



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

**PV(2019) 2312 final**

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

Brussels, 13 November 2019

# **TEXTE EN**

## **MINUTES**

**of the 2312<sup>th</sup> meeting of the Commission  
held in Strasbourg  
(Winston Churchill building)  
on Tuesday 22 October 2019  
(afternoon)**

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## TABLE OF CONTENTS

|                                                                                                                                                                                                                                                                                      |            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| <b>Attendance list</b>                                                                                                                                                                                                                                                               | <b>5-7</b> |
| 1. AGENDAS (OJ(2019) 2312/FINAL; SEC(2019) 2312/FINAL) .....                                                                                                                                                                                                                         | 8          |
| 2. WEEKLY MEETING OF CHEFS DE CABINET (RCC(2019) 2312) .....                                                                                                                                                                                                                         | 8          |
| 3. APPROVAL OF THE MINUTES OF THE 2305 <sup>TH</sup> , 2309 <sup>TH</sup> , 2310 <sup>TH</sup> AND<br>2311 <sup>TH</sup> MEETINGS OF THE COMMISSION (24 JULY AND 2, 9 AND<br>16 OCTOBER 2019) (PV(2019) 2309; PV(2019) 2309, 2 <sup>ND</sup> PART).....                              | 8          |
| 4. INTERINSTITUTIONAL RELATIONS (RCC(2019) 109) .....                                                                                                                                                                                                                                | 8          |
| 4.1. HORIZONTAL ITEM .....                                                                                                                                                                                                                                                           | 9          |
| 4.2. LEGISLATIVE MATTERS .....                                                                                                                                                                                                                                                       | 9          |
| 4.3. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL .....                                                                                                                                                                                                                       | 10         |
| 4.4. RELATIONS WITH PARLIAMENT .....                                                                                                                                                                                                                                                 | 12         |
| 4.5. OTHER BUSINESS.....                                                                                                                                                                                                                                                             | 13         |
| 5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION<br>OF POWERS.....                                                                                                                                                                                                                  | 14         |
| 5.1. WRITTEN PROCEDURES APPROVED (SEC(2019) 359 ET SEQ.).....                                                                                                                                                                                                                        | 14         |
| 5.2. EMPOWERMENT (SEC(2019) 360 ET SEQ.) .....                                                                                                                                                                                                                                       | 14         |
| 5.3. DELEGATION / SUBDELEGATION OF POWERS (SEC(2019) 362 ET SEQ.) .....                                                                                                                                                                                                              | 14         |
| 5.4. SIGNIFICANT WRITTEN PROCEDURES (SEC(2019) 363 AND /2) .....                                                                                                                                                                                                                     | 14         |
| 5.5. GENERAL EMPOWERMENTS RELATED TO THE ADOPTION OF MEASURES<br>IN APPLICATION OF DIRECTIVE (EU) 2015/1535 LAYING DOWN A<br>PROCEDURE FOR THE PROVISION OF INFORMATION IN THE FIELD OF<br>TECHNICAL REGULATIONS AND OF RULES ON INFORMATION SOCIETY<br>SERVICES (C(2019) 7597)..... | 15         |

|                                                                                                                                                                                                                                                                                |    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| 5.6. DELEGATIONS OF POWERS RELATING TO THE ADOPTION OF MEASURES UNDER ARTICLE (5)2 OF DIRECTIVE (EU) 2015/1535 LAYING DOWN A PROCEDURE FOR THE PROVISION OF INFORMATION IN THE FIELD OF TECHNICAL REGULATIONS AND OF RULES ON INFORMATION SOCIETY SERVICES (C(2019) 7598)..... | 15 |
| 6. ADMINISTRATIVE AND BUDGETARY MATTERS (SEC(2019) 364 AND /2).....                                                                                                                                                                                                            | 16 |
| 6.1. DG COMMUNICATION/DG HUMAN RESOURCES AND SECURITY – MEASURES CONCERNING THE CLOSURE OF THE EUROPEAN COMMISSION’S REPRESENTATION IN THE UNITED KINGDOM .....                                                                                                                | 16 |
| 6.2. DG HUMAN RESOURCES AND SECURITY – FEMALE REPRESENTATION IN MANAGEMENT FUNCTIONS IN THE COMMISSION – FINAL REPORT ON THE ACHIEVEMENT OF THE TARGET OF AT LEAST 40% (SEC(2019) 370).....                                                                                    | 17 |
| 6.3. CREATION OF THE TASK FORCE FOR RELATIONS WITH THE UNITED KINGDOM, DEFINITION OF ITS ADMINISTRATIVE AND BUDGETARY ARRANGEMENTS, AND CHANGE TO THE ORGANISATION CHART OF THE SECRETARIAT-GENERAL (SEC(2019) 371) .....                                                      | 18 |
| 7. OTHER BUSINESS.....                                                                                                                                                                                                                                                         | 25 |
| LATEST DEVELOPMENTS CONCERNING THE WITHDRAWAL OF THE UNITED KINGDOM FROM THE EUROPEAN UNION.....                                                                                                                                                                               | 25 |
| 8. REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL ON PROGRESS IN BULGARIA UNDER THE COOPERATION AND VERIFICATION MECHANISM (COM(2019) 498 AND /2; SWD(2019) 392) .....                                                                                  | 25 |
| 9. REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL ON PROGRESS IN ROMANIA UNDER THE COOPERATION AND VERIFICATION MECHANISM (COM(2019) 499 AND /2; SWD(2019) 393) .....                                                                                   | 25 |

