



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2018) 2277 final

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

Brussels, 23 January 2019

TEXTE EN

MINUTES

**of the 2277th meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 19 December 2018
(morning)**

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

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Single sitting: Wednesday 19 December 2018 (morning)

The sitting opened at 9.43 with Mr JUNCKER, President, in the chair. Item 17 (in part) was chaired by Mr TIMMERMANS.

Present:

Mr JUNCKER	President	Items 1 to 17 (in part)
Mr TIMMERMANS	First Vice-President	
Ms MOGHERINI	High Representative / Vice-President	
Mr ANSIP	Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Mr DOMBROVSKIS	Vice-President	Items 1 to 17 (in part)
Mr KATAINEN	Vice-President	
Mr OETTINGER	Member	Items 1 to 17 (in part)
Mr HAHN	Member	
Ms MALMSTRÖM	Member	
Mr MIMICA	Member	
Mr ARIAS CAÑETE	Member	Item 17 (in part)
Mr VELLA	Member	
Mr ANDRIUKAITIS	Member	Items 11/16 (in part) and 17
Mr AVRAMOPOULOS	Member	
Ms THYSSEN	Member	
Mr MOSCOVICI	Member	Items 1 to 17 (in part)
Mr STYLIANIDES	Member	Items 1 to 17 (in part)
Mr HOGAN	Member	Items 1 to 11/16 (in part)
Ms BULC	Member	Items 1 to 17 (in part)
Ms BIENKOWSKA	Member	Items 1 to 17 (in part)
Ms JOUROVÁ	Member	
Mr NAVRACSICS	Member	
Ms VESTAGER	Member	
Mr MOEDAS	Member	
Sir Julian KING	Member	

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Absent:

Ms CREȚU

Member

Ms GABRIEL

Member

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

Mr DZIECIOLOWSKI	A member of Ms CREȚU's staff	
Ms BORISSOVA	Chef de cabinet to Ms GABRIEL	Item 17 (in part)

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 AHRENKILDE HANSEN	Deputy Secretary-General	
Ms GAUER	Deputy Secretary-General	
Mr SZOSTAK	Deputy Chef de cabinet to the PRESIDENT	
Ms DEJMEK HACK	Adviser in the PRESIDENT's Office	Items 1 to 17 (in part)
Mr THOLONIAT	Adviser in the PRESIDENT's Office	Items 11/16 (in part) and 17 (in part)
Ms ARKI	PRESIDENT's Office	
Mr SMULDERS	Chef de cabinet to Mr TIMMERMANS	Item 17 (in part)
Mr WYNANDS	Chef de cabinet to Mr DOMBROVSKIS	Items 11/16 (in part) and 17 (in part)
Mr HAGER	Chef de cabinet to Mr OETTINGER	Items 1 to 9
Ms LOBILLO BORRERO	Chef de cabinet to Mr ARIAS CAÑETE	Item 17 (in part)
Mr SAGREDO	Senior expert in Mr ARIAS CAÑETE's Office	Items 1 to 17 (in part)
Mr VINČIŪNAS	Chef de cabinet to Mr ANDRIUKAITIS	Items 1 to 11/16 (in part)
Mr BAILLY	Chef de cabinet to Mr MOSCOVICI	Item 17 (in part)

Mr POWER	Chef de cabinet to Mr HOGAN	Item 17 (in part)
Mr SNELS	Secretariat-General	
Ms ANDREEVA	Commission Spokesperson's Service	Items 1 to 17 (in part)
Ms BREIDTHARDT	Commission Spokesperson's Service	Item 17 (in part)
Mr BARNIER	Chief negotiator and Head of the Article 50 Task Force	Items 1 to 16
Mr BUTI	Director-General, DG Economic and Financial Affairs	Items 11/16 (in part) and 17 (in part)

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

1. AGENDAS

(OJ(2018) 2277/FINAL; SEC(2018) 2277/FINAL/2)

The Commission took note of that day's agenda and of the tentative agendas for forthcoming meetings. It also took note of the addition of item 9.1 (on an administrative decision) to that day's agenda.

