



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2018) 2263 final

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

Strasbourg, 11 September 2018

TEXTE EN

MINUTES

of the 2263rd meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 18 July 2018

(morning)

—

PV(2018) 2263 final

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

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Single sitting: Wednesday 18 July 2018 (morning)

The sitting opened at 10.39 with Mr JUNCKER, President, in the chair. Items 9 (in part) and 10 were chaired by Mr TIMMERMANS.

Present:

Mr JUNCKER	President	Items 1 to 9 (in part)
Mr TIMMERMANS	First Vice-President	
Ms MOGHERINI	High Representative / Vice-President	Items 8 (in part) and 9 (in part)
Mr ANSIP	Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Mr DOMBROVSKIS	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	Items 1 to 9
Mr STYLIANIDES	Member	
Mr HOGAN	Member	Items 1 to 7
Ms BULC	Member	
Ms BIENKOWSKA	Member	
Ms JOUROVÁ	Member	
Mr NAVRACSICS	Member	
Ms VESTAGER	Member	
Mr MOEDAS	Member	
Sir Julian KING	Member	
Ms GABRIEL	Member	

Absent:

Mr KATAINEN	Vice-President
Mr HAHN	Member
Ms MALMSTRÖM	Member
Ms CREȚU	Member

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

Ms DE BASALDÚA	Deputy Chef de cabinet to Mr KATAINEN
Ms UDWIN	Deputy Chef de cabinet to Mr HAHN
Ms EICHHORN	A member of Ms MALMSTRÖM's staff
Ms RUS	Deputy Chef de cabinet to Ms CREȚU

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	
Ms AHRENKILDE HANSEN	Deputy Secretary-General	
Ms DEJMEK HACK	Adviser in the PRESIDENT's Office	Items 1 to 9 (in part)
Ms SILLAVEE	PRESIDENT's Office	
Mr SCHULTE	A member of Mr OETTINGER's staff	Item 7
Mr BULST	A member of Ms VESTAGER's staff	Items 1 to 8
Ms VILA NUÑEZ	Secretariat-General	
Ms ANDREEVA	Commission Spokesperson's Service	Items 1 to 9 (in part)
Mr BARNIER	Chief negotiator and Head of the Article 50 Task Force	Items 7 (in part) to 9

Secretary: Mr SELMAYR, Secretary-General, for items 1 to 9, and Ms AHRENKILDE HANSEN, Deputy Secretary-General, for item 10, assisted by Mr AYET PUIGARNAU, Director in the Secretariat-General.

1. AGENDAS

(OJ(2018) 2263/FINAL; SEC(2018) 2263/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) 2263)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Friday 13 July 2018.

3. APPROVAL OF THE MINUTES OF THE 2261ST AND 2262ND COMMISSION MEETINGS (3 AND 11 JULY 2018)

(PV(2018) 2261)

The Commission approved the minutes of its 2261st meeting and decided to hold over approval of the minutes of its 2262nd meeting for a later meeting.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2018) 116)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Thursday 12 July 2018 (RCC(2018) 116).

It paid particular attention to the following points.

4.1. HORIZONTAL ITEM

- i) Interinstitutional Agreement on a mandatory Transparency Register
– COM(2016) 627**

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The Commission approved the line set out in SI(2018) 410.

4.2. *LEGISLATIVE MATTERS*

- ii) Emission performance standards for new passenger cars and for new light commercial vehicles as part of the Union's integrated approach to reduce CO₂ emissions from light-duty vehicles, and amendment of Regulation (EC) 715/2007 (Regulation – recast) – DALLI report – 2017/0293 (COD)**
(point 3 of the IRG record)

The Commission approved the line set out in SI(2018) 407 and /2.

- iii) Trilogue**
(point 3.1 of the IRG record)

- Amendment of Regulation (EU) 2017/825 to increase the financial envelope of the Structural Reform Support Programme and adapt its general objective (Regulation) – TOMAŠIĆ report – 2017/0334 (COD)

The Commission approved the line set out in SI(2018) 412.

