



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2019) 2287 final

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

Brussels, 3 April 2019

TEXTE EN

MINUTES

**of the 2287th meeting of the Commission
held in Strasbourg
(Winston Churchill building)
on Tuesday 12 March 2019
(afternoon)**

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Single sitting: Tuesday 12 March 2019 (afternoon)

The sitting opened at 13.29 with Mr JUNCKER, President, in the chair.

Present:

Mr JUNCKER	President
Mr ANSIP	Vice-President
Mr KATAINEN	Vice-President
Mr HAHN	Member
Ms MALMSTRÖM	Member
Mr MIMICA	Member
Mr ARIAS CAÑETE	Member
Mr ANDRIUKAITIS	Member
Mr AVRAMOPOULOS	Member
Ms THYSSEN	Member
Mr HOGAN	Member
Ms BIENKOWSKA	Member
Ms JOUROVÁ	Member
Mr NAVRACSICS	Member
Ms CREȚU	Member
Mr MOEDAS	Member
Sir Julian KING	Member

Absent:

Mr TIMMERMANS	First Vice-President
Ms MOGHERINI	High Representative / Vice-President
Mr ŠEFČOVIČ	Vice-President
Mr DOMBROVSKIS	Vice-President
Mr OETTINGER	Member
Mr VELLA	Member
Mr MOSCOVICI	Member
Mr STYLIANIDES	Member
Ms BULC	Member
Ms VESTAGER	Member
Ms GABRIEL	Member

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

Mr AGOTHA	A member of Mr TIMMERMANS's staff
Mr GRASSI	Chef de cabinet to Ms MOGHERINI
Mr WYNANDS	Chef de cabinet to Mr DOMBROVSKIS
Mr HAENICKE	A member of Mr OETTINGER's staff
Ms ROUSSEVA	A member of Mr VELLA's staff
Mr GIAKOUMIS	A member of Mr STYLIANIDES's staff
Mr ZAKONJŠEK	Chef de cabinet to Ms BULC
Ms DYRSKJØT	Ms VESTAGER's Office
Mr MATEO GOYET	A member of Ms GABRIEL's staff

The following also sat in:

Ms MARTÍNEZ ALBEROLA	Chef de cabinet to the PRESIDENT	
Mr ROMERO REQUENA	Director-General, Legal Service	
Ms BOUYGUES	Acting Director-General, DG Communication	
Mr SCHINAS	Head of the Spokesperson's Service and Chief Spokesperson of the Commission	
Mr MOTOC	European Political Strategy Centre	
Mr THOLONIAT	Adviser in the PRESIDENT's Office	
Mr REMY	PRESIDENT's Office	
Mr TIMONEN	A member of Mr KATAINEN's staff	Items 6 and 7
Mr VINČIŪNAS	Chef de cabinet to Mr ANDRIUKAITIS	Item 7
Mr BARNIER	Chief negotiator and Head of the Article 50 Task Force	Item 5.1
Ms ANDREEVA	Commission Spokesperson's Service	

Secretary: Mr SELMAYR, Secretary-General, assisted by Mr TAQUET-GRAZIANI,
Deputy Head of Unit in the Secretariat-General.

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1. AGENDAS

(OJ(2019) 2287/FINAL; SEC(2019) 2287 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(2019) 2287)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 11 March 2019.

3. APPROVAL OF THE MINUTES OF THE 2285TH AND 2286TH MEETINGS OF THE COMMISSION (27 FEBRUARY AND 6 MARCH 2019)

The Commission held over approval of the minutes of its 2285th and 2286th meetings for a later meeting.

4. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2019) 92 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 4 and 8 March 2019.

4.2. EMPOWERMENT

(SEC(2019) 93 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 4 and 8 March 2019.

4.3. DELEGATION / SUBDELEGATION OF POWERS

(SEC(2019) 94 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 4 and 8 March 2019 archived in Decide.

4.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2019) 95 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 11 and 15 March 2019 and of the finalisation written procedure initiated following the weekly meeting of Chefs de cabinet on Monday 11 March 2019.

5. OTHER BUSINESS

5.1. LATEST DEVELOPMENTS CONCERNING THE WITHDRAWAL OF THE UNITED KINGDOM FROM THE UNION UNDER ARTICLE 50 OF THE TREATY ON EUROPEAN UNION

At the request of the PRESIDENT, Mr BARNIER informed the College about the latest developments concerning the agreement with the United Kingdom setting out the arrangements for its withdrawal from the Union under Article 50 of the Treaty on European Union.