|                                                                                                                                                                                                                   |           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 10. COMMUNICATION FROM THE COMMISSION TO THE<br>EUROPEAN PARLIAMENT AND THE COUNCIL ON THE<br>VERIFICATION OF THE FULL APPLICATION OF THE SCHENGEN<br>ACQUIS BY CROATIA (COM(2019) 497 TO /3; RCC(2019) 112)..... | 27        |
| 11. OTHER BUSINESS (CONTINUED).....                                                                                                                                                                               | 29        |
| <i>EUROPEAN SEMESTER OF ECONOMIC AND BUDGETARY POLICY</i>                                                                                                                                                         |           |
| <i>COORDINATION FOR 2020 – PRELIMINARY EVALUATION OF THE EURO AREA</i>                                                                                                                                            |           |
| <i>MEMBER STATES' DRAFT BUDGETARY PLANS.....</i>                                                                                                                                                                  | <i>29</i> |

**Single sitting: Tuesday 22 October 2019 (afternoon)**

The sitting opened at 13.24 with Mr JUNCKER, President, in the chair.

**Present:**

|                 |                      |
|-----------------|----------------------|
| Mr JUNCKER      | President            |
| Mr TIMMERMANS   | First 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 ANDRIUKAITIS | Member               |
| Mr AVRAMOPOULOS | Member               |
| Ms THYSSEN      | Member               |
| Mr MOSCOVICI    | Member               |
| Mr STYLIANIDES  | Member               |
| Mr HOGAN        | Member               |
| Ms BULC         | Member               |
| Ms JOUROVÁ      | Member               |
| Mr NAVRACSICS   | Member               |
| Ms VESTAGER     | Member               |
| Mr MOEDAS       | Member               |
| Sir Julian KING | Member               |
| Ms GABRIEL      | Member               |

Absent:

Ms MOGHERINI

High Representative /  
Vice-President

Mr VELLA

Member

Ms BIENKOWSKA

Member

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

|            |                                            |
|------------|--------------------------------------------|
| Mr GRASSI  | Chef de cabinet to Ms MOGHERINI            |
| Mr MUELLER | Chef de cabinet to Mr VELLA                |
| Mr HEDBERG | Deputy Chef de cabinet to<br>Ms BIENKOWSKA |

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<br>Chief Spokesperson of the Commission          |
| Mr MOTOC             | European Political Strategy Centre                                                      |
| Ms DEJMEK HACK       | Director of Coordination and<br>Administration and Adviser in the<br>PRESIDENT's Office |
| Mr THOLONIAT         | Adviser in the PRESIDENT's Office                                                       |
| Ms SILLAVEE          | PRESIDENT's Office                                                                      |
| Mr AGOTHA            | Expert in Mr TIMMERMANS's cabinet                                                       |
| Mr SUARDI            | Chef de cabinet to Mr DOMBROVSKIS                                                       |
| Mr HAGER             | Chef de cabinet to Mr OETTINGER                                                         |
| Ms SCHMITT           | Chef de cabinet to Mr AVRAMOPOULOS                                                      |
| Mr DARMON            | Mr MOSCOVICI's Office                                                                   |
| Mr BARNIER           | Chief negotiator and Head of the Article 50<br>Task Force                               |
| Ms BERTAUD           | Commission Spokesperson's Service                                                       |

Secretary: Ms JUHANSONE, Acting Secretary-General, assisted by Mr TAQUET-GRAZIANI, Deputy Head of Unit, and Ms COLLOMP, Senior Expert in the Secretariat-General.

PV(2019) 2312 final

**1. AGENDAS**

**(OJ(2019) 2312/FINAL; SEC(2019) 2312/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 item 6.3 (on administrative decisions) to that day's agenda.

**2. WEEKLY MEETING OF CHEFS DE CABINET**

**(RCC(2019) 2312)**

The Commission considered the Acting Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 21 October 2019.

