



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2018) 2256 final

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

Strasbourg, 12 June 2018

TEXTE EN

MINUTES

of the 2256th meeting of the Commission

held in Strasbourg

(Winston Churchill building)

on Tuesday 29 May 2018

(afternoon)

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Single sitting: Tuesday 29 May 2018 (afternoon)

The sitting opened at 13.14 with Mr JUNCKER, President, in the chair.

Present:

Mr JUNCKER	President
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 HAHN	Member
Ms MALMSTRÖM	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 JOUROVÁ	Member
Mr NAVRACSICS	Member
Ms CREȚU	Member
Ms VESTAGER	Member
Mr MOEDAS	Member
Sir Julian KING	Member

Absent:

Ms MOGHERINI

High Representative /
Vice-President

Ms BIEŃKOWSKA

Member

Ms GABRIEL

Member

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

Ms PANZETTI	Chef de cabinet to Ms MOGHERINI
Mr HUSAK	Chef de cabinet to Ms BIEŃKOWSKA
Ms BORISSOVA	Chef de cabinet to Ms GABRIEL

The following also sat in:

Ms MARTÍNEZ ALBEROLA	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
Mr THOLONIAT	Adviser in the PRESIDENT's Office
Ms ARKI	PRESIDENT's Office
Ms SZCZEPANSKA	A member of Mr OETTINGER's staff
Mr SKORPEN ANDERSSON	A member of Ms MALMSTRÖM's staff
Ms ANDREEVA	Commission Spokesperson's Service
Ms VILA NUÑEZ	Secretariat-General

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

1. AGENDAS

(OJ(2018) 2256/FINAL; SEC(2018) 2256/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) 2256)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 28 May 2018.

3. APPROVAL OF THE MINUTES OF THE 2253RD, 2254TH AND 2255TH MEETINGS OF THE COMMISSION (2, 16 AND 23 MAY 2018)
(PV(2018) 2253)

The Commission approved the minutes of its 2253rd meeting, and decided to hold over approval of the minutes of its 2254th and 2255th meetings until a later meeting.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2018) 84)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 25 May 2018 (RCC(2018) 84).

It paid particular attention to the following points.

4.1. HORIZONTAL ITEM

- i) Interinstitutional negotiations – Paragraph 40 of the Interinstitutional Agreement on Better Law-making – International Agreements**

The Commission approved the line set out in SPI(2018) 20.

4.2. LEGISLATIVE MATTERS

- ii) Trilogues**

(point 3.1 of the IRG record)

- European Union Agency for Criminal Justice Cooperation (Eurojust) (Regulation) – VOSS report – 2013/0256 (COD)

The Commission approved the line set out in SI(2018) 247.

- Empowering of the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market (Directive) – SCHWAB report – 2017/0063 (COD)

The Commission approved the line set out in SI(2018) 271.

- Legal framework of the European Solidarity Corps and amendment of Regulations (EU) 1288/2013, (EU) 1293/2013, (EU) 1303/2013, (EU) 1305/2013 and (EU) 1306/2013 and Decision 1313/2013/EU (Regulation) – TRÜPEL report – 2017/0102 (COD)

The Commission approved the line set out in SI(2018) 272/2.

- Amendment of Regulation (EU) 1093/2010 as regards the location of the seat of the European Banking Authority (Regulation) – BALZ & BERÈS report – 2017/0326 (COD)

The Commission approved the line set out in SI(2018) 273.

(29 May 2018)

- Enforcement of Directive 2006/123/EC on services in the internal market, laying down a notification procedure for authorisation schemes and requirements related to services, and amendment of Directive 2006/123/EC and Regulation (EU) 1024/2012 on administrative cooperation through the Internal Market Information System (Directive) – GUTIÉRREZ PRIETO report – 2016/0398 (COD)

The Commission approved the line set out in SI(2018) 274.

