



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2016) 2171 final

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

Brussels, 22 June 2016

TEXTE EN

MINUTES

of the 2171st meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 1st June 2016

(morning)

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Single sitting: Wednesday 1 June 2016 (morning)

The sitting opened at 10.09 with Mr JUNCKER, President, in the chair. The discussion of item 12 was chaired in part by Mr TIMMERMANS.

Present:

Mr JUNCKER	President	Items 1 to 12 (in part)
Mr TIMMERMANS	First Vice-President	
Ms MOGHERINI	High Representative / Vice-President	
Ms GEORGIEVA	Vice-President	
Mr ANSIP	Vice-President	
Mr KATAINEN	Vice-President	Items 1 to 12 (in part)
Mr OETTINGER	Member	
Mr HAHN	Member	
Mr ARIAS CAÑETE	Member	
Mr VELLA	Member	
Mr ANDRIUKAITIS	Member	Items 1 to 12 (in part)
Mr AVRAMOPOULOS	Member	
Ms THYSSEN	Member	
Mr MOSCOVICI	Member	
Lord HILL	Member	
Ms BIEŃKOWSKA	Member	
Ms JOUROVÁ	Member	
Mr NAVRACSICS	Member	
Ms CREȚU	Member	
Ms VESTAGER	Member	

Absent:

Mr ŠEFČOVIČ	Vice-President
Mr DOMBROVSKIS	Vice-President
Ms MALMSTRÖM	Member
Mr MIMICA	Member
Mr STYLIANIDES	Member
Mr HOGAN	Member
Ms BULC	Member
Mr MOEDAS	Member

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

Mr BIERVERT	Deputy Chef de cabinet to Mr ŠEFČOVIČ
Mr WYNANDS	Chef de cabinet to Mr DOMBROVSKIS
Mr CEBALLOS BARÓN	Deputy Chef de cabinet to Ms MALMSTRÖM
Mr BEHRNDT	Chef de cabinet to Mr MIMICA
Ms CHRISTOPHIDOU	Chef de cabinet to Mr STYLIANIDES
Mr POWER	Chef de cabinet to Mr HOGAN
Mr ZAKONJŠEK	Chef de cabinet to Ms BULC
Mr SEQUEIRA	Expert in Mr MOEDAS's cabinet

The following also sat in:

Mr SELMAYR	Chef de cabinet to the PRESIDENT	
Mr ROMERO REQUENA	Director-General, Legal Service	
Mr PESONEN	Director-General, DG Communication	
Mr SCHINAS	Head of the Spokesperson's Service and Chief Spokesperson of the Commission	
Mr SWIEBODA	European Political Strategy Centre	
Ms MARTÍNEZ ALBEROLA	Deputy Chef de cabinet to the PRESIDENT	
Ms DEJMEK-HACK	Adviser in the PRESIDENT's Office	Items 1 to 10/11 (in part)
Mr BALTAZAR	Adviser in the PRESIDENT's Office	Item 12 (in part)
Mr DELVAUX	Adviser in the PRESIDENT's Office	Item 12 (in part)
Mr SHOTTER	Adviser in the PRESIDENT's Office	Item 12 (in part)
Ms ARKI	PRESIDENT's Office	
Mr SMULDERS	Chef de cabinet to Mr TIMMERMANS	Item 12 (in part)
MR GIL TERTRE	A member of Mr KATAINEN's staff	Items 10/11 (in part)

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Ms HOLZNER	A member of Mr OETTINGER's staff	Item 12 (in part)
Mr VINCIUNAS	Chef de cabinet to Mr ANDRIUKAITIS	Item 12 (in part)
Ms ANDREEVA	Commission Spokesperson's Service	

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

1. AGENDAS

(OJ(2016) 2171/FINAL; SEC(2016) 244/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(2016) 2171)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 30 May.

3. APPROVAL OF THE MINUTES OF THE 2169TH AND 2170TH MEETINGS OF THE COMMISSION (18 AND 25 MAY)

The Commission held over approval of the minutes of its 2169th and 2170th meetings for the following week.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2016) 70)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 27 May (RCC(2016) 70).

It paid particular attention to the following points.

