



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

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

Brussels, 31 January 2018

TEXTE EN

MINUTES

of the 2236th meeting of the Commission

held in Strasbourg

(Winston Churchill building)

on Tuesday 12 December 2017

(afternoon)

PV(2017) 2236 final

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

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Single sitting: Tuesday 12 December 2017 (afternoon)

At the request of the President, Mr JUNCKER, the meeting opened at 13.36 and was chaired by Mr ANSIP.

Present:

Ms MOGHERINI	High Representative / Vice-President	Items 7/9 (in part) to 14
Mr ANSIP	Vice-President	
Mr KATAINEN	Vice-President	
Mr OETTINGER	Member	
Mr MIMICA	Member	
Mr ANDRIUKAITIS	Member	
Mr AVRAMOPOULOS	Member	Item 14 (in part)
Ms THYSSEN	Member	
Mr MOSCOVICI	Member	
Mr STYLIANIDES	Member	
Ms BULC	Member	
Ms BIENKOWSKA	Member	
Ms JOUROVÁ	Member	
Mr NAVRACSICS	Member	
Ms CREȚU	Member	
Mr MOEDAS	Member	
Sir Julian KING	Member	
Ms GABRIEL	Member	

Attended by audio-conference:

Mr JUNCKER	President
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Absent:

Mr TIMMERMANS	First Vice-President
Mr ŠEFČOVIČ	Vice-President
Mr DOMBROVSKIS	Vice-President
Mr HAHN	Member
Ms MALMSTRÖM	Member
Mr ARIAS CAÑETE	Member
Mr VELLA	Member
Mr HOGAN	Member
Ms VESTAGER	Member

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

Ms SUTTON	Deputy Chef de cabinet to Mr TIMMERMANS
Mr WYNANDS	Chef de cabinet to Mr DOMBROVSKIS
Mr MUELLER	A member of Mr HAHN's staff
Mr BURGSMÜLLER	Expert in Ms MALMSTRÖM's office
Mr SAGREDO	Senior expert in Mr ARIAS CAÑETE's office
Ms GHIO	Deputy Chef de cabinet to Mr VELLA
Mr RYAN	A member of Mr HOGAN's staff
Ms DYRSKJØT	Ms VESTAGER's office

The following also sat in:

Mr BALTAZAR	Chief adviser in the PRESIDENT's Office	
Mr ROMERO REQUENA	Director-General, Legal Service	
Mr PESONEN	Director-General, DG Communication	
Ms PETKOVA	Commission Spokesperson's Service	
Mr MOTOC	European Political Strategy Centre	
Ms CHAPUIS	A member of Mr ANSIP's staff	
Mr TIMONEN	A member of Mr KATAINEN's staff	
Mr PRADALIE	A member of Mr ANDRIUKAITIS's staff	
Ms SCHMITT	Chef de cabinet to Mr AVRAMOPOULOS	Items 13 and 14 (in part)
Ms ASTERIADI	Deputy Chef de cabinet to Mr AVRAMOPOULOS	Items 1 to 12
Mr SIEGL	Deputy Chef de cabinet to Sir Julian KING	

The following attended by audio-conference:

Ms MARTÍNEZ ALBEROLA	Deputy Chef de cabinet to the PRESIDENT
Mr SCHINAS	Head of the Spokesperson's Service and Chief Spokesperson of the Commission
Ms ANDREEVA	Commission Spokesperson's Service

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

1. AGENDAS

(OJ(2017) 2236/FINAL; SEC(2017) 516/FINAL/2)

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) 2236)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 11 December.

3. APPROVAL OF THE MINUTES OF THE 2232ND, 2233RD, 2234TH AND 2235TH MEETINGS OF THE COMMISSION (14, 22, 29 NOVEMBER AND 6 DECEMBER 2017)

(PV(2017) 2232; PV(2017) 2232, 2ND PART)

The Commission approved the minutes of its 2232nd meeting, and decided to hold over approval of the minutes of its 2233rd, 2234th and 2235th meetings until a later meeting.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2017) 152)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 8 December (RCC(2017) 152).

It paid particular attention to the following points.

4.1. LEGISLATIVE MATTERS

i) Trilogues

(point 3.1 of the IRG record)

- ‘Omnibus proposal’ – Financial rules applicable to the general budget of the Union and amendment of 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) 608 and /2.

