



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2019) 2288 final

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

Brussels, 3 April 2019

TEXTE EN

MINUTES

of the 2288th meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 20 March 2019

(morning)

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PV(2019) 2288 final

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

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Single sitting: Wednesday 20 March 2019 (morning)

The sitting opened at 10.29 with Mr JUNCKER, President, in the chair.

Present:

Mr JUNCKER	President	
Mr TIMMERMANS	First Vice-President	
Ms MOGHERINI	High Representative / Vice-President	
Mr ANSIP	Vice-President	
Mr DOMBROVSKIS	Vice-President	
Mr OETTINGER	Member	Items 1 to 6
Mr HAHN	Member	
Ms MALMSTRÖM	Member	
Mr ARIAS CAÑETE	Member	
Mr VELLA	Member	
Mr ANDRIUKAITIS	Member	
Mr AVRAMOPOULOS	Member	
Ms THYSSEN	Member	
Mr MOSCOVICI	Member	
Mr STYLIANIDES	Member	
Mr HOGAN	Member	
Ms BULC	Member	
Ms BIENKOWSKA	Member	
Ms JOUROVÁ	Member	
Mr NAVRACSICS	Member	
Ms VESTAGER	Member	
Mr MOEDAS	Member	
Sir Julian KING	Member	
Ms GABRIEL	Member	

Absent:

Mr ŠEFČOVIČ

Vice-President

Mr KATAINEN

Vice-President

Mr MIMICA

Member

Ms CREȚU

Member

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

Mr ARTJOKI	Chef de cabinet to Mr KATAINEN	
Mr BEHRNDT	Chef de cabinet to Mr MIMICA	
Ms RUS	Chef de cabinet to Ms CREȚU	Items 1 to 6 (in part)
Mr NEJDL	A member of Ms CREȚU's staff	Items 6 (in part) to 8

The following also sat in:

Ms MARTÍNEZ ALBEROLA	Chef de cabinet to the PRESIDENT	
Mr ROMERO REQUENA	Director-General, Legal Service	Items 1 to 7 (in part)
Ms BANKS	Deputy Director-General, Legal Service	Items 7 (in part) and 8
Ms AHRENKILDE HANSEN	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 JUHANSONE	Deputy Secretary-General	Items 1 to 6 (in part)
Mr LEARDINI	Acting Deputy Secretary-General	
Mr SZOSTAK	Deputy Chef de cabinet to the PRESIDENT	
Ms DEJMEK HACK	Adviser in the PRESIDENT's Office	Items 1 to 7
Ms HILI	Adviser in the PRESIDENT's Office	Item 8
Mr REMY	PRESIDENT's Office	
Mr SCHULTE	A member of Mr OETTINGER's staff	Item 6
Ms SCHMITT	Chef de cabinet to Mr AVRAMOPOULOS	Item 8
Mr BENGTTSSON	A member of Ms VESTAGER's staff	Items 7 and 8
Mr BARNIER	Chief negotiator and Head of the Article 50 Task Force	Items 1 to 6
Mr SNELS	Secretariat-General	
Ms ANDREEVA	Commission Spokesperson's Service	

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

The PRESIDENT opened the meeting of the College by welcoming the fact that that day, 20 March, was International Francophonie Day. He took the opportunity of pointing out that the French language was actively spoken here, which he welcomed.

He wished every success to Mr ANDRIUKAITIS, who would be taking part in the presidential election in Lithuania, the first round of which was to take place 12 May 2019.

Mr ANDRIUKAITIS informed the College that he would be on electoral leave from 1 April and that this would be the last meeting of the College he would be attending before that date, since he would not be able to take part in the Commission meeting of 26 March in Strasbourg. He thanked the Members of the College for their support, in particular Mr KATAINEN, who would be deputising for him during his electoral leave, and said he was happy to know his portfolio was in safe hands.

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1. AGENDAS

(OJ(2019) 2288/FINAL; SEC(2019) 2288)

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) 2288)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 18 March 2019.

3. APPROVAL OF THE MINUTES OF THE 2285TH, 2286TH AND 2287TH MEETINGS OF THE COMMISSION (27 FEBRUARY, 6 AND 12 MARCH 2019)

(PV(2019) 2285; PV(2019) 2285, 2ND PART; PV(2019) 2286; PV(2019) 2286, 2ND PART)

The Commission approved the minutes of its 2285th and 2286th meetings and decided to hold over approval of the minutes of its 2287th meeting for a later meeting.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2019) 31)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 15 March 2019 (RCC(2019) 31).

It paid particular attention to the following points.

4.1. HORIZONTAL MATTERS

i) 2021-2027 Multiannual Financial Framework – Trilogues

(point 1.1.1 of the IRG record)

- ‘Fiscalis’ programme for cooperation in the field of taxation (Regulation)
- GIEGOLD report – 2018/0233 (COD)

The Commission approved the line set out in SI(2019) 281.

