EUROPEAN COMMISSION

SECRETARIAT-GENERAL

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Brussels, 10 January 2018

TEXTE EN

MINUTES

of the 2234th meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 29 November 2017

(morning)

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Single sitting: **Wednesday 29 November 2017 (morning)**

The sitting opened at 10.09 with Mr DOMBROVSKIS in the chair, the PRESIDENT being absent.

Present:

Mr DOMBROVSKIS	Vice-President	
Mr OETTINGER	Member	
Mr HAHN	Member	
Ms MALMSTRÖM	Member	
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	
Ms BIEŃKOWSKA	Member	
Ms JOUROVÁ	Member	
Mr NAVRACSICS	Member	Item 13
Ms VESTAGER	Member	
Mr MOEDAS	Member	
Sir Julian KING	Member	Item 13 (in part)
Ms GABRIEL	Member	

Absent:

Mr JUNCKER	President
Mr TIMMERMANS	First Vice-President
Ms MOGHERINI	High Representative / Vice-President
Mr ANSIP	Vice-President
Mr ŠEFČOVIČ	Vice-President
Mr KATAINEN	Vice-President
Mr MIMICA	Member
Ms CREȚU	Member

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

Ms VANNINI	Adviser in Ms MOGHERINI's Office	
Mr JÄRVAN	A member of Mr ANSIP's staff	
Mr NOCIAR	Chef de cabinet to Mr ŠEFČOVIČ	
Mr ROMAKKANIEMI	Chef de cabinet to Mr KATAINEN	Items 1 to 13 (in part)
Mr TIMONEN	A member of Mr KATAINEN's staff	Item 13 (in part)
Mr BEHRNDT	Chef de cabinet to Mr MIMICA	
Mr DE MICHELIS	Chef de cabinet to Ms CREȚU	

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	
Ms ANDREEVA	Commission Spokesperson's Service	
Ms METTLER	Head of the European Political Strategy Centre	
Ms MARTÍNEZ ALBEROLA	Deputy Chef de cabinet to the PRESIDENT	
Mr KASEL	Adviser in the PRESIDENT's Office	Item 13
Ms ARKI	PRESIDENT's Office	
Mr WYNANDS	Chef de cabinet to Mr DOMBROVSKIS	
Mr BAILLY	Chef de cabinet to Mr MOSCOVICI	Items 1 to 13 (in part)

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

1. AGENDAS
(OJ(2017) 2234/FINAL; SEC(2017) 495/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) 2234)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 27 November.

3. APPROVAL OF THE MINUTES OF THE 2229TH, 2230TH, 2231ST, 2232ND AND 2233RD MEETINGS OF THE COMMISSION (18 AND 24 OCTOBER, 8, 14 AND 22 NOVEMBER)
(PV(2017) 2229; PV(2017) 2229, 2ND PART ; PV(2017) 2230; PV(2017) 2230, 2ND PART)

The Commission approved the minutes of its 2229th and 2230th meetings and decided to hold over approval of the minutes of its 2231st, 2232nd and 2233rd meetings for a later meeting.

4. INTERINSTITUTIONAL RELATIONS
(RCC(2017) 147)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 24 November (RCC(2017) 147).

It paid particular attention to the following points.

4.1. LEGISLATIVE MATTERS

i) Inter-Institutional Working Group on resources of decentralised agencies – Endorsement of recommendations

The Commission approved the line set out in SI(2017) 548 and /2.

ii) Trilogues
(point 3.1 of the IRG record)

– Financial rules applicable to the general budget of the 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, (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) 549 and /2.

– Amendment of Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (Directive) – MORIN–CHARTIER / JONGERIUS report – 2016/0070 (COD)

The Commission approved the line set out in SI(2017) 550/2.

– Amendment of Directive 2003/59/EC on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers and Directive 2006/126/EC on driving licences (Directive) – LUNDGREN report – 2017/0015 (COD)

The Commission approved the line set out in SI(2017) 551.

– Amendment of Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services in view of changing market realities (Directive) – VERHEYEN / KAMMEREVERT report – 2016/0151 (COD)

The Commission approved the line set out in SI(2017) 552/2.

– Standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted, and amendment of Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (Regulation) – FAJON report – 2016/0223 (COD)

The Commission approved the line set out in SI(2017) 559/2.

– Amendment of Directive 2010/31/EU on the energy performance of buildings (Directive) – BENDTSEN report – 2016/0381 (COD)

The Commission approved the line set out in SI(2017) 565.

iii) European Parliament dossier - Results of November II part-session
(point 3.2 of the IRG record)

<u>Ordinary legislative procedure – First reading</u>

– Amendment of Regulation (EU) No 230/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument contributing to stability and peace (Regulation) – DANJEAN report – 2016/0207 (COD)

The Commission approved the line set out in SP(2017) 752 and took note of the compromise text annexed thereto.

– Amendment of Regulation (EU) 575/2013 as regards transitional arrangements for mitigating the impact of the introduction of IFRS 9 on own funds and the large exposures treatment of certain public sector exposures denominated in non-domestic currencies of Member States (Regulation) – SIMON report – 2016/0360B (COD)

The Commission took note of SP(2017) 750, further to note SI(2017) 473, which it had already approved on 24 October 2017.

– Amendment of Directive 2014/59/EU of the European Parliament and of the Council as regards the ranking of unsecured debt instruments in insolvency hierarchy (Directive) – HÖKMARK report – 2016/0363 (COD)

The Commission took note of SP(2017) 751, further to note SI(2017) 270, which it had already approved on 7 June 2017.

Special legislative procedure

– Amendment of Directive 2006/112/EC and Directive 2009/132/EC as regards certain VAT obligations for supplies of services and distance sales of goods (Council Directive) – IVAN report – 2016/0370 (CNS) / Amendment of Regulation (EU) 904/2010 concerning administrative cooperation and combating fraud in the field of value added tax (Council Regulation) – NIEDERMAYER report – 2016/0371 (CNS)

The Commission approved the line set out in SP(2017) 753 (see also note SI(2017) 564 under item 4.1.iv) of these Minutes).

iv) Council dossiers
(point 3.3 of the IRG record)

– Amendment of Regulation (EC) 883/2004 on the coordination of social security systems and Regulation (EC) 987/2009 laying down the procedure for implementing Regulation (EC) 883/2004 (Regulation) – BALAS report – 2016/0397 (COD)

The Commission approved the line set out in SI(2017) 553.

– Modernising VAT for cross-border B2C e-commerce – Amendment of Directive 2006/112/EC and Directive 2009/132/EC as regards certain VAT obligations for supplies of services and distance sales of goods (Council Directive) – IVAN report – 2016/0370 (CNS) / Amendment of Regulation (EU) 904/2010 concerning administrative cooperation and combating fraud in the field of value added tax (Council Regulation) – NIEDERMAYER report – 2016/0371 (CNS) / Amendment of Implementing Regulation (EU) 282/2011 laying down implementing measures for Directive 2006/112/EC on the common system of value added tax (Council Implementing Regulation) – 2016/0372 (NLE)

The Commission approved the line set out in SI(2017) 564.

– Single digital gateway to provide information, procedures, assistance and problem solving services, and amendment of Regulation (EU) 1024/2012 (Regulation) – MIZZI report – 2017/0086 (COD)

The Commission took note of the information in SI(2017) 543.

4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

v) Programming of Council business

(SI(2017) 575)

The Commission took note of the information in SI(2017) 575 on the Council meetings between 30 November and 13 December.

vi) Non-legislative dossiers

(point 4.1 of the IRG record)

– International Maritime Organisation (IMO) – Commission Staff Working Document for the Council Shipping Working Party – Joint European Union submissions – SWD(2017) 377, SWD(2017) 378, SWD(2017) 379 and SWD(2017) 380

The Commission approved the line set out in SI(2017) 554.

