



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2018) 2276 final

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

Brussels, 9 January 2019

TEXTE EN

MINUTES

**of the 2276th meeting of the Commission
held in Strasbourg
(Winston Churchill building)
on Tuesday 11 December 2018
(afternoon)**

PV(2018) 2276 final

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

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Single sitting: Tuesday 11 December 2018 (afternoon)

The sitting opened at 12.38 with Mr JUNCKER, President, in the chair.

Present:

Mr JUNCKER	President	
Ms MOGHERINI	High Representative / Vice-President	Item 7 (in part)
Mr ŠEFČOVIČ	Vice-President	
Mr DOMBROVSKIS	Vice-President	
Mr KATAINEN	Vice-President	
Mr HAHN	Member	
Ms MALMSTRÖM	Member	
Mr MIMICA	Member	
Mr VELLA	Member	
Mr ANDRIUKAITIS	Member	
Ms THYSSEN	Member	
Mr MOSCOVICI	Member	Items 6 and 7 (in part)
Mr STYLIANIDES	Member	
Mr HOGAN	Member	
Ms BULC	Member	
Ms BIENKOWSKA	Member	
Ms JOUROVÁ	Member	
Mr NAVRACSICS	Member	
Ms CREȚU	Member	
Ms VESTAGER	Member	
Sir Julian KING	Member	
Ms GABRIEL	Member	

Absent:

Mr TIMMERMANS	First Vice-President
Mr ANSIP	Vice-President
Mr OETTINGER	Member
Mr ARIAS CAÑETE	Member
Mr AVRAMOPOULOS	Member
Mr MOEDAS	Member

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

Ms SUTTON	Deputy Chef de cabinet to Mr TIMMERMANS
Mr LEPASSAAR	Chef de cabinet to Mr ANSIP
Mr HAENICKE	A member of Mr OETTINGER's staff
Mr BALKE	A member of Mr ARIAS CAÑETE's staff
Ms ASTERIADI	Deputy Chef de cabinet to Mr AVRAMOPOULOS
Mr SOUSA	A member of Mr MOEDAS's staff

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	
Ms METTLER	Head of the European Political Strategy Centre	
Ms ARKI	PRESIDENT's Office	
Mr WYNANDS	Chef de cabinet to Mr DOMBROVSKIS	Item 7 (in part)
Mr SNELS	Secretariat-General	
Ms ANDREEVA	Commission Spokesperson's Service	
Mr BARNIER	Chief negotiator and Head of the Article 50 Task Force	

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

1. AGENDAS

(OJ(2018) 2276/FINAL; SEC(2018) 2276)

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) 2276)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 10 December 2018.

3. APPROVAL OF THE MINUTES OF THE 2273RD, 2274TH AND 2275TH MEETINGS OF THE COMMISSION (21/22 AND 28 NOVEMBER, AND 5 DECEMBER 2018)

The Commission held over approval of the minutes of its 2273rd, 2274th and 2275th meetings for a later meeting.

4. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2018) 486 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 3 and 7 December 2018.

4.2. EMPOWERMENT

(SEC(2018) 487 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 3 and 7 December 2018.

4.3. DELEGATION / SUBDELEGATION OF POWERS

(SEC(2018) 488 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 3 and 7 December 2018 archived in Decide.

4.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2018) 489)

The Commission took note of the sensitive written procedures for which the time limit expired between 10 and 14 December 2018.

**4.5. AD HOC EMPOWERMENT TO ADOPT THE NECESSARY
PROTECTIVE MEASURES IN THE EVENT OF THE COUNCIL'S
FAILURE TO ACT WHEN FIXING FOR 2019 THE FISHING
OPPORTUNITIES FOR CERTAIN FISH STOCKS AND GROUPS OF
FISH STOCKS, APPLICABLE IN UNION WATERS AND, FOR UNION
VESSELS, IN CERTAIN NON-UNION WATERS**

(C(2018) 8700)

The Commission decided to empower Mr VELLA, the Member of the Commission responsible for Maritime Affairs and Fisheries, in agreement with the PRESIDENT, on behalf of the Commission and under its responsibility, to adopt the necessary protective measures, in the event of the Council's failure to act when fixing for 2019 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and,

for Union vessels, in certain non-Union waters, in accordance with the terms set out in C(2018) 8700.