2. WEEKLY MEETING OF CHEFS DE CABINET

(RCC(2018) 2277)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 17 December 2018.

3. APPROVAL OF THE MINUTES OF THE 2273RD, 2274TH, 2275TH AND 2276TH MEETINGS OF THE COMMISSION (21 AND 22 NOVEMBER, 28 NOVEMBER, AND 5 AND 11 DECEMBER 2018)
(PV(2018) 2273; PV(2018) 2273, 2ND PART; PV(2018) 2274; PV(2018) 2274, 2ND PART)

The Commission approved the minutes of its 2273th and 2274th meetings and decided to hold over approval of the minutes of its 2275th and 2276th meetings for a later meeting.

4. MONITORING THE APPLICATION OF EUROPEAN UNION LAW

INFRINGEMENTS – URGENT INDIVIDUAL CASE
(SEC(2018) 530)

2018/2008 — UNITED KINGDOM — Loss of traditional and VAT own resources due to undervaluation of imports

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Decision: referral to the Court of Justice of the European Union under Article 258 of the Treaty on the Functioning of the European Union

The Commission adopted the decision in SEC(2018) 530.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

**5.1. WRITTEN PROCEDURES APPROVED
(SEC(2018) 496 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 10 and 14 December 2018.

**5.2. EMPOWERMENT
(SEC(2018) 497 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 10 and 14 December 2018.

**5.3. DELEGATION / SUBDELEGATION OF POWERS
(SEC(2018) 498 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 10 and 14 December 2018 archived in Decide.

**5.4. SENSITIVE WRITTEN PROCEDURES
(SEC(2018) 499 AND /2)**

The Commission took note of the sensitive written procedures for which the time limit expired between 17 December 2018 and 4 January 2019.

**5.5. GRANTING OF AN EMPOWERMENT AND A DELEGATION OF POWERS RELATING TO THE IMPLEMENTATION OF THE ASYLUM, MIGRATION AND INTEGRATION FUND AND THE INTERNAL SECURITY FUND
(C(2018) 8999)**

The Commission adopted the decision in C(2018) 8999 and, in particular, decided:

- to empower the Member of the Commission responsible for the Asylum, Migration and Integration Fund and the Internal Security Fund to adopt, on behalf of the Commission and under its responsibility, the measures referred to in Article 1, subject to the conditions laid down in Article 4 of the Decision;
- to delegate to the Director-General of DG Migration and Home Affairs the adoption, on behalf of the Commission and under its responsibility, of the decisions on the clearance of accounts, as referred to in Article 45(1) of Regulation (EU) 514/2014, subject to the conditions laid down in Article 4 of the Decision.

**5.6. GRANTING OF A DELEGATION OF POWERS RELATING TO THE EXTENSION OF THE DEADLINE FOR THE CONCLUSION OF CONTRACTS FOR THE IMPLEMENTATION OF PROGRAMMES ON AGRICULTURAL PRODUCTS
(C(2018) 8976)**

The Commission adopted the decision in C(2018) 8976 and decided, in particular, to grant a delegation to the Director-General of DG Agriculture and Rural Development to authorise or refuse, on behalf of the Commission and under its responsibility, and subject to the conditions set out in Article 2 of the Decision, an extension of the deadline for the conclusion of contracts

for the implementation of programmes on agricultural products, as referred to in Article 10(3) of Implementing Regulation (EU) 2015/1831.

