



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2020) 2323 final

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

Brussels, 26 February 2020

TEXTE EN

MINUTES

**of the 2323rd meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 29 January 2020
(morning)**

PV(2020) 2323 final

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

EN

TABLE OF CONTENTS

Attendance list	5-7
1. AGENDAS (OJ(2020) 2323/FINAL; SEC(2020) 2323/FINAL)	8
2. WEEKLY MEETING OF CHEFS DE CABINET (RCC(2020) 2323)	8
3. APPROVAL OF THE MINUTES OF THE 2319 TH , 2320 TH , 2321 ST AND 2322 ND MEETINGS OF THE COMMISSION (17 DECEMBER 2019, AND 8, 14 AND 22 JANUARY 2020) (PV(2019) 2319; PV(2019) 2319, 2 ND PART; PV(2020) 2320; PV(2020) 2320, 2 ND PART).....	8
4. INTERINSTITUTIONAL RELATIONS (RCC(2020) 8)	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	10
5. COORDINATION OF EXTERNAL ACTION (RCC(2020) 14).....	12
6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS.....	12
6.1. WRITTEN PROCEDURES APPROVED (SEC(2020) 49 ET SEQ.).....	12
6.2. EMPOWERMENT (SEC(2020) 51 ET SEQ.)	12
6.3. DELEGATION / SUBDELEGATION OF POWERS (SEC(2020) 52 ET SEQ.)	12
6.4. SIGNIFICANT WRITTEN PROCEDURES (SEC(2020) 53)	13
7. ADMINISTRATIVE AND BUDGETARY MATTERS (SEC(2020) 54).....	13
7.1. DG ECONOMIC AND FINANCIAL AFFAIRS / DG STRUCTURAL REFORM SUPPORT – DATE OF TRANSFER OF THE AD16 DIRECTOR-GENERAL, AND DECISION ON DEPUTISING	13

PV(2020) 2323 final

7.2. PUBLICATIONS OFFICE – INTERNAL AND INTERINSTITUTIONAL PUBLICATION OF THE VACANCY NOTICE FOR AN AD15/16 DIRECTOR- GENERAL POST (PERS(2020) 4).....	14
7.3. SECRETARIAT-GENERAL – INTERNAL PUBLICATION OF AN AD14/15 VACANCY NOTICE FOR THE POST OF COMMISSION MEDIATOR (PERS(2020) 5).....	14
7.4. DG MOBILITY AND TRANSPORT – PROPOSAL FOR THE APPOINTMENT OF THE DIRECTOR OF THE PERMANENT SECRETARIAT OF THE TRANSPORT COMMUNITY (PERS(2020) 6)	15
7.5. DG MOBILITY AND TRANSPORT – PROPOSAL FOR THE APPOINTMENT OF THE DEPUTY DIRECTOR OF THE PERMANENT SECRETARIAT OF THE TRANSPORT COMMUNITY (PERS(2020) 7).....	15
7.6. DECISION OF THE PRESIDENT OF THE EUROPEAN COMMISSION ON AN INDEPENDENT REGULATORY SCRUTINY BOARD (P(2020) 2)	16
8. RECOMMENDATION FOR A COUNCIL DECISION AUTHORISING THE OPENING OF NEGOTIATIONS FOR A NEW PARTNERSHIP WITH THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND (COM(2020) 35 TO /3; RCC(2020) 5).....	16
9. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, AND THE COMMITTEE OF THE REGIONS – COMMISSION WORK PROGRAMME 2020 – A UNION THAT STRIVES FOR MORE (COM(2020) 37 TO /3; RCC(2020) 6).....	17
10. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, AND THE COMMITTEE OF THE REGIONS – SECURE 5G DEPLOYMENT IN THE EU – IMPLEMENTING THE EU TOOLBOX (COM(2020) 50 TO /3; RCC(2020) 12)	19

11. OTHER BUSINESS.....	26
11.1. <i>LATEST DEVELOPMENTS CONCERNING THE CORONAVIRUS</i>	26
11.2. <i>RECENT DEVELOPMENTS IN EXTERNAL RELATIONS</i>	28

Single sitting: Wednesday 29 January 2020 (morning)

The sitting opened at 9.07 with Ms von der LEYEN, President, in the chair.

