



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

**PV(2018) 2271 final**

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

Brussels, 28 November 2018

# **TEXTE EN**

## **MINUTES**

**of the 2271<sup>st</sup> meeting of the Commission**

**held in Brussels**

**(Berlaymont)**

**on Wednesday 7 November 2018**

**(morning)**

—

**PV(2018) 2271 final**

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**EN**

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**Single sitting: Wednesday 7 November 2018 (morning)**

The sitting opened at 9.43 with Mr JUNCKER, President, in the chair.

**Present:**

|                 |                                         |                        |
|-----------------|-----------------------------------------|------------------------|
| Mr JUNCKER      | President                               |                        |
| Mr TIMMERMANS   | First Vice-President                    |                        |
| Ms MOGHERINI    | High Representative /<br>Vice-President |                        |
| Mr ANSIP        | Vice-President                          |                        |
| Mr ŠEFČOVIČ     | Vice-President                          |                        |
| Mr DOMBROVSKIS  | Vice-President                          |                        |
| Ms MALMSTRÖM    | Member                                  |                        |
| Mr MIMICA       | Member                                  |                        |
| Mr ARIAS CAÑETE | Member                                  |                        |
| Mr VELLA        | Member                                  |                        |
| Mr AVRAMOPOULOS | Member                                  | Items 1 to 9 (in part) |
| Mr MOSCOVICI    | Member                                  |                        |
| Mr STYLIANIDES  | Member                                  |                        |
| Mr HOGAN        | Member                                  |                        |
| Ms BULC         | Member                                  |                        |
| Mr MOEDAS       | Member                                  | Items 1 to 9 (in part) |
| Sir Julian KING | Member                                  |                        |

Absent:

|                 |                |
|-----------------|----------------|
| Mr KATAINEN     | Vice-President |
| Mr OETTINGER    | Member         |
| Mr HAHN         | Member         |
| Mr ANDRIUKAITIS | Member         |
| Ms THYSSEN      | Member         |
| Ms BIEŃKOWSKA   | Member         |
| Ms JOUROVÁ      | Member         |
| Mr NAVRACSICS   | Member         |
| Ms CREȚU        | Member         |
| Ms VESTAGER     | Member         |
| Ms GABRIEL      | Member         |

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

|                |                                         |
|----------------|-----------------------------------------|
| Ms DE BASALDÚA | Deputy Chef de cabinet to Mr KATAINEN   |
| Mr HAGER       | Chef de cabinet to Mr OETTINGER         |
| Ms UDWIN       | Deputy Chef de cabinet to Mr HAHN       |
| Mr VINČIŪNAS   | Chef de cabinet to Mr ANDRIUKAITIS      |
| Ms PASERMAN    | Deputy Chef de cabinet to Ms THYSSEN    |
| Mr HEDBERG     | Deputy Chef de cabinet to Ms BIENKOWSKA |
| Ms NIKOLAY     | Chef de cabinet to Ms JOUROVÁ           |
| Ms KIRALY      | Chef de cabinet to Mr NAVRACSICS        |
| Mr LATOUDIS    | Deputy Chef de cabinet to Ms CREȚU      |
| Ms McCALLUM    | Deputy Chef de cabinet to Ms VESTAGER   |
| Mr BUHR        | Deputy 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 SWIEBODA          | European Political Strategy Centre                                          |                  |
| Ms AHRENKILDE HANSEN | Deputy Secretary-General                                                    |                  |
| Mr SZOSTAK           | Deputy Chef de cabinet to the PRESIDENT                                     |                  |
| Ms DEJMEK-HACK       | Adviser in the PRESIDENT's Office                                           |                  |
| Mr THOLONIAT         | Adviser in the PRESIDENT's Office                                           | Item 9 (in part) |
| Ms BARA              | Adviser in the PRESIDENT's Office                                           | Item 9 (in part) |
| Ms ARKI              | PRESIDENT's Office                                                          |                  |
| Mr SUARDI            | Deputy Chef de cabinet to Mr DOMBROVSKIS                                    | Item 9           |