4.1. LEGISLATIVE MATTERS

i) Trilogue meetings

(point 3.1 of the IRG record)

- Activities and supervision of institutions for occupational retirement provision (Directive – recast) – HAYES report – 2014/0091 (COD)

The Commission approved the line set out in SI(2016) 215.

- Amendment of Regulation (EU, Euratom) 883/2013 as regards the secretariat of the Supervisory Committee of the European Anti-Fraud Office (OLAF) (Regulation) – GRÄSSLE report – 2016/0064 (COD)

The Commission approved the line set out in SI(2016) 225/3.

ii) European Parliament dossiers – June I part-session

(point 3.2 of the IRG record)

Ordinary legislative procedure – First reading

- ‘MIFID II package’ – Amendment of Directive 2014/65/EU on markets in financial instruments as regards certain dates (Directive) – FERBER report – 2016/0033 (COD) / Amendment of Regulation (EU) 600/2014 on markets in financial instruments, Regulation (EU) 596/2014 on market abuse and Regulation (EU) 909/2014 on improving securities settlement in the European Union and on central securities depositories as regards certain dates (Regulation) – FERBER report– 2016/0034 (COD)

The Commission took note of the compromise texts in SP(2016) 343 and SP(2016) 344, further to note SI(2016) 19/3, which it had already approved on 4 May.

Special legislative procedure

- Laying down of rules against tax avoidance practices that directly affect the functioning of the internal market (Council directive) – BAYET report – 2016/0011 (CNS)

The Commission approved the line set out in SP(2016) 346.

iii) Council dossiers

(point 3.3 of the IRG record)

- Amendment of Regulation (EU) 2016/72 as regards fishing opportunities for sandeel in certain Union waters (Council Regulation) – 2016/0128 (NLE)

The Commission approved the line set out in SI(2016) 216.

- Amendment of Regulation (EC) 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (Regulation) – DÍAZ DE MERA Y GARCIA CONSUEGRA report – 2016/0142 (COD)

The Commission took note of the information in SI(2016) 224.

4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

iv) Programming of Council business

(SI(2016) 228)

The Commission took note of the information in SI(2016) 228 on the Council meetings between 2 and 15 June.

v) Non-legislative dossiers

(point 4.1 of the IRG record)

- Authorisations for opening of negotiations on a comprehensive air transport agreement between the European Union and the Republic of Turkey, the six Member States of the Gulf Cooperation Council and the

Association of Southeast Asian Nations (ASEAN) (Recommendations for Council decisions)

The Commission approved the line set out in SI(2016) 218/2.

- Conclusion of the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the States of the SADC EPA Group, of the other part (Council Decision) – LAMBSDORFF Report – 2016/0005 (NLE)

The Commission approved the line set out in SI(2016) 195/2.

vi) Latest developments in the Council

(point 4.4 of the IRG record)

- EU-US Agreement on Mutual Legal Assistance

The Commission took note of the information in SI(2016) 223.

4.3. RELATIONS WITH PARLIAMENT

vii) Results of Parliament's May II part-session

(SP(2016) 348)

The Commission took note of the information on Parliament's part-session held in Brussels on 25 and 26 May, set out in SP(2016) 348.

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

(SP(2016) 350)

The Commission took note of document SP(2016) 350, drawn up following Parliament's part-session on 25 and 26 May.

ix) Non-legislative dossier

(point 5.1 of the IRG record)

- Committee of inquiry into Emission Measurements in the Automotive Sector (EMIS) – Hearings of former and current Members of the Commission and Commission officials

The Commission approved the line set out in SP(2016) 357.

x) Action taken on non-legislative resolutions adopted by Parliament at its March part-session

(point 5.6.1 of the IRG record)

The Commission approved document SP(2016) 349/2 on the action taken on the non-legislative resolutions adopted by Parliament at its March part-session, for transmission to Parliament.

xi) Preparation of the 31st Joint Parliamentary Assembly of the African, Caribbean and Pacific States and the European Union (ACP-EU) (Windhoek, 13-15 June) – Replies to oral questions

(point 5.9 of the IRG record)

The Commission approved the replies to the oral questions from the Joint Parliamentary Assembly set out in SP(2016) 342, for transmission to the Assembly.