Also in this context, the Communication on the endorsement of the Instrument relating to the Agreement on the Withdrawal of the

United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community and the Joint Statement supplementing the Political Declaration setting out the framework for the future relationship between the European Union and the United Kingdom of Great Britain and Northern Ireland, and their transmission to the European Council was adopted by emergency written procedure at 23.15 on 11 March 2019 (PE/2019/1776 – C(2019) 3000).

5.2. COMMISSION DECISION ON THE ADMISSIBILITY OF THE PROPOSED CITIZENS' INITIATIVE ENTITLED 'HOUSING FOR ALL' (C(2019) 2004)

Mr TIMMERMANS being absent, Ms THYSSEN presented the draft decision submitted for approval by the College on the registration of the proposed European citizens' initiative entitled 'Housing for All'. In substance, this initiative called on the Union to adopt a series of measures to facilitate access for all to social and affordable housing, not applying the Maastricht criteria to public investment in social and affordable housing, improving access to EU funding for non-profit and sustainable housing developers, introducing social, competition-based rules for short-term rentals and compiling statistics on housing needs in Europe.

She 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 actions must, in order to be registered, manifestly fall within the Commission's powers to submit proposals for legal acts for the purpose of implementing the Treaties, and fulfil the other conditions set out in Article 4(2) of that Regulation.

Ms THYSSEN noted that the request submitted by the proponents of the European citizens' initiative fell within the Commission's powers to propose legal acts for the purpose of implementing the Treaties, for example when this

concerned single market rules, taxation, fiscal oversight and cohesion policy in Europe. She also pointed out that in the field of competition, under Article 106(3) of the Treaty on the Functioning of the European Union, decisions and directives concerning public undertakings and undertakings to which Member States granted special or exclusive rights, as well as undertakings entrusted with the operation of services of general economic interest or having the character of a revenue-producing monopoly were adopted not on a proposal by the Commission, but by the Commission itself.

In the case at hand she observed that the acts in question were manifestly relevant to the subject matter of the citizens' initiative, since the Union rules on state aid granted to services of general economic interest covered the field of social housing.

Since the citizens' initiative was fully admissible, it was therefore specified in the proposed decision that the Commission would, should the citizens' initiative be successful, seek to respond to the request for adoption of measures under Article 106(3) of the Treaty on the Functioning of the European Union.

Ms THYSSEN therefore proposed that the College register the citizens' initiative on that basis; this was in accordance with the instrument's objective of facilitating the participation of citizens in the democratic life of the Union on questions falling within its powers.

In conclusion, she 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, within a year, one million signatures from citizens from at least seven Member States were collected, the Commission would have three months to decide whether or not to consent to the requests, duly justifying its decision.

(12 March 2019)

The Commission confirmed that the admissibility criteria under Article 4(2) of Regulation (EU) 211/2011 were fulfilled for the proposed citizens' initiative entitled 'Housing for all'. It therefore decided to register the initiative, in accordance with document C(2019) 2004, and authorised Mr TIMMERMANS to sign the decision on its behalf, to notify the organisers of the initiative thereof in the authentic language (German), and to publish it, for information, in the Official Journal of the European Union.

6. INTERINSTITUTIONAL RELATIONS

(RCC(2019) 29)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 8 March 2019 (RCC(2019) 29).

It paid particular attention to the following points.

6.1. HORIZONTAL MATTERS

i) 2021-2027 Multiannual Financial Framework – Trilogues

(point 1.1.1 of the IRG record)

- Programme for the Environment and Climate Action (LIFE) and repeal of Regulation (EU) No 1293/2013 (Regulation) – GERBRANDY report – 2018/0209 (COD)

The Commission approved the line set out in SI(2019) 234/2.

- Establishment of Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination (Regulation) – NICA report – 2018/0224 (COD) / Establishment of the specific programme implementing Horizon Europe – the Framework Programme for Research and Innovation (Decision) – EHLER report – 2018/0225 (COD)

The Commission approved the line set out in SI(2019) 249.

- Common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, and the European Maritime and Fisheries Fund and financial rules for those and for the Asylum and Migration Fund, the Internal Security Fund and the Border Management and Visa Instrument (Regulation) – NOVAKOV & KREHL report – 2018/0196 (COD)

The Commission approved the line set out in SI(2019) 236.