**3. APPROVAL OF THE MINUTES OF THE 2305<sup>TH</sup>, 2309<sup>TH</sup>, 2310<sup>TH</sup> AND 2311<sup>TH</sup> MEETINGS OF THE COMMISSION (24 JULY AND 2, 9 AND 16 OCTOBER 2019)**

**(PV(2019) 2309; PV(2019) 2309, 2<sup>ND</sup> PART)**

The Commission approved the minutes of its 2309<sup>th</sup> meeting, and decided to hold over approval of the minutes of its 2305<sup>th</sup>, 2310<sup>th</sup> and 2311<sup>th</sup> meetings until a later meeting.

**4. INTERINSTITUTIONAL RELATIONS**

**(RCC(2019) 109)**

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 18 October 2019 (RCC(2019) 109).

It paid particular attention to the following points.

#### **4.1. HORIZONTAL ITEM**

- i) Decision on the conclusion of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community – Declaration annexed to the Council minutes**  
(SI(2019) 627/2)

The Commission approved the line set out in SI(2019) 627/2.

#### **4.2. LEGISLATIVE MATTERS**

- ii) Trilogues**

(point 3.1 of the IRG record)

- Quality of water intended for human consumption (Directive – recast) – HANSEN report – 2017/0332 (COD)

The Commission approved the line set out in SI(2019) 609 and /2.

- Amendment of Directive 2014/65/EU on markets in financial instruments (Directive) – NAGTEGAAL report – 2018/0047 (COD) / European Crowdfunding Service Providers (ECSP) for Business (Regulation) – JURZYCA report – 2018/0048 (COD)

The Commission approved the line set out in SI(2019) 610/2.

- iii) European Parliament Dossiers – October II part-session**

(point 3.2 of the IRG record)

Ordinary legislative procedure – First reading

- Amendment of Council Regulation (EC) No 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 (Regulation) – OMARJEE report – 2019/0183 (COD)

The Commission approved the line set out in SP(2019) 605/2.

Implementing acts and measures

- Implementing Decision partially granting an authorization for a use of chromium trioxide under Regulation (EC) 1907/2006 of the European Parliament and of the Council (*Cromomed S.A. and others*) (Commission Implementing Decision) – Right of scrutiny of the European Parliament under Article 11 of Regulation (EU) 182/2011 – Objection pursuant to Rule 112 of the European Parliament’s Rules of Procedure

The Commission approved the line set out in SP(2019) 596.

Regulatory procedure with scrutiny

- Amendment of Regulation (EU) No 546/2011 as regards the assessment of the impact of plant protection products on honeybees (Commission Regulation) – Objection pursuant to Rule 112 of the European Parliament’s Rules of Procedure

The Commission approved the line set out in SP(2019) 597.

**4.3. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL**

**iv) Programming of Council business**

(SI(2019) 624)

The Commission took note of the information in SI(2019) 624 on the Council meetings between 24 October and 6 November 2019.

**v) Non-legislative dossiers**

(point 4.1 of the IRG record)

- Services' working paper on public debt sustainability analysis and repayment capacity analysis in the context of financial assistance granted by the European Stability Mechanism

The Commission took note of the information in SI(2019) 611 and /2.

- Signing, on behalf of the European Union, provisional application, and conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the Islamic Republic of Mauritania on an extension to the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania, expiring on 15 November 2019 (Council Decisions) – 2019/0209 (NLE) and 2019/0210 (NLE)

The Commission approved the line set out in SI(2019) 612.

- Non-papers on key corporate tax challenges and on legal implications for the possible approaches for the modernisation of international business taxation

The Commission took note of the information in SI(2019) 614.

- Authorisation of the opening of negotiations on an Agreement between the European Union and the Republic of Cabo Verde amending the Agreement between the European Union and the Republic of Cape Verde on facilitating the issue of short-stay visas to citizens of the Republic of Cape Verde and of the European Union (Council Decision) – COM(2019) 417

The Commission approved the line set out in SI(2019) 616.

- Conclusion of the Free Trade Agreement between the European Union and the Republic of Singapore (Council Decision) – 2018/0093 (NLE)

The Commission approved the line set out in SI(2019) 620/3.

- Termination of intra-EU bilateral investment treaties – Follow-up to the judgment of the Court of Justice of 6 March 2018 in case C-284/16 (*Achmea BV*)

The Commission approved the line set out in SI(2019) 621 and /2.

#### **4.4. RELATIONS WITH PARLIAMENT**

##### **vi) Non-legislative dossiers – Preparations for October II part-session** (point 5.1.1 of the IRG record)

- Draft general budget of the European Union for 2020 – all sections – HOHLMEIER and GARDIAZABAL RUBIAL report

The Commission (i) approved the line set out in SP(2019) 589/2, (ii) authorised the Member of the Commission with responsibility for the budget to take all the necessary initiatives with a view to reconciling the positions of the European Parliament and the Council in accordance with Article 314(5) of the Treaty on the Functioning of the European Union, and (iii) empowered the Member of the Commission with responsibility for the budget, in agreement with the PRESIDENT, to modify, where necessary, in the context of the 21-day conciliation procedure, the decisions on mobilising the flexibility instrument and the European Union Solidarity Fund (for advances), and to propose a decision on mobilising the contingency margin, pursuant to the conditions laid down in Articles 11, 10 and 13 respectively of the Council Regulation on the Multiannual Financial Framework 2014-2020, and points 12 and 14, respectively, of the interinstitutional agreement between the European Parliament, the Council and the Commission on budgetary discipline, cooperation in budgetary matters and sound financial management.

