



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2019) 2297 final

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

Brussels, 18 June 2019

TEXTE EN

MINUTES

of the 2297th meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 29 May 2019

(morning)

—

PV(2019) 2297 final

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

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Single sitting: Wednesday 29 May 2019 (morning)

The sitting opened at 10.46 with Mr JUNCKER, President, in the chair.

Present:

Mr JUNCKER	President	
Mr TIMMERMANS	First Vice-President	
Ms MOGHERINI	High Representative / Vice-President	
Mr ANSIP	Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Mr DOMBROVSKIS	Vice-President	
Mr KATAINEN	Vice-President	
Mr OETTINGER	Member	Items 1 to 7/8 (in part)
Mr HAHN	Member	
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	Items 1 to 6
Ms BULC	Member	
Ms BIENKOWSKA	Member	
Ms JOUROVÁ	Member	
Mr NAVRACSICS	Member	
Ms VESTAGER	Member	
Sir Julian KING	Member	
Ms GABRIEL	Member	

Absent:

Ms CREȚU

Member

Mr MOEDAS

Member

(29 May 2019)

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

Ms RUS	Chef de cabinet to Ms CREȚU	Items 1 to 6 (in part), 7 to 9
Ms DEL BRENNA	Deputy Chef de cabinet to Mr MOEDAS	Items 1 to 6 (in part), 7 to 9

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	Items 1 to 6 (in part), 7 to 9
Mr SCHINAS	Head of the Spokesperson's Service and Chief Spokesperson of the Commission	
Mr SWIEBODA	European Political Strategy Centre	Items 1 to 6 (in part), 7 to 9
Mr LEARDINI	Acting Deputy Secretary-General	Items 7 to 9
Mr SZOSTAK	Deputy Chef de cabinet to the PRESIDENT	Items 1 to 6 (in part), 7 to 9
Mr THOLONIAT	Adviser in the PRESIDENT's Office	Item 9
Ms ARKI	PRESIDENT's Office	Items 1 to 6 (in part), 7 to 9
Mr GRASSI	Chef de cabinet to Ms MOGHERINI	Items 1 to 6 (in part), 7 to 9
Mr SUARDI	Deputy Chef de cabinet to Mr DOMBROVSKIS	Item 9
Mr HAGER	Chef de cabinet to Mr OETTINGER	Items 1 to 6 (in part)
Mr KARNITSCHNIG	Chef de cabinet to Mr HAHN	Items 1 to 6 (in part), 7 and 8
Ms PASERMAN	Deputy Chef de cabinet to Ms THYSEN	Item 9
Mr BAILLY	Chef de cabinet to Mr MOSCOVICI	Item 9
Mr SNELS	Secretariat-General	Items 1 to 6 (in part), 7 to 9
Ms ANDREEVA	Commission Spokesperson's Service	Items 1 to 6 (in part), 7 to 9

Mr BUTI

Director-General, DG Economic and
Financial Affairs

Item 9

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

1. AGENDAS

(OJ(2019) 2297/FINAL; SEC(2019) 2297/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 to 6.3 (on administrative decisions) to that day's agenda.

2. WEEKLY MEETING OF CHEFS DE CABINET

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Tuesday 28 May 2019.

3. APPROVAL OF THE MINUTES OF THE 2295TH AND 2296TH MEETINGS OF THE COMMISSION (15 AND 22 MAY 2019)

The Commission held over approval of the minutes of its 2295th and 2296th meetings for a later meeting.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2019) 62)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 24 May 2019 (RCC(2019) 62).

It paid particular attention to the following points.

4.1. HORIZONTAL MATTERS

i) 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) 438/4.

- Specific provisions for the European territorial cooperation goal (Interreg) supported by the European Regional Development Fund and external financing instruments (Regulation) – ARIMONT report – 2018/0199 (COD)

The Commission approved the line set out in SI(2019) 439/2.

- European Maritime and Fisheries Fund and repeal of Regulation (EU) No 508/2014 of the European Parliament and of the Council (Regulation) – MATO report – 2018/0210 (COD)

The Commission approved the line set out in SI(2019) 440/2.