|               |                                    |                        |
|---------------|------------------------------------|------------------------|
| Mr MÜLLER     | Chef de cabinet to Mr VELLA        | Items 1 to 7           |
| Ms SCHMITT    | Chef de cabinet to Mr AVRAMOPOULOS | Item 9 (in part)       |
| Mr BAILLY     | Chef de cabinet to Mr MOSCOVICI    | Items 1 to 9 (in part) |
| Mr SEQUEIRA   | Expert in Mr MOEDAS's Office       | Item 9 (in part)       |
| Ms VILA NUÑEZ | Secretariat-General                |                        |
| Ms ANDREEVA   | Commission Spokesperson's Service  |                        |

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

**1. AGENDAS**

**(OJ(2018) 2271/FINAL; SEC(2018) 2271)**

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) 2271)**

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 5 November 2018.

**3. APPROVAL OF THE MINUTES OF THE 2268<sup>TH</sup>, 2269<sup>TH</sup> AND 2270<sup>TH</sup> MEETINGS OF THE COMMISSION (10, 17 AND 23 OCTOBER 2018)  
(PV(2018) 2268; PV(2018) 2268, 2<sup>ND</sup> PART)**

The Commission approved the minutes of its 2268<sup>th</sup> meeting, and decided to hold over approval of the minutes of its 2269<sup>th</sup> and 2270<sup>th</sup> meetings until a later meeting.

**4. INTERINSTITUTIONAL RELATIONS**

**(RCC(2018) 143)**

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 26 October 2018 (RCC(2018) 143).

It paid particular attention to the following points.

#### **4.1. HORIZONTAL ITEM**

- i) InvestEU Programme (Regulation) – FERNANDES & GUALTIERI report – 2018/0229 (COD) – Non-paper of the Commission Services on the draft Investment Guidelines laying down the requirements for eligible financing and investment operations under the proposed InvestEU Fund**

The Commission took note of the information in SI(2018) 574.

#### **4.2. LEGISLATIVE MATTERS**

- ii) Trilogues**

(point 3.1 of the IRG record)

- Work-life balance for parents and carers and repeal of Council Directive 2010/18/EU (Directive) – CASA report – 2017/0085 (COD)

The Commission approved the line set out in SI(2018) 554/2.

- Amendment and correction of Regulation (EU) No 167/2013 on the approval and market surveillance of agricultural and forestry vehicles (Regulation) – DANTI report – 2018/0142 (COD)

The Commission approved the line set out in SI(2018) 555.

- 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) 566.

- Banking Package – Amendment of Regulation (EU) 575/2013 as regards the leverage ratio, the net stable funding ratio, requirements for own funds and eligible liabilities, counterparty credit risk, market risk, exposures to central counterparties, exposures to collective investment undertakings, large exposures, reporting and disclosure requirements and amendment of Regulation (EU) 648/2012 (Regulation) – SIMON report – 2016/0360A (COD) / Amendment of Directive 2013/36/EU as regards exempted entities, financial holding companies, mixed financial holding companies, remuneration, supervisory measures and powers and capital conservation measures (Directive) – SIMON report – 2016/0364 (COD)

The Commission approved the line set out in SI(2018) 556.

- Implementation of the safeguard clauses and other mechanisms allowing for the temporary withdrawal of preferences in certain agreements concluded between the European Union and certain third countries (Regulation) – FJELLNER report – 2018/0101 (COD)

The Commission approved the line set out in SI(2018) 557.

- Rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio (Regulation) – WÖLKEN report – 2016/0284 (COD)

The Commission approved the line set out in SI(2018) 565/2.

- Multiannual plan for fish stocks in the Western Waters and adjacent waters, and for fisheries exploiting those stocks, amendment of Regulation (EU) 2016/1139 establishing a multiannual plan for the Baltic Sea, and repeal of Regulations (EC) 811/2004, (EC) 2166/2005, (EC) 388/2006, (EC) 509/2007 and (EC) 1300/2008 (Regulation) – CADEC report – 2018/0074 (COD)

The Commission approved the line set out in SI(2018) 568/2.