(22 October 2019)

- Discharge 2017 – General budget of the European Union 2017 – European Council and Council – GARCÍA MUÑOZ report – 2018/2168 (DEC)

The Commission approved the line set out in SP(2019) 590 and /2.

- Discharge 2017 – General budget of the European Union 2017 – European Asylum Support Office – SARVAMAA report – 2018/2208 (DEC)

The Commission approved the line set out in SP(2019) 591.

**vii) Participation by Members of Parliament in international conferences**

(point 5.7 of the IRG record)

- Twenty-sixth Regular Meeting of the International Commission for the Conservation of the Atlantic Tuna (ICCAT) (Palma de Mallorca, 23 to 25 November 2019)

The Commission agreed to the request to the PRESIDENT from Mr SASSOLI, the President of the European Parliament, concerning the attendance of six Members of the European Parliament at the above-mentioned meeting as observers in the EU delegation, with a reminder about the procedure to be followed, in accordance with SP(2019) 587.

**4.5. OTHER BUSINESS**

**viii) The Global Alliance for Torture-Free Trade – Follow-up to the adoption of the United Nations General Assembly Resolution 73/304**

The Commission took note of the information in SI(2019) 613.

## **5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS**

### **5.1. WRITTEN PROCEDURES APPROVED**

**(SEC(2019) 359 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 14 and 18 October 2019.

### **5.2. EMPOWERMENT**

**(SEC(2019) 360 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 14 and 18 October 2019.

### **5.3. DELEGATION / SUBDELEGATION OF POWERS**

**(SEC(2019) 362 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 14 and 18 October 2019, as archived in Decide.

### **5.4. SIGNIFICANT WRITTEN PROCEDURES**

**(SEC(2019) 363 AND /2)**

The Commission took note of the significant written procedures for which the time limit expired between 21 and 25 October 2019 and of the finalisation written procedure initiated following the weekly meeting of Chefs de cabinet on Monday 21 October 2019.

**5.5. GENERAL EMPOWERMENTS RELATED TO THE ADOPTION OF MEASURES IN APPLICATION OF DIRECTIVE (EU) 2015/1535 LAYING DOWN A PROCEDURE FOR THE PROVISION OF INFORMATION IN THE FIELD OF TECHNICAL REGULATIONS AND OF RULES ON INFORMATION SOCIETY SERVICES (C(2019) 7597)**

The Commission adopted the decision in C(2019) 7597 and decided to empower the Member of the Commission with responsibility for the internal market and/or industry and the Member of the Commission with responsibility for agriculture to adopt or not to adopt, on behalf of the Commission and under its responsibility, certain measures relating to the application of Directive (EU) 2015/1535 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, subject to the conditions set out in Articles 2 to 6 of the above-mentioned document

**5.6. DELEGATIONS OF POWERS RELATING TO THE ADOPTION OF MEASURES UNDER ARTICLE (5)2 OF DIRECTIVE (EU) 2015/1535 LAYING DOWN A PROCEDURE FOR THE PROVISION OF INFORMATION IN THE FIELD OF TECHNICAL REGULATIONS AND OF RULES ON INFORMATION SOCIETY SERVICES (C(2019) 7598)**

The Commission adopted the decision in C(2019) 7598, and decided to grant a delegation to the Director-General with responsibility for the internal market and/or industry and the Director-General with responsibility for agriculture to adopt, on behalf of the Commission and under its responsibility, measures under Article 5(2) of Directive (EU) 2015/1535 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, in accordance with the terms and conditions set out in Articles 2 to 5 of the document in question.