Present:

Ms von der LEYEN	President	
Mr TIMMERMANS	Executive Vice-President	Items 1 to 11 (in part)
Ms VESTAGER	Executive Vice-President	
Mr DOMBROVSKIS	Executive Vice-President	
Mr BORRELL i FONTELLES	High Representative/ Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Ms JOUROVÁ	Vice-President	
Ms ŠUICA	Vice-President	
Mr SCHINAS	Vice-President	
Mr HOGAN	Member	
Ms GABRIEL	Member	
Mr GENTILONI	Member	
Mr WOJCIECHOWSKI	Member	
Mr BRETON	Member	
Ms FERREIRA	Member	
Ms KYRIAKIDES	Member	
Mr REYNDERS	Member	
Ms DALLI	Member	
Ms JOHANSSON	Member	
Ms LENARČIČ	Member	
Ms VÁLEAN	Member	
Ms VÁRHELYI	Member	Items 1 to 11 (in part)
Ms URPILAINEN	Member	
Ms SIMSON	Member	
Mr SINKEVIČIUS	Member	

Absent:

Mr HAHN

Member

Mr SCHMIT

Member

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

Ms JAHNS	Deputy Chef de cabinet to Mr HAHN
Ms PEREIRA	Expert in Mr SCHMIT's cabinet

The following also sat in:

Mr SEIBERT	Chef de cabinet to the PRESIDENT	
Mr ROMERO REQUENA	Director-General, Legal Service	
Ms AHRENKILDE HANSEN	Director-General, DG Communication	
Mr MAMER	Head of the Spokesperson's Service and Chief Spokesperson of the Commission	
Mr LEARDINI	Deputy Secretary-General	Items 1 to 10
Ms GAUER	Deputy Secretary-General	Items 1 to 10
Ms RISO	Deputy Chef de cabinet to the PRESIDENT	
Ms PETKOVA	Director of Coordination and Administration in the PRESIDENT's Office	Items 1 to 9, and 11 (in part)
Mr FLOSDORFF	Adviser in the PRESIDENT's Office	
Mr WHELAN	Adviser in the PRESIDENT's Office	Item 10
Ms VILA NUÑEZ	PRESIDENT's Office	Items 8 (in part) to 11
Mr SERRANO	Chef de cabinet to Mr BORRELL	Item 11 (in part)
Mr NOCIAR	Chef de cabinet to Mr ŠEFČOVIČ	Item 9
Mr MOUTARLIER	Chef de cabinet to Mr BRETON	Item 10
Mr ROSSIDES	Chef de cabinet to Ms KYRIAKIDES	Item 11 (in part)
Mr BARNIER	Head of the Task Force for Relations with the United Kingdom	Items 1 to 8
Mr HEMMELGARN	Secretariat-General	
Ms SPINANT	Commission Spokesperson's Service	

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

1. AGENDAS

(OJ(2020) 2323/FINAL; SEC(2020) 2323/FINAL)

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(2020) 2323)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 27 and Tuesday 28 January 2020.

3. APPROVAL OF THE MINUTES OF THE 2319TH, 2320TH, 2321ST AND 2322ND MEETINGS OF THE COMMISSION (17 DECEMBER 2019, AND 8, 14 AND 22 JANUARY 2020)

(PV(2019) 2319; PV(2019) 2319, 2ND PART; PV(2020) 2320; PV(2020) 2320, 2ND PART)

The Commission approved the minutes of its 2319th and 2320th meetings and decided to hold over approval of the minutes of its 2321st and 2322nd meetings for a later meeting.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2020) 8)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 24 January 2020 (RCC(2020) 8).

It paid particular attention to the following points.

4.1. HORIZONTAL ITEM

i) 2021-2027 Multiannual Financial Framework – European Parliament

(point 1.1.2 of the IRG record)

- Neighbourhood, Development and International Cooperation Instrument (NDICI) (Regulation) – GAHLER / JUKNEVIČIENĖ / ARENA / GOERENS report – 2018/0243 (COD) – Commission replies to questions by the European Parliament concerning the European Fund for Sustainable Development Plus (EFSD+), ahead of the next trilogues on the Neighbourhood, Development and International Cooperation Instrument (NDICI).

