



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2017) 2227 final

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

Strasbourg, 14 November 2017

TEXTE EN

MINUTES

of the 2227th meeting of the Commission

held in Strasbourg

(Winston Churchill building)

on Tuesday 3 October 2017

(afternoon)

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Single sitting: Tuesday 3 October 2017 (afternoon)

The sitting opened at 13.05 with Mr JUNCKER, President, in the chair. Items 10.3 and 10.4 were chaired by Mr TIMMERMANS.

Present:

Mr JUNCKER	President	Items 1 to 10.2
Mr TIMMERMANS	First Vice-President	
Ms MOGHERINI	High Representative / Vice-President	
Mr ANSIP	Vice-President	Items 1 to 10.4 (in part)
Mr ŠEFČOVIČ	Vice-President	
Mr DOMBROVSKIS	Vice-President	
Mr KATAINEN	Vice-President	
Mr OETTINGER	Member	Items 1 to 10.3 (in part)
Ms MALMSTRÖM	Member	Items 1 to 10.3
Mr MIMICA	Member	
Mr ARIAS CAÑETE	Member	
Mr VELLA	Member	
Mr ANDRIUKAITIS	Member	
Ms THYSSEN	Member	Items 1 to 10.3
Mr MOSCOVICI	Member	Items 1 to 10.2
Mr STYLIANIDES	Member	Items 1 to 10.3 (in part)
Mr HOGAN	Member	
Ms BULC	Member	
Ms BIENKOWSKA	Member	Items 1 to 10.4 (in part)
Ms JOUROVÁ	Member	
Mr NAVRACSICS	Member	Items 1 to 10.4 (in part)
Ms CREȚU	Member	
Ms VESTAGER	Member	
Mr MOEDAS	Member	
Sir Julian KING	Member	
Ms GABRIEL	Member	

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Absent:

Mr HAHN

Member

Mr AVRAMOPOULOS

Member

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

Mr MUELLER	A member of Mr HAHN's staff
Ms ASTERIADI	Deputy Chef de cabinet to Mr AVRAMOPOULOS

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	
Mr MOTOC	European Political Strategy Centre	
Ms MARTÍNEZ ALBEROLA	Deputy Chef de cabinet to the PRESIDENT	
Ms ARKI	PRESIDENT's Office	
Ms SUTTON	Deputy Chef de cabinet to Mr TIMMERMANS	Items 1 to 10.2
Mr VINČIŪNAS	Chef de cabinet to Mr ANDRIUKAITIS	Item 10.4
Ms ANDREEVA	Commission Spokesperson's Service	

Secretary: Mr ITALIANER, Secretary-General, assisted by Mr AYET PUIGARNAU, Director in the Secretariat-General (with the exception of item 10.2) and by Ms COLLOMP, Senior Expert in the Secretariat-General (for item 10.2).

1. AGENDAS

(OJ(2017) 2227/FINAL; SEC(2017) 415/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) 2227)

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

3. APPROVAL OF THE MINUTES OF THE 2222ND, 2223RD, 2225TH AND 2226TH MEETINGS OF THE COMMISSION (26 JULY, 6, 20 AND 27 SEPTEMBER)

The Commission held over approval of the minutes of its 2222nd, 2223rd, 2225th and 2226th meetings for a later meeting.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2017) 118)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 29 September (RCC(2017) 118).

It paid particular attention to the following points.

4.1. HORIZONTAL ITEM

- i) Negotiations on an agreement with the United Kingdom setting out the arrangements for its withdrawal from the European Union pursuant to Article 50 of the Treaty on European Union – EU-UK-Joint Letter to the World Trade Organisation (WTO) Membership**

The Commission took note of the information in SI(2017) 446 and the transmission of the draft joint letter to the Council's ad-hoc working party on Article 50 of the Treaty on European Union.

4.2. LEGISLATIVE MATTERS

- ii) Trilogues**

(point 3.1 of the IRG record)

- Amendment of Directive 2003/87/EC to enhance cost-effective emission reductions and low-carbon investments (Directive) – GIRLING report – 2015/0148 (COD)

The Commission approved the line set out in SI(2017) 435.

