



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2019) 2306 final

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

Brussels, 2 October 2019

TEXTE EN

MINUTES

**of the 2306th meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 4 September 2019
(morning)**

PV(2019) 2306 final

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

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Single sitting: Wednesday 4 September 2019 (morning)

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

Present:

Mr JUNCKER	President
Mr TIMMERMANS	First Vice-President
Ms MOGHERINI	High Representative / Vice-President
Mr ŠEFČOVIČ	Vice-President
Mr DOMBROVSKIS	Vice-President
Mr KATAINEN	Vice-President
Mr OETTINGER	Member
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 STYLIANIDES	Member
Mr HOGAN	Member
Ms BULC	Member
Ms BIENKOWSKA	Member
Ms JOUROVÁ	Member
Mr NAVRACSICS	Member
Ms VESTAGER	Member
Mr MOEDAS	Member
Sir Julian KING	Member
Ms GABRIEL	Member

Absent:

Mr MOSCOVICI

Member

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

Mr FELKE Deputy Chef de cabinet to Mr MOSCOVICI

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
Ms ANDREEVA	Head of the Spokesperson's Service and Chief Spokesperson of the Commission
Ms METTLER	Head of the European Political Strategy Centre
Ms GAUER	Deputy Secretary-General
Mr SZOSTAK	Deputy Chef de cabinet to the PRESIDENT
Ms DEJMEK HACK	Adviser in the PRESIDENT's Office
Ms ARKI	PRESIDENT's Office
Mr NOCIAR	Chef de cabinet to Mr ŠEFČOVIČ
Mr BARNIER	Chief negotiator and Head of the Article 50 Task Force
Mr SNELS	Secretariat-General
Ms BERTAUD	Commission Spokesperson's Service

Secretary: Ms JUHANSONE, Acting Secretary-General, assisted by
Ms ALLOUIS-LE LOSTEC, Head of Unit in the Secretariat-General.

1. AGENDAS

(OJ(2019) 2306/FINAL; SEC(2019) 2306)

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) 2306)

The Commission considered the Acting Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 2 September 2019.

3. APPROVAL OF THE MINUTES OF THE 2303RD, 2304TH AND 2305TH MEETINGS OF THE COMMISSION (10, 16 AND 24 JULY 2019)

(PV(2019) 2303; PV(2019) 2304)

The Commission approved the minutes of its 2303rd and 2304th meetings and decided to hold over approval of the minutes of its 2305th meeting for a later meeting.

4. INTERINSTITUTIONAL RELATIONS

RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

i) Programming of Council business

(SI(2019) 550)

The Commission took note of the information in SI(2019) 550 on the Council meetings between 5 and 18 September 2019.

ii) Non-legislative dossiers

- Position to be taken in International Civil Aviation Organization (ICAO) bodies by the Member States on behalf of the European Union during the 40th Session of the ICAO Assembly (24 September to 4 October 2019) – Carbon Offset and Reduction Scheme for International Aviation (CORSIA) – Standards and principles on the collection, use, processing and protection of passenger name record (PNR) data

The Commission approved the line set out in SI(2019) 548.

- Written statement to the United States House of Representatives on the application of antitrust law to digital platforms

The Commission approved the line set out in SI(2019) 547.

- Facebook Libra initiative – Commission Services Non-Paper on stablecoins for the Economic and Financial Committee (EFC)

The Commission took note of the information in SI(2019) 549.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED
(SEC(2019) 293 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 22 July and 30 August 2019.

5.2. EMPOWERMENT
(SEC(2019) 294 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 22 July and 30 August 2019.

5.3. DELEGATION / SUBDELEGATION OF POWERS
(SEC(2019) 295 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 22 July and 30 August 2019 archived in Decide.

5.4. SIGNIFICANT WRITTEN PROCEDURES
(SEC(2019) 296)

The Commission took note of the significant written procedures for which the time limit expired between 2 and 6 September 2019 and of the finalisation written procedure initiated following the weekly meeting of Chefs de cabinet on Monday 22 July 2019 (PE/2019/5180).

