



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2018) 2245 final

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

Strasbourg, 13 March 2018

TEXTE EN

MINUTES

of the 2245th meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 28 February 2018

(morning)

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PV(2018) 2245 final

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

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Single sitting: Wednesday 28 February 2018 (morning)

The sitting opened at 10.05 with Mr TIMMERMANS in the chair, the PRESIDENT being absent.

Present:

Mr TIMMERMANS	First Vice-President	
Mr ANSIP	Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Mr DOMBROVSKIS	Vice-President	
Mr KATAINEN	Vice-President	
Mr OETTINGER	Member	
Mr MIMICA	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 BIENKOWSKA	Member	Items 1 to 6
Ms JOUROVÁ	Member	
Ms VESTAGER	Member	
Mr MOEDAS	Member	
Sir Julian KING	Member	
Ms GABRIEL	Member	Items 1 to 7

Absent:

Mr JUNCKER	President
Ms MOGHERINI	High Representative / Vice-President
Mr HAHN	Member
Ms MALMSTRÖM	Member
Mr NAVRACSICS	Member
Ms CREȚU	Member

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

Mr RENTSCHLER	Deputy Chef de cabinet to Ms MOGHERINI
Ms UDWIN	Deputy Chef de cabinet to Mr HAHN
Ms ÅSENIUS	Chef de cabinet to Ms MALMSTRÖM
Ms REILLY	Deputy Chef de cabinet to Mr NAVRACSICS
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	
Ms DEJMEK-HACK	Adviser in the PRESIDENT's Office	Items 1 to 6
Ms CANENBLEY	Adviser in the PRESIDENT's Office	Item 7
Ms SILLAVEE	PRESIDENT's Office	
Mr SMULDERS	Chef de cabinet to Mr TIMMERMANS	
Mr HUSAK	Chef de cabinet to Ms BIENKOWSKA	Items 7 and 8
Mr BARNIER	Chief negotiator and Head of the Article 50 Task Force	Items 1 to 6

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

1. AGENDAS

(OJ(2018) 2245/FINAL; SEC(2018) 2245/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(2018) 2245)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 26 February 2018.

3. APPROVAL OF THE MINUTES OF THE 2239TH, 2240TH, 2241ST, 2242ND, 2243RD AND 2244TH MEETINGS OF THE COMMISSION (16, 24 AND 31 JANUARY, AND 6, 14 AND 21 FEBRUARY 2018)

(PV(2018) 2239; PV(2018) 2239, 2ND PART)

The Commission approved the minutes of its 2239th meeting and decided to hold over approval of the minutes of its 2240th, 2241st, 2242nd, 2243rd and 2244th meetings until a later meeting.

4. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2018) 112 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 19 and 23 February 2018.

4.2. EMPOWERMENT
(SEC(2018) 113 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 19 and 23 February 2018.

4.3. DELEGATION / SUBDELEGATION OF POWERS
(SEC(2018) 114 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 19 and 23 February 2018, as archived in Decide.

4.4. SENSITIVE WRITTEN PROCEDURES
(SEC(2018) 115)

The Commission took note of the sensitive written procedures for which the time limit expired between 26 February and 2 March 2018.

5. OTHER BUSINESS

SITUATION IN SLOVAKIA

At the request of Mr TIMMERMANS, Mr ŠEFČOVIČ reported on the situation in Slovakia following the murder of an investigative journalist and his partner in the east of the country the previous week.

6. INTERINSTITUTIONAL RELATIONS

(RCC(2018) 24; RCC(2018) 27)

The Commission took note of the records, distributed as RCC(2018) 24 and RCC(2018) 27 respectively, of the meetings of the Interinstitutional Relations Group (IRG) held on Friday 23 February and Monday 26 February 2018.

It paid particular attention to the following points.