– Terms of Reference for an Egypt-EU Migration Dialogue

The Commission took note of the information in SI(2017) 555.

vii) Preparations for Council meeting (Competitiveness) – Internal Market and Industry (Brussels, 30 November 2017)
(point 4.2.1 of the IRG record)

– 'A renewed European Union Industrial Policy Strategy' (Draft Council Conclusions)

The Commission took note of the information in SI(2017) 567.

viii) Preparation for Council meeting (Competitiveness) – Research and Space (Brussels, 1 December)
(point 4.2.2 of the IRG record)

– 'From the Interim Evaluation of Horizon 2020 towards the ninth Framework Programme' (Draft Council Conclusions)

The Commission took note of the information in SI(2017) 557 and /2.

ix) Latest developments in the Council
(point 4.4 of the IRG record)

– Commission Implementing Act based on Article 16(8) of Directive (EU) 2016/1148 of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union – ISC/2017/06297

Draft Commission implementing Regulation laying down rules for application of Directive (EU) 2016/1148 of the European Parliament and of the Council as regards further specification of the elements to be taken into account by digital service providers for managing the risks posed to the security of network and information systems and of the parameters for determining whether an incident has a substantial impact

The Commission approved the line set out in SI(2017) 561.

– Risk-preparedness in the electricity sector and repeal of Directive 2005/89/EC (Regulation) – ZANONATO report – 2016/0377 (COD)

The Commission took note of the information in SI(2017) 576.

4.3. RELATIONS WITH PARLIAMENT

x) Non-legislative dossiers – Preparations for November II part-session (point 5.1 of the IRG record)

– European Parliament Committee of Inquiry into 'Money Laundering, Tax Avoidance and Tax Evasion' (PANA) – Preparation of the hearing of 28 November of Mr MOSCOVICI, Member of the Commission – Speaking points

The Commission took note of document SP(2017) 709/2.

– European Parliament Committee of Inquiry into 'Money Laundering, Tax Avoidance and Tax Evasion' (PANA) – Preparation of the hearing of 28 November of Ms JOUROVÁ, Member of the Commission – Speaking points

The Commission took note of SP(2017) 742.

4.4. OTHER BUSINESS

xi) Criteria for identifying endocrine disruptors for active substances used in pesticides – Information note
(point 7.1 of the IRG record)

The Commission took note of SPI(2017) 39.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED (SEC(2017) 496 ET SEQ.)

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

5.2. EMPOWERMENT (SEC(2017) 497 ET SEQ.)

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

5.3. DELEGATION / SUBDELEGATION OF POWERS (SEC(2017) 498 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 November, as archived in Decide.

5.4. SENSITIVE WRITTEN PROCEDURES (SEC(2017) 499 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 27 November and 1 December and of the finalisation written procedure initiated following the weekly meeting of Chefs de cabinet on 27 November.

6. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – THE FUTURE OF FOOD AND FARMING (COM(2017) 713 AND /2; RCC(2017) 151)

The Commission approved the Communication in COM(2017) 713/2, for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, and, for information, to the national parliaments.

7. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE – A BALANCED IP ENFORCEMENT SYSTEM RESPONDING TO TODAY’S SOCIETAL CHALLENGES (COM(2017) 707 AND /2; SWD(2017) 430; RCC(2017) 150)

8. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE – GUIDANCE ON CERTAIN ASPECTS OF DIRECTIVE 2004/48/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS
(COM(2017) 708 AND /2; SWD(2017) 431; SWD(2017) 432; RCC(2017) 150)

9. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE – SETTING OUT THE EU APPROACH TO STANDARD ESSENTIAL PATENTS
(COM(2017) 712 AND /2; RCC(2017) 150)

The Commission:

– approved the Communication in COM(2017) 707/2 for transmission to Parliament, the Council, the European Economic and Social Committee and, for information, to the national parliaments, together with the staff working document distributed as SWD(2017) 430, the contents of which were noted;

– approved the communication set out in COM(2017) 708/2, for transmission to the European Parliament, the Council, the European Economic and Social Committee and, for information, to the national parliaments, together with staff working documents SWD(2017) 431 and 432, the contents of which were noted;

– approved the Communication in COM(2017) 712/2, for transmission to Parliament, the Council and the Economic and Social Committee, and, for information, to the national parliaments.

10. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EU) NO 1093/2010 AS REGARDS THE LOCATION OF THE SEAT OF THE EUROPEAN BANKING AUTHORITY
(COM(2017) 734)

11. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EC) NO 726/2004 AS REGARDS THE LOCATION OF THE SEAT OF THE EUROPEAN MEDICINES AGENCY
(COM(2017) 735)

The Commission:

– adopted the proposal for a Regulation in COM(2017) 734 for transmission to Parliament, the Council, the European Central Bank and the European Economic and Social Committee and the national parliaments;

– adopted the proposal for a Regulation in COM(2017) 735, for transmission to Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions and the national parliaments.

12. ADMINISTRATIVE AND BUDGETARY MATTERS (SEC(2017) 501)

ADMINISTRATIVE MATTERS (PERS(2017) 120)

DG FINANCIAL STABILITY, FINANCIAL SERVICES AND CAPITAL MARKETS UNION – EXTENSION OF THE TERM OF OFFICE OF THE CHAIR OF THE SINGLE RESOLUTION BOARD

Following a brief presentation by Mr OETTINGER the Commission took note of the information in PERS(2017) 120 and, on a proposal from Mr OETTINGER, in agreement with the PRESIDENT, and after consultation with Mr DOMBROVSKIS, decided:

– to propose to the European Parliament to extend the term of office of the Chair of the Single Resolution Board, Ms Elke KÖNIG, for five years from 24 December 2017;

– to inform the Council of the proposal to extend the term of office of Ms KÖNIG as Chair of the Single Resolution Board for five years;

– to instruct Mr DOMBROVSKIS, the Vice-President responsible, to communicate this proposal to the European Parliament and the Council.

These decisions would take effect immediately.

13. OTHER BUSINESS

13.1. STATE OF PLAY OF THE ONGOING WORK ON ESTABLISHING A COMMON EUROPEAN LIST OF NON-COOPERATIVE JURISDICTIONS ('TAX HAVENS')

Mr DOMBROVSKIS introduced the presentation to the College of the information note distributed under his and Mr MOSCOVICI's authority, in agreement with the PRESIDENT, on the state of play of the work on establishing the first common European list of non-cooperative tax jurisdictions, which would be adopted by the Member States at the Economic and Financial Affairs Council on 5 December. This list was part of the Action Plan for fair and efficient taxation within the European Union, adopted by the Commission in June 2015, and the communication that followed in January 2016, which proposed a common approach to third-country jurisdictions that did not comply with the standards of good governance in tax matters. The list did not concern EU Member States as they already complied with the relevant European standards and those of the G20 and OECD.

He asked Mr MOSCOVICI to present the work in progress in greater detail.

Mr MOSCOVICI began by explaining the method used, stressing that the Member States had opted to work in an intergovernmental format to deal with this issue and the future common list of non-cooperative tax jurisdictions in third countries would be theirs, not the Commission's. It was thus the responsibility and credibility of the Member States that would be at stake on 5 December when they adopted this list based on the work of the group responsible for the Code of Conduct on Business Taxation. He hoped that this list would be a credible response that lived up to the expectations following revelations, in recent months, of numerous tax evasion scandals.

He mentioned then that the first list published by the Commission in June 2015 had highlighted the differences in national approaches and demonstrated the need for a European list. This was why, in January 2016, the Commission had set out the principles that should govern the establishment of such a list and identified three simple but ambitious criteria that already applied to EU Member States and should now be applied to the rest of the world to ensure a level playing field globally. These three criteria combined the principles and standards of the European Union, the G20 and the Organisation for Economic Cooperation and Development (OECD), namely transparency, fair taxation and the application of OECD's recommendations on base erosion and profit sharing – BEPS. These criteria had been adopted by the Economic and Financial Affairs Council a year ago. His departments had helped the Member States' experts with their evaluation of the third countries and the commitments they had made, but he repeated that the list that would be published the following week would be that of the Member States, not the Commission. The Commission was therefore free to judge this list, but it did also entail certain duties in terms of monitoring.