- ‘Omnibus proposal – Agricultural part’ – Financial rules applicable to the general budget of the Union and amendment of 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) – DESS report – 2016/0282B (COD)

The Commission approved the line set out in SP(2017) 812 and /2.

- ‘Omnibus proposal – European Structural and Investment Funds’ – Financial rules applicable to the general budget of the Union and amendment of 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) 609.

- 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) 600.

- Amendment of Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amendment of Directive 2009/101/EC (Directive) – KARIŇŠ / SARGENTINI report – 2016/0208 (COD)

The Commission approved the line set out in SI(2017) 602.

- ‘Circular Economy’ package – Amendment of Directive 2000/53/EC on end-of-life vehicles, Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and Directive 2006/19/EU on waste electrical and electronic equipment (Directive) – 2015/0272 (COD) / Amendment of Directive 1999/31/EC on the landfill of waste (Directive) – 2015/0274 (COD) / Amendment of Directive 2008/98/EC on waste (Directive) – 2015/0275 (COD) / Amendment of Directive 94/62/EC on packaging and packaging waste (Directive) – 2015/0276 (COD) – BONAFÈ reports

The Commission approved the line set out in SI(2017) 599.

- 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) 611.

- Cross-border parcel delivery services (Regulation) – ANDERSON report
– 2016/0149 (COD)

The Commission approved the line set out in SI(2017) 614.

ii) European Parliament dossiers – Results of December part-session
(point 3.2 of the IRG record)

Ordinary legislative procedure – First reading

- Copyright and related rights applicable to certain online transmissions of
broadcasting organisations and retransmissions of television and radio
programmes (Regulation) – WÖLKEN report – 2016/0284 (COD)

The Commission took note of document SI(2017) 786.

Implementing acts and measures

- Amendment of Annex II to Regulation (EC) 1333/2008 of the European
Parliament and of the Council as regards the use of phosphoric acid –
phosphates – di – tri – and polyphosphates (E 338-452) in certain meat
preparations (draft Commission Regulation) – Objection under Article
106 of the European Parliament's Rules of Procedure

The Commission took note of SP(2017) 789.

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

- ‘Clean energy’ package – Governance of the Energy Union – Amendment
of Directive 94/22/EC, Directive 98/70/EC, Directive 2009/31/EC,

Regulation (EC) 663/2009, Regulation (EC) 715/2009, Directive 2009/73/EC, Council Directive 2009/119/EC, Directive 2010/31/EU, Directive 2012/27/EU, Directive 2013/30/EU and Council Directive (EU) 2015/652 and repeal of Regulation (EU) 525/2013 (Regulation) – TURMES / RIVASI report – 2016/0375 (COD)

The Commission took note of the information in SI(2017) 604.

- ‘Clean energy’ package – Internal Market for Electricity (Regulation – recast) – KARINŠ report – 2016/0379 (COD)

The Commission took note of the information in SI(2017) 605.

- ‘Clean energy’ package – Common Rules for the Internal Market in Electricity (Directive– recast) – KARINŠ report – 2016/0380 (COD)

The Commission took note of the information in SI(2017) 606.

- ‘Clean energy’ package – Promotion of the use of energy from renewable sources (Directive – recast) – BLANCO LÓPEZ report – 2016/0382 (COD)

The Commission took note of the information in SI(2017) 607/2.

- Monitoring and reporting of CO₂ emissions from and fuel consumption of new heavy-duty vehicles (Regulation) – ZOFFOLI report – 2017/0111 (COD)

The Commission approved the line set out in SI(2017) 610.

4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

iv) Programming of Council business

(SI(2017) 615)

The Commission took note of the information in SI(2017) 615 on the Council meetings between 14 and 22 December.

v) Non-legislative dossiers

(point 4.1 of the IRG record)

- Joint EEAS-Commission services Issues Paper suggesting parameters for a concept on stabilisation as part of the European Union Integrated Approach to external conflicts and crises

The Commission took note of document SI(2017) 582.

- Joint EEAS-Commission services Issues Paper on European Union's engagement with Sudan

The Commission approved the line set out in SI(2017) 598.