The Commission took note of SP(2020) 22 and /2.

4.2. LEGISLATIVE MATTERS

ii) European Parliament dossier – January II 2020 part-session

(point 3.2 of the IRG record)

Delegated act

- Classification of Titanium Dioxide (TiO₂) – Amendment, for the purposes of its adaptation to technical and scientific progress, of Regulation (EC) 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures and correcting that Regulation (Delegated Commission Regulation) – ZALEWSKA report – 2019/2843 (DEA) – Objection pursuant to Rule 111 of the European Parliament's Rules of Procedure

The Commission took note of SP(2020) 27.

4.3. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

iii) Programming of Council business

(SI(2020) 27)

The Commission took note of the information in SI(2020) 27 on the Council meetings between 30 January and 12 February 2020.

iv) Non-legislative matters

(point 4.1 of the IRG record)

- Article 241 of the Treaty on the Functioning of the European Union – Council Decision (EU) 2019/1905 of 8 November 2019 requesting the Commission to submit a study on the Union's options to update the existing legislation on the production and marketing of plant reproductive material, and a proposal, if appropriate in view of the outcomes of the study – Reply from the Commission

The Commission approved the line set out in SI(2020) 25.

- Article 241 of the Treaty on the Functioning of the European Union – Council Decision (EU) 2019/1904 of 8 November 2019 requesting the Commission to submit a study in light of the Court of Justice's judgment in Case C-528/16 regarding the status of novel genomic techniques under Union law, and a proposal, if appropriate in view of the outcomes of the study – Reply from the Commission

The Commission approved the line set out in SI(2020) 26.

4.4. RELATIONS WITH PARLIAMENT

v) Non-legislative matters

(point 5.1 of the IRG record)

- 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 repealing Regulation (EU) 1305/2013 of the European Parliament and of the Council and Regulation (EU) 1307/2013 of the European Parliament and of the Council (Regulation) – JAHR report – 2018/0216 (COD) – Response by the Commission to the invitation by the European Parliament to examine the interaction between the reform of the common agricultural policy (CAP) and the environmental objectives of the European Union as specified in particular in the European Green Deal

The Commission approved the line set out in SP(2020) 21.

vi) Action taken on the non-legislative resolutions adopted by Parliament at its October II 2019 part-session

(point 5.6.2 of the IRG record)

The Commission approved document SP(2020) 20/2 on the action taken on the non-legislative resolutions adopted by Parliament at its October II 2019 part-session, for transmission to Parliament.

vii) Action taken on the legislative opinions and non-legislative resolutions adopted by Parliament at its December II 2019 part-session

(point 5.6.3 of the IRG record)

The Commission approved document SP(2020) 23 on the action taken on the legislative opinions and non-legislative resolutions adopted by Parliament at its December II 2019 part-session, for transmission to Parliament.

viii) Results of Parliament's January I 2020 part-session

(SP(2020) 11)

The Commission took note of the information on the proceedings of the part-session of Parliament held in Strasbourg from 13 to 16 January 2020, as set out in SP(2020) 11.

5. COORDINATION OF EXTERNAL ACTION

(RCC(2020) 14)

The Commission took note of the operational conclusions in RCC(2020) 14 of the meeting of the Group for External Coordination (EXCO) held on Wednesday 22 January 2020.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

6.1. WRITTEN PROCEDURES APPROVED

(SEC(2020) 49 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 20 and 24 January 2020.

6.2. EMPOWERMENT

(SEC(2020) 51 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 20 and 24 January 2020.

6.3. DELEGATION / SUBDELEGATION OF POWERS

(SEC(2020) 52 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 January 2020 archived in Decide.

6.4. *SIGNIFICANT WRITTEN PROCEDURES*

(SEC(2020) 53)

The Commission took note of the significant written procedures for which the time limit expired between 27 and 31 January 2020.

7. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2020) 54)

ADMINISTRATIVE MATTERS

(PERS(2020) 3)

7.1. DG ECONOMIC AND FINANCIAL AFFAIRS / DG STRUCTURAL REFORM SUPPORT – DATE OF TRANSFER OF THE AD16 DIRECTOR-GENERAL, AND DECISION ON DEPUTISING

On a proposal from Mr HAHN, in agreement with the PRESIDENT and after consulting Mr GENTILONI and Ms FERREIRA, the Commission decided:

- that the date of transfer in the interest of the service, under Article 7 of the Staff Regulations, of Mr Maarten VERWEY, currently Director-General of DG Structural Reform Support, to the post of Director-General of DG Economic and Financial Affairs, would be 1 February 2020;
- that, in accordance with Article 27 of the Rules of Procedure of the Commission, Mr Maarten VERWEY would deputise for the Director-General of DG Structural Reform Support until his successor was appointed and took up his or her duties.

These decisions would take effect immediately.

**7.2. PUBLICATIONS OFFICE – INTERNAL AND INTERINSTITUTIONAL
PUBLICATION OF THE VACANCY NOTICE FOR AN AD15/16
DIRECTOR-GENERAL POST
(PERS(2020) 4)**

On a proposal from Mr HAHN, in agreement with the PRESIDENT, the Commission decided to authorise the publication, under Article 29(1)(a)(i) and (iii) and Article 29(1)(b) of the Staff Regulations, of the vacancy notice in PERS(2020) 4 for the post of Director-General of the Publications Office.

The Management Committee of the Publications Office had been informed, in accordance with Article 10 of Commission Decision 2009/496/EC of 26 June 2009.

This decision would take effect immediately.

**7.3. SECRETARIAT-GENERAL – INTERNAL PUBLICATION OF AN
AD14/15 VACANCY NOTICE FOR THE POST OF COMMISSION
MEDIATOR
(PERS(2020) 5)**

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

- to exercise itself the powers of the Appointing Authority with regard to the publication of the vacancy for the post Commission Mediator and appointment to the post;
- to authorise the publication, under Article 29(1)(a)(i) and (iii) of the Staff Regulations, of the vacancy notice in PERS(2020) 5 for the post of Commission Mediator;
- that the selection procedure and appointment of the Commission Mediator would take place in accordance with the procedure set out in the decision of 25 October 2004 ‘Compilation document on Senior Officials Policy’

(SEC(2004) 1352/2), taking into account the specific procedure set out in Article 6(3) of the Commission Decision on a Reinforced Mediation Service (C(2002) 601).

These decisions would take effect immediately.

7.4. DG MOBILITY AND TRANSPORT – PROPOSAL FOR THE APPOINTMENT OF THE DIRECTOR OF THE PERMANENT SECRETARIAT OF THE TRANSPORT COMMUNITY (PERS(2020) 6)

The Commission took note of the information set out in point 4 of PERS(2020) 3 and, on a proposal from Mr HAHN, in agreement with the PRESIDENT and after consulting Ms VÁLEAN, decided:

- to propose the appointment of Mr Matej ZAKONJŠEK to the post of Director of the Permanent Secretariat of the Transport Community, and to consider this as the Commission proposal;
- to ask Ms VÁLEAN, the Member of the Commission responsible, to communicate this decision to the Council and to the Regional Steering Committee of the Transport Community.

These decisions would take effect immediately.

7.5. DG MOBILITY AND TRANSPORT – PROPOSAL FOR THE APPOINTMENT OF THE DEPUTY DIRECTOR OF THE PERMANENT SECRETARIAT OF THE TRANSPORT COMMUNITY (PERS(2020) 7)

The Commission took note of the information set out in point 5 of PERS(2020) 3 and, on a proposal from Mr HAHN, in agreement with the PRESIDENT and after consulting Ms VÁLEAN, decided:

(29 January 2020)

- to propose the appointment of Ms Ljuba SILJANOSKA to the post of Deputy Director of the Permanent Secretariat of the Transport Community, and to consider this as the Commission proposal;
- to propose putting Ms Tatjana JOVANOVIĆ ŠTIGLIĆ and Mr Majlind LAZIMI on a reserve list;
- to ask Ms VĂLEAN, the Member of the Commission responsible, to communicate these decisions to the Council and to the Regional Steering Committee of the Transport Community.

These decisions would take effect immediately.