4.3. *RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL*

- iv) Programming of Council business**
(SI(2018) 413)

The Commission took note of the information in SI(2018) 413 on the Council meetings between 19 and 31 July 2018.

- v) Non-legislative dossiers**
(point 4.1 of the IRG record)

- Demarche on Norway's Whaling Activities

The Commission approved the line set out in SI(2018) 398.

- Reform of the Kimberley Process Certification Scheme – Strengthening the scope of the Kimberley Process in the Core Document

The Commission took note of document SI(2018) 399.

- Non-Paper on developments on Business and Human Rights

The Commission took note of document SI(2018) 400.

- Update of EU Cyber Defence Policy Framework

The Commission approved the line set out in SI(2018) 401 and /2.

- Progress Report on Implementation of the 19 June 2017 Council Conclusions on European Union External Action on Counterterrorism – Draft Joint Non-Paper from the European External Action Service and the European Commission Services

The Commission approved the line set out in SI(2018) 402.

- International Maritime Organisation (IMO) – Commission Staff Working Document for the Council Shipping Working Party – Joint European Union submissions – SWD(2018) 370/371/372

The Commission approved the line set out in SI(2018) 403.

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

vi) Follow-up to opinions of the European Economic and Social Committee – Plenary session of February 2018

(point 6.3.2 of the IRG record)

The Commission approved document SC(2018) 30/3 on the follow-up by the Commission to the opinions adopted by the European Economic and Social

Committee during the February 2018 session, for transmission to that Committee.

vii) Follow-up to opinions of the European Economic and Social Committee – Plenary session of March 2018

(point 6.3.3 of the IRG record)

The Commission approved document SC(2018) 31/3 on the follow-up by the Commission to the opinions adopted by the European Economic and Social Committee during the March 2018 session, for transmission to that Committee.

viii) Follow-up to opinions of the Committee of the Regions – Plenary session of January and February 2018

(point 6.4.2 of the IRG record)

The Commission approved document SR(2018) 21/2 on the action taken by the Commission on the opinions adopted by the Committee of the Regions at its session of January and February 2018, for transmission to the Committee of the Regions.

ix) Follow-up to opinions of the Committee of the Regions – Plenary session of March 2018

(point 6.4.3 of the IRG record)

The Commission approved, for transmission to the Committee of the Regions, document SR(2018) 22/2 on the action taken by the Commission on the opinions adopted by that Committee at its session of March 2018.

4.5. OTHER BUSINESS

x) Reply to a Communication of the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression with regard to Article 13 of the draft

Directive on Copyright in the Digital Single Market

(point 7 of the IRG record)

The Commission approved the line set out in SI(2018) 411.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED

(SEC(2018) 350 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 9 and 13 July 2018.

5.2. EMPOWERMENT

(SEC(2018) 351 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 9 and 13 July 2018.

5.3. DELEGATION / SUBDELEGATION OF POWERS

(SEC(2018) 352 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 9 and 13 July 2018, as archived in Decide.

5.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2018) 353 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 16 and 20 July 2018 and of the finalisation written procedures initiated following the weekly meeting of Chefs de cabinet on Friday 13 July 2018.

**5.5. COMMISSION DECISION REPEALING CERTAIN OBSOLETE
DECISIONS GRANTING EMPOWERMENTS AND DELEGATIONS
(C(2018) 4760)**

The Commission adopted the decision in C(2018) 4760, repealing, for reasons of legal certainty and clarity, 102 decisions granting empowerments and direct delegations that have become obsolete.

**6. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2018) 354)**

**ADMINISTRATIVE MATTERS
(PERS(2018) 48)**

**6.1. DG TRANSLATION – APPOINTMENT OF AD14/15 DIRECTOR
(PERS(2018) 27 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, ‘Translation’, in the Directorate-General for Translation (PERS(2018) 27).

It took note of the opinions of the Consultative Committee on Appointments of 8 April and 31 May 2018 (PERS(2018) 27/2 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, it then decided to appoint Ms Valeria DARO to the post.