6. **COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL – STATE OF PLAY AND WAY FORWARD AS REGARDS THE SITUATION OF NON-RECIPROCITY IN THE AREA OF VISA POLICY**
(COM(2018) 855 TO /3; RCC(2018) 167)
7. **SECOND REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL – SECOND REPORT UNDER THE VISA SUSPENSION MECHANISM**
(COM(2018) 856 AND /2; SWD(2018) 496; RCC(2018) 167)
8. **REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL ON THE SECOND ANNUAL REVIEW OF THE FUNCTIONING OF THE EU-U.S. PRIVACY SHIELD**
(COM(2018) 860 AND /2; SWD(2018) 497 AND /2; RCC(2018) 167)

The Commission approved:

- the Communication in COM(2018) 855/3 for transmission to Parliament and the Council and, for information, to the national parliaments;
- the reports in COM(2018) 856/2 and COM(2018) 860/2 for transmission to Parliament and the Council and, for information, to the national parliaments, together with staff working documents SWD(2018) 496 and SWD(2018) 497/2 respectively, the contents of which were noted.

9. **ADMINISTRATIVE AND BUDGETARY MATTERS**
(SEC(2018) 501 AND /2)

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ADMINISTRATIVE MATTERS

(PERS(2018) 85 AND /2)

At the request of the PRESIDENT, Mr OETTINGER presented a proposal for a decision on an appointment, which he submitted to the College (see item 9.1 of these minutes).

It was proposed to appoint Mr Klaus-Dieter BORCHARDT, currently Director of the Directorate responsible for the Energy Union in DG Energy, to the post of Deputy Director-General responsible for the coordination of energy policy, the Energy Union and external policy, in DG Energy, with effect from 1 January 2019.

Mr OETTINGER referred to Mr Klaus-Dieter BORCHARDT's skills and extensive experience, which made him well suited to the post.

9.1. DG ENERGY – APPOINTMENT OF AD15/16 DEPUTY DIRECTOR-GENERAL

(PERS(2018) 73 TO /3)

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Deputy Director-General responsible for energy policy, the Energy Union and external policy in DG Energy (PERS(2018) 73).

It took note of the opinions of the Consultative Committee on Appointments of 11 October and 21 November 2018 (PERS(2018) 73/2 and /3).

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Mr OETTINGER, in agreement with the PRESIDENT, and after consulting Mr ARIAS CAÑETE and also Mr ŠEFČOVIČ and Mr KATAINEN, the Commission then decided to appoint Mr Klaus-Dieter BORCHARDT to the post.

This decision would take effect on 1 January 2019.

**9.2. DG FISMA – APPOINTMENT OF AD14/15 DIRECTOR
(PERS(2018) 59 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 of the ‘Financial surveillance and crisis management’ Directorate in DG Financial Stability, Financial Services and Capital Markets Union (PERS(2018) 59).

It took note of the opinions of the Consultative Committee on Appointments of 23 October and 6 December 2018 (PERS(2018) 59/2 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 Mr DOMBROVSKIS, it then decided to appoint Mr Klaus WIEDNER to the post.

This decision would take effect on 1 January 2019.

**9.3. DG COMMUNICATION – AMENDMENT OF THE ORGANISATION
CHART AND APPOINTMENT OF AD15 HEAD OF THE
REPRESENTATION IN FINLAND**

On a proposal from Mr OETTINGER, in agreement with the PRESIDENT, the Commission decided:

- to transfer in the interest of the service, under Article 7 of the Staff Regulations, Mr Antti PELTOMAKI, an AD15 official, currently Deputy Director-General responsible for Directorates B, C, D and F in DG Internal Market, Industry, Entrepreneurship and SMEs, to the post of Head of the Commission Representation in Finland;
- by derogation from the Commission Decision on middle management staff (C(2016) 3288 final), to upgrade the post of Head of the Commission Representation in Finland to the level of Deputy Director-General

(AD15/16) for the duration of Mr Antti PELTOMAKI's posting.

These decisions would take effect on 1 April 2019.