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

xii) Follow-up to Committee of the Regions opinions – Sixty-seventh report – December 2015 plenary session

(point 6.4.1 of the IRG record)

The Commission approved the replies to the opinions adopted by the Committee of the Regions during the December 2015 plenary session, contained in the document distributed as SR(2016) 12/3, for transmission to the Committee of the Regions.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED

(SEC(2016) 245 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 23 and 27 May.

5.2. EMPOWERMENT

(SEC(2016) 246 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 23 and 27 May.

5.3. DELEGATION / SUBDELEGATION OF POWERS

(SEC(2016) 247 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 23 and 27 May, as archived in Decide.

5.4. SENSITIVE WRITTEN PROCEDURES**(SEC(2016) 248 AND /2)**

The Commission took note of the sensitive written procedures for which the time limit expired between 30 May and 3 June, and of the 'finalisation' written procedure initiated following the weekly meeting of Chefs de cabinet on Monday 30 May.

6. ADMINISTRATIVE AND BUDGETARY MATTERS**(SEC(2016) 249)****ADMINISTRATIVE MATTERS****(PERS(2016) 49)****6.1. DG MOBILITY AND TRANSPORT – APPOINTMENT OF AD14/15
DIRECTOR****(PERS(2016) 23 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 'Policy coordination and security' Directorate in DG Mobility and Transport (PERS(2016) 23).

It took note of the opinions of the Consultative Committee on Appointments of 29 April and 19 May (PERS(2016) 23/2 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 Ms GEORGIEVA, in agreement with the PRESIDENT and after consulting Ms BULC and also Mr ŠEFČOVIČ and Mr KATAINEN, it decided to appoint Mr Per HAUGAARD to the post.

This decision would take effect on a date to be determined.

**6.2. SECRETARIAT-GENERAL / REGULATORY SCRUTINY BOARD –
EXTERNAL PUBLICATION (AT GRADE AD14 – EU-28) OF A
VACANCY NOTICE FOR A PRINCIPAL ADVISER POST AND
AUTHORISATION TO RECRUIT A TEMPORARY STAFF MEMBER,
UNDER ARTICLE 2(a) OF THE CONDITIONS OF EMPLOYMENT OF
OTHER SERVANTS OF THE EUROPEAN UNION
(PERS(2016) 51)**

On a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT, the Commission decided:

- to authorise the external publication (at grade AD14 – EU-28) of a vacancy notice for a principal adviser post on the Regulatory Scrutiny Board in the Secretariat-General (PERS(2016) 51);
- 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 to a principal adviser post in order to fill the position of a member of the Regulatory Scrutiny Board in the Secretariat-General for a non-renewable period of three years.

These decisions would take effect immediately.

**6.3. DG EMPLOYMENT, SOCIAL AFFAIRS AND INCLUSION –
EXTENSION OF THE TERM OF OFFICE OF THE DIRECTOR OF
THE EUROPEAN AGENCY FOR SAFETY AND HEALTH AT WORK**

On a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT and after consulting Ms THYSSEN and also Mr DOMBROVSKIS and Mr KATAINEN, the Commission decided:

- to propose to the Governing Board of the European Agency for Safety and Health at Work (EU-OSHA) the extension of the term of office of

Ms Christa SEDLATSCHKE as Director of the Agency, for a period of five years from 16 September 2016;

- to consider this decision as the Commission proposal under Article 11(1) of Regulation (EC) 2062/94 as amended by Council Regulation (EC) 1112/2005;
- to ask Ms THYSSEN to communicate this decision to the Governing Board of the European Agency for Safety and Health at Work.

These decisions would take effect immediately.