- Justice programme (Regulation) – WEIDENHOLZER & HAUTALA report – 2018/0208 (COD)

The Commission approved the line set out in SI(2019) 255.

- Rights and Values programme (Regulation) – VALERO report – 2018/0207 (COD)

The Commission approved the line set out in SI(2019) 267.

- InvestEU Programme (Regulation) – FERNANDES & GUALTIERI report – 2018/0229 (COD)

The Commission approved the line set out in SI(2019) 256.

- Connecting Europe Facility and repeal of Regulations (EU) 1316/2013 and (EU) 283/2014 (Regulation) – MARINESCU & VIRKKUNEN & TELIČKA report – 2018/0228 (COD)

The Commission approved the line set out in SI(2019) 273/2.

ii) 2021-2027 Multiannual Financial Framework – Council

(point 1.1.3 of the IRG record)

- European Globalisation Adjustment Fund (EGF) (Regulation) – ARENA report – 2018/0202 (COD)

The Commission approved the line set out in SI(2019) 250.

- Digital Europe programme for the period 2021-2027 (Regulation) – MLINAR report – 2018/0227 (COD)

The Commission approved the line set out in SI(2019) 257.

- Instrument for Pre-accession Assistance (IPA III) (Regulation) – SALAFRANCA SÁNCHEZ-NEYRA & FLECKENSTEIN – 2018/0247 (COD)

The Commission approved the line set out in SI(2019) 264.

6.2. LEGISLATIVE MATTERS

iii) Trilogues

(point 3.1 of the IRG Record)

- Type-approval requirements for motor vehicles and their trailers, and systems, components and separate technical units intended for such vehicles, as regards their general safety and the protection of vehicle occupants and vulnerable road users, amendment of Regulation (EU) 2018/... and repeal of Regulations (EC) 78/2009, (EC) 79/2009 and (EC) 661/2009 – THUN UND HOHENSTEIN report – 2018/0145 (COD)

The Commission approved the line set out in SI(2019) 259.

- 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(2019) 268/2.

- 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(2019) 275.

- Protection of persons reporting on breaches of Union law (Directive) – ROZIÈRE report – 2018/0106 (COD)

The Commission approved the line set out in SI(2019) 269.

- Action of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (Regulation) – ROZIÈRE report – 2018/0189 (COD) / Accession of the European Union to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (Council Decision) – ROZIÈRE report – 2018/0214 (NLE)

The Commission approved the line set out in SI(2019) 270.

iv) European Parliament Dossiers – March I 2019 part-session

(point 3.2 of the IRG Record)

Ordinary legislative procedure – First reading

- Preparation for the United Kingdom's withdrawal from the Union – Amendment of Regulation (EU) 1316/2013 with regard to the withdrawal of the United Kingdom from the Union (Regulation) – DELLI report – 2018/0299 (COD)

The Commission approved the line set out in SP(2019) 169.

Implementing acts and measures

- Implementing Decisions authorising the placing on the market of products containing, consisting of or produced from Genetically modified maize 4114 (DP-ØØ4114-3) / Genetically modified maize MON 87411 (MON-87411-9) / Genetically modified maize Bt11 × MIR162 × 1507 × GA21 and sub-combinations Bt11 × MIR162 × 1507, MIR162 × 1507 × GA21 and MIR162 × 1507 (Commission Implementing Decisions) – Objections under Article 106 of the European Parliament’s Rules of Procedure

The Commission took note of SP(2019) 216.

- Amendment of Implementing Regulation (EU) 540/2011 on the extension of the approval periods of several active substances, in particular thiacloprid (Commission Implementing Regulation) – Objection under Article 106 of the European Parliament’s Rules of Procedure

The Commission took note of SP(2019) 217.

- Maximum residue levels for several substances including clothianidin (Commission Implementing Regulation) – Objection under Article 106 of the European Parliament’s Rules of Procedure

The PRESIDENT asked Mr KATAINEN and Mr ANDRIUKAITIS to present the problem arising in relation to the implementing regulation by which the Commission was intending, in accordance with the ‘regulatory procedure with scrutiny’, to modify the maximum residue levels for several substances, including clothianidin, present in or on certain products.

Mr KATAINEN and Mr ANDRIUKAITIS explained that on 13 March 2019 the European Parliament might vote for a resolution opposing the adoption of

this implementing regulation which proposed raising the maximum residue limit applicable for clothianidin.