- Reduction of the impact of certain plastic products on the environment (Directive) – RIES report – 2018/0172 (COD)

The Commission approved the line set out in SI(2018) 573/2.

**iii) European Parliament dossiers – November I 2018 part-session**

(point 3.2 of the IRG record)

- ‘Clean Energy’ Package – 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) – RIVASI & DALUNDE report – 2016/0375 (COD) / Promotion of the use of energy from renewable sources (Directive – recast) – BLANCO LÓPEZ report – 2016/0382 (COD)

The Commission approved the line set out in SP(2018) 697 and 698.

- Multi-annual plan for small pelagic stocks in the Adriatic Sea and the fisheries exploiting those stocks (Regulation) – TOMAŠIĆ report – 2017/0043 (COD)

The Commission approved the line set out in SP(2018) 702.

**iv) Council dossiers**

(point 3.3 of the IRG record)

- Import of cultural goods (Regulation) – MOSCA & DALTON report – 2017/0158 (COD)

The Commission took note of SI(2018) 558/2.

- Common system of a digital services tax on revenues resulting from the provision of certain digital services (Council Directive) – TANG report – 2018/0073 (CNS)

The Commission approved the line set out in SI(2018) 571/2.

- Marketing and use of explosives precursors, amendment of Annex XVII to Regulation (EC) 1907/2006 and repeal of Regulation (EU) 98/2013 on the marketing and use of explosives precursors (Regulation) – MAMIKINS report – 2018/0103 (COD)

The Commission approved the line set out in SI(2018) 559/2.

- Strengthening of the security of identity cards of Union citizens and of residence documents issued to Union citizens and their family members exercising their right of free movement (Regulation) – DEPREZ report – 2018/0104 (COD)

The Commission approved the line set out in SI(2018) 560.

- Re-use of public sector information (Directive – recast) – SYLIKOTIS report – 2018/0111 (COD)

The Commission approved the line set out in SI(2018) 561.

- Amendment of Regulation (EU) 575/2013 as regards exposures in the form of covered bonds (Regulation) – LUCKE report – 2018/0042 (COD) / Issue of covered bonds and covered bond public supervision and amendment of Directive 2009/65/EC and Directive 2014/59/EU (Directive) – LUCKE report – 2018/0043 (COD)

The Commission approved the line set out in SI(2018) 569.

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

**v) Programming of Council business**

(SI(2018) 575; SI(2018) 592)

The Commission took note of the information in SI(2018) 575 and SI(2018) 592 on the Council meetings between 1 and 21 November 2018.

**vi) Non-legislative dossier**

(point 4.1 of the IRG record)

- Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, establishing a Civilian Common Security and Defence Policy Compact

The Commission approved the line set out in SI(2018) 562.

**vii) Values of the Union – Hungary / Article 7(1) of the Treaty on the European Union – Factual contribution from the Commission to the General Affairs Council of 12 November 2018**

(SI(2018) 579)

The Commission took note of the information in SI(2018) 579.

**4.4. RELATIONS WITH PARLIAMENT**

**viii) Action to be taken on Parliament's legislative resolutions and other resolutions of a legal nature**

(SP(2018) 689/2)

The Commission decided to empower the Members of the Commission responsible for the sectors in question, in agreement with the PRESIDENT and Mr TIMMERMANS and, if necessary, with the other Members concerned to adopt the amended proposals for transmission to Parliament and the Council, as set out in SP(2018) 689/2, drawn up following the October II 2018 part-session of Parliament, the contents of which were noted.

**ix) Results of Parliament's October II 2018 part-session**

(SP(2018) 674; SP(2018) 675)

The Commission took note of the information in SP(2018) 674 and SP(2018) 675 on the proceedings of the part-session of Parliament held in Strasbourg from 22 to 25 October 2018.

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

**x) Relations with the national Parliaments**

(point 6.1.3 of the IRG record)

- Reply from the Director-General of DG Competition at the Commission to the Committee of Inquiry of the Chamber of Deputies of the Portuguese Republic about an additional request for access to a document from the State aid procedure, which the European Commission carried out in 2004 with regard to a stranded cost compensation scheme in Portugal (linked to case SA.17345)

The Commission approved the line set out in SNP(2018) 14, and authorised the Director-General of DG Competition, Mr LAITENBERGER, to reply to the Committee of Inquiry of the Chamber of Deputies of the Portuguese Republic in accordance with the draft letter annexed thereto.

