



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

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Brussels, 25 January 2017

TEXTE EN

MINUTES

of the 2195th meeting of the Commission

held in Brussels

(Berlaymont)

on Tuesday 10 January 2017

(morning)

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Single sitting: Tuesday 10 January 2017 (morning)

The sitting opened at 10.22 with Mr JUNCKER, President, in the chair.

Present:

Mr JUNCKER	President	
Mr TIMMERMANS	First Vice-President	
Ms MOGHERINI	High Representative / Vice-President	
Mr ANSIP	Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Mr DOMBROVSKIS	Vice-President	
Mr KATAINEN	Vice-President	
Mr OETTINGER	Member	
Mr HAHN	Member	
Ms MALMSTRÖM	Member	
Mr MIMICA	Member	Items 1 to 17 (in part)
Mr ARIAS CAÑETE	Member	
Mr VELLA	Member	
Mr ANDRIUKAITIS	Member	
Mr AVRAMOPOULOS	Member	
Ms THYSSEN	Member	
Mr MOSCOVICI	Member	
Mr STYLIANIDES	Member	
Mr HOGAN	Member	
Ms BULC	Member	Items 1 to 16
Ms BIENKOWSKA	Member	
Ms JOUROVÁ	Member	
Mr NAVRACSICS	Member	
Ms CREȚU	Member	
Ms VESTAGER	Member	
Sir Julian KING	Member	

Absent:

Mr MOEDAS

Member

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

Mr VICENTE	Chef de cabinet to Mr MOEDAS
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The following also sat in:

Mr SELMAYR	Chef de cabinet to the PRESIDENT	
Mr ROMERO REQUENA	Director-General, Legal Service	
Mr PESONEN	Director-General, DG Communication	
Mr SCHINAS	Head of the Spokesperson's Service and Chief Spokesperson of the Commission	
Ms METTLER	Head of the European Political Strategy Centre	
Ms MARTÍNEZ ALBEROLA	Deputy Chef de cabinet to the PRESIDENT	
Ms DEJMEK-HACK	Adviser in the PRESIDENT's Office	Items 1 to 12, and 17
Mr THOLONIAT	Adviser in the PRESIDENT's Office	Items 11 and 12
Ms ROUCH	Adviser in the PRESIDENT's Office	Items 13 to 16, and 18 (in part)
Ms SILLAVEE	PRESIDENT's Office	
Ms CHAPUIS	A member of Mr ANSIP's staff	Items 13 to 16
Mr GREN	Expert from Mr ANSIP's cabinet	Items 13 to 16
Mr ROMAKKANIEMI	Chef de cabinet to Mr KATAINEN	Items 6 to 10
Ms ANDRASSY	Deputy Chef de cabinet to Mr MIMICA	Items 17 (in part) and 18
Mr HUSAK	Chef de cabinet to Ms BIENKOWSKA	Items 1 to 10
Ms COUSIN	A member of Ms VESTAGER's staff	Item 17
Ms ANDREEVA	Commission Spokesperson's Service	

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

The PRESIDENT opened the meeting by warmly wishing the Members of the College all the best for 2017, individually and collectively, on the occasion of their first meeting of the year.

* * *

The PRESIDENT paid an emotional tribute to Mr Henning CHRISTOPHERSEN, a former Member and Vice-President of the Commission from 1985 to 1995, who had passed away on 31 December 2016. Mr CHRISTOPHERSEN would be remembered as a remarkable man with an exceptional personality and as a committed European, who in the course of a brilliant political career had served both his home country of Denmark, where he had been Deputy Prime Minister, Minister for Finance and Minister for Foreign Affairs, and the European project, which had been his passion and for which he had undertaken the duties of Member of the Commission with responsibility for the budget and subsequently for economic and monetary affairs. He had been one of the architects of the single European currency. The PRESIDENT spoke of his deep personal sadness at losing a very dear and faithful friend, for whom he had always had the greatest respect and admiration, and from whom he had learnt a lot. The PRESIDENT thanked Mme VESTAGER for representing the Commission at the funeral.