4.3. RELATIONS WITH PARLIAMENT

vi) Non-legislative dossiers

(point 5.1 of the IRG record)

- Report on the deliberations of the Committee on Petitions in 2016, presented in accordance with Rule 216(7) of the European Parliament's Rules of Procedure – MARIAS report – 2017/2222 (INI)

The Commission took note of SP(2017) 770.

- European Parliament's right of inquiry – O-000090/2017

The Commission took note of SP(2017) 809.

- Major interpellation – EU-Norway dispute on snow-crab fisheries in Svalbard – O-000077/2017

The Commission took note of SP(2017) 788.

vii) Action taken on non-legislative resolutions adopted by Parliament at its October I part-session

(point 5.6.1 of the IRG record)

The Commission approved, for transmission to Parliament, document SP(2017) 778 on the action taken on the non-legislative resolutions adopted by Parliament at its October I part-session.

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

(point 5.6.2 of the IRG record)

The Commission approved, for transmission to Parliament, documents SP(2017) 780 and /2 on the action taken on the non-legislative resolutions adopted by Parliament at its September part-session.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED
(SEC(2017) 517 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 4 and 8 December.

5.2. EMPOWERMENT
(SEC(2017) 518 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 4 and 8 December.

5.3. DELEGATION / SUBDELEGATION OF POWERS
(SEC(2017) 519 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 4 and 8 December, as archived in Decide.

5.4. SENSITIVE WRITTEN PROCEDURES
(SEC(2017) 520)

The Commission took note of the sensitive written procedures for which the time limit expired between 11 and 15 December.

6. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2017) 521)

ADMINISTRATIVE MATTERS
(PERS(2017) 123)

6.1. DG COMMUNICATION NETWORKS, CONTENT AND TECHNOLOGY
– APPOINTMENT OF AD14/15 DIRECTOR
(PERS(2017) 76 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, Digital Industry, in the Directorate-General for Communication Networks, Content and Technology (PERS(2017) 76).

It took note of the opinions of the Consultative Committee on Appointments of 25 July and 21 September 2017 (PERS(2017) 76/2 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 Ms GABRIEL and also Mr ANSIP, it decided to appoint Ms Lucilla SIOLI to the post.

This decision would take effect on 16 December 2017.

**6.2. DG COMMUNICATION NETWORKS, CONTENT AND TECHNOLOGY
– APPOINTMENT OF AD14/15 DIRECTOR
(PERS(2017) 77 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, Future Networks, in the Directorate-General for Communication Networks, Content and Technology (PERS(2017) 77).

It took note of the opinions of the Consultative Committee on Appointments of 11 July and 21 September 2017 (PERS(2017) 77/2 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 Ms GABRIEL and also Mr ANSIP, it decided to appoint Mr Pearse O'DONOHUE to the post.

This decision would take effect on 16 December 2017.

**6.3. APPOINTMENT OF RAPPORTEURS FOR SELECTION PROCEDURES
FOR SENIOR MANAGEMENT POSTS
(PERS(2017) 124; PERS(2017) 125)**

The Commission took note of the information in point 3 of PERS(2017) 123 and, on a proposal from Mr OETTINGER, in agreement with the PRESIDENT and in accordance with Article 7 of the Rules of Procedure of the Consultative Committee on Appointments, decided to appoint 14 new Rapporteurs for a total term of three years and to appoint 25 of the current

Rapporteurs for a second term of three years, as set out in PERS(2017) 124 and PERS(2017) 125, respectively.

These decisions would take effect on 1 January 2018.

- 7. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON ESTABLISHING A FRAMEWORK FOR INTEROPERABILITY BETWEEN EU INFORMATION SYSTEMS (BORDERS AND VISAS)**
(COM(2017) 793 AND /2; SWD(2017) 473; SWD(2017) 474; SEC(2017) 554; RCC(2017) 158)
- 8. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON ESTABLISHING A FRAMEWORK FOR INTEROPERABILITY BETWEEN EU INFORMATION SYSTEMS (POLICE AND JUDICIAL COOPERATION, ASYLUM AND MIGRATION)**
(COM(2017) 794 AND /2; SWD(2017) 473; SWD(2017) 474; SEC(2017) 554; RCC(2017) 158)
- 9. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL – TWELFTH PROGRESS REPORT TOWARDS AN EFFECTIVE AND GENUINE SECURITY UNION**
(COM(2017) 779 AND /2; RCC(2017) 158)

Sir Julian KING presented two proposals for Regulations on establishing a framework for interoperability between EU information systems. To explain the background to these proposals, he reminded the meeting of the deadly attack on the Christmas market in Berlin a year ago, the terrorist attack on a Paris police station in January 2016, and the knife attack last October in Marseille; all cases in which the perpetrators had used multiple identities within the Schengen area. He underlined the fact that these were not isolated incidents, and that these situations showed that

there was a structural problem with the management and shared use of the Union's databases.