They observed that the draft regulation was based on scientific data, in particular an opinion of the European Food Safety Authority issued in relation to an import tolerance request for clothianidin in potatoes imported from Canada, which justified increasing the limit for this substance.

In the EU, the use of substances was regulated on the basis of their impact not only on human health, but also on the environment. However, the Union could prohibit the export of products to the EU only on the basis of a risk of harm to human health and not to the environment, since it could not impose its environmental standards on third countries. Thus, in the EU, the use of clothianidin, which did not pose a major risk for public health, was prohibited on crops in the open air on the grounds that this substance, which belonged to the neonicotinoid family, could damage bee health.

Mr KATAINEN and Mr ANDRIUKAITIS pointed out that the support of the competent European Parliament committee for the objection appeared to reflect various interests – food safety, protection for the European potato producer market, protection of bees – and that in their view, given the upcoming European elections, purely political motives could not be ruled out.

They emphasised that such an objection would set a precedent for an approach based on a political assessment.

They also pointed out that if the regulation was not adopted and exports of potatoes from Canada to the EU were in fact prevented, the Union risked finding itself in a very difficult position vis-à-vis the World Trade Organisation.

In view of these circumstances, he asked the Members of the Commission to continue the work of informing the European Parliament in order to explain these various objective factors.

In the course of the discussion that followed, the Commission raised the following main points:

- the main issue at stake, which was to ensure that the assessment used by the Union to set the MRL for several substances present in or on certain products continued to be scientific and not political in nature;
- the need to raise MEPs' awareness of this key issue and its different dimensions as much as possible;
- a reference to the case law of the Court of Justice of the European Union with regard to access to scientific studies which, by calling for more transparency, corroborated the need for an approach based on scientific data;
- the need to raise Canada's awareness of the environmental reasons that justified prohibiting the use of clothianidin on open-air crops in the Union with a view to possibly persuading it to move towards similar standards;
- the risk of reviving the controversy around the Comprehensive Economic and Trade Agreement between the EU and Canada if the Commission's proposed regulation was not adopted;
- the need to take into account the electoral period in which these discussions were taking place;
- a proposal to distribute a note on the measures taken by the Commission to protect bees and beekeeping.

At the end of this discussion, the PRESIDENT concluded by noting that the College approved the line in SP(2019) 218/2 and thanking the Members of the Commission for the efforts they could still make with the aim of supporting the draft implementing regulation.

v) Council dossiers

(point 3.3 of the IRG Record)

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

The Commission approved the line set out in SI(2019) 260.

- Persistent organic pollutants (Regulation – recast) – GIRLING report – 2018/0070 (COD)

The Commission approved the line set out in SI(2019) 262.

- Preparation for the United Kingdom's withdrawal from the Union – Measures concerning the implementation and financing of the general budget of the Union in 2019 in relation to the withdrawal of the United Kingdom from the Union (Council Regulation) – ARTHUIS report – 2019/0031 (APP)

The Commission approved the line set out in SI(2019) 265.

6.3. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

vi) Programming of Council business

(SI(2019) 274)

The Commission took note of the information in SI(2019) 274 on the Council meetings between 14 and 27 March 2019.

vii) Non-legislative dossiers

(point 4.1 of the IRG record)

- EU financial contribution – Brussels Conference 'Supporting the Future of Syria and the Region', 12 to 14 March 2019

The Commission approved the line set out in SI(2019) 220.

- Position to be adopted, on behalf of the European Union in the Joint Committee established by the Strategic Partnership Agreement between the European Union and its Member States, of the one part, and Japan, of the other part, regarding the adoption of its Rules of Procedure (Council Decision) – 2019/0055 (NLE)

The Commission approved the line set out in SI(2019) 271.

- Position to be taken on behalf of the European Union within the EU-Ukraine Association Council amending Annex XXVII to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part (Council Decision) – 2019/0036 (NLE)

The Commission approved the line set out in SI(2019) 272.

viii) Latest developments in the Council

(point 4.4 of the IRG record)

- State of play of the Commission proposal to establish a European deposit insurance scheme (EDIS) and information point on the work of the High Level Working Group on EDIS

The Commission took note of the information in SI(2019) 276.