Ms BULC and Ms VESTAGER, who had known Mr CHRISTOPHERSEN in different capacities, added their voices to that of the PRESIDENT by highlighting the fact that Mr CHRISTOPHERSEN had exerted a considerable influence on European affairs over several decades and been a source of inspiration for current generations.

The PRESIDENT then paid tribute to Mr Mário SOARES, a great statesman who had influenced his country and Europe following Portugal's return to democracy, who had passed away on 7 January. He recalled the posts that Mr SOARES had held in the course of his brilliant political career, which had culminated in the Presidency of the Republic, his dynamic role in shaping the destiny of his country, and the

decisive part he had played in its accession to Europe. As he was himself unable to attend the funeral of Mr SOARES, which was taking place that day in Lisbon, the PRESIDENT was grateful to Mr MOEDAS for representing the Commission and noted that Mr Martin SCHULZ, President of the European Parliament, was attending on behalf of the Union. He expressed his sorrow that Europe had lost a great socialist, humanist and European.

Finally, the PRESIDENT regretted to announce the death that day of the former President of the Federal Republic of Germany, Mr Roman HERZOG, whom he had known well during the latter's time as Minister for the Interior in the federal state of Rhineland-Palatinate. Mr HERZOG had been the first Head of State elected by the representatives of a unified Germany, serving as President from 1994 to 1999. The PRESIDENT praised his work for Germany, where he had been highly regarded for his spirit and heart, and for Europe, as a pragmatic rather than a passionate European who had nonetheless served the European project with enthusiasm. He asked Mr OETTINGER to convey the Commission's condolences to the German people.

Mr OETTINGER praised Mr HERZOG as a great servant of the German State, a European in thought and deed, and an intelligent man with a great sense of humour, who had occupied a significant place in the hearts of his country's citizens.

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1. AGENDAS

(OJ(2017) 2195/FINAL; SEC(2017) 36/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(2017) 2195)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 9 January.

3. APPROVAL OF THE MINUTES OF THE 2193RD AND 2194TH MEETINGS OF THE COMMISSION (13 AND 21 DECEMBER 2016)

(PV(2016) 2193)

The Commission approved the minutes of its 2193rd meeting and decided to hold over approval of the minutes of its 2194th meeting for the following week.

4. INTERINSTITUTIONAL RELATIONS

4.1. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

i) Programming of Council business

(SI(2017) 1)

The Commission took note of the information in SI(2017) 1 on the Council meetings between 12 and 25 January.

4.2. RELATIONS WITH PARLIAMENT

ii) Non-legislative dossier

(SP(2017) 1 to /3)

- Committee of Inquiry into Emission Measurements in the Automotive Sector (EMIS) – Draft Commission reply to a letter from Ms VAN BREMPT, Chair of the EMIS Committee, of 8 December 2016
- Commission follow-up to the letter from Commissioners TAJANI and POTOČNIK to Ms Auken, Danish Minister for the Environment, of 12 March 2013

The Commission took note of SP(2017) 1 and of the letter from the EMIS Committee annexed to it, and approved the draft Commission reply attached to SP(2017) 1/3.

5. MONITORING THE APPLICATION OF EUROPEAN UNION LAW

INFRINGEMENTS – URGENT INDIVIDUAL CASE

(SEC(2017) 52)

The Commission adopted the decision in SEC(2017) 52.