This decision would take effect on 1 August 2018.

6.2. DG INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND SMEs – APPOINTMENT OF AD14/15 DIRECTOR (PERS(2018) 26 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, ‘Single Market for Public Administrations’, in DG Internal Market, Industry, Entrepreneurship and SMEs (PERS(2018) 26).

It took note of the opinions of the Consultative Committee on Appointments of 23 May and 21 June 2018 (PERS(2018) 26/2 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 BIENKOWSKA and also Mr ANSIP, Mr ŠEFČOVIČ, Mr DOMBROVSKIS and Mr KATAINEN, it decided to appoint Ms Marzena ROGALSKA to the post.

This decision would take effect on 1 August 2018.

6.3. DG EUROPEAN CIVIL PROTECTION AND HUMANITARIAN AID OPERATIONS (ECHO) – AMENDMENT OF THE ORGANISATION CHART, CREATION OF A FUNCTION OF DEPUTY DIRECTOR-GENERAL AND AUTHORISATION FOR THE INTERNAL PUBLICATION (GRADE AD15/16) OF A VACANCY NOTICE FOR THAT POST

On a proposal from Mr OETTINGER, in agreement with the PRESIDENT and after consulting Mr STYLIANIDES and also Ms MOGHERINI, the Commission decided:

- to approve the creation of a function of Deputy Director-General in DG European Civil Protection and Humanitarian Aid Operations;

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- to authorise the publication, under Article 29(1)(a)(i) and (iii) of the Staff Regulations, of the vacancy notice for this new function;
- to authorise Mr OETTINGER, in agreement with the PRESIDENT, to decide on the date and duration of publication of the post and, after consultation with Ms MOGHERINI and Mr STYLIANIDES, on the text of the vacancy notice.

These decisions would take effect immediately.

**6.4. 2017 GENERAL ACTIVITY REPORT OF THE MEDIATION SERVICE OF THE COMMISSION
(SEC(2018) 369)**

The Commission took note of the 2017 General Activity Report of the Mediation Service of the Commission in SEC(2018) 369 and authorised its distribution to the institution's staff.

7. OTHER BUSINESS

**7.1. COMMISSION DECISIONS ON THE ADMISSIBILITY OF THE PROPOSED CITIZENS' INITIATIVES ENTITLED 'PERMANENT EUROPEAN UNION CITIZENSHIP' AND 'STOP STARVATION FOR 8% OF THE EUROPEAN POPULATION!'
(C(2018) 4557; C(2018) 4584)**

Mr TIMMERMANS presented the draft decisions being tabled for the approval of the College on the registration of two European Citizens' Initiatives entitled 'Permanent European Union Citizenship' and 'Stop Starvation for 8% of the European Population'.

The first European Citizens' initiative requested the Commission to propose, in the context of the UK's withdrawal from the Union, means to avoid the risk

of collective loss of EU citizenship and rights, and to assure all EU citizens that, once attained, such status was permanent and their rights acquired. The second requested the Commission to propose actions in the field of food security in order to emphasise the responsibility of governments to eradicate food scarcity in the EU, encourage the disappearance of the culture of waste, implement a Financial Transaction Tax and improve access to sponsored food.

He reminded the meeting that in accordance with the conditions for admissibility provided for in Regulation (EU) 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative, the proposed actions must, in order to be registered, manifestly fall within the Commission's powers to submit a proposal for a legal act for the purpose of implementing the Treaties, and fulfil the other conditions set out in Article 4(2) of that Regulation.

The requests of the proponents of each of the European citizens' initiatives fell within the Commission's powers to propose legal acts for the purpose of implementing the Treaties. With regard to the initiative entitled 'Permanent European Union Citizenship', however, although it was not possible to grant European citizenship to persons who were not nationals of an EU Member State, legal acts could be proposed in the field of rights of third-country nationals residing legally in a Member State, including the conditions governing freedom of movement and of residence in other EU Member States.