9.4. DG COMMUNICATION – AMENDMENT OF THE ORGANISATION CHART AND APPOINTMENT OF AD15 HEAD OF THE REPRESENTATION IN THE NETHERLANDS

On a proposal from Mr OETTINGER, in agreement with the PRESIDENT, the Commission decided:

- to transfer in the interest of the service, under Article 7 of the Staff Regulations, Mr Didier HERBERT, an AD15 official, currently Director of the Regulatory Scrutiny Board (RSB) at the Secretariat-General, to the post of Head of the Commission Representation in the Netherlands;
- by derogation from the Commission Decision on middle management staff (C(2016) 3288 final), to upgrade the post of Head of the Commission Representation in the Netherlands to the level of Director (AD14/15) for the duration of Mr Didier HERBERT's posting.

These decisions would take effect on 1 February 2019.

**9.5. SECRETARIAT-GENERAL / REGULATORY SCRUTINY BOARD – INTERNAL PUBLICATION OF VACANCY NOTICE FOR A GRADE AD15/16 DIRECTOR-GENERAL POST
(PERS(2018) 86)**

On a proposal from Mr OETTINGER, in agreement with the PRESIDENT, the Commission decided to authorise the publication, under Article 29(1)(a)(i) and (iii) of the Staff Regulations, of the vacancy notice in PERS(2018) 86 for the post of Director-General in charge of the Regulatory Scrutiny Board (RSB) in the Secretariat-General.

This decision would take effect immediately.

9.6. DG COMPETITION – AUTHORISATION TO RECRUIT A TEMPORARY STAFF MEMBER, UNDER ARTICLE 2(a) OF THE CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS OF THE EUROPEAN UNION, AND EXTERNAL PUBLICATION OF A VACANCY NOTICE FOR AN AD14 DIRECTOR POST (PERS(2018) 87)

On a proposal from Mr OETTINGER, in agreement with the PRESIDENT and after consulting Ms VESTAGER and also Mr ANSIP, Mr ŠEFČOVIČ and Mr KATAINEN, the Commission decided:

- to authorise the recruitment of a temporary staff member, under Article 2(a) of the Conditions of Employment of Other Servants of the European Union, as a grade AD14 director in the Directorate-General for Competition in order to fill the post of Chief Competition Economist for a period of three years, renewable once for a maximum of two years;
- to authorise the external publication of the vacancy notice set out in PERS(2018) 87.

These decisions would take effect immediately.

9.7. DG COMPETITION – INTERNAL AND INTERINSTITUTIONAL (GRADE AD14/15) AND EXTERNAL (GRADE AD14) PUBLICATION OF A VACANCY NOTICE FOR A PRINCIPAL ADVISER (PERS(2018) 88)

On a proposal from Mr OETTINGER, in agreement with the PRESIDENT and after consulting Ms VESTAGER and also Mr ANSIP, Mr ŠEFČOVIČ and Mr KATAINEN, the Commission decided to authorise the internal, interinstitutional and external publication, under Article 29(1)(a)(i) and (iii), (1)(b) and (2) of the Staff Regulations, of the vacancy notice in PERS(2018)

88 for the post of principal adviser: Ex-post economic evaluation in DG Competition.

This decision would take effect immediately.

9.8. DG MOBILITY AND TRANSPORT – AMENDMENT OF THE ORGANISATION CHART AND INTERNAL PUBLICATION AT GRADE AD14/15 OF THE VACANCY NOTICE FOR A DIRECTOR POST (PERS(2018) 89)

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

- by derogation from point 7.2 of the Annex to Commission Decision C(2014) 9109 of 2 December 2014, to create a director post in DG Mobility and Transport, the holder of which would be seconded to the Innovation and Networks Executive Agency (INEA) to carry out the function of Executive Director;
- to authorise the publication, under Article 29(1)(a)(i) and (iii) of the Staff Regulations, of the vacancy notice for this post in PERS(2018) 89.

These decisions would take effect immediately.