6. **PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL INTRODUCING A EUROPEAN SERVICES E-CARD AND RELATED ADMINISTRATIVE FACILITIES**
(COM(2016) 824 TO /6; SWD(2016) 439 AND /2; SWD(2016) 442 AND /2; SEC(2016) 534; RCC(2016) 157; RCC(2017) 4)
7. **PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE LEGAL AND OPERATIONAL FRAMEWORK OF THE EUROPEAN SERVICES E-CARD INTRODUCED BY REGULATION[ESC REGULATION]**
(COM(2016) 823 TO /5; SWD(2016) 437 AND /2; SWD(2016) 438 AND /2; SEC(2016) 533; RCC(2016) 157; RCC(2017) 4)
8. **COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS ON REFORM RECOMMENDATIONS FOR REGULATION IN PROFESSIONAL SERVICES**
(COM(2016) 820 AND /2; SWD(2016) 436 TO /3; RCC(2016) 157)
9. **PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE APPLICATION OF DIRECTIVE 2006/123/EC ON SERVICES IN THE INTERNAL MARKET, LAYING DOWN A NOTIFICATION PROCEDURE FOR AUTHORISATION SCHEMES AND REQUIREMENTS RELATED TO SERVICES, AND AMENDING DIRECTIVE 2006/123/EC AND REGULATION (EU) 1024/2012 ON ADMINISTRATIVE COOPERATION THROUGH THE INTERNAL MARKET INFORMATION SYSTEM**
(COM(2016) 821 TO /3; SWD(2016) 434; SWD(2016) 435; SEC(2016) 531; RCC(2016) 157)

10. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON A PROPORTIONALITY TEST BEFORE THE ADOPTION OF A NEW REGULATION OF PROFESSIONS (COM(2016) 822 TO /3; SWD(2016) 463; SWD(2016) 462; SEC(2016) 535; RCC(2016) 157)

Mr KATAINEN introduced the package of ambitious initiatives proposed by the Commission that day that would allow businesses and professionals to provide services more easily to a potential client base of more than 500 million people across the Union. The package aimed to give fresh impetus to the services sector in the interests of consumers, jobseekers, businesses and economic growth in the whole of Europe.

This package had already been discussed extensively at the Commission's meeting on 13 December 2016 and an agreement had been reached on the proposals with regard to (i) a proportionality assessment of national rules on professional services, (ii) guidance on national reforms of the regulation of professions, and (iii) improving the notification of draft national laws (items 10, 8 and 9 of these minutes).

He presented in greater detail the two proposals that had not yet been approved and which took account of the observations made during the debate on 13 December, i.e. with regard to the creation and conditions for use of a European services e-card (items 6 and 7 of these minutes).

According to these proposals, an electronic procedure would make it easier for businesses services and construction services providers to complete the administrative formalities required to provide their services abroad. Service providers would simply have to liaise with a single interlocutor in their home country and in their own language. The interlocutor in their home country would then check the necessary information and transmit it to the host Member State, which would retain the power to apply national regulatory requirements and to

decide whether applicants could offer their services within its borders.

In other words, Mr KATAINEN stressed the fact that the e-card would not jeopardise employers' current obligations or workers' current rights. He added that it would not alter the balance achieved under the Posting of Workers Directive between the host country and the country of origin.

That was why he believed that the Commission could welcome the presentation that day of a package of proposals that was positive, specific and balanced, and would bring about real changes. It would be followed by a further initiative that would focus on the implementation of existing provisions. However, he recognised that the measures proposed by the Commission in the context of the internal market were not always well received by citizens in some Member States, which was why they would have to be the subject of appropriate communication and information campaigns.

Ms BIENKOWSKA pointed out that services accounted for two-thirds of the Union's economy and created 90 % of new jobs but that the single market did not work properly for services, which deprived the Union of considerable potential in terms of job creation and growth.

During the Commission's debate in December questions had been raised about certain aspects, in particular about how the proposal introducing the European services e-card tied in with the rules applicable to the posting of workers, and more generally, about the sensitivity of initiatives linked to the internal market in certain Member States.

She therefore highlighted the points that had been amended in response to those questions, pointing out that the host Member State's prerogatives had been explicitly specified in the sense that it could reject applications from incoming service providers, that from now on they would have four weeks instead of two to respond to applications and that if necessary they could request additional

information within a further four-week period. She added that the burden of proof of compliance with the conditions in force in the host country remained with the service provider.

As for how the proposal introducing the European services e-card tied in with the Posting of Workers Directive and the rules on the coordination of social security schemes, she pointed out that the Directive and its specific rules took precedence. But if Member States wanted to take advantage of the e-card, they could do so on a voluntary basis.