In conclusion, Mr TIMMERMANS pointed out that the College's task that day was only to decide on the legal admissibility of each of the citizens' initiatives and not at this stage to analyse their substance or political merit. If, in the space of a year, one million signatures were collected from citizens of at least seven Member States for each of these initiatives, the Commission would have three months to decide whether or not to consent to the requests, duly justifying its decision.

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The Commission confirmed that the admissibility criteria under Article 4(2) of Regulation (EU) 211/2011 were fulfilled for the proposed European citizens' initiatives entitled 'Permanent European Union Citizenship' and 'Stop Starvation for 8% of the European population!'. The Commission therefore decided to register them on 23 July and 19 July 2018, respectively, in accordance with documents C(2018) 4557 and C(2018) 4584, and authorised Mr TIMMERMANS to sign the decisions on its behalf, to notify the organisers of the initiatives thereof in the authentic language (English), and to publish them, for information, after the removal of personal data, in the Official Journal of the European Union.

7.2. 2021-2027 MULTIANNUAL FINANCIAL FRAMEWORK – EUROPEAN PUBLIC ADMINISTRATION

The PRESIDENT invited Mr OETTINGER to brief the meeting on the Commission's proposal concerning heading 7, 'European Public Administration', of the Multiannual Financial Framework for 2021-2027 in order to respond to the criticisms of certain Member States.

Mr OETTINGER summarised the arguments justifying the Commission's proposal concerning administrative expenditure for the next Multiannual Financial Framework.

He pointed out that this expenditure represented a very reasonable share of the EU budget (6.7% of the total for all the institutions). Moreover, the Union had to meet expenditure that resulted from the EU's specific characteristics, as laid down in the Treaties, and which, by definition, had no equivalent in the budgets of the Member States, for example interpretation and translation expenses and expenses at the headquarters of the institutions.

He also drew attention to the significant budgetary efforts achieved as part of the 2013 reform of the Staff Regulations, in particular the 5% reduction in staff, the extension of the retirement age and the increase in weekly working

hours from 37.5 to 40. Between 2004 and 2020, around €9.5 billion had been saved as a result of the reforms of the Staff Regulations.

Lastly, he emphasised that it was important for the EU institutions to remain attractive workplaces. An additional budgetary cut would appear to be negative from this standpoint, since the budgetary reductions in past years had already eroded the attractiveness of jobs in the EU institutions. By way of illustration, the purchasing power of staff at the institutions had fallen by 9.9% between 2004 and 2017, whereas the average reduction for national civil servants had been only 1.4%.

The PRESIDENT thanked Mr OETTINGER and invited all the Members of the Commission to use the arguments set out so that they could be on the offensive rather than defensive when responding to the questions they would be asked about administration expenditure.

The Commission took note of this information.

The PRESIDENT also took the opportunity to highlight the outstanding quality of the Commission's interpretation service and to warmly thank the interpreters.

7.3. ONGOING TRADE NEGOTIATIONS WITH MERCOSUR

At the invitation of the PRESIDENT, Mr HOGAN briefed the College on the state of play of the negotiations with the Mercosur countries – Argentina, Brazil, Paraguay and Uruguay. Despite both parties' wish to reach agreement, the progress made on certain matters was still insufficient, in particular protected geographical indications. He hoped for significant progress in the next few days, otherwise the signing of the agreement might have to be postponed.

The Commission took note of this information.

8. COMMISSION DECISION ON A PROCEEDING UNDER ARTICLE 102 OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION AND ARTICLE 54 OF THE AGREEMENT ON THE EUROPEAN ECONOMIC AREA (CASE AT.40099 – GOOGLE ANDROID) (C(2018) 4761 TO /8; RCC(2018) 121)

Ms VESTAGER presented the draft decision she was tabling for approval imposing a fine on the company Google LCC and its parent company Alphabet Inc. for infringement of Article 102 of the Treaty on the Functioning of the European Union and Article 54 of the Agreement on the European Economic Area, and ordering them to immediately end the infringements identified. The two companies had been involved in illegal practices (Google since 2011 and Alphabet since 2015) to consolidate their dominant position on the market, in particular in the field of internet search. The proposed decision therefore required them to bring this anticompetitive conduct to an end within 90 days or face a penalty payment and to refrain from any similar conduct in future. In view of the duration and gravity of the infringement it also imposed a fine on the companies totalling €4 342 865 000, in accordance with the Commission's guidelines on calculating fines.