## **6. ADMINISTRATIVE AND BUDGETARY MATTERS**

**(SEC(2019) 364 AND /2)**

### **ADMINISTRATIVE MATTERS**

**(PERS(2019) 98 AND /2)**

#### **6.1. DG COMMUNICATION/DG HUMAN RESOURCES AND SECURITY – MEASURES CONCERNING THE CLOSURE OF THE EUROPEAN COMMISSION'S REPRESENTATION IN THE UNITED KINGDOM**

The Commission took note of the information in point 1 of PERS(2019) 98 and, on a proposal from Mr OETTINGER, in agreement with the PRESIDENT, decided:

- to authorise the Member of the Commission with responsibility for human resources to adopt, in agreement with the PRESIDENT, the decision on the closure of the Commission's Representation in the United Kingdom, including its regional offices, on the date of the United Kingdom's withdrawal from the European Union;
- to authorise the Member of the Commission with responsibility for human resources to adopt, in agreement with the PRESIDENT, the measures necessary to implement the closure of the Representation, in particular as regards assignment of the staff members concerned, their conditions of employment and working arrangements;
- to authorise the Member of the Commission with responsibility for human resources to derogate temporarily, in agreement with the PRESIDENT, from the individual provisions of Commission Decision C(2008) 3983 of 31 July 2008 on establishing Rules on the rotation of officials in Representations, and from the Framework Rules laying down the conditions of employment of local Commission staff serving in Offices

and Delegations within the European Union (C(2002) 3558 of 30 September 2002) insofar as such temporary derogations were necessary to ensure the smooth implementation of the closure of the Representation in question.

These decisions would take effect immediately.

**6.2. DG HUMAN RESOURCES AND SECURITY – FEMALE REPRESENTATION IN MANAGEMENT FUNCTIONS IN THE COMMISSION – FINAL REPORT ON THE ACHIEVEMENT OF THE TARGET OF AT LEAST 40% (SEC(2019) 370)**

At the invitation of the PRESIDENT, Mr OETTINGER informed the College of the result of the current Commission's efforts to increase female representation in management roles in the institution and thereby offer better career opportunities for women.

Mr OETTINGER reminded the College that, at the beginning of his term of office, the PRESIDENT had set a target of at least 40% female representation in management roles. He was proud that this aim had now become reality.

He explained that, according to the most recent figures, 41% of management posts at all levels were currently filled by women, compared to the figure of 30% at the beginning of the current Commission's term of office. He added that this figure was even higher for middle managers and Heads of Unit. Currently, women accounted for 42% of this group, compared to 31% in 2014. In his view, these results placed the Commission amongst the public administrations around the world with the highest share of women in leadership positions.

He pointed out that impressive progress had been made at the highest level of the institution, where women now accounted for 38% of the total number of Directors-General, a figure which had stood at 14% at the beginning of the

term of office; this equated to an increase of 170%. Progress was even greater at Deputy Director-General level, where there had been a 400% increase in the number of women in those posts to achieve the 40% target.

Mr OETTINGER considered that this positive trend could be explained by the transparency of the approach adopted by the Commission, which had published statistics each quarter, the setting of a specific target for first appointments of female Heads of Unit for each Directorate-General, and the management training offered to women.

He concluded that, by having exceeded its initial target, the current Commission had created the right conditions to enable the next Commission to achieve its target of having 50% of the institution's management posts filled by women.

The Commission took note of this information and of the note in SEC(2019) 370.

**6.3. CREATION OF THE TASK FORCE FOR RELATIONS WITH THE UNITED KINGDOM, DEFINITION OF ITS ADMINISTRATIVE AND BUDGETARY ARRANGEMENTS, AND CHANGE TO THE ORGANISATION CHART OF THE SECRETARIAT-GENERAL (SEC(2019) 371)**

During the meeting, Mr OETTINGER also submitted a number of additional administrative decisions for approval by the College.

In particular, he presented the PRESIDENT's decisions to (i) create a Task Force for relations with the United Kingdom (UKTF) in the Secretariat-General and (ii) to appoint Michel BARNIER as head of this new entity. This Task Force would be created by merging the existing Task Force for the Preparation and Conduct of the Negotiations with the United Kingdom in accordance with Article 50 of the Treaty on European Union (the

‘Article 50 Task Force’) with the ‘Brexit Preparation’ Unit in the Secretariat-General.

Mr OETTINGER explained that, like the current Article 50 Task Force, the new Task Force would coordinate all of the Commission’s work on the strategic, operational, legal and financial matters pertaining to relations with the United Kingdom. The Task Force would be responsible for finalising the negotiations under Article 50 of the Treaty on European Union, continuing the preparatory work in the event of a disorderly withdrawal of the United Kingdom and conducting negotiations with the United Kingdom on the future relationship between the two parties.

He indicated that the Task Force would perform its duties under the direct authority of the Commission President, in close cooperation with the Secretariat-General and all the relevant services. Once the agreement on the withdrawal of the United Kingdom from the Union had been ratified by the UK Parliament and once the European Parliament had given its consent, he confirmed that the Union would be ready to immediately begin the work required to conduct negotiations on the future relationship between the Union and the United Kingdom, in full compliance with the European Council guidelines.

Lastly, Mr OETTINGER explained that Mr BARNIER would be assisted by a Deputy Head of the Task Force, at the level of Deputy Director-General, and that the PRESIDENT’s decisions and those tabled that day for approval by the College would take effect on 16 November 2019.