Mr MOSCOVICI then reviewed the work that had led to the establishment of this list. A total of 92 jurisdictions had been evaluated, 22 of which were found to comply with the Union's criteria. Of the remaining 70 jurisdictions, (i) some had undertaken to take measures to bring themselves into line by the end of 2018, when the list would be revised for the first time, (ii) a small number had recently suffered a major natural disaster and had been given extra time, until next February, to indicate their commitments, and (iii) a few had so far failed to provide adequate commitments and could find themselves on the first European list of tax havens, subject to confirmation by Coreper on 1 December and a decision by the Economic and Financial Affairs Council on 5 December.

Mr MOSCOVICI also noted positive progress on the method adopted, both internally and externally. Firstly, he was pleased that the Member States had now adopted a common method and a European list, when just two years ago they wanted to remain within a strictly national framework. He added that the

Commission's expertise and the painstaking work carried out with the Member States' tax experts had been acknowledged and the institution had become indispensable in a process that the Member States had wanted to be strictly intergovernmental.

Secondly, the process had triggered a new and positive dynamic with third countries, in that several of them had already amended their tax legislation in order to comply with the Union's criteria and many had undertaken to do so in 2018. He pinpointed another major advance at global level, explaining that in addition to the three criteria in question, a zero rate of corporation tax had been defined as one of the tangible characteristics of a tax haven, unless it was justified by the economic activity in the country.

Moreover, the commitments would be made public to show the progress achieved but also to maintain the pressure on the third countries concerned and ensure follow-up. As well as the blacklist of tax havens, there would also be a register of the commitments made, which demonstrated the Union's ability to provide leadership in tax matters.

Mr MOSCOVICI noted that the Commission would have to adopt a position on the blacklist to be approved on 5 December, by focusing on three fundamental points.

Firstly, quite apart from the names and number of third countries that would feature on the list, the Commission would have to judge the content of the list on its substance. He recognised that a third country could try to avoid being put on the list by making commitments, and a number of non-cooperative jurisdictions had been removed from the list, which would provoke criticism. He also warned that the list would lose credibility if it contained only small third countries without effective diplomatic channels. The countries that appeared on the list would therefore be informed before its publication, and EU delegations and Commission Members would be supplied with briefing notes to enable them to answer any questions they might be asked.

Secondly, he stressed that the public commitments made by jurisdictions would have to be acted upon in 2018. Publishing a shorter list would be acceptable only if accompanied by proper registration of the commitments made. On this point he felt that the Commission would be expected to act as 'guardian of the commitments' and it would have to state clearly that countries had to have delivered on their commitments by the time the list was updated at the end of 2018.

Thirdly and finally, he stressed the importance of imposing deterrent sanctions on jurisdictions that failed to cooperate sufficiently or at all on tax matters, something he considered essential. He noted, however, that the Member States had failed to agree on common national measures and feared that the intergovernmental method had won the day and, with it, a lack of ambition.

Mr MOSCOVICI pointed out that European law did, however, contain provisions allowing for European sanctions that were therefore the responsibility of the Commission. This was the case, for example, with the Regulation on the European Fund for Sustainable Development (EFSD) and had also been proposed in the Financial Regulation and with regard to the European Fund for Strategic Investments (EFSI 2.0). According to these provisions, financing and investments originating in the European budget could no longer pass through countries that appeared on the European list of non-cooperative tax jurisdictions.

It would be for the College to decide when and how to activate these sanctions at European level. Additional sanctions could be envisaged in fields critical to tax havens and regulated at European level, such as financial services. He concluded his presentation by stating that the proposals on the Capital Markets Union to be presented by the Commission on 20 December could contain such sanctions.