The information provided by the Union's systems played an essential role in helping the national authorities to combat crime and terrorism, manage and protect external borders, and reduce illegal migration. However, to maximise the added value of these data, links should be created between the various information systems; the two proposals submitted that day fulfilled this need, in particular by addressing the legislative grey areas that terrorists had exploited several times over.

Sir Julian highlighted the innovative approach of these proposals for regulations, which were aimed at tackling the issue of multiple identities and improving the efficacy of police checks whilst protecting the personal data of EU citizens. He went on to mention three essential aspects of the proposals.

First, the proposed measures would help the competent authorities on the ground to make the best use of existing data, thanks to a 'one-stop shop' for carrying out searches within several information systems simultaneously, including some Europol and Interpol databases, in accordance with existing access rights.

Secondly, these measures would enable the national authorities to detect multiple identities and to combat identity fraud through the use of biometric data. Each time an asylum or immigration officer recorded a person in an EU information system, or when a police officer or border guard checked a person's identity using these systems, they would immediately see whether the person was known under another identity or had used multiple identities.

Thirdly, the proposed measures would enable police officers to carry out rapid and effective identity checks, since they would have access to identity data for all the third-country nationals who had already been recorded in EU information systems. This would substantially increase the effectiveness of checks conducted within the Member States, in accordance with the recommendation on police checks in the Schengen area.

Sir Julian concluded by stating that the Commission was thus proposing to improve the EU's information systems and provide a better service to the national authorities, in particular by giving them faster and more flexible access to data, which would encourage the Member States to use these systems and share data more. The proposals were in full compliance with the fundamental rights and data-protection rules applicable in the European Union. He stressed that their aim was the interoperability of systems – each system would retain its own purposes, limits and rules regarding access to and retention of data. Finally, he stressed that the proposals were not designed to increase the amount of data gathered by the systems, nor to extend the scope of such data, but rather to provide targeted and smart methods to make the best use of the existing information.

In the course of the brief exchange of views that followed, the Commission referred mainly to the fact that the proposals presented provided for appropriate security checks to guarantee effective protection of personal data for EU citizens, and that the data-protection authorities had been consulted about the proposals.

Mr ANSIP closed this item with a reminder of the importance of integrating technology and digital services into EU development policy, referring to the Commission's 'Digital4Development' initiative. He encouraged the College to continue its efforts to promote the cross-use and sharing of data amongst the Member States.

Following this exchange, the Commission:

- adopted the proposals for a Regulation in COM(2017) 793/2 and COM(2017) 794/2, for transmission to Parliament, the Council, the Economic and Social Committee, the Committee of the Regions, the European Data Protection Supervisor and the national parliaments, together with the impact assessment and the summary thereof and the opinion of the Regulatory Scrutiny Board in staff working documents SWD(2017) 473, SWD(2017) 474 and SEC(2017) 554, the contents of which were noted;

- approved the communication in COM(2017) 779/2 for transmission to Parliament, the European Council and the Council, and, for information, to the national parliaments.

10. OTHER BUSINESS

10.1. STATE OF THE NEGOTIATIONS ON THE ECONOMIC PARTNERSHIP AGREEMENT BETWEEN THE EUROPEAN UNION AND JAPAN (BRUSSELS, 8 DECEMBER 2017)