9.9. DG MOBILITY AND TRANSPORT – EXTENSION OF THE TERM OF OFFICE OF THE EXECUTIVE DIRECTOR OF THE INNOVATION AND NETWORKS EXECUTIVE AGENCY (INEA)

The Commission took note of the information in point 8 of PERS(2018) 85 and, on a proposal from Mr OETTINGER, in agreement with the PRESIDENT and after consulting Ms BULC and also Mr ŠEFČOVIČ and Mr KATAINEN, decided to extend the term of office of Mr Dirk BECKERS in the post of Executive Director of the Innovation and Networks Executive Agency (INEA) for an additional period of four month, i.e. until 30 April

2019, in order to ensure the continuity of the Agency's activities and pending the outcome of the selection procedure referred to in point 9.8 of these minutes.

This decision would take effect from 1 January 2019.

**9.10. DG EMPLOYMENT, SOCIAL AFFAIRS AND INCLUSION –
RECLASSIFICATION OF THE CONTRACT OF THE DIRECTOR OF
THE EUROPEAN FOUNDATION FOR THE IMPROVEMENT OF
LIVING AND WORKING CONDITIONS (EUROFOUND)**

The Commission took note of the information in point 9 of PERS(2018) 85 and, on a proposal from Mr OETTINGER, in agreement with the PRESIDENT, and after consulting Ms THYSSEN and also Mr DOMBROVSKIS and Mr KATAINEN, decided:

- to reclassify the contract of Mr Juan MENÉNDEZ-VALDÉS, currently Director of the European Foundation for the Improvement of Living and Working Conditions (Eurofound), from AD14 to AD15;
- to instruct Ms THYSSEN, the Commissioner for Employment, Social Affairs, Skills and Labour Mobility, to communicate this decision to the Governing Board of the European Foundation for the Improvement of Living and Working Conditions.

These decisions would take effect immediately.

**9.11. DG BUDGET – ALLOCATION OF HUMAN RESOURCES AND
DECENTRALISED ADMINISTRATIVE APPROPRIATIONS FOR 2019
(SEC(2018) 520)**

The Commission adopted the communication in SEC(2018) 520.

This decision would take effect immediately.

**9.12. SECRETARIAT-GENERAL / DG BUDGET / DG HUMAN RESOURCES
AND SECURITY – OPENING OF A EUROPEAN UNION DELEGATION
IN THE UNITED KINGDOM**

The Commission took note of the information in point 11 of PERS(2018) 85 and, on a proposal from Mr OETTINGER, in agreement with the PRESIDENT, and after consulting Ms MOGHERINI, Mr MIMICA, Ms MALMSTRÖM, Mr STYLIANIDES and Mr HAHN, decided:

- to agree to the opening of a European Union delegation in the United Kingdom, based in London;
- to note that any decision connected with the above decision to open the delegation and relating to the adoption of the new organisation chart or amendments to existing ones, and any decision to (re)deploy Commission resources, would have to be adopted in accordance with the cooperation procedures agreed by the Commission and the High Representative of the Union for Foreign Affairs and Security Policy and with internal procedures at the Commission.

These decisions would take effect immediately.

**9.13. DG HUMAN RESOURCES AND SECURITY / SECRETARIAT-
GENERAL – AMENDMENT OF THE RULES GOVERNING THE
COMPOSITION OF THE CABINETS OF THE MEMBERS OF THE
COMMISSION AND OF THE SPOKESPERSON'S SERVICE
(C(2018) 9045)**

The Commission took note of the decision of the PRESIDENT set out in C(2018) 9045.

The provision concerning the composition of the Spokesperson's Service, amended accordingly, would take effect on 16 January 2019.

10. INTERINSTITUTIONAL RELATIONS

(RCC(2018) 164)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 14 December 2018 (RCC(2018) 164).

It paid particular attention to the following points.