- Programme for the Environment and Climate Action (LIFE) and repeal of Regulation (EU) 1293/2013 (Regulation) – GERBRANDY report – 2018/0209 (COD)

The Commission approved the line set out in SI(2019) 282/2.

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

The Commission approved the line set out in SI(2019) 288/2.

ii) 2021-2027 Multiannual Financial Framework – European Parliament – March II 2019 part-session

(point 1.1.2 of the IRG record)

- Creative Europe programme (2021 to 2027) and repeal of Regulation (EU) 1295/2013 (Regulation) – COSTA report – 2018/0190 (COD)

The Commission approved the line set out in SP(2019) 230 and /2.

- Specific provisions for the European territorial cooperation goal (Interreg) supported by the European Regional Development Fund and external financing instruments (Regulation) – ARIMONT report – 2018/0199 (COD)

The Commission approved the line set out in SP(2019) 252.

4.2. LEGISLATIVE MATTERS

iii) Trilogues

(point 3.1 of the IRG Record)

- Amendment of Council Directive 93/13/EEC of 5 April 1993, Directive 98/6/EC of the European Parliament and of the Council, Directive 2005/29/EC of the European Parliament and of the Council and Directive 2011/83/EU of the European Parliament and of the Council as regards better enforcement and modernisation of EU consumer protection rules (Directive) – DALTON report – 2018/0090 (COD)

The Commission approved the line set out in SI(2019) 278/2.

- 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) 296/2.

- Amendment of Directive (EU) 2017/1132 as regards cross-border conversions, mergers and divisions (Directive) – REGNER report – 2018/0114 (COD)

The Commission approved the line set out in SI(2019) 298.

- 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(2019) 284.

- 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 (Regulation) – FERBER report – 2017/0359 (COD)

The Commission approved the line set out in SI(2019) 285.

- Amendment of Regulations (EU) 596/2014 and (EU) 2017/1129 as regards the promotion of the use of small and medium-sized enterprise (SME) growth markets (Regulation) – SANDER report – 2018/0165 (COD)

The Commission approved the line set out in SI(2019) 286.

- Establishment of the European Cybersecurity Industrial, Technology and Research Competence Centre and the Network of National Coordination Centres (Regulation) – REDA report – 2018/0328 (COD)

The Commission approved the line set out in SI(2019) 291/3.

- 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)

The Commission approved the line set out in SI(2019) 292.

- 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 SI(2019) 300.

- European business statistics, amendment of Regulation (EC) 184/2005 and repeal of ten legal acts in the field of business statistics (Regulation) – LEWANDOWSKI report – 2017/0048 (COD)

The Commission approved the line set out in SI(2019) 302.

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

(point 3.2 of the IRG Record)

Ordinary legislative procedure – First reading

- Discontinuing of seasonal changes of time and repeal of Directive 2000/84/EC (Directive) – ULVSKOG report – 2018/0332 (COD)

The Commission approved the line set out in SP(2019) 231.

- Preparation for the United Kingdom's withdrawal from the Union – Aspects of railway safety and connectivity with regard to the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union (Regulation) – ERTUG report – 2019/0040 (COD)

The Commission approved the line set out in SP(2019) 247.

- Rules on the making available on the market of CE marked fertilising products and amendment of Regulations (EC) 1069/2009 and (EC) 1107/2009 (Regulation) – TURCANU report – 2016/0084 (COD)

The Commission approved the line set out in SP(2019) 240 and /2.

- Certain aspects concerning contracts for the supply of digital content (Directive) – VOSS & GEBHARDT report – 2015/0287 (COD) / Certain aspects concerning contracts for the sale of goods, amendment of Regulation (EC) 2006/2004 of the European Parliament and of the Council and Directive 2009/22/EC of the European Parliament and of the Council and repeal of Directive 1999/44/EC of the European Parliament and of the Council (Directive) – ARIMONT report – 2015/0288 (COD)

The Commission took note of SP(2019) 232, further to note SI(2019) 86, which it had already approved on 6 February 2019.

(20 March 2019)

- Representative actions for the protection of the collective interests of consumers, and repeal of Directive 2009/22/EC (Directive) – DIDIER report – 2018/0089 (COD)

The Commission approved the line set out in SP(2019) 253.

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

The Commission took note of SP(2019) 233, further to note SI(2019) 183, which it had already approved on 20 February 2019.

- Amendment of Regulation (EU) 1343/2011 on certain provisions for fishing in the General Fisheries Commission for the Mediterranean (GFCM) Agreement area (Regulation) – ENGSTRÖM report – 2018/0069 (COD)

The Commission took note of SP(2019) 234, further to note SI(2019) 80, which it had already approved on 6 February 2019.