Mr KATAINEN referred to the negotiations on the Economic Partnership Agreement between the European Union and Japan, which had been finalised on 8 December. The Commission would soon be submitting the text of the Agreement, the broadest ever concluded by the Union, to the European Parliament and the Council with a view to the Agreement entering into force before the end of the current College's term of office. This partnership would liberalise the vast majority of trade and guarantee EU companies considerably better access to the Japanese public procurement market. A substantial number of non-tariff barriers would be removed, including in the automobile sector, and several geographical indications would be protected. Mr KATAINEN went on to stress that the Agreement would be broadly favourable for the agricultural sector and the food industry, mentioning in particular customs duties on wine, cheese, beef and pork. He also highlighted what Japan was offering in return, especially the 10 % reduction in car import duties, the effects of which had been carefully assessed in cooperation with the stakeholders. Finally, above and beyond its considerable economic value, the conclusion of the Economic Partnership Agreement between the European Union and Japan also had a strategic dimension. Finalising the negotiations on this Agreement would show that the Union and Japan were determined to advance trade.

Ms JOUROVA added that she would be in Japan from 13 to 15 December in

order to push forward discussions on data protection, with a view to reaching an adequacy decision as early as possible in 2018. This decision had important implications for trade, and it seemed as though it would be possible to come to a decision before the entry into force of the Partnership Agreement.

Mr ANSIP closed the item by welcoming the conclusion of this Partnership Agreement, which was highly important both at the economic and the political level.

The Commission took note of this information.

10.2. EXTENSION OF THE EUROPEAN FUND FOR STRATEGIC INVESTMENTS (EUROPEAN FUND FOR STRATEGIC INVESTMENTS – EFSI 2.0)

Mr KATAINEN reported briefly on the adoption that day by the European Parliament of the Commission's proposal to improve and extend until 2020 the European Fund for Strategic Investments, which was initially set up to run from 2015 until 2017 inclusive. He welcomed this important step, pointing out that the Fund had managed to garner additional investment worth some EUR 250 billion, which would create employment and open up new possibilities for financing infrastructure and industrial investment. So far some 530 000 SMEs and mid-cap companies had received funding.

He noted that, according to the European Investment Bank, the investments from the Fund would increase European gross domestic product by 0.67 % between now and 2020 and create 690 000 jobs. The extension of the Fund would increase the investment objective to EUR 500 billion.

Lastly, he referred to the two main new developments in conjunction with the extension, i.e. that (i) 40 % of the infrastructure and innovation projects would focus on the EU's policy priorities in relation to the fight against

climate change and protection of the environment, and (ii) the share of the guarantee provided for SMEs would increase from 26 % to 40 % of the Fund.

He concluded by calling on the Members of the Commission to communicate widely in order to raise the profile of the European Fund for Strategic Investments as it was still relatively unknown.

Mr ANSIP thanked Mr KATAINEN for this information and welcomed this positive development.

11. COMMISSION COMMUNICATION ON THE EUROPEAN CITIZENS' INITIATIVE 'BAN GLYPHOSATE AND PROTECT PEOPLE AND THE ENVIRONMENT FROM TOXIC PESTICIDES'
(C(2017) 8414 TO /3; (RCC(2017) 157)

12. COMMISSION IMPLEMENTING REGULATION RENEWING THE APPROVAL OF THE ACTIVE SUBSTANCE GLYPHOSATE IN ACCORDANCE WITH REGULATION (EC) 1107/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL CONCERNING THE PLACING OF PLANT PROTECTION PRODUCTS ON THE MARKET, AND AMENDING THE ANNEX TO IMPLEMENTING REGULATION (EU) 540/2011
(C(2017) 8419 AND /2); RCC(2017) 157)

Mr ANDRIUKAITIS presented the Commission Implementing Regulation renewing the approval of the active substance glyphosate in accordance with the Regulation concerning the placing of plant protection products on the market and the Commission Communication on the European Citizens' Initiative 'Ban glyphosate and protect people and the environment from toxic pesticides', which had been submitted to it on 6 October 2017, particularly in connection with the Implementing Regulation.

He was pleased that a qualified majority of Member States had shared the Commission's confidence in the scientific evaluation carried out by the EU agencies

and had voted in favour of a renewal of the approval of glyphosate for a period of five years, rather than the usual 15-year period, a reduced period that corresponded to the request from the European Parliament. He welcomed the fact that it was a truly collective decision by the EU.

He felt, nevertheless, that the process leading up to the decision could be improved in order to reinforce the guarantees of the quality and independence of the scientific studies on which the decision was based, as well as increase the transparency of the evaluation process, all of which points had been raised by the European Citizens' Initiative. He stressed too that other matters such as the remuneration of experts working for the European Food Safety Authority (EFSA) should also be addressed.