**5. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL: SEVENTEENTH PROGRESS REPORT TOWARDS AN EFFECTIVE AND GENUINE SECURITY UNION
(COM(2018) 845 TO /3; RCC(2018) 166)**

The Commission approved the report in COM(2018) 845/3, for transmission to Parliament, the European Council and the Council and, for information, to the national parliaments.

**6. INTERINSTITUTIONAL RELATIONS
(RCC(2018) 165 AND /2)**

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 7 December 2018 (RCC(2018) 165 and /2).

It paid particular attention to the following points.

6.1. HORIZONTAL ITEM

- i) Interinstitutional Negotiations – Paragraph 40 of the Interinstitutional Agreement on Better Law-making / International Agreements**
(item 1.2 of the IRG record)

The Commission approved the line set out in SPI(2018) 40.

6.2. LEGISLATIVE MATTERS

ii) Trilogues

(item 3.1 of the IRG record)

- Rules and procedures for compliance with and enforcement of Union harmonisation legislation on products and amendment of Regulations (EU) 305/2011, (EU) 528/2012, (EU) 2016/424, (EU) 2016/425, (EU) 2016/426 and (EU) 2017/1369 of the European Parliament and of the Council, and Directives 2004/42/EC, 2009/48/EC, 2010/35/EU, 2013/29/EU, 2013/53/EU, 2014/28/EU, 2014/29/EU, 2014/30/EU, 2014/31/EU, 2014/32/EU, 2014/33/EU, 2014/34/EU, 2014/35/EU, 2014/53/EU, 2014/68/EU and 2014/90/EU of the European Parliament and of the Council (Regulation) – DANTI report – 2017/0353 (COD)

The Commission approved the line set out in SI(2018) 703/2.

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

The Commission approved the line set out in SI(2018) 710/2.

- Strengthening 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) 705.

- Amendment of Regulation (EC) 810/2009 establishing a Community Code on Visas (Visa Code) (Regulation) – LÓPEZ AGUILAR report – 2018/0061 (COD)

The Commission approved the line set out in SI(2018) 706/4.

- Establishment of a framework for interoperability between EU information systems (borders and visa) and amendment of Council Decision 2004/512/EC, Regulation (EC) 767/2008, Council Decision 2008/633/JHA, Regulation (EU) 2016/399 and Regulation (EU) 2017/2226 (Regulation) – LENAERS report – 2017/0351 (COD) / Establishment of a framework for interoperability between EU information systems (police and judicial cooperation, asylum and migration) (Regulation) – MELO report – 2017/0352 (COD)

The Commission approved the line set out in SI(2018) 707.

- Combating fraud and counterfeiting of non-cash means of payment and replacement of Council Framework Decision 2001/413/JHA (Directive) – KAUFMANN report – 2017/0226 (COD)

The Commission approved the line set out in SI(2018) 711.

- Amendment of Regulation (EU) 516/2014 of the European Parliament and the Council, as regards the re-commitment of the remaining amounts committed to support the implementation of the Council Decisions (EU) 2015/1523 and (EU) 2015/1601 or the allocation thereof to other actions under the national programmes (Regulation) – DALLI report – 2018/0371 (COD)

The Commission approved the line set out in SI(2018) 720 and took note of the compromise text annexed thereto.

- Amendment of Regulation (EU) 2016/399 as regards the rules applicable to the temporary reintroduction of border control at internal borders (Regulation) – FAJON report – 2017/0245 (COD)

The Commission approved the line set out in SI(2018) 712.

- Copyright in the Digital Single Market (Directive) – VOSS report – 2016/0280 (COD)

The Commission approved the line set out in SI(2018) 713, /3 and /4.

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

The Commission approved the line set out in SI(2018) 714.

- Promotion of fairness and transparency for business users of online intermediation services (Regulation) – SCHALDEMOSE report – 2018/0112 (COD)

The Commission approved the line set out in SI(2018) 715.

- Adaptation of a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union (Regulation) – SZÁJER report – 2016/0400 (COD)

The Commission approved the line set out in SI(2018) 704 and /2.

- Amendment of Protocol No 3 on the Statute of the Court of Justice of the European Union – WÖLKEN report – 2018/0900 (COD)

The Commission approved the line set out in SI(2018) 717.

- Establishment of a 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) 725.

- Rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal

offences and repeal of Council Decision 2000/642/JHA (Directive) –
RADEV report – 2018/0105 (COD)

The Commission approved the line set out in SI(2018) 728.