Ms BIENKOWSKA concluded her presentation by stressing that the objective of the initiatives proposed that day was to stimulate the provision of services in the Union using a realistic and balanced tool that reinforced the existing legislative *acquis*. She felt it was up to the Commission to put forward positive ideas and specific solutions, to broaden horizons, to clearly explain the advantages and to dispel any erroneous ideas that might arise. She thanked the Members of the Commission for their support.

Ms THYSSEN confirmed her full support for the current version of the proposal on a European Services Card and thanked Mr KATAINEN and Ms BIENKOWSKA for having taken account of her concerns.

She welcomed the fact that this electronic European card did not have any negative effect on social protection standards and that it explicitly recognised that the rules of Directive 2014/67/EU on the enforcement of the Directive concerning the posting of workers took precedence and would continue to do so. She also stressed that coordination of social security systems and control at the level of the host country would not be affected in any way.

However, she considered that when the Directive concerning posting came to be reviewed in 2019, it would be beneficial to learn from the experience acquired with the European Services Card, including in the context of strengthening the digital

single market.

She concluded with the undeniable benefits of this set of proposals for the provision of services in European, while acknowledging that the Commission's biggest challenge would be communication. She recommended providing explanations focused on objective facts.

The PRESIDENT stated his satisfaction with the outcome of the cooperation work carried out on this dossier in order to find solutions that were satisfactory to all parties. He considered that the next step was to explain that the set of proposals presented that day were a reflection of the Commission's social approach to the internal market. He stressed that particular care would have to be given to external communication.

On the basis of correspondence the PRESIDENT had recently received, he had questions as to whether a provider offering services in another Member State must request registration with a professional association in the host country, and if so, whether such a requirement would constitute an obstacle to the provider. Similarly, he also referred to the issue of the requirement made on providers in the host country to take out unemployment insurance and other types of insurance cover. He invited the Members of the Commission concerned to examine and clarify these points.

In the course of the brief discussion that followed, the Commission referred mainly to the need to present that day's proposals as elements of the Social Europe; to reiterate that they did not in any way call into question the balance in the 2006 Directive concerning the posting of workers; and to highlight the differences between the 2005 Services Directive and the current set of proposals.

The PRESIDENT asked the Members of the Commission to take part actively in the campaign to explain the package which was to be launched that day and to take care to set out carefully the logic and parameters underpinning it. He again stated his

satisfaction with the quality of what had been proposed.

After these exchanges, the Commission:

- adopted the proposal for a Directive in COM(2016) 824/6, for transmission to Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the national parliaments, together with the impact assessment and the summary thereof in staff working documents SWD(2016) 439/2 and SWD(2016) 442/2, the contents of which were noted;
- adopted the proposal for a Directive in COM(2016) 823/5, for transmission to Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the national parliaments, together with the impact assessment and the summary thereof in staff working documents SWD(2016) 437/2 and SWD(2016) 438/2, the contents of which were noted;
- approved the Communication in COM(2016) 820/2 for transmission to Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, and, for information, to the national parliaments, together with the staff working document distributed as SWD(2016) 436/3, the contents of which were noted;
- adopted the proposal for a Directive in COM(2016) 821/3 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, together with the impact study and the summary thereof in staff working documents SWD(2016) 434 and SWD(2016) 435, the contents of which were noted;
- adopted the proposal for a Directive in COM(2016) 822/3, for transmission to Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the national parliaments, together with the impact

assessment and the summary thereof in staff working documents SWD(2016) 463 and SWD(2016) 462, the contents of which were noted;

- also took note of the opinions of the Regulatory Scrutiny Board, distributed as SEC(2016) 531, SEC(2016) 533, SEC(2016) 534 and SEC(2016) 535.

11. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS: SAFER AND HEALTHIER WORK FOR ALL - MODERNISATION OF THE EU OCCUPATIONAL SAFETY AND HEALTH LEGISLATION AND POLICY

(COM(2017) 12 AND /2; SWD(2017) 9; SWD(2017) 10; RCC(2017) 3)

12. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING DIRECTIVE 2004/37/EC ON THE PROTECTION OF WORKERS FROM THE RISKS RELATED TO EXPOSURE TO CARCINOGENS OR MUTAGENS AT WORK

(COM(2017) 11 AND /2; SWD(2017) 7 AND /2; SWD(2017) 8 AND /2; SEC(2017) 44; RCC(2017) 3)

Mr DOMBROVSKIS presented the communication on the modernisation of the EU's occupational safety and health legislation and policy, and the proposal to amend the 2004 Directive on the protection of workers from the risks related to exposure to carcinogens or mutagens at work. Health and safety at work was a field in which the Union had had a strong influence for 25 years and had been a front-runner in setting high standards of protection for EU workers.