Mr ANDRIUKAITIS reminded the meeting that the citizens' initiative in question called for (i) a ban on glyphosate-based herbicides, (ii) measures to ensure that the scientific evaluation of pesticides for EU regulatory approval would be based only on published studies, commissioned by competent public authorities instead of the pesticide industry, and (iii) the setting of EU-wide mandatory reduction targets for pesticide use, with a view to achieving a pesticide-free future.

He underlined the Commission's very positive response to the initiative. In response to the initial request, the Commission explained that it was up to the Member States to ban glyphosate-based herbicides, and they were perfectly entitled to do so. In response to the third request, the Commission undertook to examine with the Member States ways to bring about a use of pesticides compatible with sustainable development, as well as ways to improve their national action plans. Finally, in response to the second request, general food law would be amended in the way called for by the organisers of the citizens' initiative in terms of transparency and independence.

On this last point, Mr ANDRIUKAITIS set out the main changes which would be proposed in the new legislation. First, he pointed out that the Management Board of the European Food Safety Authority would comprise representatives of the Member States, the European Parliament and stakeholders, and explained that

members of scientific panels and committees could possibly be appointed by the Member States, which would facilitate the convergence of scientific opinion between the Member States and improve cooperation with national agencies, in particular with regard to the communication of risk.

He also referred to other amendments to be made to existing legislation, which would allow the European Food Safety Authority to determine what studies were necessary to authorise a product, with prior public consultation, to step up audits of laboratories where the studies were carried out, to allow the Authority to carry out a study itself when warranted by specific circumstances and possibly even to propose a fee-based financing model for the European Food Safety Authority, as was the case for other EU agencies.

Mr ANDRIUKAITIS concluded this item by stating that the regulatory proposals would be presented in April 2018.

Following this presentation, the Commission:

- approved the communication set out in COM(2017) 8414/3 and decided to notify it to the organisers of the initiative in the authentic language (English) and to transmit it to the European Parliament and the Council and, for information, to the European Economic and Social Committee, the Committee of the Regions and the national parliaments;
- adopted the implementing regulation set out in documents C(2017) 8419 and /2 and decided to publish it in the Official Journal of the European Union.

13. OTHER BUSINESS (CONTINUED)

LATEST DEVELOPMENTS ON THE EUROPEAN DEFENCE INDUSTRIAL DEVELOPMENT PROGRAMME AND PERMANENT STRUCTURED COOPERATION (PESCO)

Ms BIENKOWSKA briefed the Commission on the general approach approved by the Member States at the General Affairs Council meeting on 12 December concerning the European Defence Industrial Development Programme. She reported that considerable progress had been made in less than six months towards an agreement, thanks to the Estonian Council Presidency.

Among the main questions raised at the Council meeting, the most important was the issue of how to encourage all the Member States to participate, despite the differences between their defence industries in terms of structure and size, without necessarily applying the principle of ‘fair return’. The key issue was the cross-border participation of small and medium-sized enterprises in the programme. Here, the Member States had put forward solutions largely inspired by the Commission’s original proposal.

The second issue to be resolved was the participation of third-country companies in the programme. Certain Member States had long been open to cooperation in the field of defence, particularly with the US, while others were much more concerned about their strategic independence in this sensitive area. The Commission’s proposal was very clear on this point, since it stated that European financing could only be allocated to EU undertakings. The Council had confirmed this objective in its general approach, which envisaged effective control of undertakings eligible for this financing.

However, several derogations had been introduced in order to take account of Member States’ different approaches. Thus, undertakings based in the EU but not subject to effective control would only be eligible exceptionally for financing from

the Union, which would also need to provide for specific measures to protect know-how and prevent technologies from being transferred outside the Union.

Undertakings based outside the EU would be able to participate in capacity-building projects, but not to receive EU financing. Specifically, this would make it possible to undertake cooperation projects within the framework of the North Atlantic Treaty Organisation (NATO), and also to cooperate with British enterprises after the UK's withdrawal from the EU.

Ms BIENKOWSKA pointed out that the interinstitutional debate on the European Defence Industrial Development Programme was only just beginning, but that the European Parliament rapporteur had already adopted a position close to that of the Commission.