He concluded by emphasising the fact that the PRESIDENT and Ms VON DER LEYEN, the President-elect, had worked in close cooperation to prepare all of these decisions.

**(i) *On the creation of the Task Force for relations with the United Kingdom***

Having noted this information as well as that in point 1 of PERS(2019) 98/2, the Commission took note of the following decisions taken by the PRESIDENT, in accordance with Rule 22 of the Rules of Procedure, and which would take effect on 16 November 2019:

- a Task Force for relations with the United Kingdom (UKTF), under the direct authority of the PRESIDENT and attached for administrative purposes to the Secretariat-General, was created by merging the existing ‘Task Force for the Preparation and Conduct of the Negotiations with the United Kingdom in accordance with Article 50 of the Treaty on European Union’ (TF50) with Unit SG.E.3, the ‘Brexit Preparedness’ Unit;
- the Task Force would be supported by the Secretariat-General for all administrative and budgetary matters and by that of the Legal Service for all legal matters;
- the Task Force was responsible for finalising the negotiations under Article 50 of the Treaty on European Union, undertaking the work to prepare for the withdrawal of the United Kingdom from the European Union, and preparing and conducting the negotiations on the future relationship with the United Kingdom; it would coordinate the Commission’s work on all strategic, operational, legal and financial matters pertaining to relations with the United Kingdom and would work closely with the Secretariat-General and all the relevant services;
- the Task Force would initially comprise staff assigned to the Task Force for the Preparation and Conduct of the Negotiations with the United Kingdom in accordance with Article 50 of the Treaty on European Union who were in active service on 15 October 2019, and

those assigned to Unit SG.E.3, the ‘Brexit Preparedness’ Unit, in the Secretariat-General, including posts that were currently vacant in those two entities;

- the Head of the Task Force would report directly to the PRESIDENT and would work closely with the Secretary-General;
- the Head of the Task Force would be assisted by a Deputy Head, a Director and two Principal Advisers;
- Michel BARNIER was appointed as Head of the Task Force with effect from 16 November 2019;
- aside from the Head and the Deputy Head of the Task Force, the service would comprise, including the Director and the two Principal Advisers, officials, temporary staff within the meaning of Article 2(a) of the Conditions of Employment of Other Servants of the European Union – should external competences be necessary, within the limit of the posts made available to the Task Force –, contract agents, if necessary, special advisers, if necessary, retired European Union officials, and, if necessary, seconded national experts; the officials would, in principle, be transferred in the interest of the service, in accordance with Article 7 of the Staff Regulations, from their current services to the Task Force or would be appointed to a post in the Task Force pursuant to Article 29 of the Staff Regulations; however, the Head of the Task Force could decide, in agreement with the Director-General of the Directorate-General for Human Resources and Security, to second officials occupying posts included in the organisation chart of their current services to the Task Force in the interest of the service, under Article 37(a) of the Staff Regulations;
- the Head of the Task Force would be advised by a group of Directors-General responsible for issues linked to the negotiations;

the PRESIDENT would decide on the composition of and, if applicable, any changes to this group;

- this Decision would repeal and replace all the decisions taken by the PRESIDENT with respect to the Task Force for the Preparation and Conduct of the Negotiations with the United Kingdom in accordance with Article 50 of the Treaty on European Union.

***(ii) On the administrative and budgetary arrangements for the Task Force for Relations with the United Kingdom***

The Commission took note of the information in point 2 of PERS(2019) 98/2 and, on a proposal from the PRESIDENT, approved the administrative and budgetary arrangements for the Task Force for Relations with the United Kingdom (UKTF), created with effect from 16 November 2019 by a decision of the PRESIDENT, in accordance with Article 22 of the Rules of Procedure, in accordance with the following terms:

- the post of Head of the Task Force was created at a level equivalent to that of Director-General and would be filled at grade AD16, and the post of Deputy Head was created at a level equivalent to that of Deputy Director-General; these posts would be filled either through secondment in the interest of the service or through recruitment under Article 2(c) of the Conditions of Employment of Other Servants of the European Union;
- a post of Director, two posts of principal adviser, five posts of Head of Unit and one post of adviser were created;
- the posts of the organisation chart of the Task Force for the Preparation and Conduct of the Negotiations with the United Kingdom under Article 50 of the Treaty on European Union (TF50) were abolished;
- the ceilings applied to staff numbers in the various staff categories and the organisation chart of the Task Force were authorised by the PRESIDENT;