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

- the difficulty of including the fight against tax avoidance in negotiations on trade agreements, which would make it difficult systematically to insert a clause on good tax governance into agreements providing for access for goods and services to the Union market;

- the possibility of drawing up separate lists for jurisdictions with significant non-compliance issues and those with structural problems;

- the desire for the Commission to gather together all good practices in the fight against tax avoidance in order to support the Member States in implementing comprehensive solutions suited to the current challenges;

- the welcome opportunity of demonstrating to citizens and to small and medium-sized enterprises that the Commission had taken and was continuing to take effective measures to combat practices relating to tax havens and to establish fairer conditions in the field of taxation;

- in this respect, the question of a strategy to ensure rapid implementation of these measures, including the transposition by the Member States of the Anti Tax Avoidance Directive and implementation of the Common Consolidated Corporate Tax Base;

- with a view to meetings with the various stakeholders, the desire for communication materials to be made available, in particular regarding measures already adopted and forthcoming initiatives in this field;

- the observation that it could be difficult to reconcile an initiative whose level of ambition was scaled down by the Member States with the Commission’s coherent approach and rigorous method.

In response to these contributions, Mr MOSCOVICI first emphasised the step forward represented by the future European list of jurisdictions that were not cooperative in tax matters; not only was the very existence of this list important, but also its establishment of a real process providing for meetings and annual monitoring, which would make it possible to exert pressure to encourage the Member States to improve their practices. The list drawn up in 2018 would be different from the one to be published on 5 December.

He then returned to the question of sanctions, which was under debate with the Member States; he wanted the Commission to take a leading position on this issue, by ensuring compliance with the process and laying down exemplary and deterrent sanctions.

In addition, he referred to the numerous initiatives taken by the current Commission concerning taxation, with 11 proposals for directives, six of which had already been adopted, and the efforts made within the framework of competition policy.

Against the backdrop of the recent ‘Paradise Papers’, Mr MOSCOVICI mentioned the three lines that should be used to tackle tax havens, namely (i) the common European list of non-cooperative jurisdictions, which would be adopted in a few days, (ii) publication of country-by-country information on company taxation data (Public Country-by-Country Reporting – CBCR), which would occur in 2018, and (iii) regulations concerning intermediaries, on which the Commission had already made a proposal that it was due to relaunch to encourage its adoption in the coming months. He considered that with these three elements in place, it would be much more difficult to maintain tax havens.

Another fundamental structural reform complemented these elements: the Common Consolidated Corporate Tax Base, which would establish a modern tax system for companies, including in the digital sphere, and would have an impact on profit shifting.

He concluded by agreeing to prepare for the College a briefing paper and a summary of the measures already taken or planned by the Union to combat tax havens, which could be useful for their communication activities.

Mr DOMBROVSKIS closed the discussion by pointing out that while the College was discussing the merits of the list, it should nevertheless be remembered that it had been drawn up as a result of a process conducted by the Council. The list that the Member States would finally adopt on 5 December would of necessity be amended along the way in a process that had now definitively been launched.

Moreover, whilst the establishment of a list of non-cooperative jurisdictions represented substantial progress, the development of appropriate counter-measures to combat tax havens was just as important. On this point, the Member States had already opened discussions on drawing up the most suitable counter-measures. However, these would have to be adopted unanimously, and this might delay any significant advances in this field, which was fundamental to fighting tax avoidance effectively.

The Commission took note of this information.

13.2. CLARIFICATION ON A QUESTION RELATING TO FOOD SAFETY

Mr HAHN mentioned that some sources were seeking in Austria to lend credence to the idea that the Union had decided to regulate the cooking methods for certain foods such as French fries. While stressing that this was a classic case of disinformation, he considered that even though the accusations were unfounded, a clarification from the Union was required in order to allay citizens' concerns. He asked whether the Spokesperson's Service could provide the Members of the Commission with communication material to respond to any questions they might receive on this matter.

Mr ANDRIUKAITIS reminded the meeting that the European regulations in question were aimed at limiting the acrylamide content of certain foods, which was released when they were heated to high temperatures. He emphasised that the regulations had a public health objective, since this substance had been classed as potentially carcinogenic by the European Food Safety Authority (EFSA). On 19 July, the Member States had validated the thresholds proposed by the Commission, and the new European legislation would enter into force in spring 2018.

Mr DOMBROVSKIS closed the discussion on this matter by suggesting that the Spokesperson's Service should reissue to the Members of the Commission the material already used in the press campaigns on the subject last June, to provide them with the information required to set the record straight amongst the media and the public.

The Commission took note of this information.

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The meeting closed at 10.57.