**5.5. GENERAL EMPOWERMENT CONCERNING INTERIM APPEAL
ARBITRATION PROCEDURES IN THE WORLD TRADE
ORGANISATION**
(C(2019) 6380)

The Commission adopted the Decision in C(2019) 6380, and decided to empower the Member of the Commission in charge of Trade to adopt, on behalf of the Commission and under its responsibility, certain measures concerning the interim appeal arbitrations at the World Trade Organisation, subject to the conditions laid down in Articles 2 to 4 of the Decision.

6. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2019) 297)

ADMINISTRATIVE MATTERS
(PERS(2019) 80)

**6.1. DG ECONOMIC AND FINANCIAL AFFAIRS – AMENDMENT OF THE
ORGANISATION CHART AND INTERNAL PUBLICATION OF TWO
AD15/16 PRINCIPAL ADVISER POSTS**
(PERS(2019) 81; PERS(2019) 82; SEC(2019) 309)

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

- to create a temporary post of Principal Adviser responsible for synergies between the Multiannual Financial Framework and InvestEU, by focusing attention on the European Green Deal, reporting directly to the Deputy Director-General in charge of Directorates B, E and L;
- to authorise the publication, under Article 29(1)(a)(i) and (iii) of the Staff Regulations, of the vacancy notice relating to this newly created post in PERS(2019) 81;
- to authorise the publication, under Article 29(1)(a)(i) and (iii) of the Staff Regulations, of the vacancy notice relating to the post of Principal Adviser on the Growth Agenda and the European Semester, as set out in in PERS(2019) 82.

These decisions would take effect immediately.

**6.2. DG HUMAN RESOURCES AND SECURITY – APPOINTMENT OF A
COMMISSION SPECIAL ADVISER
(PERS(2019) 83)**

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

- to appoint until the end of the term of office of the present Commission Mr Elmar BROK as an unpaid Special Adviser to the PRESIDENT for relations with Ukraine;
- to authorise Mr OETTINGER, the Member of the Commission in charge of the Budget and Human Resources, by derogation to point 6(2) of Commission Decision C(2007) 6655, to amend Mr Elmar BROK's contract in the event of duly justified and urgent needs, subject to the availability of sufficient budgetary resources;
- to authorise the Director-General of DG Human Resources and Security to implement this decision by signing the contract on behalf of the authority empowered to conclude contracts of employment.

These decisions would take effect immediately.

**7. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE
EUROPEAN CENTRAL BANK, THE EUROPEAN ECONOMIC AND
SOCIAL COMMITTEE, THE COMMITTEE OF THE REGIONS AND THE
EUROPEAN INVESTMENT BANK – FINALISING PREPARATIONS FOR
THE WITHDRAWAL OF THE UNITED KINGDOM FROM THE
EUROPEAN UNION ON 1 NOVEMBER 2019
(COM(2019) 394 TO /3; RCC(2019) 96)**

8. **PROPOSAL FOR A COUNCIL REGULATION ON MEASURES CONCERNING THE IMPLEMENTATION AND FINANCING OF THE GENERAL BUDGET OF THE UNION IN 2020 IN RELATION TO THE WITHDRAWAL OF THE UNITED KINGDOM FROM THE UNION**
(COM(2019) 461; RCC(2019) 96)
9. **PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING COUNCIL REGULATION (EC) 2012/2002 IN ORDER TO PROVIDE FINANCIAL ASSISTANCE TO MEMBER STATES TO COVER SERIOUS FINANCIAL BURDEN INFLICTED ON THEM FOLLOWING A WITHDRAWAL OF THE UNITED KINGDOM FROM THE UNION WITHOUT AN AGREEMENT**
(COM(2019) 399 AND /2; RCC(2019) 96)
10. **PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EU) 1309/2013 ON THE EUROPEAN GLOBALISATION ADJUSTMENT FUND (2014-2020)**
(COM(2019) 397 AND /2; RCC(2019) 96)
11. **PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EU) 2017/2403 AS REGARDS FISHING AUTHORISATIONS FOR UNION VESSELS IN UNITED KINGDOM WATERS AND FISHING OPERATIONS OF UNITED KINGDOM FISHING VESSELS IN UNION WATERS**
(COM(2019) 398 AND /2; RCC(2019) 96)
12. **PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EU) 2019/501 AND REGULATION (EU) 2019/502 AS REGARDS THEIR PERIODS OF APPLICATION**
(COM(2019) 396; RCC(2019) 96)