With regard, first of all, to the Communication, the objective was to ensure that

health and safety rules were feasible and transposable, which was why it had three main themes, namely (i) stepping up the fight against occupational cancer through legislative proposals accompanied by increased guidance and awareness-raising; (ii) helping businesses, in particular micro-enterprises and SMEs, to comply with occupational health and safety rules, and (iii) cooperating with Member States and social partners to remove or update outdated rules and to improve protection, compliance and enforcement on the ground. Health and safety at work was an important principle of the European Pillar for Social Rights that would be presented this year.

Mr DOMBROVSKIS then moved on to the proposal to amend the 2004 Directive on the protection of workers from the risks related to exposure to carcinogens or mutagens at work, which was out of date and did not take into account the latest scientific findings. In May 2016 the Commission had proposed an amendment relating to a first set of substances and it was now proposing a second set of products for which it was necessary to establish additional minimum requirements for workers' health protection in the form of limit values and/or skin notations.

For her part, Ms THYSSEN stressed that protection of workers' health was at the heart of the Commission's commitment to promote a robust work programme on social issues. That was why she was presenting that day a clear action plan for sound occupational health and safety in the 21st century with rules that were clear, up-to-date and applied effectively on the ground.

She highlighted the Commission's wish to help in the fight against the risks of work-related cancer and thereby support the efforts of the Member States and stakeholders to ensure a healthy and safe workplace for all. The legislative proposal that day would improve the protection of some 4 million workers in Europe. She summarised the three benefits of the proposal, which would contribute to (i) protecting workers' health, (ii) boosting productivity for employers and (iii) helping the national authorities to make savings in health costs estimated at

1.6 billion euros in the coming decades.

Ms THYSSEN went on to explain that the proposals submitted for Commission approval also sought to help businesses, in particular small businesses and micro-enterprises, to comply with existing health and safety rules. More than 1 in 3 micro-enterprises did not assess workplace risks, which was why the Commission was presenting a guidance paper for employers with practical tips for assessments.

Winding up her presentation, she noted that the communication and the legislative proposal presented that day followed the model used in all policy areas, which consisted in making EU legislation simpler, more relevant and more effective.

The PRESIDENT welcomed the fact that the Commission was presenting these major initiatives that continued a process which had begun at European level in the mid-1980s.

Mr TIMMERMANS added that the legislative proposal was part of the Regulatory Fitness and Performance Programme, the purpose of which was to cut red tape and reduce the high cost of compliance faced by small and medium-sized businesses, but without lowering the level of social protection standards.

During the brief discussion that followed, the Commission raised the following main point: the advisability of making reference, in the communication activities that would be carried out as part of these initiatives, to the specific problems of health and safety at work in the agriculture sector, which should be incorporated into agricultural training.

Ms THYSSEN closed the discussion, noting that the road map indicated clearly that efforts should address the development of a genuine health and safety culture at the workplace and that it was possible to devise targeted sectorial measures.

The Commission:

- approved the communication in COM(2017) 12/2, for transmission to Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, and, for information, to the national parliaments, together with the staff working papers distributed as SEC(2017) 9 and SEC(2017) 10, the contents of which were noted;
- adopted the proposal for a Directive in COM(2017) 11/2, for transmission to Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the national parliaments, together with the impact assessment and the summary thereof in staff working documents SWD(2017) 7/2 and SWD(2017) 8/2, the contents of which were noted;
- took note of the opinion of the Regulatory Scrutiny Board, distributed as SEC(2017) 44.

