission with respect to the European Union's competition rules.

Mr DOMBROVSKIS ended his presentation by emphasising that, although the progress made by Greece on reforms should be recognised politically, the

risks for the Greek banking system in the medium term resulting from the primary residence protection scheme should be taken into consideration.

Mr MOSCOVICI indicated that, since the adoption of the second Enhanced Surveillance Report on Greece on 27 February, the Greek authorities had adopted new measures aimed at strengthening the tax administration, relaunching the tender for access to lignite resources within the context of antitrust commitments and pursuing ongoing privatisation plans.

He explained that, if the College was being asked to adopt an update of the report, it was to reflect this progress and confirm that Greece had taken the necessary measures to honour its commitments.

These positive results were to be examined at the meeting of the Eurogroup on 5 April and the ministers would be able to refer to this solid basis in deciding to disburse a new EUR 970 million tranche of debt relief measures. In his view, a positive decision would constitute a further step towards Greece's recovery and would send a strong signal to the markets that not only was Greece pursuing its reform programme seriously, but also that its European Union partners continued to support it.

He was of the opinion that Greece deserved this positive outcome since it had successfully entered the enhanced surveillance framework following the European assistance programme by meeting, and even exceeding, its budgetary objectives, while carrying out a series of structural reforms. He felt that it was in interests of Greece, the European institutions and the country's creditors to lend support to this momentum.

Mr MOSCOVICI pointed, nonetheless, to certain more delicate aspects, including two decisive reforms in the energy sector and with respect to privatisations which had been finalised only after intense negotiations.

He explained that, in the energy sector, six bidders had responded to the call for tenders for access to lignite resources. He noted that the opening stage of

the procedure had been carried out within the deadlines, the aim being for the submission of final offers to be completed by mid-May.

In the specific case of the privatisation of the *Egnatia* motorway, he said that the reforms necessary for the operation had been implemented, but emphasised the importance of ensuring that the obstacles that regularly arose did not tarnish an otherwise positive record on privatisations and concessions.

As for the new scheme to protect primary residences (*Katseli II*) which Mr DOMBROVSKIS had described at length, Mr MOSCOVICI noted that it was the general opinion, which was shared by the European Central Bank (ECB), that this measure could help in the restructuring of non-performing loans, provided that it was implemented correctly, backed up by safeguards and genuinely temporary, without being extended beyond its expiry date (the end of 2019). He also added that the practical implementation of this scheme would be closely monitored under enhanced surveillance.

He ended by saying that he was optimistic that, on the basis of the updated report, the Eurogroup would take a positive decision on 5 April which would enable an additional EUR 970 million of debt relief measures to be made available to Greece.

10. FOURTH REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, THE COMMITTEE OF THE REGIONS AND THE EUROPEAN INVESTMENT BANK ON THE STATE OF THE ENERGY UNION

(COM(2019) 175 AND /2; (RCC(2019) 41)

11. REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, THE COMMITTEE OF THE REGIONS AND THE

**EUROPEAN INVESTMENT BANK ON THE IMPLEMENTATION OF THE STRATEGIC ACTION PLAN ON BATTERIES – BUILDING A STRATEGIC BATTERY VALUE CHAIN IN EUROPE
(COM(2019) 176 AND /2; (RCC(2019) 41)**

**12. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL – A MORE EFFICIENT AND DEMOCRATIC DECISION MAKING IN EU ENERGY AND CLIMATE POLICY
(COM(2019) 177 AND /2; (RCC(2019) 41)**

The PRESIDENT welcomed back Mr ŠEFČOVIČ after his election leave and invited him and Mr ARIAS CAÑETE to present the set of documents relating to the Energy Union, which had three strands: (i) the fourth report on the state of the Energy Union; (ii) the report aimed at creating a strategic battery value chain in Europe; (iii) the communication on a more efficient and democratic decision-making process for the European Union's energy and climate policy.

Before going into detail, Mr ŠEFČOVIČ briefly mentioned the situation in Slovakia in the aftermath of the presidential election. He welcomed the fact that the country had chosen to support, after the first round, two firm advocates of the European project, despite the strong mobilisation of Eurosceptic movements. He welcomed the victory of Ms Zuzana Caputova, the first woman to become Slovakia's head of state. He also warmly thanked Mr ARIAS CAÑETE for his excellent work in his absence, then reviewed the three documents that had been submitted to the Commission for approval that day.

Mr ŠEFČOVIČ began by reminding the meeting that the successive reports on the state of the Energy Union constituted more than a catalogue of the measures adopted; they illustrated that these measures were capable of driving a real systemic change. He stressed that all the commitments made at the beginning of the Commission's term of office had been met and mentioned certain initiatives contributing to the upwardly revised objective of climate neutrality by 2050, along

with the objectives set for 2030. In particular, he cited the European Battery Alliance, which enabled Europe to be a major global player in the areas of mobility and clean energy by creating a strategic battery value chain, with new projects and the creation of gigafactories throughout the Union.