- Establishing rules on support for strategic plans to be drawn up by Member States under the Common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repeal of Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Regulation (EU) No 1307/2013 of the European Parliament and of the Council – (Regulation) – HARRANZ GARCÍA report – 2018/0216 (COD)

The Commission approved the line set out in SI(2019) 454.

ii) Accession of the European Union to the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)

(point 1.2 of the IRG record)

The Commission approved the line set out in SI(2019) 455.

4.2. LEGISLATIVE MATTERS

iii) Council dossiers

(point 3.3 of the IRG record)

- Common standards and procedures in Member States for returning illegally staying third-country nationals (Directive – recast) – SARGENTINI report – 2018/0329 (COD)

The Commission approved the line set out in SI(2019) 417.

- Representative actions for the protection of the collective interests of consumers, and repeal of Directive 2009/22/EC (Directive) – DIDIER report – 2018/0089 (COD)

The Commission took note of the information in SI(2019) 436.

- Electronic freight transport information (Regulation) – SCHMIDT report – 2018/0140 (COD)

The Commission approved the line set out in SP(2019) 443.

4.3. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

iv) Programming of Council business

(SI(2019) 458)

The Commission took note of the information in SI(2019) 458 on the Council meetings between 30 May and 12 June 2019.

v) Non-legislative dossiers

(point 4.1 of the IRG record)

- Position to be taken, on behalf of the European Union, at the 18th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES CoP18) (Council Decision) – 2019/0083 (NLE)

The Commission approved the line set out in SI(2019) 435.

- Council of Europe – Participation of the EU in the Council of Europe's Group of States against Corruption (GRECO) as an observer

The Commission approved the line set out in SI(2019) 442/2.

- Report on coherence among European Union defence initiatives

The Commission took note of SI(2019) 444/2.

- Fourth progress report on the implementation of the common set of proposals endorsed by the European Union and NATO Councils on 6 December 2016 and 5 December 2017

The Commission took note of document SI(2019) 445.

- Narrative paper on an open, free, stable and secure cyberspace in the context of international security

The Commission took note of SI(2019) 446 and /2.

- Appellate Body of the World Trade Organisation (WTO) – Work on a possible interim solution

The Commission approved the line set out in SI(2019) 452.

- International Maritime Organisation – Draft Union submission concerning the results of a Formal Safety Assessment study on the use of

low-flashpoint diesel as a marine Fuel within the scope of the International Code of Safety for Ships using Gases or other Low-flashpoint Fuels (IGF Code) and draft amendments to the IGF Code to regulate the use of such fuels / Draft Union submission (INF paper) concerning the full report of the Formal Safety Assessment study on the use of low-flashpoint diesel as a marine fuel within the scope of the International Code of Safety for Ships using Gases or other Low-flashpoint Fuels (IGF Code) (London, 9-13 September 2019)

The Commission approved the line set out in SI(2019) 457.

vi) Latest developments in the Council

(point 4.4 of the IRG record)

- Draft Working Arrangement on the Establishment of Union and Common Positions within the World Customs Organization

The Commission approved the line set out in SI(2019) 448/2.

- Seat of the European Labour Authority

The Commission took note of the information in SI(2019) 441.

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

- vii) Reply from the Director-General for Trade, Jean-Luc DEMARTY, to the Select Committee on Foreign Affairs and Trade and Defence of the Parliament of the Republic of Ireland, about the invitation to make a submission concerning the debate on a Bill relating to economic activities with occupied territories**

The Commission approved the line set out in SNP(2019) 8.

viii) Participation by Members of the European Economic and Social Committee in international conferences

(point 6.3.1 of the IRG record)

- UN High-level political forum on sustainable development (New York, 9 to 18 July 2019)

The Commission agreed to the request to the PRESIDENT from Mr Luca JAHIER, President of the European Economic and Social Committee, concerning the attendance of three Members of that Committee at the above-mentioned meeting as observers in the EU delegation, with a reminder about the procedure to be followed as set out in SC(2019) 18.

ix) Participation by Members of the Committee of the Regions in international conferences

(point 6.4.1 of the IRG record)

- 25th Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) (Santiago de Chile, 2 to 13 December 2019)

The Commission agreed to the request to the PRESIDENT from Mr Karl-Heinz LAMBERTZ, President of the Committee of the Regions, concerning the attendance of four Members of that Committee at the above-mentioned meeting as observers in the EU delegation, with a reminder about the procedure to be followed as set out in SR(2019) 12.