At the PRESIDENT's request the Acting Secretary-General, Ms Ilze JUHANSONE, gave a brief presentation of the five proposals for regulations submitted to the College for adoption in order to finalise the Union's preparations in view of a withdrawal of the United Kingdom from the European Union without an agreement. She stated that this set of measures was accompanied by a communication reiterating the Union's willingness to contribute to an orderly withdrawal of the United Kingdom, while taking stock of its state of readiness in the event of no deal.

She explained that this set of measures consisted of (i) a proposal for a Council regulation on measures concerning the implementation and financing of the general budget of the Union in 2020 in relation to the withdrawal of the United Kingdom from the Union, (ii) a proposal for a regulation to provide financial assistance to Member States to cover the serious financial burdens inflicted on them following a withdrawal of the United Kingdom from the Union without an agreement, (iii) a proposal for a Regulation on the European Globalisation Adjustment Fund (2014-2020), (iv) a proposal for a Regulation on fishing authorisations for Union vessels in United Kingdom waters and fishing operations of United Kingdom fishing vessels in Union waters, and finally, (v) a proposal for a Regulation to make targeted technical adjustments to the duration of the EU's 'no-deal' contingency measures in the area of transport.

She stressed that the EU 27 was continuing to make preparations for the consequences of a possible disorderly British withdrawal and that the Communication was intended to remind the parties concerned that they now had one last opportunity to make such preparations in order to mitigate the most severe disruptions they might face.

At the invitation of the PRESIDENT, Mr BARNIER took the floor and referred to the latest developments relating to the process of withdrawal of the United Kingdom from the Union under Article 50 of the Treaty on European Union.

Following these presentations, the Commission:

- approved the communication in COM(2019) 394/3 for transmission to Parliament, the European Council, the Council, the European Central Bank, the European Economic and Social Committee, the Committee of the Regions, the European Investment Bank and, for information, to the national parliaments;
- adopted the proposal for a Council Regulation in COM(2019) 461, for transmission to Parliament, the Council and the national parliaments;
- adopted the proposals for regulations in COM(2019) 399/2, COM(2019) 397/2 and COM(2019) 396 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 set out in COM(2019) 398/2 for transmission to Parliament, the Council, the European Economic and Social Committee and the national parliaments, and, for information, to the Committee of the Regions.

13. OTHER BUSINESS

13.1. COMMISSION DECISION ON THE ADMISSIBILITY OF THE PROPOSED CITIZENS' INITIATIVE ENTITLED 'ACTIONS ON CLIMATE EMERGENCY'

(C(2019) 6388)

13.2. COMMISSION DECISION ON THE ADMISSIBILITY OF THE PROPOSED CITIZENS' INITIATIVE ENTITLED 'SAVE BEES AND FARMERS! TOWARDS A BEE-FRIENDLY AGRICULTURE FOR A HEALTHY ENVIRONMENT'

(C(2019) 6389)

13.3. COMMISSION DECISION ON THE ADMISSIBILITY OF THE PROPOSED CITIZENS' INITIATIVE ENTITLED 'STOP CORRUPTION IN EUROPE AT ITS ROOT, BY CUTTING OFF FUNDS TO COUNTRIES WITH INEFFICIENT JUDICIARY AFTER DEADLINE'

(C(2019) 6387)

13.4. COMMISSION DECISION ON THE ADMISSIBILITY OF THE PROPOSED CITIZENS' INITIATIVE ENTITLED 'ENSURING COMMON COMMERCIAL POLICY CONFORMITY WITH EU TREATIES AND COMPLIANCE WITH INTERNATIONAL LAW'

(C(2019) 6390)