**7.6. DECISION OF THE PRESIDENT OF THE EUROPEAN COMMISSION
ON AN INDEPENDENT REGULATORY SCRUTINY BOARD
(P(2020) 2)**

The Commission took note of the PRESIDENT's decision in P(2020) 2.

**8. RECOMMENDATION FOR A COUNCIL DECISION AUTHORISING THE
OPENING OF NEGOTIATIONS FOR A NEW PARTNERSHIP WITH THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
(COM(2020) 35 TO /3; RCC(2020) 5)**

At the PRESIDENT's request, Mr BARNIER briefed the College on the latest developments regarding the United Kingdom's withdrawal from the Union under Article 50 of the Treaty on European Union, a few hours ahead of 31 January 2020, the sad and historic date when this withdrawal would become effective at midnight after almost half a century of shared life, and the second negotiating phase would open with a view to establishing a new EU-UK partnership.

On a proposal from the PRESIDENT, the Commission agreed that the recommendation currently set out in COM(2020) 35/3 would be formally adopted

by finalisation written procedure, the deadline for which was set at 10.00 on Monday 3 February 2020 (PE/2020/369).

**9. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, AND THE COMMITTEE OF THE REGIONS – COMMISSION WORK PROGRAMME 2020 – A UNION THAT STRIVES FOR MORE
(COM(2020) 37 TO /3; RCC(2020) 6)**

Mr ŠEFČOVIČ presented the Commission Work Programme 2020 being tabled for approval that day.

He began by emphasising its particular policy breadth, since this very first work programme of the current Commission's term in office set out a vision, direction and sequence of work for the next five years with the aim of designing a Union that strove for more and worked for Europe's citizens. He pointed out that the work programme translated the PRESIDENT's political guidelines and was based around six headline ambitions, 43 strategic objectives and 93 initiatives.

He then briefly explained the preparatory process which had given rise to this programme, highlighting the fruitful internal cooperation and the emphasis placed on interinstitutional dialogue, notwithstanding the very tight schedule imposed at the beginning of the term of office.

Mr ŠEFČOVIČ welcomed the conciseness of the work programme and pointed to some of its innovative aspects.

First and foremost, he noted its long-term vision. While it focused on the initiatives envisaged for the first 100 days after the Commission took office, the programme was very much concerned with a future extending far beyond the current term of office, in similar vein to the European Green Deal.

Mr ŠEFČOVIČ also stressed the added value that had been introduced by reserving a key role for strategic foresight in guiding policy-making and anticipating both the long-term trends and major shifts shaping the European economy and society.

Second, he flagged up the important role of interinstitutional cooperation in implementing the Commission Work Programme 2020, in which 28 of the 93 new initiatives announced were legislative initiatives.

Third, the work programme placed particular emphasis on better regulation by making provision for a significant number of texts to be revised or evaluated with a view to ensuring that regulation delivered tangible results and made life easier for people and businesses.

Mr ŠEFČOVIČ referred to the commitment to apply the ‘One In, One Out’ approach to ensure that newly introduced administrative burdens were offset by relieving people and businesses – notably SMEs – of equivalent administrative costs in the same policy area. A ‘Fit-for-future’ platform would also support the Commission's simplification efforts.

As regards the next steps, he would present the Commission Work Programme 2020 to the plenary session of the European Parliament the following day and to the General Affairs Council on 25 February.

Another immediate task would be to prepare the joint declaration of the Presidents of the European Parliament, the Council and the Commission on the EU's legislative priorities.

Lastly, Mr ŠEFČOVIČ said that, for the first time, a discussion would be held in spring on multiannual programming which could draw on the first Foresight Report.

In the course of the brief discussion that followed, the Members regretted that when the Member States implemented European legislation or transposed it into national law they sometimes concealed the effects of the simplifications adopted at the Commission's initiative by introducing administrative burdens of their own.

The PRESIDENT thanked Mr ŠEFČOVIČ and the other Members of the Commission for helping to prepare the Work Programme 2020, which was in keeping with the ambitions that had been set and reflected a constructive interinstitutional dialogue.

Noting the increasingly prominent use of strategic foresight, she invited Mr ŠEFČOVIČ to monitor from that angle the steps taken to make the European Green Deal a reality.