- Establishment of the European Defence Industrial Development Programme aiming at supporting the competitiveness and innovative capacity of the EU defence industry (Regulation) – GROSSETÊTE report – 2017/0125 (COD)

The Commission approved the line set out in SI(2018) 284.

iii) European Parliament dossiers - May II 2018 part-session

(point 3.2 of the IRG record)

Ordinary legislative procedure – First reading

- 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 took note of SP(2018) 322, further to note SI(2018) 163, which it had already approved on 11 April 2018.

Implementing acts and measures

- Implementing Decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize 1507 × 59122 × MON 810 × NK603 / Implementing Decision renewing the authorisation of the placing on the market of products containing,

consisting of, or produced from genetically modified maize GA21 – (Commission Implementing Decisions) – Objections under Article 106 of the European Parliament’s Rules of Procedure

The Commission took note of document SP(2018) 323.

iv) Council dossier

(point 3.3 of the IRG record)

- Safeguarding of competition in air transport, repeal of Regulation (EC) 868/2004 (Regulation) – PIEPER report – 2017/0116 (COD)

The Commission took note of the information in SI(2018) 275/2.

4.3. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

v) Programming of Council business

(SI(2018) 287)

The Commission took note of the information in SI(2018) 287 on the Council meetings between 31 May and 13 June 2018.

vi) Non-legislative dossiers

(point 4.1 of the IRG record)

- Authorisation of the Member of the Commission responsible for Environment, Maritime Affairs and Fisheries to sign the Sofia Ministerial Declaration on Black Sea fisheries and aquaculture in Sofia on 7 June 2018 on behalf of the European Union (Commission Decision) – C(2018) 2739

The Commission approved the line set out in SI(2018) 276.

- Authorisation of the opening of negotiations on behalf of the European Union for the conclusion of a Sustainable Fisheries Partnership

(29 May 2018)

Agreement and a protocol with the Republic of Madagascar (Council Decision) – COM(2018) 240

The Commission approved the line set out in SI(2018) 277.

- Authorisation of the opening of negotiations with Cabo Verde for the conclusion of a Protocol implementing the Fisheries Partnership Agreement between the European Communities and Cabo Verde (Council Decision) – COM(2018) 299

The Commission approved the line set out in SI(2018) 278.

- Establishment of the European High Performance Computing Joint Undertaking (Regulation) – BALCYTIS report – 2018/0003 (NLE)

The Commission took note of the information in SI(2018) 280.

- Follow-up to the judgment of the Court of Justice of the European Union of 6 March 2018 in case C-284/16 (*Achmea BV*) – Termination of the intra-EU Bilateral Investment Treaties

The Commission approved the line set out in SI(2018) 266/3.

- Signing, on behalf of the European Union, and provisional application of the Strategic Partnership Agreement between the European Union and its Member States, of the one part, and Japan, of the other part (Joint Proposal for Council Decision) – 2018/0121 (NLE)

The Commission approved the line set out in SI(2018) 281.

- Modification of the Rules of Procedure of the General Court

The Commission approved the line set out in SI(2018) 285.

4.4. RELATIONS WITH PARLIAMENT

vii) Non-legislative dossier

(point 5.1 of the IRG record)

- Major interpellation O-000042/2018 – Observance of the International Day of the Family (15 May 2018)

The Commission took note of SP(2018) 341/4.

- Special Committee on the EU's authorisation procedure for pesticides (PEST) – Follow-up to a PEST Committee meeting (Brussels, 12 April 2018) – Replies to written questions

The Commission approved the line set out in SP(2018) 316.

viii) Preparation of the 35th African, Caribbean and Pacific-EU Joint Parliamentary Assembly (ACP-EU) (Brussels, 18 to 20 June 2018) – Follow-up to the oral questions

(point 5.10 of the IRG record)

The Commission approved the replies to the oral questions from the Joint Parliamentary Assembly set out in SP(2018) 325 and /2, for transmission to the Assembly.

ix) Preparation of the 35th African, Caribbean and Pacific-EU Joint Parliamentary Assembly (ACP-EU) (Brussels, 18 to 20 June 2018) – Follow-up to the resolutions adopted at the 34th Parliamentary Joint Assembly (Port-au-Prince, 18 to 20 December 2017)

(point 5.11 of the IRG record)

The Commission approved the replies to the resolutions adopted by the Joint Parliamentary Assembly set out in SP(2018) 326, for transmission to the Assembly.