- the Task Force for relations with the United Kingdom would have the support of all the Directorates-General and services of the Commission and would work, in particular, in close cooperation with the Secretariat-General and the Legal Service;
- the Task Force would have access to all the Commission resources necessary to fulfil its tasks; to this end, each Directorate-General and each service would appoint a single point of contact to help the Task Force identify the specific resources required;
- the Task Force would be able to establish direct functional relationships with certain members of staff of the Directorates-General and services of the Commission;
- if necessary, members of staff could be temporarily assigned ('made available') to the Task Force, for a maximum duration of six months;; staff would be made available in this way by decision of the Head of the Task Force, in agreement with the PRESIDENT, duly informing the Directorate-General for Human Resources and Security after consulting the Secretariat-General and Directorate-General concerned; staff made available in this way would not be taken into account in the calculation of the ceilings applied to staff numbers in the various staff categories referred to above;
- by derogation from the rules in force listed below, and to ensure a rapid implementation and efficient operation of the Task Force, the PRESIDENT would be authorised to depart, where necessary, from certain provisions of Commission Decisions, in particular provisions on publication, selection, justification for recourse to temporary staff, maximum duration of employment, advisers, grading, minimum length of employment by the current employer in the case of seconded national experts, fees paid to special advisers, maximum period since retirement and restrictions with regard to assignments and remuneration for retired

officials, namely: (i) Decision C(2008) 6866 of 12 November 2008 laying down rules on the secondment to the Commission of national experts and national experts in professional training, as amended; (ii) Decision C(2017) 6760 of 16 October 2017 on the general provisions for implementing Article 79(2) of the Conditions of Employment of Other Servants of the European Union, governing the conditions of employment of contract staff employed by the Commission under the terms of Articles 3a and 3b thereof; (iii) Decision C(2013) 9049 of 16 December 2013 on policies for the engagement and use of temporary agents; (iv) Decision C(2019) 2548 of 5 April 2019 on the maximum duration for the recourse to non-permanent staff in the Commission services; (v) Decision C(2018) 4048 of 29 June 2018 on outside activities and assignments and on occupational activities after leaving the Service; (vi) Communication C(2017) 5231 of 31 July 2017 on organisation charts of Commission DGs and services; (vii) Communication C(2007) 6655 of 19 December 2007 on Rules Governing Special Advisers to the Commission; (viii) Decision C(2016) 3214 of 7 June 2016 concerning the function of adviser; and (ix) Decision C(2013) 8979 of 16 December 2013 on types of post and post titles;

- the other arrangements relating to the administration, budget and staff of the Task Force would be decided on by the PRESIDENT.

These decisions would take effect on 16 November 2019.

**(iii) *On the change to the organisation chart of the Secretariat-General***

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

- to create a post of principal adviser in the Secretariat-General;
- to approve the new organisation chart of the Secretariat-General set out in SEC(2019) 371.

These decisions would take effect on 16 November 2019.

## 7. OTHER BUSINESS

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

At the invitation of the PRESIDENT, Mr BARNIER reported on the latest developments in the process of the United Kingdom's withdrawal from the Union under Article 50 of the Treaty on European Union.

## 8. REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL ON PROGRESS IN BULGARIA UNDER THE COOPERATION AND VERIFICATION MECHANISM (COM(2019) 498 AND /2; SWD(2019) 392)

## 9. REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL ON PROGRESS IN ROMANIA UNDER THE COOPERATION AND VERIFICATION MECHANISM (COM(2019) 499 AND /2; SWD(2019) 393)

Mr TIMMERMANS presented the Commission's reports on the progress made by Bulgaria and Romania in the reform of their judicial systems, the fight against corruption and, where Bulgaria was concerned, the fight against organised crime, in order to meet the commitments made under the Cooperation and Verification Mechanism established in 2007 when the two countries joined the EU.

He began by presenting the **report on Bulgaria** and thanked the Commission's services for the months of hard work on the evaluations carried out by means of regular monitoring missions, constant contact with the Bulgarian authorities and consultations with the various stakeholders.

He recalled that when Bulgaria joined the EU in 2007, the country had undertaken to meet six benchmarks under the Cooperation and Verification Mechanism. Since then, the Commission had supported the Bulgarian authorities in their reform efforts, recommending practical measures to allow them to gradually achieve the benchmarks set.

Furthermore, in the evaluation of November 2018, the College had concluded provisionally that the first benchmark objective, concerning judicial independence, the second, on the legal framework, and the sixth, regarding the fight against organised crime, had been achieved. This year's report confirmed this conclusion.

In 2019, the Commission's services had assessed in detail the measures taken by Bulgaria to meet the third objective, concerning judicial reform, the fourth, on the fight against corruption, and the fifth, relating to corruption at local level and at borders. The Bulgarian authorities had also undertaken at the highest level to introduce a transparent and permanent mechanism in the form of a post-monitoring council with the task of assessing both the implementation of the reforms undertaken and the effectiveness of the policy to combat corruption and organised crime.