At the end of this presentation, the Commission:

- took note of the opinions of the Advisory Committee on Restrictive Practices and Dominant Positions of 6 and 17 July 2018 in C(2018) 4761/4 and /7;
- took note of the final report of the Hearing Officer of 17 July 2018 in C(2018) 4761/6;
- adopted in the authentic language (English) the decision in C(2018) 4761/8 finding that the companies to which the decision was addressed had infringed Article 102 of the Treaty on the Functioning of the European Union and Article 54 of the Agreement on the European Economic Area, requiring the parties to end the infringements immediately and imposing fines on these companies totalling €4 342 865 000;

- decided that the decision in C(2018) 4761/8 would be notified to the companies concerned, together with the final report of the Hearing Officer;
- decided that the key parts of the decision, together with the Advisory Committee’s opinion and the Hearing Officer’s final report, would be published in the official languages of the European Union in the Official Journal of the European Union (with business secrets and other confidential information removed).

9. STATE OF THE NEGOTIATIONS WITH A VIEW TO CONCLUDING AN AGREEMENT WITH THE UNITED KINGDOM SETTING OUT THE ARRANGEMENTS FOR ITS WITHDRAWAL FROM THE UNION UNDER ARTICLE 50 OF THE TREATY ON EUROPEAN UNION

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN CENTRAL BANK, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, THE COMMITTEE OF THE REGIONS AND THE EUROPEAN INVESTMENT BANK – PREPARING FOR THE WITHDRAWAL OF THE UNITED KINGDOM FROM THE EUROPEAN UNION ON 30 MARCH 2019
(COM(2018) 556)**

The PRESIDENT invited Mr BARNIER to report to the College on the latest developments in the negotiations that the Commission was leading on behalf of the European Union with the United Kingdom with a view to its withdrawal under Article 50 of the Treaty on European Union.

Mr BARNIER welcomed this latest opportunity to inform the College directly of developments in these negotiations. He considered that it came at a particularly opportune moment. He referred to the publication of the UK government’s White Paper setting out its vision of the conditions for the UK’s withdrawal from the

Union, which should be carefully analysed, and the positions taken recently by the UK authorities on the issue of Ireland and Northern Ireland and customs; which were contrary to the European Council's guidelines on the integrity of the internal market, the indivisibility of the four freedoms and decision-making autonomy, the consequences of which for the Union had to be carefully assessed.

Following this briefing, the Commission, on a proposal from the PRESIDENT, confirmed that the communication in COM(2018) 556 would be formally adopted by the finalisation written procedure, the deadline for which was set at 12.00 on Thursday 19 July 2018 (PE/2018/5067).

10. OTHER BUSINESS (CONTINUED)

TRIPARTITE DISCUSSIONS BETWEEN UKRAINE, RUSSIA AND THE EUROPEAN UNION CONCERNING THE AGREEMENT ON GAS TRANSIT

Mr ŠEFČOVIČ informed the College of the resumption in Berlin on Tuesday 17 July of the negotiations between Russia and Ukraine, facilitated by the EU, on the future of the contract for the transit of Russian gas for the EU through the territory of Ukraine. This contract was due to expire at the end of 2019. He reminded the meeting that the discussions had been blocked for a year and a half. He therefore welcomed the Berlin meeting, which he had chaired and which had brought together the Ukrainian Foreign Minister, the Russian Energy Minister, and the heads of Naftogaz and Gazprom. One outcome was that a Senior Officials' Meeting had been scheduled for September and a dialogue at political level for October.

The Commission took note of this information.

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

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The meeting closed at 11.51.