Mr TIMMERMANS presented four draft decisions that were being tabled for approval by the College concerning the registration of European citizens' initiatives entitled, respectively:

- (i) in the authentic language (English), '*Actions on Climate Emergency*', which in substance asked the Commission to strengthen action on the climate emergency in line with the 1.5°C warming limit; this meant more ambitious climate goals and financial support for climate action;
- (ii) in the authentic language (English), '*Save bees and farmers! Towards a bee-friendly agriculture for a healthy environment*', which in substance asked the Commission to propose legal acts to phase out synthetic pesticides by 2035, restore biodiversity and support farmers in the transition'; more specifically, the organisers wanted to phase out 80% of synthetic pesticides in EU agriculture by 2030, starting with the most hazardous, to become free of synthetic pesticides by 2035; to restore natural ecosystems in agricultural areas so that farming became a vector of biodiversity recovery; to reform agriculture by prioritising small-scale, diverse and sustainable farming, supporting a rapid increase in

agro-ecological and organic practice, and enabling independent farmer-based training and research into pesticide- and GMO-free farming;

- (iii) in the authentic language (English), ‘*Stop corruption in Europe at its root, by cutting off funds to countries with inefficient judiciary after deadline*’, which in substance asked the Commission to mandate a firm 10-year post-accession deadline for an automatic moratorium on payments of structural and cohesion funds to a newly acceded country, until the monitoring mechanism is lifted from their judiciary;
- (iv) in the authentic language (English), ‘*Ensuring Common Commercial Policy conformity with EU Treaties and compliance with international law*’, with regard to the regulation of commercial transactions with the occupant’s entities based or operating in occupied territories by preventing products originating from there from entering the EU market; this proposal in substance called on the Commission to propose legal acts to prevent EU legal entities from both importing products originating in illegal settlements in occupied territories and exporting to such territories, in order to preserve the integrity of the internal market and to not aid or assist the maintenance of such unlawful situations.

He pointed out 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.

Mr TIMMERMANS noted that the requests of the proponents of the three European citizens’ initiatives entitled, respectively, (i) ‘*Actions on Climate Emergency*’, (ii) ‘*Save bees and farmers! Towards a bee-friendly agriculture for a healthy environment*’ and (iii) ‘*Stop corruption in Europe at its root, by cutting off funds to countries with inefficient judiciary after deadline*’ fell

within the Commission's powers to propose legal acts for the purpose of implementing the Treaties, respectively (i) Article 192(1) and (2), read in conjunction with Article 191(1), first and fourth indents, of the Treaty on the Functioning of the European Union, (ii) Article 43(2), Article 114 and Article 168(4)(b) of the Treaty on the Functioning of the European Union, and (iii) Article 322(1) of the Treaty on the Functioning of the European Union.

With regard to the European citizens' initiative entitled '*Ensuring Common Commercial Policy conformity with EU Treaties and compliance with international law*', Mr TIMMERMANS observed that a legal act on the proposed subject could only be adopted on the basis of Article 215 of the Treaty on the Functioning of the European Union, concerning restrictive measures and sanctions, but that the adoption of a legal act on the basis of that article was conditional on the adoption, in accordance with Chapter 2 of Title V of the Treaty on European Union, of a Council decision providing for the interruption or reduction, in part or completely, of economic and financial relations with one or more third countries. However, the Commission did not have the power to submit a proposal for such a decision. The Commission, therefore, could not propose a legal act to be adopted on the basis of Article 215 of the Treaty on the Functioning of the European Union, and noted that this initiative manifestly fell outside the framework of its powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties.

In any case, he stressed in conclusion that the College's task that day was to decide only on the legal admissibility of the proposals and not at this stage to analyse their substance or political expediency. If, in the space of a year, one million signatures from citizens from at least seven Member States were collected for initiatives that were admissible, 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 '*Actions on Climate Emergency*'. It therefore decided to register the initiative, in accordance with document C(2019) 6388, and authorised Mr TIMMERMANS to sign the decision on its behalf, to notify the organisers of the initiative thereof in the authentic language (English), and to publish it, for information, in the Official Journal of the European Union.