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

x) Participation by Members of the European Economic and Social Committee in international conferences

(point 6.3.1 of the IRG record)

- Conference of States Parties to the UN Convention on the Rights of Persons with Disabilities (CRPD) (New York, 12 to 14 June 2018), and the Civil Society Forum (New York, 11 June 2018)

The Commission gave its agreement to Mr Luca JAHIER, President of the European Economic and Social Committee, to the request to the PRESIDENT from Mr Georges DASSIS, the President of the European Economic and Social Committee when the request was made, concerning the attendance of three Members of the European Economic and Social Committee at the above-mentioned meetings, from 11 to 14 June 2018 as observers in the EU delegation, with a reminder about the procedure to be followed as set out in SC(2018) 21.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

**5.1. WRITTEN PROCEDURES APPROVED
(SEC(2018) 258 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 22 and 25 May 2018.

5.2. EMPOWERMENT

(SEC(2018) 259 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 22 and 25 May 2018.

5.3. DELEGATION / SUBDELEGATION OF POWERS

(SEC(2018) 260 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 22 and 25 May 2018 archived in Decide.

5.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2018) 261 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 28 May and 1 June 2018 and of the finalisation written procedures initiated following the weekly meeting of Chefs de cabinet on Tuesday 22 and Monday 28 May 2018.

- 6. 2021-2027 MULTIANNUAL FINANCIAL FRAMEWORK – PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING THE RIGHTS AND VALUES PROGRAMME (COM(2018) 383 AND /2; SWD(2018) 290 AND /2; SWD(2018) 291 AND /2; SEC(2018) 274; RCC(2018) 91)**
- 7. 2021-2027 MULTIANNUAL FINANCIAL FRAMEWORK – PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING THE JUSTICE PROGRAMME (COM(2018) 384 AND /2; SWD(2018) 290 AND /2; SWD(2018) 291 AND /2; SEC(2018) 274; RCC(2018) 91)**

8. **2021-2027 MULTIANNUAL FINANCIAL FRAMEWORK – PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE EUROPEAN SOCIAL FUND PLUS (ESF+)**
(COM(2018) 382 AND /2; SWD(2018) 289; SEC(2018) 273; RCC(2018) 87)
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(COM(2018) 387 AND /2; SWD(2018) 297; SWD(2018) 298; SEC(2018) 277; RCC(2018) 90)
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(COM(2018) 391 AND /2; SWD(2018) 310 AND /2; SWD(2018) 311 AND /2; SEC(2018) 280; RCC(2018) 90)

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(COM(2018) 394 TO /3; SWD(2018) 301; SEC(2018) 305; RCC(2018) 86)

- 17. 2021-2027 MULTIANNUAL FINANCIAL FRAMEWORK – PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING ‘ERASMUS’: THE UNION PROGRAMME FOR EDUCATION, TRAINING, YOUTH AND SPORT**

(COM(2018) 367 AND /2; SWD(2018) 276 AND /2; SWD(2018) 277 AND /2; SEC(2018) 265; RCC(2018) 94)

- 18. 2021-2027 MULTIANNUAL FINANCIAL FRAMEWORK – PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING THE CREATIVE EUROPE PROGRAMME**

(COM(2018) 366 AND /2; SWD(2018) 290 AND /2; SWD(2018) 291 AND /2; SEC(2018) 274; RCC(2018) 94)

- 19. 2021-2027 MULTIANNUAL FINANCIAL FRAMEWORK – PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE EUROPEAN REGIONAL DEVELOPMENT FUND AND ON THE COHESION FUND**

(COM(2018) 372 TO /4; SWD(2018) 282 AND /2; SWD(2018) 283; SEC(2018) 268; RCC(2018) 95)