4.5. OTHER BUSINESS

x) Digital Assembly 2019 (Bucharest, 13 to 14 June 2019)

(point 7 of the IRG record)

The Commission took note of the information in SI(2019) 447.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED

(SEC(2019) 223 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 20 and 24 May 2019.

5.2. EMPOWERMENT

(SEC(2019) 224 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 20 and 24 May 2019.

5.3. DELEGATION / SUBDELEGATION OF POWERS

(SEC(2019) 225 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 20 and 24 May 2019, as archived in Decide.

5.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2019) 226 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 27 and 29 May 2019.

6. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2019) 227 AND /2)

ADMINISTRATIVE MATTERS
(PERS(2019) 52 AND /2)

At the PRESIDENT's request, Mr OETTINGER presented three additional proposals for decisions which he was submitting to the College for approval (see items 6.1 to 6.3 of these minutes).

Mr OETTINGER proposed first to appoint Ms Ditte JUUL-JØRGENSEN, currently Chef de cabinet to Ms VESTAGER, to the post of Director-General of DG Energy, with effect from 1 August 2019.

He then proposed the appointment of Ms Sabine WEYAND, currently Deputy Chief Negotiator responsible for the preparation and conduct of the negotiations with the United Kingdom under Article 50 of the Treaty on European Union, to the position of Director-General of DG Trade, with effect from 1 June 2019.

Finally, he proposed that the College appoint Mr Pascal LEARDINI, currently Director in the Secretariat-General, to the post of Deputy Secretary-General, with effect from 1 June 2019.

Mr OETTINGER stressed the outstanding professional qualities of the individuals nominated for these three posts and their long-standing and unwavering personal commitment to the service of the Commission.

The PRESIDENT noted the College's agreement on these three proposals for decisions.

**6.1. DG ENERGY – APPOINTMENT OF AD15/16 DIRECTOR-GENERAL
(PERS(2019) 26 TO /4)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director-General of DG Energy (PERS(2019) 26 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 16 and 24 May 2019 (PERS(2019) 26/3 and /4).

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Mr OETTINGER, in agreement with the PRESIDENT, and after consulting Mr ARIAS CAÑETE and also Mr ŠEFČOVIČ and Mr KATAINEN, the Commission decided to appoint Ms Ditte JUUL-JØRGENSEN to the post.

This decision would take effect on 1 August 2019.

**6.2. DG TRADE – APPOINTMENT OF AD15/16 DIRECTOR-GENERAL
(PERS(2019) 27 TO /4)**

The Commission had before it an application under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director-General of DG Trade (PERS(2019) 27 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 16 and 24 May 2019 (PERS(2019) 27/3 and /4).

The Commission proceeded to consider the applicant's qualifications for the post. On a proposal from Mr OETTINGER, in agreement with the PRESIDENT, and after consulting Ms MALMSTRÖM and also Ms MOGHERINI and Mr KATAINEN, the Commission decided to appoint Ms Sabine WEYAND to the post.

This decision would take effect on 1 June 2019.

(29 May 2019)

**6.3. SECRETARIAT-GENERAL – APPOINTMENT OF AN AD15/16
DEPUTY SECRETARY-GENERAL
(PERS(2019) 51 TO /3)**

The Commission had before it the application submitted under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Deputy Secretary-General – Chief Operating Officer (SG.DSG1) (PERS(2019) 51).

It took note of the opinions of the Consultative Committee on Appointments of 17 and 24 May 2019 (PERS(2019) 51/2 and /3).

The Commission proceeded to consider the applicant's qualifications for the post. On a proposal from Mr OETTINGER, in agreement with the PRESIDENT, it then decided to appoint Mr Pascal LEARDINI to the post.

This decision would take effect on 1 June 2019.