He also highlighted the initiative on coal regions in transition, which was aimed at moving towards a sustainable industrial model, while ensuring that no region would be left behind, in exchange for the necessary funding and technical support measures.

Finally, he noted that collaboration with European cities and around the world had increased, thanks to initiatives like the Global Covenant of Mayors and platforms such as URBIS which provided specific advice on investment.

Mr ŠEFČOVIČ highlighted once again the considerable progress made in the space of a few years, which he put into perspective by recalling the scepticism some had felt about the Commission's roadmap at the beginning of the current term of office. He saw the Battery Alliance as a possible test bed for an industrial policy of the 21st century. He thanked all the Commissioners who had shown an excellent team spirit while contributing to these efforts.

Mr ARIAS CAÑETE also pointed out that the Energy Union, one of the PRESIDENT's ten political priorities, had initially been regarded as a real challenge. Now, a few years later, there was no denying that it had achieved or even surpassed the ambitious targets set for it. Moreover, the legislation necessary to translate this ambition into practice had entered into force, the Member States had implemented an action plan on climate change and energy and the EU now had a long-term strategy for climate neutrality. He welcomed the fact that the historic 22% cut in greenhouse gas emissions, between 1990 and 2017, had been achieved at the same time as a 58% increase in GDP over the same period.

He then drew attention to the communication on a more efficient and democratic decision-making process in EU energy and climate policy by 2025, as outlined by

the PRESIDENT in his State of the Union addresses of 2017 and 2018, and in his September 2018 Letter of Intent to the President of the European Parliament and the Council Presidency.

He believed that the current framework governing energy taxation was not in keeping with the Union's ambitions in the area of energy and climate. He reminded Members that in 2011 the Commission had adopted a proposal to revise the Energy Taxation Directive and to introduce a carbon price signal, but this had been rejected because of the unanimity requirement.

He explained that the general provision of Article 48(7) of the Treaty on European Union and the specific provisions of the Treaty on the Functioning of the European Union allowed for the possibility of moving policy areas subject to the unanimity rule to the system of qualified majority voting, using what were known as 'passerelle clauses'. A specific passerelle clause introduced into the Title of the Treaty on the Functioning of the European Union which dealt with the environment conferred on the Council the power to decide that environmental measures of a fiscal nature would be adopted under the ordinary legislative procedure, subject to qualified majority voting. In order to exercise this power, the Council had to act unanimously, on a proposal from the Commission and after consulting the European Parliament, the European Economic and Social Committee and the Committee of the Regions.

Mr ARIAS CAÑETE stressed that it would therefore be possible to use the passerelle clause provided for in the Title of the Treaty on the Functioning of the European Union relating to the environment to adopt measures essentially of a fiscal nature in the field of energy.

Finally, Mr ARIAS CAÑETE pointed out that the Euratom Treaty did not include a revision clause. In that case, he explained that it might be useful to explore ways of enhancing the role of the European Parliament in order to consolidate the democratic legitimacy of decision-making under the Treaty and to examine the possibility of expanding the involvement of national parliaments in the context of

Euratom. The Commission therefore proposed to set up a high-level working group to reflect further on this issue.

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

- the considerable efforts of all the Commission departments concerned in successfully making the Energy Union a reality that would have a tangible positive impact on citizens and offer businesses real opportunities within a long-term perspective of sustainable development;
- the notable involvement of citizens in the debate on the ecological transition; the enthusiasm generated by the pilot projects conducted in coal regions in transition;
- the excellent example of the Battery Alliance, which demonstrated the willingness of businesses to respond to a shared European interest; the desire to give this model additional impetus and develop it at a faster pace.

The PRESIDENT concluded by hailing the excellent work on this matter by the Commission, which could be justly proud of the clear success of the Energy Union.

Following these presentations, the Commission agreed, on a proposal from the PRESIDENT, that the two reports and the communication, currently set out in COM (2019) 175/2, COM (2019) 176/2 and COM (2019) 177/2, would be submitted for adoption by finalisation written procedure, the deadline for which was set at 10.00 on 9 April 2019 (PE/2019/2182, PE/2019/2183 and PE/2019/2184).

13. OTHER BUSINESS (CONTINUED)

RELATIONS WITH THE UNITED STATES – LATEST DEVELOPMENTS AND OUTLOOK CONCERNING THE APPLICATION OF THE

HELMS-BURTON ACT

(INFO(2019) 23)

The PRESIDENT asked Ms MOGHERINI and Ms MALMSTRÖM to present to the College, on the one hand, the latest developments concerning the application of the US sanctions against Cuba taken under the 1996 ‘Liberty’ or ‘Helms-Burton’ Act, and, on the other, the measures proposed to safeguard the Union’s interests in this regard.

The Commission took note of the information in INFO(2019) 23.

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

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The meeting closed at 11.39.