- 20. 2021-2027 MULTIANNUAL FINANCIAL FRAMEWORK – PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE**

COUNCIL ON A MECHANISM TO RESOLVE LEGAL AND ADMINISTRATIVE OBSTACLES IN A CROSS-BORDER CONTEXT

(COM(2018) 373 TO /3; SWD(2018) 282 AND /2; SWD(2018) 283; SEC(2018) 268; RCC(2018) 95)

- 21. 2021-2027 MULTIANNUAL FINANCIAL FRAMEWORK – PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON SPECIFIC PROVISIONS FOR THE EUROPEAN TERRITORIAL COOPERATION GOAL (INTERREG) SUPPORTED BY THE EUROPEAN REGIONAL DEVELOPMENT FUND AND EXTERNAL FINANCING INSTRUMENTS**

(COM(2018) 374 TO /3; SWD(2018) 282 AND /2; SWD(2018) 283; SEC(2018) 268; RCC(2018) 95)

- 22. 2021-2027 MULTIANNUAL FINANCIAL FRAMEWORK – PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL LAYING DOWN COMMON PROVISIONS ON THE EUROPEAN REGIONAL DEVELOPMENT FUND, THE EUROPEAN SOCIAL FUND PLUS, THE COHESION FUND, AND THE EUROPEAN MARITIME AND FISHERIES FUND AND FINANCIAL RULES FOR THOSE AND FOR THE ASYLUM AND MIGRATION FUND, THE INTERNAL SECURITY FUND AND THE BORDER MANAGEMENT AND VISA INSTRUMENT**

(COM(2018) 375 TO /4; RCC(2018) 95)

- 23. 2021-2027 MULTIANNUAL FINANCIAL FRAMEWORK – PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING THE EU ANTI-FRAUD PROGRAMME**

(COM(2018) 386 AND /2; SWD(2018) 294; RCC(2018) 89)

The PRESIDENT invited Mr OETTINGER to give a general overview of the proposals that were tabled for approval by the College that day as part of the forthcoming Multiannual Financial Framework for 2021-2027.

Mr OETTINGER reminded the College that the general guidelines defined in the overarching draft Multiannual Financial Framework that had been adopted by the Commission on 2 May now needed to be translated into proposals for specific legal bases for each sector and programme; these would be submitted to the College in three sets, the first of which was being tabled that day, while the other two would be submitted to the College on 6 and 12 June.

He pointed to a number of stand-out proposals in this first set, specifically those relating to agriculture and rural development, cohesion policy, economic and financial instruments, and the Erasmus programme. He focused on the first two areas, allowing Mr DOMBROVSKIS, Mr MOSCOVICI and Mr NAVRACSICS to present the economic and financial instruments and the Erasmus programme.

He explained that, generally speaking, and compared to 2014-2020, the changes to the budgetary envelopes set out in the 2021-2027 draft financial framework for agriculture and sustainable development, as well as for cohesion policy, had been calculated based on a fictitious budget for 2014-2020 with 27 Member States, and not 28, in order to take into account the United Kingdom's withdrawal from the EU, which would in principle have taken place when the next financial framework came into effect. The calculation had involved subtracting from the 2014-2020 financial framework the amounts relating to the United Kingdom, which comprised the sums already known for the period 2014-2017, on the one hand, and the projected sums for 2018-2020, on the other.

Mr OETTINGER pointed out that the proposed total envelope allocated to the Common Agricultural Policy for 2021-2027 was 4.6% smaller than in the 2014-2020 Multiannual Financial Framework based on 27 Member States. He noted that the proposed budgetary reduction for the first pillar of the Common Agricultural Policy, which mainly covered the system of direct aid to farmers, was proportionally smaller than the proposed reduction for the second pillar, which related to rural development policy, but that the reduction of the latter was counterbalanced by improved flexibility.