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

(point 6.3.1 of the IRG record)

- Twenty-fourth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP 24) (Katowice, 3 to 14 December 2018)

The Commission agreed to the request to the PRESIDENT from Mr Luca JAHIER, President of the European Economic and Social Committee, concerning the attendance of seven Members of that Committee at the above-mentioned meeting as observers in the EU delegation, with a reminder about the procedure to be followed as set out in SC(2018) 41.

#### **4.6. OTHER BUSINESS**

- xii) European Union Hybrid Exercise-MULTILAYER 18 – European Union parallel and coordinated crisis management exercise 2018 (EU PACE 18) – State of play**  
(point 7.1 of the IRG record)

The Commission took note of the information in SI(2018) 563.

- xiii) Acquisition by the European Union of the status of Permanent International Partnership with the International Holocaust Remembrance Alliance**  
(point 7.2 of the IRG record)

The Commission approved the line set out in SI(2018) 564.

- xiv) European Union pledge to the Global Financing Facility at the Replenishment event on 6 November 2018 in Oslo**  
(point 7.4 of the IRG record)

The Commission took note of the information in SI(2018) 577.

### **5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS**

#### **5.1. WRITTEN PROCEDURES APPROVED (SEC(2018) 440 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 22 and 31 October 2018.

**5.2. EMPOWERMENT**  
**(SEC(2018) 441 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 22 and 31 October 2018.

**5.3. DELEGATION / SUBDELEGATION OF POWERS**  
**(SEC(2018) 442 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 22 and 31 October 2018 archived in Decide.

**5.4. SENSITIVE WRITTEN PROCEDURES**  
**(SEC(2018) 444 AND /2)**

The Commission took note of the sensitive written procedures for which the time limit expired between 5 and 9 November 2018 and of the finalisation written procedures initiated following the weekly meeting of Chefs de cabinet on 5 November.

**5.5. GRANTING OF A DELEGATION OF POWERS RELATING TO DECISIONS APPROVING OR REJECTING PROPOSED DATA STORAGE PROVIDERS AND DRAFT DATA STORAGE CONTRACTS TO BE CONCLUDED AS PART OF THE TRACEABILITY SYSTEM FOR TOBACCO PRODUCTS**  
**(C(2018) 7301)**

The Commission adopted the decision in C(2018) 7301.

It decided to grant to the Director-General of DG Health and Food Safety a delegation of powers to adopt, on behalf of the Commission and under its

responsibility, decisions approving or rejecting proposals from providers and/or the corresponding draft data storage contracts, to be concluded as part of the traceability system for tobacco products, subject to the provisions of Articles 2 to 5 of this Decision.

**6. ADMINISTRATIVE AND BUDGETARY MATTERS  
(SEC(2018) 443)**

***THE EUROPEAN COMMISSION'S DATA PROTECTION ACTION PLAN  
FOR THE IMPLEMENTATION OF REGULATION (EU) 2018/XXX ON THE  
PROTECTION OF NATURAL PERSONS WITH REGARD TO THE  
PROCESSING OF PERSONAL DATA BY THE UNION INSTITUTIONS,  
BODIES, OFFICES AND AGENCIES AND ON THE FREE MOVEMENT OF  
SUCH DATA***

***(C(2018)7432; INFO(2018) 64)***

The Commission adopted the decision in C(2018) 7432.

**7. COMMUNICATION FROM THE COMMISSION TO THE  
EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN  
ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF  
THE REGIONS – TOWARDS A COMPREHENSIVE EUROPEAN UNION  
FRAMEWORK ON ENDOCRINE DISRUPTORS  
(COM(2018) 734 AND /2; RCC(2018) 145)**

Mr VELLA briefly presented the Communication, which, almost 20 years after the adoption of the Community strategy of 1999 on endocrine disruptors, was aimed at stepping up the European Union's efforts to protect citizens and the environment from these substances while preserving an internal market that met consumer expectations and where all the Union's businesses could thrive.