**6.4. SECRETARIAT-GENERAL – APPOINTMENT OF AN AD14/15
MEDIATOR OF THE EUROPEAN COMMISSION
(PERS(2015) 79 TO /5)**

Having taken note of the information in PERS(2019) 52, the Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Mediator of the European Commission at principal adviser level, in the Secretariat-General (PERS(2015) 79 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 14 January and 25 February 2016 (PERS(2015) 79/3 and /4) and of the Central Staff Committee opinion of 15 January 2019 (PERS(2015) 79/5).

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 the PRESIDENT, in agreement with Mr OETTINGER, it then decided to appoint Mr Giovanni FRACCHIA to the post.

This decision would take effect immediately.

7. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – 2019 COMMUNICATION ON EU ENLARGEMENT POLICY

(COM(2019) 260 TO /4; SWD(2019) 215 AND /2; SWD(2019) 216 AND /2; SWD(2019) 217 AND /2; SWD(2019) 218 AND /2; SWD(2019) 219 AND /2; SWD(2019) 220 AND /2; RCC(2019) 66)

8. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL – COMMISSION OPINION ON BOSNIA AND HERZEGOVINA'S APPLICATION FOR MEMBERSHIP OF THE EUROPEAN UNION

(COM(2019) 261 TO /4; SWD(2019) 222 AND /2; RCC(2019) 66)

The PRESIDENT asked Ms MOGHERINI and Mr HAHN to present to the College the main results of the annual assessment carried out by the Commission on the reforms undertaken by countries that were candidates or potential candidates for membership of the European Union (Western Balkan countries and Turkey). This assessment went together with recommendations on the next steps.

Ms MOGHERINI began by talking about the situation in the Western Balkan countries, pointing out that strong and credible European prospects were still essential to encourage the transformation and reconciliation of the region, consolidate its stability and encourage the adoption of the Union's values, rules and standards in the region.

She felt that the Western Balkans were part of the future of a stronger and united Union. She noted that 2018 had been a year of positive changes across the region, particularly in **Albania** and in the **Republic of North Macedonia**, which had both

shown great determination to progress along the path to membership and had achieved tangible results that should now be irreversible. That was why the Commission was now recommending that the Council open accession negotiations with Albania and the Republic of North Macedonia, marking an important step for the Union's enlargement policy, which was to be considered above all as an investment in peace, security, prosperity and stability in Europe.

Ms MOGHERINI added that the Commission was also adopting its opinion on **Bosnia and Herzegovina's** application for membership of the European Union, together with a report that, for the first time, reviewed the situation in the country against the standards applicable to EU Member States. The Commission felt that the accession negotiations should be opened as soon as Bosnia and Herzegovina had achieved the required degree of compliance with the membership criteria, in particular with the criteria requiring institutional stability that would guarantee democracy and the rule of law.

Lastly, she noted that according to the Commission's assessments, **Serbia, Montenegro** and **Kosovo**¹ still needed to make considerable progress on all of the membership criteria, in particular with regard to the rule of law.

Ms MOGHERINI pointed out that it was now up to the Council to examine the Commission's recommendations and to take decisions on the next steps, which would undoubtedly give rise to difficult discussions between Member States. She recommended that the Commission highlight the coherence and impartiality of the Union's enlargement policy based on a regular and factual assessment of the progress made by each candidate country or potential candidate country. In her view, the countries which had made considerable progress along the road to membership should have their efforts recognised and taken into account through tangible commitments from the Union, in accordance with the Strategy for the

¹ This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence.

Western Balkans adopted in February 2018, in which the Union and its Member States reaffirmed their wish to give new impetus to their links with the region.

She was convinced that the Union was at a crossroads in its relations with the Western Balkans. She explained that a new generation of leaders was in power there and that their ambition was to turn the page of the past and adopt the values, rules and standards of the Union in order to encourage growth and economic and social development in the region. She stressed that the prospect of membership was the main driver of the structural reforms in the region. It was therefore important that the Union should fulfil its own commitments and translate this prospect into tangible action if warranted by the progress made, in order not to lose all credibility and to see candidate countries or potential candidate countries turn away from the Union for good.