The Commission confirmed that the admissibility criteria under Article 4(2) of Regulation (EU) 211/2011 were fulfilled for the proposed citizens' initiative entitled '*Save bees and farmers! Towards a bee-friendly agriculture for a healthy environment*'. It therefore decided to register the initiative, in accordance with document C(2019) 6389, and authorised Mr TIMMERMANS to sign the decision on its behalf, to notify the organisers of the initiative thereof in the authentic language (English), and to publish it, for information, in the Official Journal of the European Union.

The Commission confirmed that the admissibility criteria under Article 4(2) of Regulation (EU) 211/2011 were fulfilled for the proposed citizens' initiative entitled '*Stop corruption in Europe at its root, by cutting off funds to countries with inefficient judiciary after deadline*'. It therefore decided to register the initiative, in accordance with document C(2019) 6387, and authorised Mr TIMMERMANS to sign the decision on its behalf, to notify the organisers of the initiative thereof in the authentic language (English), and to publish it, for information, in the Official Journal of the European Union.

Finally, the Commission confirmed that the admissibility criteria under Article 4(2) of Regulation (EU) 211/2011 were not fulfilled for the proposed citizens' initiative entitled '*Ensuring Common Commercial Policy conformity with EU Treaties and compliance with international law*'. It therefore decided not to register the initiative, in accordance with document C(2019) 6390, and authorised Mr TIMMERMANS to sign the decision on its behalf, to notify the organisers of the initiative thereof in the authentic language (English), and to publish it, for information, in the Official Journal of the European Union.

13.5. LATEST DEVELOPMENTS AND OUTLOOK CONCERNING THE APPLICATION BY THE U.S. OF THE HELMS-BURTON ACT (INFO(2019) 56)

At the PRESIDENT's request, Ms MOGHERINI briefed the Commission on the latest developments concerning the successive reactivation by the U.S. authorities of Titles III and IV of the Helms-Burton Act adopted in 1996 with the aim of strengthening the embargo against Cuba. Title IV of this Act prohibited all persons and companies worldwide from engaging in commercial activities arising out of the use of expropriated assets, failing which they would be refused entry into U.S. territory. She explained that in this context, the Union had to decide on the measures to be taken to protect its interests. Until now, the Union had managed to mitigate the impact of the application of Title III of the U.S. Act and to adopt a common position with some of its trading partners, such as Canada.

However, the recent reactivation of Title IV of the Helms-Burton Act posed a particular problem in that it could be aimed at managers of EU companies and their family members. In August a first letter of formal notice under Title IV of the Act had been notified to an EU company by the U.S. authorities, requesting it to provide evidence of compliance with the Act by 23 September 2019. The company concerned had informed the Commission of the notification received from the State Department in order to benefit from protection by the Blocking Statute, which, in particular, granted EU operators the right to be compensated for any damage resulting from extraterritorial sanctions imposed by the United States and nullified the effects in the Union of any foreign court judgment based on such sanctions.

Ms MOGHERINI felt that it was important for EU companies affected by the U.S. sanctions regime not to respond to the State Department's notifications. She assured the meeting that she would continue to work together with the international partners of the EU which shared its concerns on this issue, in close coordination with Ms MALMSTRÖM.

Ms MALMSTRÖM noted that this was a long-standing issue and observed that the decision to reactivate Titles III and IV of the Helms-Burton Act was a violation of the commitments made by the EU and the U.S. in 1997 and 1998, which had until now been complied with by both parties. She said that the EU considered, in general terms, that the extraterritorial application of unilateral restrictive measures was contrary to international law. She would therefore continue to rely on all the appropriate measures in order to react to the effects of the Helms-Burton Act, in particular within the World Trade Organisation and through the use of the Blocking Statute.

She pointed out, however, that if the Commission's departments were to consider bringing the case before the World Trade Organisation, this procedure would take at least two years and would therefore not allow the EU to obtain satisfaction rapidly on this sensitive matter.

The Commission took note of this information and of the note in INFO(2019) 56.

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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 11.09.