- Financial rules applicable to the general budget of the European Union and amending Regulation (EC) 2012/2002, Regulations (EU) 1296/2013, (EU) 1301/2013, (EU) 1303/2013, (EU) 1304/2013, (EU) 1305/2013, (EU) 1306/2013, (EU) 1307/2013, (EU) 1308/2013, (EU) 1309/2013, (EU) 1316/2013, (EU) 223/2014, (EU) 283/2014 and (EU) 652/2014 of the European Parliament and of the Council, and Decision 541/2014/EU of the European Parliament and of the Council (Regulation) – GRÄSSLE / ASHWORTH report – 2016/0282 (COD)

The Commission approved the line set out in SI(2017) 443.

iii) European Parliament dossier – October I part-session

(point 3.2 of the IRG record)

Implementing and delegated acts

- Amendment of Annex II to Regulation (EC) 1107/2009 setting out scientific criteria for the determination of endocrine disrupting properties (Commission Regulation) – Objection under Article 106 of the European Parliament's Rules of Procedure / Placing on the market of products containing, consisting of, or produced from genetically modified soybean FG72 x A5547-127, pursuant to Regulation (EC) 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Commission Implementing Decision) – Objection under Article 106 of the European Parliament's Rules of Procedure / Placing on the market of products containing, consisting of, or produced from genetically modified soybean DAS-44406-6, pursuant to Regulation (EC) 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Commission Implementing Decision) – Objection under Article 106 of the European Parliament's Rules of Procedure

The Commission took note of the information in SP(2017) 617.

iv) Council dossiers

(point 3.3 of the IRG record)

- Fixing the fishing opportunities for 2018 for certain fish stocks and groups of fish stocks applicable in the Baltic Sea – 2017/0212 (NLE)

The Commission approved the line set out in SI(2017) 402.

- Amendment to Regulation (EC) 1059/2003 as regards the territorial typologies (TERCET) – MIHAYLOVA report – 2016/0393 (COD)

The Commission approved the line set out in SI(2017) 434.

4.3. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

v) Programming of Council business

(SI(2017) 447)

The Commission took note of the information in SI(2017) 447 on the Council meetings between 5 and 18 October.

vi) Non-legislative dossiers

(point 4.1 of the IRG record)

- 36th meeting of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) (Hobart, 16 to 27 October)

The Commission approved the line set out in SI(2017) 439.

- Recommendation for a Council Decision authorising the opening of negotiations on an agreement between the European Union and Bosnia and Herzegovina on actions carried out by the European Border and Coast Guard Agency in the territory of Bosnia and Herzegovina / Recommendation for a Council Decision authorising the opening of negotiations on an agreement between the European Union and the Republic of Albania on actions carried out by the European Border and Coast Guard Agency in the territory of the Republic of Albania / Recommendation for a Council Decision authorising the opening of negotiations on an agreement between the European Union and Montenegro on actions carried out by the European Border and Coast Guard Agency in the territory of Montenegro – COM(2017) 347, COM(2017) 348 and COM(2017) 349

The Commission approved the line set out in SI(2017) 440/2.

- Recommendation for a Council Decision authorising the opening of negotiations on the conclusion of an instrument on the enforcement of international commercial settlement agreements resulting from conciliation in the framework of the United Nations Commission on International Trade Law (UNCITRAL) – COM(2017) 238

The Commission approved the line set out in SI(2017) 441/2.

vii) Forthcoming meetings in the framework of the European Council and the Council

(point 4.2 of the IRG record)

- Ministerial e-Government Conference – Ministerial Declaration on e-Government – The Tallinn Declaration (Tallinn, 6 October)

The Commission took note of the information in SI(2017) 436.

4.4. RELATIONS WITH PARLIAMENT

viii) Action taken on the non-legislative resolutions adopted by Parliament at its July 2017 part-session

(point 5.6.1 of the IRG record)

The Commission approved, for transmission to Parliament, documents SP(2017) 619 and /2 on the action taken on the non-legislative resolutions adopted by Parliament at its July 2017 part-session.