10.1. JOINT DECLARATION

i) Monitoring the implementation of the Joint Declaration – Follow-up of ongoing legislative proposals

(item 2 of the IRG record)

The PRESIDENT welcomed the progress made on the legislative proposals pending before the co-legislators. He thanked the Members of the Commission who, by participating in the trilogues, made major progress possible, and in particular Mr ARIAS CAÑETE, who was remarkably assiduous.

On the subject of the Africa-Europe High-Level Forum held in Vienna on 17 and 18 December 2018, the PRESIDENT wished to share with the Members of the Commission the compliments expressed by the Heads of State or Government of the African countries on the work carried out by the Commission to promote relations between the two continents. He commended the Members of the Commission who had successfully contributed to this work.

The Commission took note of this information.

10.2. LEGISLATIVE MATTERS

ii) Trilogues

(item 3.1 of the IRG record)

- 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) 740.

- 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) 750/2.

- Amendment of Directive (EU) 2017/1132 as regards the use of digital tools and processes in company law (Directive) – ZWIEFKA report – 2018/0113 (COD)

The Commission approved the line set out in SI(2018) 737.

- 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) 755.

- Preventive restructuring frameworks, second chance and measures to increase the efficiency of restructuring, insolvency and discharge procedures and amendment of Directive 2012/30/EU (Directive) – NIEBLER report – 2016/0359 (COD)

The Commission approved the line set out in SI(2018) 766.

- Amendment of Regulation (EU, Euratom) 1141/2014 as regards a verification procedure related to infringements of rules on the protection of personal data in the context of elections to the European Parliament (Regulation) – WIELAND & BRESSO – report 2018/0336 (COD)

The Commission approved the line set out in SI(2018) 742.

- European citizens' initiative (Regulation) – SCHÖPFLIN report – 2017/0220 (COD)

The Commission approved the line set out in SI(2018) 765.

- Prudential supervision of investment firms and amendment of Directives 2013/36/EU and 2014/65/EU (Directive) – FERBER report – 2017/0358 (COD) / Prudential requirements of investment firms and amendment of Regulations (EU) 575/2013, (EU) 600/2014 and (EU) 1093/2010 – FERBER report – 2017/0359 (COD)

The Commission approved the line set out in SI(2018) 743/2.

- Capital Markets Union Action Plan – Amendment of Directive 2009/65/EC of the European Parliament and of the Council and Directive 2011/61/EU of the European Parliament and of the Council with regard to cross-border distribution of collective investment funds (Directive) – KLINZ report – 2018/0041 (COD) / Cross-border distribution of collective investment funds and amendment of Regulation

(EU) 345/2013 and (EU) 346/2013 (Regulation) – KLINZ report – 2018/0045 (COD)

The Commission approved the line set out in SI(2018) 764.

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

The Commission approved the line set out in SI(2018) 751.

- 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) 754 and /2, and took note of the compromise text in SI(2018) 754/2.

- 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) 758/2.

- ENISA, the EU Cybersecurity Agency, repeal of Regulation (EU) 526/2013, and Information and Communication Technology cybersecurity certification (Regulation) – NIEBLER report – 2017/0225 (COD)

The Commission approved the line set out in SI(2018) 761.

- Port reception facilities for the delivery of waste from ships, repeal of Directive 2000/59/EC and amendment of Directive 2009/16/EC and Directive 2010/65/EU (Directive) – MEISSNER report – 2018/0012 (COD)

The Commission approved the line set out in SI(2018) 767.

iii) Council dossiers

(item 3.3 of the IRG record)

- Amendment of Regulation (EC) 767/2008, Regulation (EC) 810/2009, Regulation (EU) 2017/2226, Regulation (EU) 2016/399, Regulation (EU) XX/2018 [Interoperability Regulation], and Decision 2004/512/EC and repeal of Council Decision 2008/633/JHA (Regulation) – COELHO report – 2018/0152 (COD)

The Commission approved the line set out in SI(2018) 738.