Lastly, she welcomed the favourable reception given to the draft Work Programme by the Conference of Presidents of the European Parliament when she met them on 28 January.

She wound up by noting the Members' agreement to the Work Programme put forward.

Following these presentations, the Commission approved the Communication in COM(2020) 37/3 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.

10. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, AND THE COMMITTEE OF THE REGIONS – SECURE 5G DEPLOYMENT IN THE EU – IMPLEMENTING THE EU TOOLBOX

(COM(2020) 50 TO /3; RCC(2020) 12)

The PRESIDENT briefly presented the Communication on the deployment of secure 5G networks in the EU, the aim of which was to implement the toolbox defined by the Member States with the Commission's support. She pointed out that the deployment of 5G would not only enable faster communication but would also

drive forward the digital transition set in motion by the EU. In particular, she explained that 5G networks would form the backbone of complex systems, such as smart factories and networks, as well as connected and automated mobility systems. She considered that the security of these critical networks was therefore paramount, which was why the authorities of the Member States had been asked to conduct a risk assessment. The Commission had contributed to this exercise by gathering together the components of the toolbox that it had received from the Member States, with the aim of defining the first-ever common approach to this issue at EU level, a common approach that set out a specific and proportionate response to each risk identified. Lastly, she highlighted the geopolitical dimension of the strategy that would be implemented, the use of the toolbox being only the first step of the process.

Ms VESTAGER emphasised the Member States' sensitivity regarding the deployment of 5G networks, which justified the need to implement provisions at EU level to guarantee the security of those networks. With this in mind, the Member States had decided, by mutual agreement, what to include in the toolbox.

She explained that 5G would play a decisive role in the future development of the digital economy and society in Europe and that it would not only be a catalyst for the digital services of the future in core areas of citizens' lives, but also a platform for the green transformation of European society.

She also noted that, given the critical nature of the applications that would be supported by 5G networks, it was vital for the Member States and the EU institutions to strengthen their security culture, in particular through close cooperation between the competent authorities. On that point, she explained that the Commission itself had a wide range of tools at its disposal that could be used to implement the approach that had been drawn up. Examples included the framework for screening foreign direct investment and trade defence instruments to guarantee the security of infrastructure and of the 5G supply chain, but also the EU's competition rules, to protect EU businesses against unfair competition. She also referred to the importance of coordination on standardisation and certification at EU

level, which would influence the development of standards at international level, as would the EU's funding programmes, which would be used to boost the EU's 5G and post-5G technology capabilities.

Lastly, Ms VESTAGER mentioned the geopolitical dimension of the EU's 5G deployment policy, and noted that decisions taken in that area would automatically have an impact on relations with third countries, to which Europe would need to justify its choices, while at the same time positioning itself in the market as a network security specialist.

Mr BRETON thanked Ms GABRIEL for having taken the initiative to coordinate the action of the Member States on the future deployment of 5G, particularly from the security angle, during the previous Commission's term of office. He welcomed the fact that the Member States had been able to define a common approach to this issue, as 5G was regarded as vital and very different from 4G, since it would necessarily involve basic functions carried out by the Member States and falling under their sovereignty.

He said that, between now and 2023, a wide range of applications would be rolled out that would enable millions of connected objects to be managed through the new 5G networks, which made it even more essential to comply with the rules common to the European Union Member States.

Both the European Parliament, in its resolution of 12 March 2019, and the European Council, in its conclusions of 22 March, had examined this issue, prompting the Commission to adopt a recommendation on 26 March calling on the Member States to develop a common approach. He noted that, since the joint publication of the coordinated risk assessment on 9 October 2019, the Member States, with the Commission's support, had reached agreement on a common list of security risks in the context of the deployment of 5G networks.

On this last point, he explained that the development of central systems that were critical for the management of hospitals and transport or energy networks in

particular was likely to involve a security risk which would justify imposing restrictions on suppliers regarded as high-risk and putting in place strategies to ensure the diversification of suppliers.