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

ix) Recommendation of the European Central Bank for a Decision of the European Parliament and of the Council amending Article 22 of the Statute of the European System of Central Banks and of the

European Central Bank (Commission opinion) – ECB/2017/18
(C(2017) 6810)

The Commission:

- approved the line set out in SI(2017) 422 and /2;
- adopted the opinion in C(2017) 6810;
- decided to publish the opinion in the Official Journal of the European Union and to send it, for information, to Parliament, the Council, the European Central Bank and the national parliaments.

x) Follow-up to opinions of the Committee of the Regions – Plenary session of March 2017

(point 6.4.1 of the IRG record)

The Commission approved, for transmission to the Committee of the Regions, document SR(2017) 23/2 on the action taken by the Commission on the opinions adopted by that Committee at its session of March 2017.

4.6. OTHER BUSINESS

xi) Relocation of the two European Union agencies currently based in the United Kingdom

The Commission noted that its departments had completed the technical assessment that would inform the decision by the Council on new seats for the two agencies currently based in the United Kingdom, and that the findings had been sent to the Council on 30 September.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED

(SEC(2017) 416 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 25 and 29 September.

5.2. EMPOWERMENT

(SEC(2017) 417 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 25 and 29 September.

5.3. DELEGATION / SUBDELEGATION OF POWERS

(SEC(2017) 418 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 25 and 29 September, as archived in Decide.

5.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2017) 419 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 2 and 6 October and of the finalisation written procedures initiated following the weekly meeting of Chefs de cabinet on Monday 2 October.

6. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2017) 420)

ADMINISTRATIVE MATTERS
(PERS(2017) 107)

6.1. DG NEIGHBOURHOOD AND ENLARGEMENT NEGOTIATIONS –
APPOINTMENT OF AN AD14/15 DIRECTOR
(PERS(2017) 90 TO /3)

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director of the ‘Strategy and Turkey’ Directorate in DG Neighbourhood and Enlargement Negotiations (PERS(2017) 90).

It took note of the opinions of the Consultative Committee on Appointments of 19 and 29 June (PERS(2017) 90/2 and /3).

The Commission proceeded to compare the applicants’ qualifications for the post. It also considered their ability, efficiency and conduct in the service. On a proposal from Mr OETTINGER, in agreement with the PRESIDENT and after consulting Mr HAHN and also Ms MOGHERINI, it decided to appoint Ms Myriam FERRAN to the post.

This decision would take effect on 16 October 2017.

6.2. DG HUMAN RESOURCES AND SECURITY – SPECIAL ADVISERS TO
THE COMMISSION FROM 4 OCTOBER 2017 UNTIL 31 MARCH 2018
(PERS(2017) 108)

The Commission decided:

- to adopt the list of special advisers to Commission Members set out in PERS(2017) 108;

- to authorise the Director-General of DG Human Resources and Security to implement this decision by signing amendments to existing contracts or contracts of employment on behalf of the authority empowered to conclude contracts of employment.

These decisions would take effect immediately.

- 7. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, AND THE COMMITTEE OF THE REGIONS – MAKING PUBLIC PROCUREMENT WORK IN AND FOR EUROPE
(COM(2017) 572 TO /3; RCC(2017) 123)**
- 8. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, AND THE COMMITTEE OF THE REGIONS – HELPING INVESTMENT THROUGH A VOLUNTARY EX-ANTE ASSESSMENT OF THE PROCUREMENT ASPECTS FOR LARGE INFRASTRUCTURE PROJECTS
(COM(2017) 573 AND /2; RCC(2017) 123)**
- 9. COMMISSION RECOMMENDATION ON THE PROFESSIONALISATION OF PUBLIC PROCUREMENT – BUILDING AN ARCHITECTURE FOR THE PROFESSIONALISATION OF PUBLIC PROCUREMENT
(C(2017) 6654 AND /2; SWD(2017) 327 AND /2; RCC(2017) 123)**

The Commission:

- approved the Communications set out in COM(2017) 572/3 and COM(2017) 573/2, for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions and, for information, to the national parliaments;

- adopted the Recommendation set out in C(2017) 6654/2, for transmission, for information purposes, to Parliament, the Council, the Economic and Social Committee, the Committee of the Regions and the national parliaments, together with the staff working document distributed as SWD(2017) 327/2, the contents of which were noted;
- decided to notify the Recommendation to the addressees and to publish it, for information purposes, in the Official Journal of the European Union.