**13. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE PROTECTION OF INDIVIDUALS WITH REGARD TO THE PROCESSING OF PERSONAL DATA BY THE UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES AND ON THE FREE MOVEMENT OF SUCH DATA, AND REPEALING REGULATION (EC) 45/2001 AND DECISION 1247/2002/EC
(COM(2017) 8 AND /2; RCC(2017) 2)**

**14. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE EUROPEAN DATA PROTECTION SUPERVISOR - EXCHANGING AND PROTECTING PERSONAL DATA IN A GLOBALISED WORLD
(COM(2017) 7 AND /2; RCC(2017) 2)**

- 15. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – BUILDING A EUROPEAN DATA ECONOMY
(COM(2017) 9 TO /3; SWD(2017) 2; RCC(2017) 1)**

- 16. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL CONCERNING THE RESPECT FOR PRIVATE LIFE AND THE PROTECTION OF PERSONAL DATA IN ELECTRONIC COMMUNICATIONS AND REPEALING DIRECTIVE 2002/58/EC (REGULATION ON PRIVACY AND ELECTRONIC COMMUNICATIONS)
(COM(2017) 10 TO /3; SWD(2017) 3 AND /2; SWD(2017) 4 AND /2; SWD(2017) 5; SWD(2017) 6; SEC(2017) 42; RCC(2017) 1)**

Mr ANSIP presented the set of measures that would bring the Union's strategy for a digital single market to completion by offering political and legal solutions capable of unlocking the potential of the data economy.

To put things into perspective, the EU data economy was estimated at €272 billion and employed six million people in 2015, a figure set to rise to 7.4 million in 2020. If the right legal policy and conditions were put in place, the data economy could account for as much as 3.17 % of EU GDP, or €643 billion, by 2020.

Generally speaking, data should be able to flow freely within a single data space, but in Europe, data flow and data access were often held up by localisation rules or other technical and legal barriers. For the data economy to produce growth and jobs, data needed to be used, accessed and analysed, hence the need for a coordinated and pan-European approach to make the most of data opportunities, building on strong EU rules to protect personal data and privacy.

He emphasised that the Commission was tackling this issue because the Union was far from exploiting its potential in terms of data. To remedy this situation, the unfair

restrictions on the free circulation of data across borders must be removed and the legal uncertainty still affecting certain aspects must be resolved.

Mr ANSIP compared the loss of value due to the under-use of data in Europe to the money that previous generations used to hide under their mattresses. However, he pointed out the diverse situations in Europe, for example concerning cloud services, which were used for 8 % of data in some Member States and 51 % in others. Therefore, an indiscriminate approach to data protection would not make sense, which was why a substantial majority of Member States had asked the Commission to take the lead.

He also stressed the importance of regular or even ongoing consultation of the main stakeholders in order to understand market developments and devise solutions designed to address the emergence of new technologies, such as driverless cars.

Mr ANSIP went on to present the Proposal for a Regulation concerning respect for private life and the protection of personal data in electronic communications (item 16 of these minutes). He explained that these services had changed considerably since the last revision of the 2009 Directive on privacy and electronic communications. Consumers and businesses were increasingly communicating using online services such as instant messaging, voice over IP and electronic messaging, none of which were covered by the rules set out in that Directive. By updating the applicable legal framework, the new Proposal for a Regulation therefore aimed to strengthen confidence in and the security of the digital single market, thus achieving one of the main objectives of the strategy for a digital single market. It also aimed to align the rules for electronic communications services with the new, internationally-recognised standards of the EU's General Data Protection Regulation. Mr ANSIP also emphasised the need to ensure a level playing field for all digital market operators, while basing the use of data on the principle of consent where they were of a personal nature.

Lastly, he cited the impact of the new rules proposed that day on the Union's

commercial policy, which must be taken into account to allow data flows to be exchanged in accordance with the rules on data and privacy protection.

On this last point, which justified the inclusion, in the package of proposed measures, of a communication on the Union's international data protection strategy (item 14 of these minutes), Ms JOUROVÁ emphasised that the Union was a pioneer in the protection of data and privacy, two factors that were closely linked to its fundamental values. This gave it a competitive advantage, since this protection inspired consumer trust in the digital era. She therefore felt that the reform of European rules on data protection could serve as an example for the Union's major trading partners and that those partners should be encouraged to align with the new rules.