The strategic approach recommended for the coming years was based on the precautionary principle and pursued three key objectives, namely (i) minimising the overall exposure of humans and the environment to endocrine disruptors; (ii) accelerating the development of a thorough research basis for effective and forward-looking decision-making; and (iii) promoting an active dialogue allowing all stakeholders to be heard and to work together.

With this in view, the Communication set out the specific actions that the Commission intended to undertake. First, it would carry out a Fitness Check to assess whether the EU legislation on endocrine disruptors was delivering its overall goal of protecting human health and the environment by minimising exposure to these substances. Next, it would support research into endocrine disruptors. Lastly, it would take initiatives in line with an inclusive approach that was open, transparent and brought together all the interested parties in order to ensure a constructive dialogue.

More specifically on the subject of research, Mr MOEDAS underlined the fundamental importance of scientific evidence concerning endocrine disruptors, as an issue which directly concerned the health of EU citizens and remained a source of deep concern for many of them. He therefore stressed the need to increase investment in research, to make it more coherent and to fill the current gaps in knowledge.

The PRESIDENT thanked Mr VELLA, Mr MOEDAS and the other Members of the Commission involved in preparing this Communication and congratulated them for the overall balance they had achieved.

Following these presentations, the Commission approved the Communication in COM(2018) 734/2 for transmission to Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions and, for information, to the national parliaments.

**8. COMMISSION DECISION ON THE ADMISSIBILITY OF THE PROPOSED CITIZENS' INITIATIVE ENTITLED 'MANDATORY FOOD LABELLING NON-VEGETARIAN / VEGETARIAN / VEGAN' (C(2018) 7300)**

Mr TIMMERMANS presented for approval the draft Commission Decision on the registration of the European citizens' initiative entitled 'Mandatory food labelling Non-Vegetarian/Vegetarian/Vegan'. In substance, this initiative asked the Commission to propose labelling all food products for sale in the Union with one of three pictorial labels, enabling consumers to identify whether the product was non-vegetarian, vegetarian or vegan. This measure would enable vegetarians and vegans easily to find products suitable for them, without having to study the list of ingredients, particularly since the way in which ingredients were designated was not uniform throughout the Union.

He reminded the meeting that in accordance with the conditions for admissibility provided for in Regulation (EU) 211/2011 on the European citizens' initiative, the proposed action 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 request of the proponents of the European citizens' initiative fell within the Commission's powers to propose legal acts for the purpose of implementing the Treaties, in the context of the provisions on the approximation of the laws, regulations and administrative provisions of the Member States concerning the establishment and functioning of the internal market, on the basis of Article 114 of the Treaty on the Functioning of the European Union.

In conclusion, he pointed out that the College's task that day was to decide only on the legal admissibility of the proposal and not at this stage to analyse its substance or political expediency. If, in the space of a year, one million signatures were collected from citizens of at least seven Member States, the Commission would

have three months to decide whether or not to consent to the requests, duly justifying its decision.

The Commission confirmed that the admissibility criteria under Article 4(2) of Regulation (EU) 211/2011 were fulfilled for the proposed European citizens' initiative entitled 'Mandatory food labelling Non-Vegetarian/Vegetarian/Vegan'. The Commission therefore decided to register the initiative, in accordance with document C(2018) 7300, and authorised Mr TIMMERMANS to sign the decision on its behalf, to notify the organisers of the initiative thereof in the authentic language (English), and to publish it, for information, in the Official Journal of the European Union.

## **9. OTHER BUSINESS**

### ***9.1. GLOBAL COMPACT FOR SAFE, ORDERLY AND REGULAR MIGRATION***

The PRESIDENT asked Mr MOGHERINI and Mr AVRAMOPOULOS to brief the meeting on the position of the EU Member States on the 'Global Compact for Safe, Orderly and Regular Migration', which was to be approved at the Intergovernmental Conference in Marrakesh on 10-11 December, under the auspices of the United Nations.