6.1. *HORIZONTAL ITEM*

- i) **Negotiations with the United Kingdom for an agreement setting out the arrangements for its withdrawal from the Union under Article 50 of the Treaty on European Union – Position paper on ‘European Commission draft Withdrawal Agreement of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community’**
(SI(2018) 82)

At Mr TIMMERMANS’s request, Mr BARNIER reported to the College on the latest developments in the negotiations he was leading on behalf of the EU with the United Kingdom with a view to its withdrawal under Article 50 of the Treaty on the European Union. He presented in particular the draft Withdrawal Agreement, consisting of six parts, which would be sent to the Member States and European Parliament, and published that day. It essentially translated into legal terms the Joint Report of 8 December 2017 by the EU negotiators and the UK Government on the progress achieved during the first phase of the negotiations. The draft agreement also comprised a draft protocol on Ireland/Northern Ireland and proposed text for the outstanding withdrawal issues that had been mentioned, but not set out in detail, in the Joint Report. It also incorporated the text on the transition period, based on the supplementary negotiating directives adopted by the Council (Article 50) on 29 January 2018.

The Commission approved the line set out in SI(2018) 82, and authorised the Article 50 Task Force to forward the ‘European Commission draft Withdrawal Agreement’ to the Council (Article 50) and Parliament on that same day.

6.2. LEGISLATIVE MATTERS

ii) Trilogues

(point 3.1 of the IRG record)

- Certain aspects concerning contracts for the supply of digital content (Directive) – VOSS / GEBHARDT report – 2015/0287 (COD)

The Commission approved the line set out in SI(2018) 62 and authorised the transmission that day of the non paper annexed thereto to the colegislators.

- Establishment of the European Electronic Communications Code (Directive – recast) – DEL CASTILLO VERA report – 2016/0288 (COD)

The Commission approved the line set out in SI(2018) 80/2.

- 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 and JONGERIUS report – 2016/0070 (COD)

The Commission approved the line set out in SI(2018) 84/2.

- ‘Clean energy’ package – Promotion of the use of energy from renewable sources (Directive – recast) – BLANCO LÓPEZ report – 2016/0382 (COD) / Amendment of Directive 2012/27/EU on energy efficiency (Directive) – POCHE report – 2016/0376 (COD)

The Commission approved the line set out in SI(2018) 88 and /2.

- Controls on cash entering or leaving the Union and repeal of Regulation (EC) 1889/2005 (Regulation) – DELVAUX / LÓPEZ AGUILAR report – 2016/0413 (COD)

The Commission approved the line set out in SI(2018) 76/2.

iii) European Parliament Dossier - February II 2018 part-session

(point 3.2 of the IRG record)

Ordinary legislative procedure – First reading

- Definition, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs and the protection of geographical indications for spirit drinks (Regulation) – AYUSO report – 2016/0392 (COD)

The Commission approved the line set out in SP(2018) 103.

- Amendment of Directive (EU) 2016/97 as regards the date of application of Member States' transposition measures (Directive) – LANGEN report – 2017/0350 (COD)

The Commission took note of SP(2018) 105, further to note SI(2018) 54/4, which it had already approved on 14 February 2018.

Special legislative procedure

- Amendment of Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation in relation to reportable cross-border arrangements (Directive) – MAUREL report – 2017/0138 (CNS)

The Commission approved the line set out in SP(2018) 104.

Implementing acts and measures

- Authorisation of the placing on the market of products containing, consisting of, or produced from genetically modified maize MON 87427 × MON 89034 × NK603 – 2018/2569 (RSP) / Renewal of the authorisation of the placing on the market of products containing, consisting of, or produced from genetically modified maize 59122 – 2018/2568 (RSP) – (Commission Implementing Decisions) – Objections under Article 106 of the European Parliament's Rules of Procedure

The Commission took note of document SP(2018) 115.

6.3. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

iv) Programming of Council business

(SI(2018) 91)

The Commission took note of the information in SI(2018) 91 on the Council meetings between 1 and 14 March 2018.

v) Non-legislative dossiers

(point 4.1 of the IRG record)

- Draft European Union discussion paper on Trade and Sustainable Development chapters in European Union Free Trade Agreements

The Commission approved the line set out in SI(2018) 75/2 and /3.

- Position to be adopted, on behalf of the European Union, in the sixty-first session of the Commission on Narcotic Drugs on the scheduling of substances under the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol and the Convention on Psychotropic Substances of 1971 (Council decision) – 2018/0011 (NLE)

The Commission approved the line set out in SI(2018) 81.