- 7. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – EUROPEAN STANDARDS FOR THE 21ST CENTURY
(COM(2016) 358 AND /2; SWD(2016) 186; RCC(2016) 73)**
- 8. COMMISSION DECISION ON THE APPROVAL AND THE SIGNING OF THE JOINT INITIATIVE ON STANDARDISATION
(C(2016) 3211 AND /2; RCC(2016) 73)**
- 9. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – THE ANNUAL UNION WORK PROGRAMME FOR EUROPEAN STANDARDISATION FOR 2017
(COM(2016) 357; SWD(2016) 185; RCC(2016) 73)**

The Commission:

- approved the communication in COM(2016) 358/2 for transmission to Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, and, for information, to the national parliaments, together with staff working document SWD(2016) 186, the contents of which were noted;
- adopted the Decision in C(2016) 3211/2 and authorised Ms BIENKOWSKA, the Member of the Commission responsible for the internal market, industry, entrepreneurship and SMEs, to sign the joint initiative on standardisation at the stakeholders' conference organised by the European Union Presidency and the European Commission at the Single Market Forum in Amsterdam on 13 June 2016;
- approved the communication in COM(2016) 357 for transmission to Parliament, the Council, the European Economic and Social Committee and, for information, to the Committee of the Regions and the national parliaments, together with staff working document SWD(2016) 185, the contents of which were noted.

10. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – EUROPE INVESTING AGAIN – TAKING STOCK OF THE INVESTMENT PLAN FOR EUROPE AND NEXT STEPS

(COM(2016) 359 TO /3; RCC(2016) 72)

11. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE

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**COMMITTEE OF THE REGIONS – DELIVERING THE SINGLE MARKET
AGENDA FOR JOBS, GROWTH AND INVESTMENT
(COM(2016) 361 TO /3; RCC(2016) 72)**

Mr KATAINEN presented the two communications being tabled for approval that day, which would appear on the agenda for discussion by the Heads of State or Government at the European Council on 28 and 29 June. The first took stock of the Investment Plan for Europe one year after its launch, while the second reviewed the state of the Single Market Agenda, as requested by the European Council in March.

He saw the approval of these two communications as an opportunity to look beyond the current problems and crises affecting Europe to a positive, growth-oriented Commission programme of the kind explicitly demanded by Europe's leaders.

Mr KATAINEN noted that the investment plan was delivering the intended results. He mentioned first the progress achieved in the third pillar of the plan, in his view the most important as it focused on removing the obstacles to investment and creating new markets in the framework of the ambitious Single Market Agenda.

He then stressed the need to continue the efforts to implement the second pillar of the investment plan and specifically to develop the activities of the European Investment Advisory Hub, which provided technical assistance and tailor-made advice to public and private project promoters. The platform had already dealt with more than 160 requests and its services would be progressively adapted to the local context in order to bring them closer to the businesses that could potentially use them. He also announced that the European Investment Project Portal – an online platform bringing together European project promoters and investors – was being launched that day with the aim of making the best European projects more visible to investors.

Finally he turned to the first pillar, the European Fund for Strategic Investments, the keystone of the investment plan, which was attracting the most interest and was on

track to deliver the objective of mobilising at least €315 billion in additional investments in the real economy by mid-2018. The Fund was already operating in 26 Member States and, on the basis of the agreements concluded so far, was already mobilising investment worth €100 billion in around 250 projects.

He particularly highlighted the results of the Small and Medium-sized Enterprises component of the investment plan, which were exceeding expectations. This indicated a clear failure of the market to finance SMEs which should encourage the Commission to redouble its efforts to address this issue.

Mr KATAINEN said that, most importantly, the communication would announce the extension of the Fund's activities beyond 2018 and that the substantial increase in its operations could be achieved without undermining the European Union's Multiannual Financial Framework for 2014-2020.

He pointed out that the Fund's *raison d'être* was to address the lack of investment – and particularly private investment – in Europe and explained that as investment gradually recovered it would be necessary to target the fund's activities more closely at the structural problems affecting the financial system in order to ensure that the principle of combining funds was applied and to avoid driving out private investment.

He explained that the proposal to amend the Regulation establishing the Fund would be presented to the College in the autumn and should take into account the fact that the current Regulation provided for three evaluations of its operation next March and these would have to be brought forward or delayed, depending on the amendment proposed.

He also mentioned that consideration was being given to developing an investment plan specifically aimed at non-EU countries, which would draw on the experience gained with the Investment Plan for Europe. He felt that applying the same methods would help to ensure that the best possible use was made of funds for development

policy and external relations by increasing the use of this type of financing instrument. The Commission would be better placed to advise non-EU countries about different ways of removing the obstacles to investment in the light of its experience with the Investment Plan for Europe.