10. OTHER BUSINESS

10.1. REPORT ON THE INFORMAL DINNER OF HEADS OF STATE OR GOVERNMENT ON THE FUTURE OF EUROPE, AND ON THE DIGITAL SUMMIT (TALLINN, 28 AND 29 SEPTEMBER 2017)

The PRESIDENT opened the meeting by informing the Commission of the main results of the informal digital summit held on 29 September in Tallinn, and of the informal dinner of Heads of State or Government the evening before, which had focused on debating the future of Europe.

On the topic of digital Europe, he had pointed out at the summit that the current Commission had presented 43 initiatives in this crucial area, of which 24 were legislative in nature, and that only six of those had been adopted thus far. He had therefore appealed to the co-legislators, inviting them to bring their work to a conclusion in order to ensure that these measures would be adopted by the end of the current legislature. He hoped this intervention would provide a crucial impetus. He also noted that some matters were still blocked in the Council, in particular 5G, whereas the European Council wanted to make firm progress on this front.

He briefly referred to the discussion on the future of Europe, during which the leaders had praised the PRESIDENT's State of the Union address of

13 September and the Initiative for Europe presented on 27 September by the French president Emmanuel Macron. The Heads of State or Government had welcomed the fact that these two contributions to the debate contained new ideas for shaping the future of the Union. The President of the European Council, Donald Tusk, had been entrusted with the task of establishing a roadmap up to the EU 27 Summit in Sibiu on 30 March 2019, which would supplement the roadmap for a More United, Stronger and More Democratic Union presented by the PRESIDENT in his State of the Union address.

The PRESIDENT concluded his presentation by explaining that the Commission would return to the second part of the discussions in more detail as part of the preparation for the European Council meeting on 18 and 19 October.

The Commission took note of this information.

10.2. EXCHANGE OF VIEWS ON THE RECENT POLITICAL DEVELOPMENTS IN SPAIN

The Commission discussed the recent political developments in Spain.

10.3. STATE OF PLAY OF TRADE NEGOTIATIONS BETWEEN THE EUROPEAN UNION AND MERCOSUR

Mr TIMMERMANS invited Mr KATAINEN, Ms MALMSTRÖM and Mr HOGAN to report on the state of play of the negotiation of an association agreement, as mandated by the Council, with the countries of the Southern Common Market (Mercosur), namely Argentina, Brazil, Paraguay and Uruguay.

Mr KATAINEN explained that the negotiations had progressed to a point where it would seem possible to conclude the agreement before the end of the year. He stressed, however, that a number of issues remained unresolved,

particularly with regard to agricultural products, especially beef and ethanol.

The period from now until the end of 2017 represented a unique opportunity to reach a political agreement before the start of the election campaign in Brazil. For this reason he felt that, given that trade issues were sometimes sensitive in certain Member States, it was important to better explain the substantial benefits that this agreement could provide, particularly in key sectors for competitiveness and growth in the Union such as the automotive sector, machinery and industrial equipment, chemical, pharmaceutical and cosmetic products and processed foods. It was also important to put the agreement in the context of the Commission's overall trade programme, which should be presented with complete transparency.

Ms MALMSTRÖM underlined the importance of the association agreement with Mercosur not just from an economic but also from a strategic standpoint. On the economic front, the reduction of customs duties would make undertakings more competitive from the day it came into force. In the longer term, it would enable around 500 000 jobs to be created and European exports to double by the end of the first five years, according to the Commission's impact analysis. In strategic terms, the agreement was a real strategic alliance between two blocs sharing common values. It would not only enable significant new markets to be opened up but would make the EU the main trading partner for the South American countries. However, she pointed out that there had been slowdowns in the negotiations on several occasions in the past, which was why she felt it was necessary to seize this historic opportunity for an unprecedented political commitment of the Mercosur countries.