He added that the deployment of smart antennae required the identification of network vulnerabilities in close cooperation with national security agencies and the European Union Agency for Network and Information Security (ENISA). The work carried out had enabled Member States to identify the risks and vulnerabilities at national level, making it possible to carry out a joint assessment of the risks at EU level and to define a common toolbox, which demonstrated the Member States' commitment to moving forward together based on an objective assessment of the risks and proportionate mitigation measures.

Mr BRETON mentioned some of the key elements of the toolbox. In particular, the Member States should ensure that they were not dependent on a single supplier, especially if it was considered to be high-risk. They should not allow high-risk suppliers to work on the core networks and should ensure that companies operating in Europe complied with the rules laid down by the Union and its Member States.

He also warned that the work on deploying the 5G networks would inevitably lead to intense activity from the pressure groups associated with the main market players. However, he pointed out that two of the companies capable of deploying the 5G networks were European, as were more than 50% of 5G technology patents. He concluded that Europe had everything it took to lead the technology race and announced that he would soon be launching work on developing the future 6G network.

Finally, he noted that, although third-country operators were welcome, they would have to meet all the criteria set out in the toolbox. In particular, core network functions would have to be controlled by European companies, possibly with the assistance of teams from companies outside the EU. For other less critical functions, third-country companies could continue to offer their services, free from the rigorous restrictions laid down for applications of a strategic nature.

Mr BRETON noted that 2023 would be a key year, as a new frequency band would then be available for wider use of the 5G networks, leading to the full development of the Internet of Things, which in turn would pose security problems in individual sectors. In this context, he felt that using the framework for screening foreign direct investment to protect the European 5G supply chain or resorting to trade defence instruments did not constitute an aggressive trade policy, but rather a proportionate response to the Union's legitimate concerns about its technological sovereignty. He also pointed out that the competition rules would be strictly enforced, which was why the EU still had two operators in the 5G market, in order to avoid any monopoly situation.

Mr SCHINAS called for a simplification of the debate on 5G, the ultimate aim of which was to connect objects to other objects and connect those objects to their users, which led to increased security-related risks. He noted that, in both the Parliament and the Council, discussions on the deployment of 5G networks had moved on to focus on the security dimension. He reminded the College that the level of security required by the single market was the responsibility of the Commission and of the Union as a whole, and that all the necessary safeguards must therefore be put in place. He considered that the proposed approach was balanced, particularly as it avoided the temptation to simply ban foreign suppliers. He mentioned in passing that the position taken by the UK authorities with regard to third-country suppliers was in line with the position being proposed by the EU that day.

He explained that the Member States' toolbox formed part of the process of developing a digital ecosystem that was credible in terms of security, the next stage of which would be the adoption of an EU action plan on security in June. In conclusion, Mr SCHINAS emphasised that security, which so far had been somewhat neglected, should not be a reflection of hidden agendas or viewed as a secondary matter, but rather should be fully integrated into all EU policies.

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

- the importance of defining a European approach and position with regard to 5G deployment in the EU;
- the balance struck by the proposed approach between strategic and technical measures, as well as the balance in the responses given to security and policy issues;
- the College’s support for the importance given to research and innovation as part of 5G deployment to ensure that the EU remained a global player in 5G technology;
- the need to take account of the general public’s concerns regarding the health impacts of the new 5G technology;
- the case for taking into account neighbourhood countries, where EU telecoms operators were present, when implementing the toolbox in order to ensure, in particular, that they benefited from the same level of protection once the 5G network was deployed there;
- the role the EU had already played on the international stage as a pioneer and role model with regard to personal data protection in the digital field;
- the case for promoting the European model and highlighting the economic and social benefits generated by the use of 5G in other regions of the world;
- the usefulness of the EU’s certification system, which gave the Member States a framework for technical cooperation when implementing the 5G network;
- the possibility of also using the World Trade Organization (WTO) mechanism to settle any commercial disputes with third countries.

Ms VESTAGER considered it very important to ensure that health protection was taken fully into account in the EU’s future approach to the deployment of 5G networks. Otherwise, local authorities might decide to delay the deployment of 5G in their area, she said.

Mr BRETON indicated that a significant amount of work had been carried out and is still carried out by the scientists upstream to assess the health impacts of 5G. He explained that a specific feature of this technology was that it was based on infrastructure using smart antennae with frequency modulation when the waves were transmitted, thereby reducing the intensity. He added that, from 2023 onwards, the use of new frequency ranges would also make it possible to reduce health risks.