- Amendment of Council Framework Decision 2009/315/JHA, as regards the exchange of information on third country nationals and as regards the European Criminal Records Information System (ECRIS), and replacement of Council Decision 2009/316/JHA (Directive) – DALTON report – 2016/0002 (COD) / Establishment of a centralised system for the identification of Member States holding conviction information on third country nationals and stateless persons to supplement and support the European Criminal Records Information System (ECRIS-TCN system), and amendment of Regulation (EU) 1077/2011 (Regulation) – DALTON report – 2017/0144 (COD)

The Commission approved the line set out in SI(2018) 729.

- Common rules for the internal market in electricity (Directive – recast) – KARINŠ report – 2016/0380 (COD) / Internal market for electricity (Regulation – recast) – KARINŠ report – 2016/0379 (COD)

The Commission approved the line set out in SI(2018) 730/2 and SI(2018) 735.

- Amendment of Decision 1313/2013/EU on a Union Civil Protection Mechanism (Decision) – GARDINI report – 2017/0309 (COD)

The Commission approved the line set out in SI(2018) 731.

- Pan-European Personal Pension Product (Regulation) – IN 'T VELD report – 2017/0143 (COD)

The Commission approved the line set out in SI(2018) 732/2.

- Amendment of Regulation (EC) 924/2009 as regards certain charges on cross-border payments in the Union and currency conversion charges (Regulation) – MAYDELL report – 2018/0076 (COD)

The Commission approved the line set out in SI(2018) 666.

- 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) 727.

- Unfair trading practices in business-to-business relationships in the food supply chain (Directive) – DE CASTRO report – 2018/0082 (COD)

The Commission approved the line set out in SI(2018) 736/2.

iii) European Parliament dossiers – December 2018 part-session

(item 3.2 of the IRG record)

Ordinary legislative procedure – First reading

- Transparency and sustainability of the EU risk assessment in the food chain, amendment of Regulation (EC) 178/2002 [on general food law], Directive 2001/18/EC [on the deliberate release into the environment of GMOs], Regulation (EC) 1829/2003 [on GM food and feed], Regulation (EC) 1831/2003 [on feed additives], Regulation (EC) 2065/2003 [on smoke flavourings], Regulation (EC) 1935/2004 [on food contact materials], Regulation (EC) 1331/2008 [on the common authorisation procedure for food additives, food enzymes and food flavourings], Regulation (EC) 1107/2009 [on plant protection products] and Regulation (EU) 2015/2283 [on novel foods] (Regulation) – SOMMER report – 2018/0088 (COD)

The Commission approved the line set out in SP(2018) 776.

- European Agency for Safety and Health at Work (EU-OSHA) and repeal of Council Regulation (EC) 2062/94 (Regulation) – HOC report – 2016/0254 (COD) / European Foundation for the Improvement of Living and Working Conditions (Eurofound) and repeal of Council Regulation (EEC) 1365/75 (Regulation) – CALVET CHAMBON report – 2016/0256 (COD) / Creation of a European Centre for the Development of Vocational Training (Cedefop) and repeal of Regulation (EEC) No 337/75 (Regulation) – SANDER report – 2016/0257 (COD)

The Commission approved the line set out in SP(2018) 797 and took note of the compromise texts annexed thereto.

- Amendment of Regulation (EC) 883/2004 on the coordination of social security systems and Regulation (EC) 987/2009 laying down the procedure for implementing Regulation (EC) 883/2004 (Regulation) – BALAS report – 2016/0397 (COD)

The Commission approved the line set out in SP(2018) 825.

- European Labour Authority (Regulation) – LENAERS report – 2018/0064 (COD)

The Commission took note of SP(2018) 826, further to note SI(2018) 682, which it had already approved on 5 December 2018.

Consultation procedure

- Common system of a digital services tax on revenues resulting from the provision of certain digital services (Council Directive) – TANG report – 2018/0073 (CNS) / Rules relating to the corporate taxation of a significant digital presence (Council Directive) – ROSATI report – 2018/0072 (CNS)

The Commission approved the line set out in SP(2018) 798 and SP(2018) 831.

Implementing acts and measures

- Amendment of Annex II to Regulation (EC) 396/2005 of the European Parliament and of the Council on maximum residue levels of pesticides in or on food and feed of plant and animal origin, and amendment of Council Directive 91/414/EEC (Commission Regulation) – Objection pursuant to Rule 106 of the European Parliament's Rules of Procedure

The Commission took note of SP(2018) 827.

iv) Council dossier

(item 3.3 of the IRG record)

- Fixing for 2019 of the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters (Council Regulation) – 2018/0380 (NLE)

The Commission approved the line set out in SI(2018) 726.