For certain agricultural products, the Union's negotiating position provided for the use of tariff quotas. This was an instrument that had proved to be effective and would ensure a sufficient market share and price stability for EU producers. In addition, she recommended putting the benefits of the agreement for EU producers in the context of the other export markets opened

up for them by the Union, in particular with Japan, Vietnam and Singapore, for example. In conclusion, she stressed that in return for some relatively minor concessions, the economic value and gains of the agreement would be very high for the Union. She therefore asked for the Commission Members' support in order to bring the negotiations speedily to a successful conclusion.

Mr HOGAN felt that the geopolitical impact of the agreement being negotiated with Mercosur could be as significant as its economic impact. He was determined to continue to develop market opportunities for European agriculture and the European food industry.

In order to conclude the agreement, the support of all the stakeholders must be obtained and viable responses must be found to the concerns voiced by certain Member States. He suggested a flexible approach as regards tariff quotas and beef cuts, as well as the introduction of a chapter on sanitary and phytosanitary measures. He also proposed that the calculations should factor in a degree of uncertainty linked to the UK's withdrawal from the Union, given that a significant part of Mercosur's food and meat exports were currently to the UK. In conclusion, he advocated a reasonable and realistic approach and recommended demonstrating that the Commission's trade programme was not just ambitious but sustainable and controlled.

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

- support for continuing the negotiations in order to conclude the agreement with the Mercosur countries by the end of the year;
- however, the importance of taking on board beforehand the sensitivities of the Member States, of consulting them extensively and of proposing solutions in order to increase the support of the parties involved;

- to this end, the importance of communication and the need to explain to and remind Member States of their responsibilities, in order to take advantage of the current window of opportunity, while continuing to adopt an ambitious approach in line with the European Council's conclusions of March 2017 in the field of trade policy;
- the need to ensure strict compliance by the trading partners with the Union's quality and safety standards, in particular those that applied to foodstuffs;
- the possibility of resuming the discussions with the Mercosur countries on the maritime sector.

Winding up, Mr TIMMERMANS encouraged Mr KATAINEN, Ms MALMSTRÖM and Mr HOGAN to redouble their efforts to demonstrate the benefits for the EU of an agreement with Mercosur, while listening to the parties concerned and taking on board the concerns voiced by some of them.

The Commission took note of this information.

10.4. PREPARATION OF THE EU-INDIA SUMMIT (NEW DELHI, 5 AND 6 OCTOBER 2017)

Looking ahead to the EU-India Summit to be held in New Delhi on 6 October, Ms MOGHERINI stressed the importance of this bilateral relationship in the current geopolitical climate. The Summit was also important both for the EU, for which it was an opportunity for further openings while consolidating a relationship of trust, and for India, which saw it as a means of supporting its modernisation, for example in the fields of energy, transport and regulation. She reported a promising deepening of ties between the EU and India both in institutional terms, by extending their political cooperation – especially in the fight against climate change – and economically, with the relaunch of negotiations on a free trade agreement. In

addition, there were significant possibilities for cooperation, which should be developed.

She noted that several specific agreements were expected from the Summit at the end of that week, and hoped that the issue of Basmati rice would not cloud the results of the Summit.

Mr ANDRIUKAITIS explained that, in October 2016, for reasons related to health protection, the Commission had not approved the request to authorise a substance known as tricyclazole, which was used as a fungicide for treating rice in several EU Member States and certain regions of India. The Commission had first raised this issue with the Indian authorities in 2011, though Indian producers did not appear to have taken advantage of this transition period. For this reason, he proposed supporting the Indian authorities in implementing a reliable traceability system, which would allow basmati rice not treated with this substance and destined for the EU market to be identified.

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

- the possibility of India introducing a geographical indication for basmati rice and the Commission's readiness, in the event of an agreement on this principle, to provide technical assistance to the Indian authorities;
- the desirability of establishing a high-level group made up of Indian and EU experts in order to assess the various options and support the introduction of a traceability system or a geographical indication;
- the importance of relaunching a dialogue with India on development cooperation and of strengthening cooperation in the fields of aviation and energy efficiency.

Mr TIMMERMANS thanked Ms MOGHERINI and M ANDRIUKAITIS and

wound up the discussion by expressing his hope that this summit would allow ties between the European Union and India to be deepened.

The Commission took note of this information.

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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 15.06.