He explained that the amount allocated to cohesion policy in the draft 2021-2027 Multiannual Financial Framework was 6.2% lower than it was for the 2014-2020 period based on 27 Member States. As regards the proposed allocation of the European Structural and Investment Funds for 2021-2027, he noted that the approach used was based on a modernised version of the so-called Berlin method, which, with a number of adjustments, had been used successfully since 1999 and had won over the Member States over the course of three successive Multiannual Financial Frameworks. He pointed out that, using the proposed method, any variation in the amount of aid due to be allocated to the Member States would have to fall within a range of - 24% to + 8%. He noted that the very aim of cohesion policy necessitated these variations, as the objective was to prevent new development gaps from forming in places where they had been addressed. He stressed that it was precisely this past success of cohesion policy that led to future reductions in the amount of aid allocated to the EU's regions that – as a result of this policy – had successfully reduced any development gaps compared to other EU regions.

Lastly, Mr OETTINGER reminded the College of the target set in the draft 2021-2027 Multiannual Financial Framework to allocate 25% of the budget to the fight against climate change. However, he stressed that the target was an average figure, which was not supposed to be applied identically to all programmes. He therefore encouraged the Members of the Commission to identify the contribution of the programmes under their responsibility to the achievement of this 25% target.

The PRESIDENT invited Mr DOMBROVSKIS and Mr MOSCOVICI to discuss other particularly significant sectoral measures in the draft 2021-2027 Multiannual Financial Framework, namely those relating to the economy and finance.

Mr DOMBROVSKIS welcomed the Commission's proposals, specifically those relating to a reform support programme and a European Investment Stabilisation Function, as they represented a major step forward in terms of achieving a budgetary instrument designed to strengthen the Economic and Monetary Union.

He firstly presented the reform support programme, highlighting the vital importance of structural reforms as a means of modernising the Member States' economies, making them more resilient and promoting convergence between them. He explained that the aim of the programme was to strengthen incentives for reform in the EU by giving Member States who requested it financial and technical support, without co-financing obligations. This instrument would in particular be used to support reforms designed to address shortcomings identified in the European Semester of economic and budget policy coordination in the EU and in the macroeconomic imbalance procedure. It would be open to all Member States, and a specific instrument would be made available to countries that were not members of the euro area and that had implemented tangible measures in order to join the single currency.

He specified that the programme, for which the total proposed allocation amounted to EUR 25 billion, comprised three instruments, including a reform delivery tool that would provide financial support for Member States while the agreed reforms were being implemented. This financial support would initially be provided in accordance with the geographical allocations whilst the following cycles would be open and competitive. The grants would be awarded in a single payment that would be made once all the commitments had been implemented. In addition, the programme would continue to provide technical support for the development and implementation of the reforms, and there had been much interest in the tool since the structural reform support programme was launched in May. Lastly, a convergence facility would provide financial and technical assistance to Member States that had committed to adopting the euro within a fixed time frame.

Mr DOMBROVSKIS closed by highlighting how well the programme, which basically aimed to support the structural reforms, and the European Structural and Investment Funds, which were intended to encourage investment, complemented each other. He pointed out that the existing coordination mechanism would be strengthened in order to prevent any overlap and to ensure coherence between the Union's different funds and instruments.

Moving on to the European Investment Stabilisation Function, which he considered to be a significant step for the stability of the euro zone, Mr MOSCOVICI underlined the importance, in a difficult economic environment, of the measures proposed by the College in order to ensure a balance between responsibility and solidarity.

He pointed out that this mechanism aimed to protect physical investments and investment in human capital against an asymmetric shock, i.e. if the shock had a greater impact on one or several euro zone Member States and, on the one hand, the European Central Bank was not able to act alone and, on the other, the stabilisers of the national budgetary policy proved to be insufficient.

In that case, providing the Member State concerned had respected the Union's rules during the two preceding years, the Union's budget would borrow on the markets to lend to the Member State in question under more advantageous conditions in order for it to maintain its level of investment and therefore be better able to bounce back after the crisis.