Mr KATAINEN then turned to the second communication being submitted to the College for approval, which reviewed the implementation of the ambitious Single Market Agenda. He described this as another fundamental part of the investment plan, in that extending the Single Market was intended to increase competitiveness, open up new markets and create new opportunities for investment, growth and employment. The three main aims of the communication were (i) to review the state of the Agenda and demonstrate its added value for citizens and businesses, (ii) to identify measures to be implemented to get the most out of the programme, and (iii) to gain the active support of the Heads of State or Government that was vital to its success. The communication listed the measures that would have to be adopted by the co-legislators as a priority.

Mr KATAINEN concluded his presentation by thanking the Commission Members involved in drafting the two communications, and their cabinets, for their excellent cooperation.

Ms BIENKOWSKA then presented the European Agenda for the Collaborative Economy, which would be adopted by finalisation written procedure on Thursday 2 June (PE/2016/3478), stressing its relevance to the Single Market Agenda and to promoting growth in Europe.

Although the collaborative economy was a relatively recent phenomenon, it was experiencing strong growth and was changing the way services were delivered in the economy. Ms BIENKOWSKA believed that, despite its potentially disruptive impact on some established professions, the collaborative economy would continue to grow by opening up new markets, with the support of consumers who often benefited from improved services at a better price as a result. Innovative companies

based on this business model formed a particularly dynamic sector of the European economy which consisted of more than just a few well-known companies.

The Single Market should therefore encourage the balanced and responsible development of these new business models in order to promote jobs and growth.

Addressing concerns that were often voiced about employment, taxation and consumer protection, she pointed out that tax had to be paid, consumers protected and the social protection of those involved in the collaborative economy guaranteed.

However, she identified three fundamental factors that currently hampered the growth of the collaborative economy, namely (i) uncertainty about the rules applying to this new sector, (ii) the fragmentation of the internal market where different national and sometimes local rules applied, and (iii) the war of words between the established professions and the entrepreneurs of the collaborative economy.

In this context, Mrs BIENKOWSKA believed that an EU initiative was both required and expected, and that the Commission was proposing a positive approach that would help develop the collaborative economy by providing the market with greater clarity on how to apply EU law to these new business models.

In more practical terms, she explained that the restrictions that would apply to these innovative models would have to be exceptional, justified, proportionate and neutral from a business model point of view. The Commission's proposal also clarified the conditions according to which a collaborative platform could be deemed either a service provision or merely an intermediary. She also stressed that, under the chosen approach, it was not possible to apply the same rules to both a very occasional service operator and a business offering its services full-time.

Moreover, the collaborative platforms should implement voluntary consumer protection measures and facilitate agreements with national administrations on tax, while these administrations should assess whether the applicable sector-specific

legislation effectively addressed the needs of the collaborative economy.

In conclusion, Mrs BIENKOWSKA briefly touched upon the communication on European standardisation in the 21st century (see items 7, 8 and 9 of these minutes), since the standardisation policy was vitally important to the implementation of the programme for the single market.

She emphasised in particular the main changes made to the EU's standardisation policy, namely (i) the promotion of a unified policy and an integrated approach to standardisation, (ii) the establishment of a regular dialogue with the European Parliament and the Council on the annual priorities for standardisation, and (iii) the modernisation of the production of standards in Europe.

The shared initiative on standardisation brought together organisations from the public and private sectors as part of a collaborative, transparent and flexible dialogue that would ensure the rapid development of the most modern possible standards in order to address the needs of the market.

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

- the remarkable success of the Investment Plan for Europe, which justified its extension and the use of the same model in other EU policies, such as development aid;
- the importance of encouraging the creation of investment platforms to allow small projects to flourish, especially in the field of energy efficiency;
- the need to refine the advisory services proposed via the European Investment Advisory Hub, to allow it to work more locally and enhance its cooperation with National Promotional Banks;
- the importance of a communication policy that publicised the success of the

Investment Plan and its use in all Member States, adapting the information to the needs of each country;

- the opportunity to regularly measure the results made possible by the Investment Plan in terms of job creation and economic growth;
- the need to make full use of the possibility of combining the use of different funds to implement investment projects and assist project developers, thanks to the expertise and advice offered via these funds;
- the need to simplify, as much as possible, the administrative procedures that allowed different funds to be used;
- the need for the Commission, working with Eurostat, to provide clarifications and, if necessary, review its applicable guidelines with regard to the accounting aspects of public-private partnerships;
- the opportunity to strengthen the cooperation between Eurostat, the Fund and the European Investment Bank in order to develop and adapt capacities and the advisory services offered for setting up projects.