- European Framework for Quality and Effective Apprenticeships (Council Recommendation) – 2017/0244 (NLE)

The Commission approved the line set out in SI(2018) 85.

6.4. RELATIONS WITH PARLIAMENT

vi) Participation by Members of Parliament in international conferences

(point 5.7 of the IRG record)

- 37th session of the United Nations Human Rights Council (Geneva, 26 February to 23 March 2018)

The Commission agreed to the request to the PRESIDENT from Mr Antonio TAJANI, the President of the European Parliament, concerning the attendance of eight Members of Parliament at the above-mentioned meeting, from 5 to 8 March 2018, as observers in the EU delegation, with a reminder about the procedure to be followed as set out in SP(2018) 114.

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

vii) Reply to the contribution to the 58th Conference of Parliamentary Committees for Union Affairs (Tallinn, 26 to 28 November 2017)

(point 6.1.3 of the IRG record)

The Commission approved document SNP(2018) 4/2 containing its reply to the Contribution of the 58th Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union (COSAC) for transmission to the Presidency of COSAC.

6.6. OTHER BUSINESS

viii) Transmission of the conclusions of the Colloquium on Fundamental Rights 2017 on ‘Women’s rights in turbulent times’ (Brussels, 21 and 22 November 2017) to Parliament and the Council
(point 7 of the IRG record)

The Commission took note of the information in SPI(2018) 8, and decided to transmit its annexes to Parliament and the Council.

7. COMMISSION RECOMMENDATION ON MEASURES TO EFFECTIVELY TACKLE ILLEGAL CONTENT ONLINE (C(2018) 1177 AND /2; RCC(2018) 26)

Mr ANSIP presented the draft Commission Recommendation on measures to effectively tackle illegal content online, which was being proposed for adoption.

He reminded the meeting that in a communication in September 2017 the Commission had pledged to monitor the efforts to tackle illegal content online and assess whether additional measures were needed to ensure the rapid and effective detection and removal of this type of online content, including the possibility of legislative measures to supplement the existing regulatory framework.

Following this monitoring period, Mr ANSIP explained that the Commission was now recommending a set of operational measures to be taken by businesses and Member States to step up these efforts, before deciding whether it was necessary to propose additional legislation. These measures would apply to all forms of illegal content, ranging from terrorist content, incitement to hatred and violence and child pornography to counterfeit products and copyright infringements. The Recommendation proposed for adoption by the College that day drew on the work currently being done with the industry, through various voluntary initiatives aimed at ridding the internet of illegal content.

He said that online platforms were becoming people's main gateway to information, so they had a responsibility to provide a secure environment for their users, and pointed out that what was illegal offline was also illegal online. While several platforms were now removing more illegal content than ever before – showing that self-regulation could work – there was still a need to react faster against terrorist propaganda and other illegal content which posed a serious threat to citizens' security and to fundamental rights.

Mr ANSIP therefore felt that the Recommendation would be useful for online platforms, which would be able to use the definitions and clarifications it provided in order to implement the rules on illegal content.

The Recommendation set out operational measures to ensure faster detection and removal of illegal online content, to reinforce the cooperation between companies, trusted flaggers and law enforcement authorities, and to increase transparency and safeguards for citizens.

These measures might differ according to the nature of the illegal content, and the Recommendation encouraged companies to follow the principle of proportionality when removing this content.

He pointed out, finally, that the Recommendation would allow better protection from online terrorist content, which posed a particularly serious threat to the security of European citizens. The proliferation of such material needed to be tackled as a matter of urgency. For this reason, the Commission was recommending the inclusion of the one-hour rule for the removal of illegal content, faster detection and effective removal of illegal content, and the introduction of an improved referral system.

Mr TIMMERMANS thanked Mr ANSIP for his presentation and congratulated him on the quality of the Recommendation, which reflected the integrated approach to which many Commission departments had contributed.

Following this presentation and on a proposal from Mr TIMMERMANS, the

Commission agreed that the Recommendation in C(2018) 1177/2 would be formally adopted by finalisation written procedure, the deadline for which was set at 10.00 on Thursday 1 March (PE/2018/1103).