He then referred to the question of corporate governance, noting that in the telecoms field the security chain involved not only States, but also operators, and now users too. By way of illustration, he explained that the board of directors of a telecoms company would in future need to select suppliers in such a way as to ensure compliance with the toolbox as with the General Data Protection Regulation (GDPR), under which operators could be held liable, otherwise collective claims might be brought against the company by users.

Lastly, he noted that EU businesses would need to be especially careful when selecting their telecoms supplier as they would have greater liability for risk, in direct correlation with the critical nature of the services that they would be able to provide once 5G was deployed.

The PRESIDENT wrapped up the discussion, highlighting the fact that it was only the first stage of a wider debate which would need to provide guarantees that, in the long term, the digital transformation would be beneficial for all citizens in the EU.

Following this discussion, the Commission approved the Communication in COM(2020) 50/3 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.

11. OTHER BUSINESS

11.1. *LATEST DEVELOPMENTS CONCERNING THE CORONAVIRUS*

The PRESIDENT asked the Members of the Commission responsible to provide an update on the spread of the coronavirus since its outbreak in the Chinese city of Wuhan and the measures taken by the Union, although, as she noted, the situation was continually evolving.

Ms KYRIAKIDES explained that the health crisis constituted a major public health challenge despite the fact that at this stage only eight cases had been detected in the EU - four in Germany and four in France.

She cited a number of factors that rendered the situation particularly complex – on the one hand, the uncertainty around aspects of the disease such as its source, transmissibility, virulence and morbidity and, on the other hand, the 15-day incubation period that allowed the virus to spread before suspicions could be raised.

She noted that, at the request of the Member States, the Commission had assumed a supporting role and was coordinating the measures to be taken. She mentioned the Early Warning and Response System, the Health Security Committee and the work of the European Centre for Disease Prevention and Control as amongst the mechanisms that were useful for ensuring constant information exchange and coordinating a response. She had also made sure that all Member States were aware of the World Health Organization's guidelines.

She called for responsible, fact-based communication on the part of the Union, rather than alarmist messages of the sort conveyed by the media.

Mr LENARČIČ added that, on 28 January 2020, for the first time since the 2015 migration crisis, the Civil Protection Mechanism had been activated in

order to assist in managing this crisis, particularly as regards the repatriation of Union citizens from the virus outbreak area.

In his capacity as Europe's Emergency Response Coordinator, he reported that the Commission and the European External Action Service were closely monitoring the situation, and recommended that the institution's staff suspend any non-essential travel to China and visits by representatives of the Chinese authorities to Union institutions.

He indicated that the European Parliament and the Council would be kept informed of these measures. He also announced that the Croatian Presidency of the Council had activated the integrated political crisis response (ICPR) arrangements.

A brief discussion ensued, during which the Commission mainly referred to (i) the mobilisation of the Union's available computing power to model the spread of the virus, (ii) the vulnerability of the transport sector, particularly air transport, as a factor in the spread of the virus, (iii) the recommendations of the European Aviation Safety Agency to crews and the measures taken by the three Union airports operating direct flights to and from Wuhan, (iv) the challenges of establishing reliable and effective control measures due to the 15-day asymptomatic period of the disease and, finally, (v) the coordination of preventive measures applicable to internal flights.

On this last point Mr LENARČIČ indicated that the Commission's Directorate-General for Transport would make known its recommendations on the basis of the information gathered by Eurocontrol from Member States.

The PRESIDENT thanked Ms KYRIAKIDES and Mr LENARČIČ for the efforts made.

She stated that she had offered the support of the Union to China during a telephone exchange with the Chinese Prime Minister that morning, and that

she had invited the Chinese authorities to facilitate the repatriation of Union citizens and their relatives.

The Commission took note of this information.

11.2. RECENT DEVELOPMENTS IN EXTERNAL RELATIONS

The Commission took stock of recent developments in external relations, focusing particularly on the situation in Libya and the American plan for peace in the Middle East.

*

* *

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

*

* *

The meeting closed at 11.57.