Mr KATAINEN pointed to the very good results achieved in the first stage of the Fund's implementation, largely thanks to its 'SME' component. Accordingly, he invited the Members of the Commission to promote the visibility of the Fund in Member States to allow its potential to be fully exploited. In addition, he indicated that the European Investment Bank would be fully involved in the Commission's communication campaigns, about which he would provide more detailed information at the College's forthcoming weekly meetings.

The PRESIDENT brought the discussion to a close by emphasising that the Investment Plan was working and refuted the pessimistic forecasts, given that it was creating jobs and stimulating investment in the real economy. He noted that this was precisely why the Commission had proposed extending it beyond 2018. He thanked

Mr KATAINEN and all of the Commission Members involved in implementing the Investment Plan for the quality of their work. He encouraged them to remain ambitious to help Europe restore sustainable investment.

At the end of this discussion, the Commission:

- approved the communication in COM(2016) 359/3 for transmission to Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, and, for information, to the European Central Bank, the Court of Auditors, the European Investment Bank and the national parliaments;
- approved the communication in COM(2016) 361/3 for transmission to Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, and, for information, to the European Central Bank, the Court of Auditors, the European Investment Bank and the national parliaments.

12. OTHER BUSINESS

12.1. LATEST DEVELOPMENTS AND OUTLOOK CONCERNING THE PROCEDURE FOR RENEWAL OF APPROVAL OF THE ACTIVE SUBSTANCE GLYPHOSATE

At the request of the PRESIDENT, Mr ANDRIUKAITIS reported on the latest developments concerning the renewal of the approval of glyphosate, which was currently being examined as part of the ‘comitology’ procedure, as he had already explained to the Commission on several occasions over the previous two months.

He reminded the Members that Member States had been unable to reach a

qualified majority on renewing of the approval of glyphosate. To address this situation, he believed that the Commission should possibly extend the existing authorisation until the European Chemicals Agency, the body responsible under EU law for classifying chemical substances as carcinogenic or non-carcinogenic, delivered its opinion.

Mr ANDRIUKAITIS therefore suggested asking Member States the following Monday to decide by qualified majority on the proposal to extend the approval of glyphosate for a period of between 12 and 18 months, to allow time to receive the opinion of the European Chemicals Agency. Since it was possible that some Member States might abstain, he suggested bringing the matter before the Appeal Committee at Ambassadorial level before the Commission adopted its decision, as it was legally required to do, by 30 June at the latest. He pointed out that, should the Commission fail to fulfil this requirement, the industry could take legal action and would win the case.

Once the decision to grant an extension had been taken, the College would have to return to the question of authorisation for glyphosate in the light of the opinion to be given by the European Chemicals Agency. He hoped that this would be sufficiently clear to enable the Commission to make a decision on a sound scientific basis.

Alongside extension of the current authorisation, Mr ANDRIUKAITIS said that he intended to propose that the Member States should vote within a few weeks on measures designed to restrict the conditions for use of glyphosate by banning a co-formulant, polyethoxylated tallowamine, and by recommending that the Member States should reduce usage of this herbicide to the minimum in public gardens and limit usage before harvests, to comply with the European Parliament's requests and encourage more sustainable use of this product.

He concluded by stating that he would keep the College informed of

developments in this matter.

The PRESIDENT thanked Mr ANDRIUKAITIS for these explanations and noted the agreement of the College to the proposed approach.

The Commission took note of this information.

**12.2. EU FRAMEWORK TO STRENGTHEN THE RULE OF LAW –
COMMISSION OPINION ON THE RULE OF LAW IN POLAND
(C(2016) 3500/2)**

The PRESIDENT asked Mr TIMMERMANS to report on his most recent exchanges with the Polish authorities on the issue of respect for the rule of law in Poland.