8. OTHER BUSINESS (CONTINUED)

8.1. *FOURTH MACRO-FINANCIAL ASSISTANCE PROGRAMME FOR UKRAINE*

(SEC(2018) 125/2)

Mr TIMMERMANS invited Mr DOMBROVSKIS to present to the College the note concerning the establishment of a fourth macro-financial assistance programme for Ukraine.

While noting the College's agreement in principle on the recommendation presented by Mr DOMBROVSKIS, Mr TIMMERMANS considered that an in-depth debate on the future of relations between the EU and Ukraine was necessary, and noted that the European energy policy choices which the European Council would make in March would be a factor.

8.2. *SITUATION IN POLAND*

Mr TIMMERMANS informed the Commission of the outcome of the Member States' discussions at the General Affairs Council on 27 February on the reasoned proposal submitted by the Commission under Article 7(1) of the Treaty on European Union concerning the rule of law in Poland.

* * *

Mr TIMMERMANS wound up the meeting by warmly thanking, on behalf of the College and in a personal capacity, Mr Alexander ITALIANER, Secretary-General

of the Commission, who had decided to retire on 1 April after 32 years at the Commission and was attending a Commission meeting for the final time as Secretary-General.

Mr TIMMERMANS personally recalled having heard Mr ITALIANER's name many years ago, at the start of his career at the Dutch Ministry of Foreign Affairs. The Minister at the time had told him of the complete confidence he had for all matters related to the country's European policy in Mr Franz ITALIANER, Alexander's father, who was then Director for European Integration and subsequently became Director-General of European Cooperation at the Ministry in question.

Mr TIMMERMANS explained that he could use the same words today to describe the confidence placed by the College in Mr ITALIANER, who had led the Commission's administration successfully and expertly during the previous two and a half years, allowing it to address the numerous challenges the Union had faced, to help the institution achieve its political priorities, and to demonstrate the added value of action taken at an EU-wide level.

He also thanked Mr ITALIANER for keeping alive the spirit of Emile NOËL, the first Secretary-General of the Commission, who believed that the Secretary-General should act as the 'Commission's gardener', and for having played a key role in honouring the Commission's commitment to be 'big on big things and small on small things'.

Mr TIMMERMANS thanked him wholeheartedly and once again expressed his gratitude to him for having made the Commission stronger and thus capable of tackling the major challenges that lay ahead.

Mr TIMMERMANS also congratulated the current Head of Cabinet to the PRESIDENT, Mr Martin SELMAYR, who would succeed Mr ITALIANER as Secretary-General of the Commission on 1 March. The current Commission would never have achieved so much or made so much progress without Mr SELMAYR's

personal and professional qualities, unwavering commitment to the European project, and sheer determination. Mr SELMAYR had faithfully served the President of the Commission to implement his political priorities and direct his cabinet as a cohesive team, fully committed to achieving the institution's objectives. Mr TIMMERMANS encouraged him to foster the same spirit within the Secretariat-General and apply the same determination to achieving the College's ten priorities.

Finally, Mr TIMMERMANS congratulated Ms Clara MARTÍNEZ ALBEROLA, the current Deputy Head of the PRESIDENT's Cabinet, for her appointment as Head of Cabinet. He praised her strong debating skills, commitment to high standards, sense of loyalty, high regard for public service and ability to plot a clear collective course, all of which were essential qualities for leading the PRESIDENT's cabinet until the end of his mandate. As the first female Head of Cabinet of the PRESIDENT of the Commission, her appointment was also an excellent example of the current Commission's approach to gender equality.

The Secretariat-General, Mr ITALIANER, thanked the PRESIDENT for having placed his faith in him by appointing him head of the Commission's administration two and a half years ago. He described the scale of the challenges the Commission had faced in that time, and stressed how adaptable it had had to be during the crises and events that had arisen during its mandate. He warmly thanked the Commission's services for the quality of their work and their support, without which the Union would not have been able to make the progress it had. He also thanked the Members of the Commission for their trust and friendship. Finally, he thanked the Legal Service and its Director-General, Mr Luis ROMERO REQUENA, the Interpreting Service and the Registry, which had provide loyal, efficient support for the College's discussions.

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

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The meeting closed at 12.05.