- Alignment of reporting obligations in the field of environment policy and amendment of Directives 86/278/EEC, 2002/49/EC, 2004/35/EC, 2007/2/EC, 2009/147/EC and 2010/63/EU, Regulations (EC) 166/2006 and (EU) 995/2010, and Council Regulations (EC) 338/97 and (EC) 2173/2005 (Regulation) – VĂLEAN report – 2018/0205 (COD)

The Commission took note of SP(2019) 236, further to note SI(2018) 588, which it had already approved on 13 November 2018.

- Establishment of conditions of entry and residence of third-country nationals for the purposes of highly skilled employment (Directive) – MORAES report – 2016/0176 (COD)

The Commission approved the line set out in SP(2019) 245.

(20 March 2019)

- Labelling of tyres with respect to fuel efficiency and other essential parameters and repeal of Regulation (EC) 1222/2009 (Regulation) – BONI report – 2018/0148 (COD)

The Commission approved the line set out in SP(2019) 249 and /2.

v) Council dossier

(point 3.3 of the IRG Record)

- Preparation for the United Kingdom's withdrawal from the Union – 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 (Regulation) – DE MONTE report – 2018/0436 (COD)

The Commission approved the line set out in SI(2019) 118.

4.3. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

vi) Programming of Council business

(SI(2019) 304)

The Commission took note of the information in SI(2019) 304 on the Council meetings between 21 March and 3 April 2019.

vii) Non-legislative dossiers

(point 4.1 of the IRG Record)

- Financial Action Task Force Ministerial Declaration

The Commission approved the line set out in SI(2019) 279.

- The Commission position on a European Union Declaration to the Declaration of Turkey upon accession to the European Convention for the Protection of Animals kept for Farming Purposes

The Commission approved the line set out in SI(2019) 280/2.

(20 March 2019)

- Eastern Partnership ‘20 Deliverables for 2020’ – State of play – March 2019

The Commission took note of the information in SI(2019) 251/2 and /3.

- Termination of intra-EU bilateral investment treaties and measures to ensure non-application of the Energy Charter Treaty intra-EU following the judgment of the Court of Justice of 6 March 2018 in Case C-284/16 (*Achmea BV*)

The Commission approved the line set out in SI(2019) 287.

- Position to be taken on behalf of the European Union in the World Customs Organization in relation to the Harmonised System – 2019/0069 (NLE)

The Commission approved the line set out in SI(2019) 293, and noted that the statement therein was communicated to the Council *ad referendum* on Friday 15 March 2019.

4.4. RELATIONS WITH PARLIAMENT

- viii) Action to be taken on Parliament’s legislative resolutions and other resolutions of a legal nature**
(SP(2019) 199)

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(2019) 199, drawn up following the March I 2019 part-session of Parliament, the contents of which were noted.

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

(point 5.6.2 of the IRG record)

The Commission approved, for transmission to Parliament, document SP(2019) 239 on the action taken on the non-legislative resolutions adopted by Parliament at its December 2018 part-session.

x) Results of Parliament's March I 2019 part-session

(SP(2019) 214)

The Commission took note of the information on the proceedings of the part-session of Parliament held in Strasbourg from 11 to 14 March 2019, as set out in SP(2019) 214.

4.5. OTHER BUSINESS

xi) Update of the Enhanced Surveillance Framework for Greece

(point 7.1 of the IRG Record)

The Commission took note of the information in SI(2019) 303/2.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED

(SEC(2019) 152 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 11 and 15 March 2019.

5.2. EMPOWERMENT

(SEC(2019) 153 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 11 and 15 March 2019.

5.3. *DELEGATION / SUBDELEGATION OF POWERS*
(SEC(2019) 154 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 11 and 15 March 2019 archived in Decide.

5.4. *SENSITIVE WRITTEN PROCEDURES*
(SEC(2019) 155 TO /3)

The Commission took note of the sensitive written procedures for which the time limit expired between 18 and 22 March 2019.

6. OTHER BUSINESS

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

The PRESIDENT asked Mr BARNIER to inform the College of 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, ahead of the meeting of the European Council (Article 50) the following day.

6.2. *CONTINGENCY MEASURES TO BE TAKEN IN THE EVENT OF A WITHDRAWAL OF THE UNITED KINGDOM FROM THE UNION WITHOUT AN AGREEMENT, OR IN THE EVENT OF AN EXTENSION OF THE DEADLINE FOR EFFECTIVE WITHDRAWAL AGREED BY THE COUNCIL*

The PRESIDENT invited Mr OETTINGER to review the consequences for the EU general budget of the United Kingdom's withdrawal of the United Kingdom, whether this took place on 29 March or at a later date, should the British Government request an extension of the two-year period following the notification of Article 50 of the Treaty on European Union.