Mr AVRAMOPOULOS pointed out that until now, all the EU Member States, with the exception of Hungary, had supported the positions set out in the text of the Global Compact finalised at the intergovernmental negotiations in July 2018. However, he informed the meeting, with regret, that Austria had recently announced that it would not take part in the Marrakesh Conference and that it would abstain in the vote on the resolution on the Compact in question.

Mr AVRAMOPOULOS wished to reply firstly to most of the arguments put

forward by critics of the adoption of the Global Compact. He pointed out that this instrument was not binding in nature and that its purpose was not to encourage migration flows but rather simply to establish a framework for cooperation to facilitate migration management worldwide, while respecting the sovereign right of every State to determine its migration policy.

He then noted that it was in the interest of the Union and of its Member States to sign up to this Global Compact, which would form the framework within which the UN – and in particular the International Organization for Migration – would operate in the coming years in order to handle migration flows across the globe. He also pointed out that although the text of the Global Compact was inevitably the result of a compromise, it had the major asset of advocating concrete measures for combating illegal migration.

He was therefore more convinced than ever of the need for the Union, represented by the Commission, to participate in the Intergovernmental Conference in Marrakesh to adopt the Global Compact. He reminded the meeting that the Union had the status of permanent observer at the UN General Assembly. He felt that its participation at this Intergovernmental Conference was highly important for reaffirming its commitment to multilateralism and encouraging non-EU countries to cooperate with it in the field of migration management.

Ms MOGHERINI underlined the importance of the Global Compact for Migration, which was the essential framework for putting in place cooperation between the Union, the UN and non-EU countries in this field. In her view it was essential for the Union to continue to promote a constructive approach in respect of this instrument, in whose development it had played a key role, and for the Union to be represented at the Marrakesh Intergovernmental Conference in order to promote its position, send the positive messages that were expected of it, and continue to coordinate as far as possible the position of the EU Member States with a view to the vote on the resolution planned from 17 December at the UN General Assembly.

At the PRESIDENT's request, the Director-General of the Legal Service explained that the Commission was regularly faced with the Council's interpretation of its own rules of procedure, since the Council had chosen to take its decisions by consensus in areas where no procedure was specifically laid down. However, Article 16(3) of the Treaty on European Union stated that the Council acted by a qualified majority except where the Treaties provided otherwise. Moreover, he stressed the paradoxical nature of using consensus to adopt non-binding instruments, since Article 218 of the Treaty on the Functioning of the European Union permitted adoption by a qualified majority of binding instruments in the same fields. He pointed out that the Commission often noted this difference in treatment in matters relating to the United Nations.

He therefore recommended that when drawing up its proposals, the Commission should incorporate as far as possible the use of the procedures clearly laid down in the Treaty.

In the course of the short discussion that followed, the Commission referred mainly to the Union's special status at the United Nations and the fact that the resolutions adopted were the subject of a vote by the Member States, which could be done on the basis of diverging positions.

The PRESIDENT closed the discussion by pointing out that none of the provisions of the Global Compact was binding for the Member States. He said he was saddened by the position announced by Austria, which currently held the rotating presidency of the Council, and by the debates in several Member States concerning the Global Compact. In his view the Commission must continue to promote its positions, which were based on deeply-held convictions, independently of the choices made by certain Member States.

The Commission took note of this information and these conclusions.

## **9.2. LATEST ECONOMIC DEVELOPMENTS**

The Commission reviewed current economic developments in the Union. It referred mainly to (i) the main points of the autumn economic forecasts that the Commission would publish on 8 November, (ii) the results of the Eurogroup meeting of 5 November as regards the Commission's advance analysis of the draft budgetary plans of the euro area Member States for 2019, in particular that of Italy, and (iii) the results of the stress tests conducted by the European Banking Authority on the Union's biggest banks.

## **9.3. RELATIONS WITH IRAN**

The Commission discussed the latest developments relating to the second wave of sanctions that the US had reintroduced against Iran on 5 November. These sanctions concerned in particular Iranian oil exports and financial services.

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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 11.19.