Mr NAVRACSICS in turn briefly presented the proposal concerning the future of the Erasmus programme. He started by pointing out that Erasmus symbolised the European project by allowing young people to study, learn or train within the Union whilst giving them the benefits of a wider experience and knowledge of Europe and by offering them more opportunities on the labour market.

He explained that the proposal presented that day was more ambitious because it doubled the programme's allocation by raising it to EUR 30 billion for the whole 2021-2027 period. It also aimed to further improve what had been done over the past thirty years by basing itself on Erasmus, the Union's great success story, building on its solid foundations and making the new programme more inclusive, more accessible and more international.

He pointed out that the future version of Erasmus actually intended to support a record 12 million people, i.e. three times more than the 2014-2020 programme. It

would be aimed at schoolchildren, students, trainees, teachers, trainers, youth leaders, sports teachers and those following professional courses and professionals working in adult education and training. The 2020-2027 programme would, among other things, reach out to people from disadvantaged backgrounds thanks to new formats and would be more accessible to local and small organisations. It would also enhance mobility and cooperation with third countries thanks to a combination of physical and virtual mobility. It would focus on forward studies in areas such as renewable energy, climate change, the environment, artificial intelligence and engineering and, lastly, would encourage the emergence of a European identity by offering young people the opportunity to discover Europe's diversity and cultural heritage.

The PRESIDENT warmly thanked Mr OETTINGER and the Members of the Commission, their staff, their departments, the Secretariat-General and the Legal Service for all the work they had done to make it possible for the Institution to present a solid and ambitious set of proposals for the future of the Union that day.

Following the presentations and subject to a final general clean-up of the texts, the Commission:

- adopted the proposals for Regulations set out in COM(2018) 372/4, COM(2018) 373/3 and COM(2018) 374/3 for transmission to Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the national parliaments, together with the impact assessment, the summary thereof and the opinion of the Regulatory Scrutiny Board in staff working documents SWD(2018) 282/2 and SWD(2018) 283 and in SEC(2018) 268, the contents of which were noted;
- adopted the proposal for a Regulation in COM(2018) 375/4 for transmission to Parliament, the Council, the European Court of Auditors, the European Economic and Social Committee, the Committee of the Regions and the national parliaments.

In addition, on a proposal by the PRESIDENT, the Commission confirmed that:

- the proposals for Regulations in COM(2018) 383/2, COM(2018) 384/2, COM(2018) 382/2, COM(2018) 380/2, COM(2018) 367/2, COM(2018) 366/2 and COM(2018) 386/2 would be formally adopted by finalisation written procedure, the deadline for which was set at 10.00 on Wednesday 30 May 2018 (PE/2018/3520, PE/2018/3521, PE/2018/3542, PE/2018/3530, PE/2018/3471, PE/2018/3472 and PE/2018/3541 respectively);
- the proposals for Regulations in COM(2018) 369/2, COM(2018) 387/2, and COM(2018) 391/2, would be formally adopted by finalisation written procedure, the deadline for which was set at 10.00 on Thursday 31 May 2018 (PE/2018/3430, PE/2018/3560 and PE/2018/3562 respectively);
- the proposals for Regulations in COM(2018) 385/3, COM(2018) 393/3, COM(2018) 392/3 and COM(2018) 394/3 would be formally adopted by finalisation written procedure, the deadline for which was set at 10.00 on Friday 1 June 2018 (PE/2018/3543, PE/2018/3483, PE/2018/3481 and PE/2018/3482 respectively).

24. OTHER BUSINESS

LATEST DEVELOPMENTS IN TRADE RELATIONS WITH THE UNITED STATES AND CHINA (SEC(2018) 288)

The PRESIDENT asked Ms MALMSTRÖM to present the two draft decisions for which she was seeking an agreement in principle from the College and which concerned opening two dispute-settlement procedures at the World Trade Organisation, against the United States and China. He referred to the background note addressed to the Members of the Commission under the authority of Mr KATAINEN and Ms MALMSTRÖM, in agreement with himself, which set out in detail the grounds for these two decisions.