She therefore took the view that the Commission should enter into talks with its trading partners on the issue on the basis of the Union's interests and the strength of the ties it had with them. She placed particular emphasis on the interest of Japan and South Korea (the European Union's seventh and eighth-ranked trading partners respectively) in moving into line with the new rules and in negotiating an adequate level of data protection. For those third countries that could not provide an adequate level of protection, other means of data transmission could be used. She added that the Commission also reserved the right to open talks with its trading partners over the exchange of data for law enforcement purposes.

Ms JOUROVÁ also referred to the Proposal for a Regulation on the protection of individuals with regard to the processing of personal data by the institutions, bodies, offices and agencies of the Union and on the free movement of such data (item 13 of these minutes). The aim of this review was to ensure that Union institutions applied the same rules as Member States and companies. She pointed out that, henceforth, the European Data Protection Supervisor would have the power to impose fines in the event of an infringement of the data protection rules by one of the Union's institutions.

Mr KATAINEN held that it was important to ensure the right balance was struck between promoting the exchange of data necessary for economic growth and job creation and a suitable degree of data protection. He acknowledged, however, that debates on data protection were sensitive, which, he felt, was a good reason to adopt a pragmatic approach and to identify existing best practices on the subject.

He also referred to the need to draw up a strategic approach to data protection within the context of trade agreements. He announced that a Project Team would be set up within the Commission under Mr TIMMERMANS to draw up this approach, on the basis of the Communications ‘Exchanging and Protecting Personal Data in a Globalised World’ and ‘Trade for All’. He explained that Mr ANSIP, Ms MALMSTRÖM, Ms JOUROVÁ and himself would take part and would keep the Commission informed of their progress.

During the discussion that followed, the Commission raised the following main points:

- the importance of the package of measures proposed to encourage economic growth and job creation in a growth sector;
- the importance of emphasising that the exchange of data did not affect the right to personal data protection;
- the priority to be given to trade negotiations with Japan with a view to an agreement that ensured the protection of personal data, while promoting data exchanges;
- the consideration to be given to the means of simplifying decision-making by users when they agree to the use of their personal data, by way of simple and understandable information.

Following this discussion the Commission:

- adopted the proposal for a Regulation in COM(2017) 8/2, for transmission to the European Parliament, the Council, the European Economic and Social Committee and the national parliaments and, for information, to the European Data Protection Supervisor;
- approved the communication in COM(2017) 7/2 for transmission to the European Parliament, the Council and the European Data Protection Supervisor, and, for information, to the national parliaments;
- approved the communication in COM(2017) 9/3 for transmission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, and, for information, to the European Data Protection Supervisor, the European Ombudsman and the national parliaments, together with the staff working document distributed as SWD(2017) 2, the contents of which were noted;
- adopted the proposal for a Regulation in COM(2017) 10/3 for transmission to European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions, the European Data Protection Supervisor and the national parliaments and, for information, to the European Ombudsman, accompanied by the impact assessment, the summary thereof and the staff working documents distributed as SWD(2017) 3/2, SWD(2017) 4/2, SWD(2017) 5 and SWD(2017) 6, the contents of which were noted;
- also took note of the opinion of the Regulatory Scrutiny Board, distributed as SEC(2017) 42.

17. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

17.1. WRITTEN PROCEDURES APPROVED

(SEC(2017) 37 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 19 December 2016 and 6 January 2017.

State aid – Italian banks

Mr DOMBROVSKIS and Mme VESTAGER referred to the decisions taken by the Commission under Article 107 of the Treaty on the Functioning of the European Union on 29 December 2016 on State aid with regard to Italian banks (PE/2016/9590 and PE/2016/9591).

17.2. EMPOWERMENT

(SEC(2017) 38 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 19 December 2016 and 6 January 2017.

17.3. DELEGATION / SUBDELEGATION OF POWERS

(SEC(2017) 39 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 19 December 2016 and 6 January 2017, as archived in Decide.

17.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2017) 40 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 3 and 13 January 2017.