At the end of the discussion that followed, the Commission adopted in the authentic language version (Polish) the opinion set out in document C(2016) 3500/2, and authorised Mr TIMMERMANS, First Vice-President of the Commission responsible for Better Regulation, Interinstitutional Relations, the Rule of Law and the Charter of Fundamental Rights, to sign it and notify the Republic of Poland on its behalf.

**12.3. FINANCING FOR THE EUROPEAN UNION YOUTH ORCHESTRA
(INFO(2016) 52)**

Mr NAVRACSICS informed the Members of the Commission of the issues relating to financing the European Union Youth Orchestra and the possible solutions.

The orchestra was amongst the cultural organisations identified by the European Parliament to receive an operating grant from 2000 without going through a selection procedure as part of a call for proposals. Since then, the orchestra had received the maximum grant amount each year.

However, amendment of the Financial Regulation in 2003 meant that a legal basis was now required for each grant allocated directly without a call for proposals, until this system of direct allocation was gradually phased out. A legal basis was therefore adopted for 2004 and 2005 to maintain the grant awarded to the orchestra, and in 2006 the orchestra received for the first time a grant awarded through a selection procedure as part of a call for proposals. Between 2007 and 2013 the orchestra was awarded an operating grant as part of the EU's Cultural Ambassadors programme, which was subsequently abolished in response to criticism that it distorted competition in obtaining EU funding. The European Union Youth Orchestra then received a grant under the 'Creative Europe' programme in 2014, as a member of a partnership. However, this partnership was not selected during the 2015 call for proposals, notably because too large a share of the funding would have been used to cover the organisation's operating costs rather than cultural events.

The orchestra had announced that in the absence of financial support from the EU it would dissolve the organisation, and it had asked the President of the European Parliament and some Members of the Commission to find a solution to fund it.

Mr NAVRACSICS recognised the special nature of the European Union Youth Orchestra, which was a unique organisation of its kind within the EU since it was the only organisation that brought together young musicians from all Member States, thereby showcasing the cultural diversity of the EU and the richness of European musical output.

For this reason the Commission departments had considered various solutions to enable the orchestra to continue to benefit from EU support in 2016. One of these consisted of modifying the Creative Europe programme to provide a grant of around € 600 000. Given the orchestra's characteristics, it could be considered to have a *de facto* monopoly and thus avoid a competitive tender

process. In this case, a Commission decision would be required in order to amend the Creative Europe programme for 2016.

Mr NAVRACSICS stated that in the longer term an amendment to the legal basis for the Creative Europe programme could be considered, introducing a specific provision to guarantee funding for the European Union Youth Orchestra as a special and permanent project.

Nevertheless, if the option of a direct grant were to be preferred, the Commission would have to identify which specific activities were considered eligible for EU financing before determining the amount to be awarded. The Commission would also exercise its powers to supervise and monitor the implementation of the orchestra's proposed activities.

Ms GEORGIEVA considered that choosing a funding solution for the European Union Youth Orchestra was less a matter of budget and more a question of the legal framework, and warned against the possibility of provoking complaints from other tenderers in calls for proposals. Another solution would be for the orchestra to submit better quality proposals, allowing it to be selected in calls for proposals.

Mr OETTINGER noted that the orchestra had been created 40 years ago at the instigation of the EU Institutions, and that the change in the rules for awarding grants within the framework of the Creative Europe programme had put the organisation in an awkward position. He stressed the ambassadorial role played by the orchestra in working with outstanding conductors. He therefore thought that it was difficult for the Commission not to continue to support this orchestra financially and highlighted the relatively low level of funding required. With regard to the proposed solutions for maintaining EU support, he was in favour of amending the Creative Europe programme, which would enable the European Union Youth Orchestra to be funded until the programme expired in 2020 by considering it to have a *de facto*

monopoly. The same approach could be used to grant regular EU funding to the European Film Academy.

The PRESIDENT thanked the Members of the Commission for their efforts in seeking a viable solution to finance the European Union Youth Orchestra, highlighting its symbolic and historical value. He noted the agreement on the proposed approach for the short and long term.

Mr NAVRACSICS emphasised the need for transparency and the importance of modernising the long-standing partnership with the orchestra.

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 11.42.