Ms MALMSTRÖM explained that the first decision consisted of applying to the World Trade Organisation to challenge the possible lifting of the temporary exemption that the United States had granted to the European Union up to 1 June in relation to the increased customs duties that it had unilaterally decided on 23 March to impose on steel and aluminium imports, invoking US legislation on national security known as ‘Section 232’.

This move by the US authorities was in reality an economic safeguard measure, not a national security one; the President of the United States would take a decision on 31 May or 1 June as to whether or not to extend the temporary exemption granted to the Union. Ms MALMSTRÖM therefore proposed that the College should prepare the elements of the decision to enable it to refer the case to the World Trade Organisation in the event that the US President took a decision that contravened the current trade rules, to the detriment of European industry, which, based on multiple discussions with the US authorities, was unfortunately likely to happen.

The second of the proposed decisions consisted of simultaneously opening a procedure at the World Trade Organisation regarding certain provisions of Chinese legislation that resulted in discrimination in the granting of foreign intellectual property licences. One regulation concerned the administration of the import and export of technology, and another concerned implementation of Chinese legislation on mixed-participation Chinese and foreign joint undertakings. These provisions had the effect of discriminating against foreign licensors of technological licences by obliging them to accept non-market-based conditions in their technology-transfer contracts with Chinese parties. These conditions related to liability, ownership and use of improvements made to a licensed technology, and to the transfer of technologies within the framework of mixed-participation Chinese and foreign joint undertakings, all practices contrary to World Trade Organisation rules.

Ms MALMSTRÖM favoured opening both procedures at the same time, as soon as the US authorities announced their decision on steel and aluminium imports. This would allow the Union to send a political message, clearly showing that it rejected

unilateral protectionist measures contrary to the rules of international trade and that it was capable of reacting very rapidly to settle disputes and assert its rights under the instruments provided in the multilateral system.

For this reason, she was asking the College to authorise the preparation of these two decisions, whilst stressing that if the US President decided to extend the Union's exemption from application of the increased import duties, or if unforeseen developments occurred, the Commission would return to this trade issue and the two draft decisions at the following week's meeting. The situation was nevertheless urgent; the US authorities had also launched a safeguard investigation in the automobile sector under 'Section 232'.

For the time being, Ms MALMSTRÖM assured the College that she would pursue her contacts with the US authorities up to the last moment, in order to propose constructive solutions to them – solutions that they did not appear to be ready to embrace, essentially for domestic policy reasons. On the Union's side, she was continuing to prepare rebalancing measures on imports from the United States, which could be put in place very rapidly if required, as decided by the College on the many occasions on which the issue had been raised. The European leaders were united on this matter, as evidenced by their declaration in Sofia a few days previously. Furthermore, some international partners might follow the Union's example.

Ms MALMSTRÖM thanked the College for its confidence in authorising her to commence preparatory work on the two decisions discussed that day. The Commission needed to be ready to take these decisions rapidly and firmly when the time came, if they proved necessary. She considered this to be a question of the dignity of the European Union.

Mr KATAINEN supported the approach outlined, which consisted of tirelessly proposing constructive alternatives to the US authorities in order to ease the current tensions. He, too, recommended a strong reaction on the part of the Union, which would have the additional benefit of preventing any thoughts of testing European

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patience that other world trade powers might have. Finally, he noted in passing that the price of steel-based and aluminium-based products had already risen sharply in the United States, considerably penalising US industry.

The PRESIDENT thanked Ms MALMSTRÖM and Mr KATAINEN for these explanations. He noted the College's agreement on following the recommendations set out regarding the two procedures against the United States and China, and authorised Ms MALMSTRÖM to continue the preparations so that the Commission would be ready to act as soon as necessary.

The PRESIDENT concluded by stressing that if in the coming hours the US President made a favourable decision concerning the Union's current exemption regarding import duties on steel and aluminium, the Commission would return to the two decisions under preparation at its next meeting.

The Commission took note of these conclusions and of the background note distributed as SEC(2018) 288.

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The meeting closed at 13.57.