Based on these factors, Mr TIMMERMANS said that the report recommended that the College consider the progress made by Bulgaria sufficient to meet the commitments it had made at the time of its accession to the EU. Bulgaria would need to continue working hard to deliver on its commitments through the adoption of appropriate legislation and the sustained implementation of that legislation. The regular monitoring of the implementation of these reforms would also need to be ensured by the post-monitoring council set up at national level, whose work would feed into the future dialogue with the Commission in the new framework of protection of the rule of law. Lastly, he added that before taking a final decision, the Commission would take due account of the observations of the European Parliament and the Council

Mr TIMMERMANS then gave a brief overview of **the report on Romania**. He referred in broad terms to the regression observed in relation to the achievement of the benchmarks by the Romanian government. Although the methodology used for the evaluations was the same for both countries under the Cooperation and Verification Mechanism, it had led to less encouraging conclusions for Romania, especially as regards the protection of the rule of law. Therefore, he felt that it was not possible at this stage to consider that the progress achieved by Romania was sufficient to meet the commitments made when it joined the Union. As soon as a new government took office, the Commission would resume the monitoring and evaluation process provided for under the Mechanism with the Romanian authorities.

The Commission approved the reports in COM(2019) 498/2 and COM(2019) 499/2 for transmission to Parliament and the Council and, for information, to the national parliaments, together with staff working documents SWD(2019) 392 and SWD(2019) 393, the contents of which were noted.

#### **10. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL ON THE VERIFICATION OF THE FULL APPLICATION OF THE SCHENGEN ACQUIS BY CROATIA**

**(COM(2019) 497 TO /3; RCC(2019) 112)**

Mr AVRAMOPOULOS presented the Communication he was submitting to the College for approval, on the verification of the full application of the Schengen *acquis* by Croatia.

Since 2016, the Commission had been working closely with Croatia to ensure that it met the conditions allowing it to adopt the Schengen *acquis* in full. All policy fields had been closed, except that relating to the management of external borders. He noted that the last field visit, in May 2019, had identified the final outstanding issues

in this field. Since then, Croatia had provided no fewer than four follow-up reports on the implementation of the action plans drawn up in cooperation with the Commission and had provided clarifications to address the issues raised. He pointed out that Croatia had generally reacted ahead of the deadlines and had showed firm determination to implement the latest recommendations addressed to it.

After evaluating the progress made, he felt that the Commission was now able to confirm that Croatia had taken the necessary measures to apply the Schengen *acquis* in the field of the management of the Union's external borders. Croatia must continue to implement these measures.

Mr AVRAMOPOULOS explained that, accordingly, the Communication invited the Council to discuss on that basis with the aim of integrating Croatia into the Schengen area, in line with the provisions of the 2011 Act of Accession. He pointed out that the Member States would have to take a unanimous decision and that the enlargement of the Schengen area to include Bulgaria and Romania was currently held up in the Council.

He believed that the integration of Croatia in this area would strengthen the Schengen area. Furthermore, thought should be given to eliminating the internal border controls reintroduced by a number of Member States for reasons of security and migration. To this end, the Commission was ready to lend its support to the Member States in question which could apply alternative measures.

Mr AVRAMOPOULOS concluded his presentation by expressing his hope that the Council would rapidly discuss the enlargement of the Schengen area to include Bulgaria, Romania and Croatia, which he felt would help ensure the security of EU citizens and provide numerous economic and practical advantages, not to mention the symbolic value of these decisions.

In the course of the discussion that followed, the Commission raised mainly the importance of enlarging the Schengen area, even though several Member States were maintaining the internal border controls reintroduced temporarily in response

to a crisis, and the risks that the Commission's evaluation would be called into question given that the previous report demonstrated that Croatia still had progress to make before it could join the Schengen area.

Mr AVRAMOPOULOS pointed out that the Commission was doing everything in its power to encourage the Member States in question to eliminate the controls that they had temporarily reintroduced on the Union's external borders. He referred to the anomalous nature of such controls in an area designed for the free movement of people, but felt that enlargement to include other Member States should be considered based on their particular merits, objective criteria and an impartial evaluation.

He said that Croatia must continue to work hard to implement the necessary measures to adopt the whole of the Schengen *acquis*. Subject to these conditions, he therefore felt it was justified for the Commission to invite the Council to discuss integrating Croatia in the Schengen area.

The Commission took note of this information and approved the communication in COM(2019) 497/3, for transmission to Parliament and the Council and, for information, to the national parliaments.

## **11. OTHER BUSINESS (CONTINUED)**

### ***EUROPEAN SEMESTER OF ECONOMIC AND BUDGETARY POLICY COORDINATION FOR 2020 – PRELIMINARY EVALUATION OF THE EURO AREA MEMBER STATES' DRAFT BUDGETARY PLANS***

The Commission discussed the evaluation currently under way of the draft budgetary plans that the euro area Member States had submitted to it by 15 October as part of the European Semester for Economic and Budgetary Policy Coordination for 2020.

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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 14.22.