7. COMMISSION DECISION ON A PROCEEDING UNDER ARTICLE 102 OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION AND ARTICLE 54 OF THE AGREEMENT ON THE EUROPEAN ECONOMIC AREA (CASE AT.40411 – GOOGLE SEARCH (AdSense)) (C(2019) 2173 TO /7; RCC(2019) 33)

At the request of the PRESIDENT, Ms VESTAGER presented the decision she was proposing for adoption by the College imposing a fine on the company *Google LLC*. and its parent company *Alphabet Inc.* for infringement of Article 102 of the Treaty on the Functioning of the European Union and Article 54 of the Agreement on the European Economic Area as regards online advertising.

The Commission:

- took note of the opinions of the Advisory Committee on Restrictive Practices and Dominant Positions of 15 and 19 March 2019 in C(2019) 2173/3 and /6;
- took note of the final report of the Hearing Officer of 19 March 2019 in C(2019) 2173/5;
- adopted in the authentic language (English) the decision in C(2019) 2173/7 finding that the companies to which the decision was addressed had infringed Article 102 of the Treaty on the Functioning of the European Union and Article 54 of the Agreement on the European Economic Area, requiring the parties to end the infringements immediately and imposing fines on these companies totalling €1 494 459 000;

- decided that the decision in C(2019) 2173/7 would be notified to each of the companies concerned in the authentic language (English), together with the Hearing Officer's final report;
- decided that the key parts of the decision, together with the Advisory Committee's opinion and the Hearing Officer's report, would be published in the official languages of the Union in the Official Journal of the European Union (with business secrets and other confidential information removed);
- decided to make the decision (with business secrets and other confidential information removed) available on the internet.

8. EIGHTEENTH PROGRESS REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL – TOWARDS AN EFFECTIVE AND GENUINE SECURITY UNION

(COM(2019) 126 TO /3; SWD(2019) 140; RCC(2019) 32)

Sir Julian KING presented to the College the main conclusions of the eighteenth progress report towards an effective and genuine Security Union. The recent events in Christchurch, New Zealand, only served to underline the fact that this progress responded to a fundamental need.

He reported on the work carried out since the start of this year, in particular the adoption of 15 of the 22 priority legislative initiatives of the Commission submitted to the European Parliament and the Council in the field of the Security Union. In particular, he expressed the hope that the key proposal on terrorist content online could also be adopted before the European Parliament elections in May, given its importance for the Union. He asked the Commission Members for their support in arguing in favour of this dossier to MEPs.

He referred to another very important proposal aimed at increasing the capacities of

the European Border and Coast Guard Agency. In his view, efforts to bring this proposal to a conclusion should be strongly encouraged.

Lastly, Sir Julian KING felt it was more necessary than ever to scale up efforts to counter disinformation and strengthen the resilience of electoral processes and of digital systems in the Union. It was absolutely essential to guarantee the integrity of the Union's critical digital infrastructure. In this connection, he believed that the Commission's forthcoming recommendation on a common EU approach to security risks to 5G networks would make a valuable contribution to future discussions in the Union on this issue, which was so important for the future.

Mr AVRAMOPOULOS considered that the attack in New Zealand, and probably also in Utrecht in the Netherlands, demonstrated that the terrorist threat was multiple and global and that it was constantly changing. He mentioned his meeting with the New Zealand minister, to whom he had offered the European Union's support, particularly through Europol. He noted that these events also demonstrated the relevance of the concrete measures and progress achieved in the framework of the effective and genuine Security Union; for example, they had enabled Europe to tighten the rules on firearms. Referring to the live streaming of the New Zealand attack, he too stressed that it was necessary to press ahead and go further in order to combat the dissemination of terrorist content on the internet with the help of effective regulation and a wide range of sanctions.

Ms JOUROVÁ, too, expressed the hope that the European Parliament and the Council would rapidly issue rules imposing the removal of terrorist content online so that the Union could better protect its citizens from exposure to terrorist content and radicalisation. She regretted that the examination of the proposal to facilitate cross-border access to financial data and the use of this data by law enforcement authorities was currently blocked at the European Parliament and called on the Members of the Commission to use their contacts to try to resolve the situation.

Ms GABRIEL mentioned the video of the Christchurch terrorist to illustrate the need to make further progress on the rules whereby platforms had to remove

terrorist content online within an hour. She also felt it was urgent to draw up guidelines on streaming. With regard to cybersecurity, she announced that the proposal for a Regulation establishing the European Cybersecurity Industrial, Technology and Research Competence Centre would be the subject of two trilogues before the end of the legislature. Finally, on the subject of fake news, she welcomed the fact that progress was beginning to be made but felt that platforms still had a lot of work to do.

Following this presentation, the Commission approved the report in COM(2018) 145/3 for transmission to Parliament, the European Council and the Council and, for information, to the national parliaments, together with the staff working document distributed as SWD(2019) 344/140, the contents of which were noted.

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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 11.43.