The Commission's proposal provided for a specific link between the European programme and projects coming under Permanent Structured Cooperation (PESCO) and proposed increased co-financing rates of 30 % instead of the 20 % usually granted. However, not all the projects coming under Permanent Structured Cooperation would be eligible for EU funding, since this funding would be reserved for projects in the field of development and acquisition of capabilities or technologies.

The European Parliament would adopt a position on this issue in February 2018. This would mean that the trilogues could begin in March and possibly conclude in June, enabling the first projects to be launched in January 2019. From this standpoint, she felt that the legislative procedure should make it possible to test the capacity of the Union's institutional framework to specifically address defence issues.

Ms MOGHERINI reported that the previous day the Foreign Affairs Council had decided to launch the first Permanent Structured Cooperation project, involving at least 25 Member States. This was one of the first 17 operational projects selected in November with the help of the European External Action Service and the

European Defence Agency. These projects would be carried out by groups of Member States using the ‘variable geometry’ approach. She highlighted the fact that the selection process was working well, thanks in particular to the positive contribution of all the institutions concerned, and that the EU budget was contributing for the first time to developing research and technology in the field of defence.

She noted also that the EU and NATO had decided to implement 34 new cooperation measures for which the Commission would have to establish new financial instruments.

The PRESIDENT regretted the lack of visibility of the role played by the Commission in launching projects under Permanent Structured Cooperation. He pointed out that he himself, in his electoral campaign, and the Commission had instigated the process that had led to this type of cooperation, and called for efforts to be made to raise awareness of the Commission's contribution to the progress made in this sensitive area.

The Commission took note of this information.

**14. RECOMMENDATION FOR A COUNCIL DECISION AUTHORISING THE
OPENING OF NEGOTIATIONS ON A PARTNERSHIP AGREEMENT
BETWEEN THE EUROPEAN UNION AND COUNTRIES OF THE
AFRICAN, CARIBBEAN AND PACIFIC GROUP OF STATES
(COM(2017) 763 AND 2; RCC(2017) 156)**

Mr MIMICA presented the recommendation for a Council Decision authorising the opening of negotiations on a Partnership Agreement between the European Union and the countries of the African, Caribbean and Pacific group of states, which he was tabling for approval. He pointed out that the Cotonou Partnership Agreement, which constituted the current framework for relations between the EU and the ACP countries, was due to expire in February 2020 and that, under the Agreement,

negotiations on a new agreement had to begin eighteen months before the current one expired.

The recommendation was the result of an in-depth and inclusive reflection and a consultation process in which contributions had been gathered from stakeholders at all levels in the EU and in the ACP countries. Mr MIMICA, together with Ms MOGHERINI, had met numerous Heads of State or Government from those countries, as had Pascal LAMY and Louis MICHEL as EU special envoys.

He pointed out that the EU's external priorities, as set out in the context of its global strategy and in the new European Consensus on Development, constituted the starting point for this recommendation, which also took into account other relevant frameworks such as the Paris Climate Agreement, the UN 2030 Agenda and the Addis Ababa Action Agenda.

The recommendation proposed concluding a single binding agreement laying down a common foundation for the EU's relationship with the ACP countries, to which would be added three strengthened regional partnerships in the form of specific protocols.

The common foundation would set out the principles and main objectives, and identify ways of enhancing the benefits of relations between the EU and ACP countries in the context of international cooperation.

The three regional compacts, which would have region-specific priorities, would constitute the centre of gravity for the post-Cotonou Agreement. This would reflect better the growing importance of regional dynamics and regional actors, as well as the growing diversity of the challenges faced and of the specific needs of each of the three regions.

Although there was still a long way to go, Mr MIMICA noted that the future Bulgarian presidency of the Council planned to adopt the negotiating mandate in May 2018 so that discussions could begin as soon as possible. In the meantime, the Commission would continue to prepare this important negotiation to ensure that it

concluded in a renewed political agreement able to address the challenges that the EU and the ACP countries would need to tackle together.

The Commission adopted the recommendation for a Council Decision set out in COM(2017) 763/2, for transmission to the Council and, for information, to the European Parliament, the Economic and Social Committee and the national parliaments.

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The meeting closed at 14.14.