- Amendment of Regulation (EU) 1093/2010 establishing a European Supervisory Authority (European Banking Authority); Regulation (EU) 1094/2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority); Regulation (EU) 1095/2010 establishing a European Supervisory Authority (European Securities and Markets Authority); Regulation (EU) 345/2013 on European venture capital funds; Regulation (EU) 346/2013 on European social entrepreneurship funds; Regulation (EU) 600/2014 on markets in financial instruments; Regulation (EU) 2015/760 on European long-term investment funds; Regulation (EU) 2016/1011 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds; Regulation (EU) 2017/1129 on the prospectus to be published when securities are offered to the public or admitted to trading on a regulated market; and Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money-laundering or terrorist financing (Regulation) – KARAS & BERÈS report – 2017/0230 (COD)

The Commission approved the line set out in SI(2018) 752.

- Disclosures relating to sustainable investments and sustainability risks and amendment of Directive (EU) 2016/2341 (Regulation) – TANG report – 2018/0179 (COD)

The Commission approved the line set out in SI(2018) 762.

- Amendment of Regulation (EU) 2016/1011 on low carbon benchmarks and positive carbon impact benchmarks (Regulation) – GILL report – 2018/0180 (COD)

The Commission approved the line set out in SI(2018) 763.

10.3. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

iv) Programming of Council business

(SI(2018) 768)

The Commission took note of the information in SI(2018) 768 on the Council meetings between 20 and 31 December 2018.

v) Non-legislative dossiers

(item 4.1 of the IRG record)

- Joint Declaration on behalf of the European Union and the Association of South East Asian Nations (ASEAN) on the 22nd EU-ASEAN Ministerial Meeting

The Commission approved the line set out in SI(2018) 718.

- Conclusion of the International Agreement on Olive Oil and Table Olives, 2015 – FORENZA report – 2017/0107 (NLE)

The Commission approved the line set out in SI(2018) 753.

10.4. RELATIONS WITH PARLIAMENT

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

(SP(2018) 806)

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) 806, drawn up following the December 2018 part-session of Parliament, the contents of which were noted.

vii) Action taken on the non-legislative resolutions adopted by Parliament at its September 2018 part-session

(point 5.6.2 of the IRG record)

The Commission approved for transmission to Parliament document SP(2018) 829/2 on the action taken on the non-legislative resolutions adopted by Parliament at its September 2018 part-session.

viii) Action taken on the legislative opinions and non-legislative resolutions adopted by Parliament at its November I and II 2018 part-sessions

(point 5.6.3 of the IRG record)

The Commission approved for transmission to Parliament document SP(2018) 838/4 on the action taken on the legislative opinions and non-legislative resolutions adopted by Parliament at its November I and II 2018 part-sessions.

ix) Results of Parliament's December 2018 part-session

(point 5.8.1 of the IRG record)

The Commission took note of the information on the proceedings of the part-session of Parliament held in Strasbourg from 10 to 13 December 2018, as set out in SP(2018) 811.

11. 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: IMPLEMENTING THE COMMISSION'S CONTINGENCY ACTION PLAN

(COM(2018) 890 TO /4; RCC(2018) 169)

12. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL IN ORDER TO ALLOW FOR THE CONTINUATION OF THE TERRITORIAL COOPERATION PROGRAMMES PEACE IV (IRELAND-UNITED KINGDOM) AND UNITED KINGDOM-IRELAND (IRELAND-NORTHERN IRELAND-SCOTLAND) IN THE CONTEXT OF THE WITHDRAWAL OF THE UNITED KINGDOM FROM THE EUROPEAN UNION

(COM(2018) 892 AND /2; RCC(2018) 169)

13. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON COMMON RULES ENSURING BASIC AIR CONNECTIVITY WITH REGARD TO THE WITHDRAWAL OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

FROM THE UNION

(COM(2018) 893 AND /2; RCC(2018) 169)