6.3. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

v) Programming of Council business

(SI(2018) 734)

The Commission took note of the information in SI(2018) 734 on the Council meetings between 13 and 26 December 2018.

vi) Results of the Eurogroup meeting and the Economic and Financial Affairs Council (Brussels, 3 and 4 December 2018)

Ahead of the euro area summit to be held on 14 December, the College briefly discussed the latest economic and budgetary developments relating to the euro area and the situation in some of its Member States.

The Commission took note of this information.

6.4. RELATIONS WITH PARLIAMENT

vii) Non-legislative dossier

(point 5.1 of the IRG record)

- Conclusion of the agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Morocco on the amendment of Protocols 1 and 4 to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part (Council Decision) – LALONDE report – 2018/0256 (NLE)

The Commission took note of document SP(2018) 824.

viii) Action taken on the non-legislative resolutions adopted by Parliament at its October I 2018 part-session

(point 5.6.2 of the IRG record)

The Commission approved, for transmission to Parliament, document SP(2018) 795 on the action taken on the non-legislative resolutions adopted by Parliament at its October I 2018 part-session.

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

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

(point 6.3.1 of the IRG record)

The Commission approved document SC(2018) 43/3 on the follow-up by the Commission to the opinions adopted by the European Economic and Social Committee during the July 2018 session, for transmission to that Committee.

x) Follow-up to opinions of the Committee of the Regions – Plenary session of July 2018
(point 6.4.1 of the IRG record)

The Commission approved, for transmission to the Committee of the Regions, document SR(2018) 30/2 on the action taken by the Commission on the opinions adopted by that Committee at its session of July 2018.

7. OTHER BUSINESS

7.1. 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

The PRESIDENT invited Mr BARNIER to inform the College of the latest developments relating to the withdrawal of the United Kingdom under Article 50 of the Treaty on European Union, the day after the announcement by the British Prime Minister, Theresa May, of the postponement of the ‘meaningful vote’ in the national parliament.

7.2. INSTITUTIONAL FRAMEWORK AGREEMENT BETWEEN THE EUROPEAN UNION AND SWITZERLAND, AND NEXT STEPS CONCERNING THE EQUIVALENCE OF THE LEGAL AND SUPERVISORY FRAMEWORK APPLICABLE TO STOCK EXCHANGES IN SWITZERLAND

The PRESIDENT invited Mr HAHN to brief the College on the negotiations he was conducting in agreement with Ms MOGHERINI with a view to establishing relations between the European Union and Switzerland on a solid institutional basis by means of an Institutional Framework Agreement.

Mr HAHN reminded the meeting that the Commission had been negotiating

this Institutional Framework Agreement for over four years and that, for the Council, its implementation was a prerequisite for any future access for Switzerland to the EU single market. The Swiss Confederation currently already had privileged access to the Union's internal market under over 120 agreements.

He noted that the Swiss authorities did not seem to be in a hurry to adopt an agreement that would adapt Swiss legislation to the Community *acquis* and would establish a dispute settlement mechanism. As a result of this dilatoriness, the conditions were not in place for a level playing field for EU businesses, including as regards taxation, and, moreover, there was no possibility of independent arbitration. From the Union's standpoint, it was therefore important to conclude the Institutional Framework Agreement as quickly as possible.

Following a discussion, the PRESIDENT noted that the College approved his proposal to extend by six months for one last time the implementing decision on the equivalence of the legal and supervisory framework applicable to the Swiss stock exchanges in accordance with Directive 2014/65/EU of the European Parliament and of the Council, an implementing decision which had been adopted by the Commission on 21 December 2017 by written procedure (PE/2017/9507). The aim of this last extension was to allow the final ratification of the Institutional Framework Agreement in spring 2019.

The PRESIDENT pointed out that the decision to extend the above-mentioned implementing decision by six months came under the comitology arrangements. He concluded that following the minimum period of five working days for consultation of the Member States at the European Securities Committee meeting on Friday 14 December, the Commission would formally adopt this equivalence decision by urgent written procedure by Thursday 20 December 2018 at the latest, with a view to its publication the following day in the Official Journal of the European Union.

The Commission took note of this information and these conclusions.

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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 13.44.