18. OTHER BUSINESS**18.1. COMMISSION DECISION ON THE ADMISSIBILITY OF A PROPOSED CITIZENS' INITIATIVE ENTITLED 'BAN GLYPHOSATE AND PROTECT PEOPLE AND THE ENVIRONMENT FROM TOXIC PESTICIDES'.****(C(2017) 90)**

Mr TIMMERMANS informed the Commission of a citizens' initiative it had received entitled 'Ban glyphosate and protect people and the environment from toxic pesticides'.

He recalled that, under the procedure in force, at that stage the Commission had to decide solely on the legal admissibility of the initiative and, thus, on its registration. In his department's analysis, the legal conditions set out in the Treaties had been duly met in the case in question. He therefore proposed that the Commission adopt the decision and record the formal registration of the initiative on 25 January 2017.

Under Article 4(2) of Regulation (EU) 211/2011, the Commission noted that the conditions governing the admissibility of the citizens' initiative 'Ban glyphosate and protect people and the environment from toxic pesticides' had been met. The Commission therefore decided to register the initiative, in accordance with document C(2017) 90, and authorised Mr TIMMERMANS to sign the decision on its behalf and to notify the organisers of the initiative in the authentic language (English).

**18.2. 30TH ANNIVERSARY OF THE ERASMUS PROGRAMME
(INFO(2017) 2)**

Mr NAVRACSICS gave a PowerPoint presentation on the Commission's campaign for the 30th anniversary of ERASMUS, an EU flagship programme if ever there was one. For 30 years the ERASMUS programme, in its different

forms, had enabled nine million people to study, train, gain work experience or volunteer in another EU Member State. Erasmus was a European success story and had contributed to the development of a European identity among the younger generations – a fact confirmed by 83% of university students who had taken part in the programme, which had enabled them to understand that European identity complemented, but did not replace, national identity. He noted in passing that, in the UK referendum on EU membership, no less than 74% of young British people had voted in favour of their country staying in the EU.

He then spoke about the actual content of the forthcoming campaign. Its first objective was to tell the story of ERASMUS and inform Europeans of the wide range of opportunities it offered across Europe and beyond, in order to promote mobility and cooperation between Member States and different economic sectors. Although it was very well known, the programme needed to be better explained, since it was open to all citizens wishing to experience life abroad, not just university students. The second objective of the campaign was to demonstrate the relevance of ERASMUS in addressing people's key concerns, as shown by its practical results in combating unemployment, developing vocational skills, facilitating social integration and promoting a European identity and active citizenship. Lastly, the campaign would provide young Europeans with a platform to exchange ideas on the future of the programme and of European integration.

In operational terms, Mr NAVRACSICS specified that 14 Commission departments had agreed to contribute to the campaign and act as multipliers, together with the representations in the Member States and EU delegations in participating third countries. The campaign would be marked by three major events: the kick-off on 26 January, the anniversary celebrations at the European Parliament in mid-June and the closing event in December 2017, during which a wide-ranging debate on the future of ERASMUS would be

held. Many events would be organised nationally and locally in cooperation with the Commission's representations and the ERASMUS+ national agencies, including open-air festivals, conferences and even marathons.

A theme linked to people's key concerns would be discussed each month so that communication at European level was more structured. The campaign would use a wide range of social media to enable beneficiaries to share their experience and show how the programme had affected their lives. At the 30th anniversary celebrations in June, the Commission would present the new ERASMUS+ mobile application, which would provide guidance to students, apprentices and volunteers wishing to take part in the programme.

Mr NAVRACSICS concluded his presentation by emphasising the personal approach of the campaign, which was based on accounts of actual and varied experiences from numerous beneficiaries of the programme, including Ms MOGHERINI, Mr KATAINEN and Mr MOEDAS, all three former participants who could now testify to its benefits.

Thanking Members of the Commission for their direct contribution to the campaign, he invited them all to get involved so as to promote the positive image of the EU conveyed by ERASMUS and consolidate its success in the coming years.

The Commission took note of the information and of the document distributed as INFO(2017) 2.

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

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The meeting closed at 12.07.