- 14. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON CERTAIN ASPECTS OF AVIATION SAFETY WITH REGARD TO THE WITHDRAWAL OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FROM THE UNION**

(COM(2018) 894 AND /2; RCC(2018) 169)

- 15. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON COMMON RULES ENSURING BASIC ROAD FREIGHT CONNECTIVITY WITH REGARD TO THE WITHDRAWAL OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FROM THE UNION**

(COM(2018) 895 AND /2; RCC(2018) 169)

- 16. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING COUNCIL REGULATION (EC) NO 428/2009 BY GRANTING A UNION GENERAL EXPORT AUTHORISATION FOR THE EXPORT OF CERTAIN DUAL-USE ITEMS FROM THE UNION TO THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND**

(COM(2018) 891 AND /2; RCC(2018) 169)

The PRESIDENT invited Mr BARNIER to inform the College of the latest developments relating to the withdrawal of the United Kingdom from the Union under Article 50 of the Treaty on European Union.

He also asked the Secretary-General to present to the College the measures proposed for adoption as part of the preparation for the UK's withdrawal from the Union on 29 March 2019.

Following these presentations, the Commission:

- approved the Communication on the Commission's contingency action plan as part of the preparations for the withdrawal of the United Kingdom from the European Union in COM(2018) 890/4, for transmission to Parliament, the European Council, the Council, the European Central Bank, the European Economic and Social Committee, the Committee of the Regions, the European Investment Bank and, for information, to the national parliaments;
- adopted the proposals for regulations on the PEACE IV Territorial Cooperation Programmes, air transport, aviation safety and road transport in COM(2018) 892/2, COM(2018) 893/2, COM(2018) 894/2 and COM(2018) 895/2, respectively, for transmission to Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and, for information, to the national parliaments;
- adopted the proposal for a regulation on the export of certain dual-use items in COM(2018) 891/2, for transmission to Parliament, the Council and the national parliaments, and, for information, to the European Economic and Social Committee and the Committee of the Regions.

In addition, the set of measures on the contingency action plan in the event of the absence of an agreement on the UK's withdrawal from the Union was supplemented by Commission Implementing Decisions or Delegated Regulations in the fields of combating climate change, customs, financial services and statistics, which had been adopted by written procedure (on 14 December 2018 – C(2018) 8575 (PE/2018/8339); on 17 December 2018 – C(2018) 8707 (PE/2018/8945) and C(2018) 8801 (PE/2018/9097); and on 19 December 2018 – C(2018) 9094 (PE/2018/9557), C(2018) 9122 (PE/2018/9672), C(2018) 9118 (PE/2018/9675), C(2018) 9139 (PE/2018/9674), C(2018) 9138 (PE/2018/9673), C(2018) 8871 (PE/2018/9263), C(2018) 8872 (PE/2018/9333)).

17. OTHER BUSINESS

PV(2018) 2277 final

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

EN

17.1. REVISED DRAFT BUDGET OF ITALY FOR 2019

Mr DOMBROVSKIS and Mr MOSCOVICI informed the College of the latest developments concerning Italy's Draft Budgetary Plan for 2019, which had been the subject of intense negotiations between the Italian Government and the Commission as part of the process of European economic and fiscal policy coordination.

17.2. RESPECT FOR THE RULE OF LAW IN POLAND AND HUNGARY

The PRESIDENT invited Mr TIMMERMANS to report on the situation regarding respect for the rule of law in Poland following, on the one hand, the launch of proceedings under Article 7(1) of the Treaty on European Union, in view of the systemic threat to the independence of the judiciary posed by the reforms undertaken in Poland, and, on the other hand, the bringing of an action before the Court of Justice of the European Union for failure to fulfil obligations in relation to the new retirement regime for judges of the Polish Supreme Court (case C-619/18).

Mr TIMMERMANS also referred to the situation in Hungary and the discussions under way at the Council following the proceedings launched by the European Parliament.

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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 11.57.