Ms MOGHERINI concluded her presentation by referring to the situation of **Turkey** and the lack of progress it had made towards accession, as it continued increasingly to distance itself from the EU, having taken a significant backward step in terms of respect for the principles of the rule of law and fundamental rights while weakening effective checks and balances as a result of its recent constitutional reforms.

Mr HAHN highlighted the numerous challenges to be addressed in a region of the Western Balkans which, over and above its political problems, was experiencing a brain drain and seeing its young people leave the country, in a context of high unemployment that was increasing the risks of instability. He too highlighted the geopolitical importance of re-confirming and translating into action the region's European perspective, as indicated by the European Western Balkans Strategy reaffirmed at the Sofia Summit in May 2018. He also stressed that the prospect of membership was the main lever available to the Union to export stability and encourage the necessary reforms during a negotiation process made deliberately long to make sure that these reforms would be sustainable and irreversible, particularly with regard to the rule of law.

Albania and the **Republic of North Macedonia** had taken the opportunity presented by the relaunch of the enlargement strategy to implement the necessary reforms, in particular those set out by the Council in June 2018. The Republic of North Macedonia had also reached a historic agreement with Greece, ending a 27-year dispute over its name and setting a fine example for the entire region and beyond. Albania was carrying out in-depth reforms, which included a major overhaul of its judicial system. These results demonstrated the European Union's power of attraction. Consequently, the Commission was able to propose to the Council opening accession negotiations with the two countries.

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

- the fact that the opening of negotiations with Albania and the Republic of North Macedonia would provide an incentive to pursue the necessary reforms, which would have the effect of making their accession prospects a reality;
- for some members, the substantial progress still to be made by Albania and North Macedonia in the context of future accession talks, especially with regard to the protection of minorities and property rights;
- the considerable risk of discouraging candidate or potential candidate countries from implementing the reform process started if their accession prospects were to become more remote and call into question their future as EU members;
- the renewed tensions and instability and the resurgence of nationalist movements that could overwhelm the region if the Union's long-term Western Balkans strategy were to lose credibility by failing to offer tangible prospects;
- the positive message sent by the publication of the Commission's first opinion on Bosnia and Herzegovina's application for EU membership; the considerable challenges facing that country in order to guarantee the equal rights of citizens belonging to different population groups.

- the importance of the Union's partnership with Turkey in a context in which dialogue and cooperation were continuing in certain key areas of shared interest, including at the highest level;
- the need to leave the door open to dialogue with Turkey, which did not prevent the Union from taking a critical stance in relation to its internal political evolution, especially the threat posed to the rule of law.

The PRESIDENT wound up the discussion by recalling that it was now up to the Council to take the decision to open accession talks with Albania and the Republic of North Macedonia. He did not underestimate the difficulty of the discussions between EU leaders on this matter, given the lack of public support in some quarters for further EU enlargement. He therefore felt it was all the more important for the Commission to be able to provide the Council with detailed assessments and concrete recommendations based on objective facts, while pursuing the accession process based on the established criteria, fair and rigorous conditionality and the merits of each country.

The Commission took note of these conclusions, and:

- approved the Communication in COM(2019) 260/4 for transmission to Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, and, for information, to the national parliaments, together with the staff working documents distributed as SWD(2019) 215/2 to 220/2, the contents of which were noted;
- approved the Communication in COM(2019) 261/4 for transmission to Parliament and the Council and, for information, to the European Economic and Social Committee, the Committee of the Regions and the national parliaments, together with the staff working document distributed as SWD(2019) 222/2, the contents of which were noted.

9. POLICY DEBATE ON THE PREPARATION OF THE SPRING PACKAGE OF THE EUROPEAN SEMESTER OF ECONOMIC AND BUDGETARY POLICY COORDINATION FOR 2019

The Commission held a policy debate on the preparation of the spring package of the 2019 European Semester, with a view to finalising the country-specific recommendations on the Member States' national reform programmes and Stability or Convergence Programmes, as well as other decisions under the Stability and Growth Pact. These decisions would be submitted for approval by the College the following week.

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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 12.15.