6.4. OTHER BUSINESS

ix) Active Monitoring and Forecast of Budget Implementation 2018 – Information note

(point 7.1 of the IRG record)

The Commission took note of the information in SPI(2019) 14 and /2.

- x) 62nd session of the UN Commission on Narcotic Drugs (UNCND) – Ministerial segment (Vienna, 14 and 15 March 2019)**
(point 7.3 of the IRG record)

The Commission took note of the information in SI(2019) 253.

7. JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL – EU-CHINA – A STRATEGIC OUTLOOK
(JOIN(2019) 5 TO /3; RCC(2019) 30)

The PRESIDENT asked Mr KATAINEN to present the Joint Communication from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy submitted for approval by the College that day, which set out a strategic outlook for relations between the European Union and China.

Mr KATAINEN began by pointing out that this Joint Communication was intended to be presented at the European Council on 21 and 22 March 2019 ahead of the next annual EU-China summit to be held on 9 April 2019.

Mr KATAINEN highlighted China's unique positioning and the change of approach the Union was proposing in this Joint Communication, in which, for the first time, China was being considered simultaneously as a cooperation partner, whose objectives were essentially in line with the Union's, as a negotiating partner with whom the Union needed to find a balance of interests, as an economic competitor in the pursuit of technological leadership and, finally, as a systemic rival promoting alternative models of governance.

On the basis of the policy debate held on this subject on 6 March, the Joint Communication proposed, through ten concrete actions, going beyond the measures already undertaken in recent years to strengthen the Union's competitiveness, ensure greater reciprocity of access to markets and a level playing field, protect the

European economy from possible distortions, and prevent its social model and fundamental values from being threatened.

Singling out three of the ten proposed actions, he pointed out that China and the Union could derive considerable mutual benefits from their economic relationship, provided, however, that competition between them was fair and that trade and investment were reciprocal.

First, Mr KATAINEN announced that the Commission was preparing to initiate work on formulating a common EU approach concerning the security of the 5G networks by presenting a recommendation on this matter following the European Council meeting on 21-22 March 2019.

Second, he stressed the need for the Union to address the distortive effects on the internal market of third-country ownership and foreign public financing. Hence the importance of identifying, before the end of 2019, ways of filling the existing gaps in EU law, which was the aim of one of the ten proposed actions. He explained that at the present time it was not possible to remedy these distortions through trade defence instruments, competition rules, or state aid rules (the latter applied only to aid provided by Member States).

Third, he stressed the need to promote reciprocity between China and the Union and open up procurement opportunities in China. To this end, one of the concrete actions proposed by the Joint Communication called on the European Parliament and the Council to adopt the International Procurement Instrument before the end of 2019.

The PRESIDENT thanked Mr KATAINEN for his presentation and the Secretary-General for the excellent preparation of this dossier, in close cooperation with the European External Action Service.

Subject to a final general clean-up of the text, the Commission approved the Joint Communication in JOIN(2019) 5/3 for transmission to Parliament, the European Council and the Council, and, for information, to the national parliaments.

8. OTHER BUSINESS (CONTINUED)

LATEST DEVELOPMENTS IN TRADE RELATIONS WITH THE UNITED STATES

At the PRESIDENT's request, Ms MALMSTRÖM reported on her latest visit to Washington, on 6-7 March 2019, during which she had met the US Trade Representative, Robert Lighthizer, and outlined the state of preparations for the EU-US trade negotiations. At that meeting she had pointed out to her US counterpart that the Union was implementing the commitments made in July 2018 in the Joint Statement by the European Union and the United States for a 'positive agenda' in the area of trade. She reviewed in particular the progress made with regard to trade in liquefied natural gas, cooperation on standards and regulation and reform of the World Trade Organisation.

She pointed out, on the one hand, that the EU-US trade negotiations would be limited to industrial goods, and, on the other, that the Commission had proposed two draft negotiating mandates, one of which was aimed at facilitating product compliance reviews and the other at reducing, and then eliminating, customs tariffs on industrial goods, including in the automotive sector. She explained that if the Council endorsed these proposals, the European Parliament might support them by no more than a small majority that week. She therefore asked the Members of the College to encourage Parliament to support these draft negotiating mandates, without which the final discussions with the US side could not be conclusive.

The Commission congratulated Ms MALMSTRÖM on the firm line she had taken in response to the US authorities' attempts to include agricultural products in the scope of the negotiations.

The Commission took note of this information.

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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 14.36.