



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2016) 2182 final

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

Strasbourg, 4 October 2016

TEXTE EN

MINUTES

of the 2182nd meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 21 September 2016

(morning)

—

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

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Single sitting: Wednesday 21 September 2016 (morning)

The sitting opened at 10.05 with Mr JUNCKER, President, in the chair.

Present:

Mr JUNCKER	President
Mr ANSIP	Vice-President
Mr ŠEFČOVIČ	Vice-President
Mr DOMBROVSKIS	Vice-President
Mr OETTINGER	Member
Ms MALMSTRÖM	Member
Mr MIMICA	Member
Mr VELLA	Member
Ms THYSSEN	Member
Mr MOSCOVICI	Member
Mr HOGAN	Member
Ms BULC	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
Ms GEORGIEVA	Vice-President
Mr KATAINEN	Vice-President
Mr HAHN	Member
Mr ARIAS CAÑETE	Member
Mr ANDRIUKAITIS	Member
Mr AVRAMOPOULOS	Member
Mr STYLIANIDES	Member
Ms BIENKOWSKA	Member
Ms VESTAGER	Member

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

Ms SUTTON	Deputy Chef de cabinet to Mr TIMMERMANS
Ms VANNINI	Adviser in Ms MOGHERINI's Office
Ms WERNER	Chef de cabinet to Ms GEORGIEVA
Ms HARDEMAN	Deputy Chef de cabinet to Mr KATAINEN
Ms UDWIN	Deputy Chef de cabinet to Mr HAHN
Ms LOBILLO BORRERO	Chef de cabinet to Mr ARIAS CAÑETE
Ms CHAZE	Deputy Chef de cabinet to Mr ANDRIUKAITIS
Ms ASTERIADI	Deputy Chef de cabinet to Mr AVRAMOPOULOS
Ms WOOD	A member of Mr STYLIANIDES's staff
Mr HEDBERG	Deputy Chef de cabinet to Ms BIENKOWSKA
Ms JUUL-JØRGENSEN	Chef de cabinet to Ms VESTAGER

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
Ms METTLER	Head of the European Political Strategy Centre
Ms MARTÍNEZ ALBEROLA	Deputy Chef de cabinet to the PRESIDENT
Ms ROUCH	Adviser in the PRESIDENT's Office

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Ms ARKI	PRESIDENT's Office	
Ms KLOC	Deputy Chef de cabinet to Mr ANSIP	Item 8
Mr SCHULTE	A member of Mr OETTINGER's staff	Item 8
Ms ANDREEVA	Commission Spokesperson's Service	
Ms MICHOU	Deputy Secretary-General	

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

1. AGENDA

(OJ(2016) 2182/FINAL)

The Commission took note of that day's agenda.

2. WEEKLY MEETING OF CHEFS DE CABINET

(RCC(2016) 2182)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 19 September.

3. APPROVAL OF THE MINUTES OF THE 2180TH AND 2181ST MEETINGS OF THE COMMISSION (7 AND 13 SEPTEMBER 2016)

PV(2016) 2180

The Commission approved the minutes of its 2180th meeting and decided to hold over approval of the minutes of its 2181st meeting for the following week.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2016) 108)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 16 September (RCC(2016) 108).

It paid particular attention to the following points.

4.1. LEGISLATIVE MATTERS

i) Council dossier

(point 3.3 of the IRG record)

- Amendment of Directive 2011/16/EU as regards access to anti-money-laundering information by tax authorities (Council Directive) – 2016/0209 (CNS)

The Commission approved the line set out in SI(2016) 341.

4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

ii) Programming of Council business

(SI(2016) 350)

The Commission took note of the information in SI(2016) 350 on the Council meetings between 22 September and 5 October.

iii) Latest developments in the Council

(point 4.4 of the IRG record)

- Proposal by the High Representative of the Union for Foreign Affairs and Security Policy for a Council Decision repealing the Common Position 96/697/CFSP of 2 December 1996 on Cuba

The Commission took note of the information in SI(2016) 348.

4.3. RELATIONS WITH PARLIAMENT

iv) Non-legislative dossiers

(point 5.1 of the IRG record)

- European Parliament Committee of Inquiry into Money Laundering, Tax Avoidance and Tax Evasion (PANA Committee) – State of play and internal procedural arrangements

The Commission took note of SP(2016) 589 and the internal procedural arrangements for the European Parliament's PANA Committee of Inquiry.

- European Parliament Committee of Inquiry into Money Laundering, Tax Avoidance and Tax Evasion (PANA Committee) – Access to confidential information

The Commission approved the line set out in SP(2016) 590 and the draft agreement text annexed thereto.

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

(SP(2016) 595)

The Commission decided to empower the Commission Members 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(2016) 595, drawn up following the September part-session of Parliament, the contents of which were noted.

vi) Results of Parliament's September part-session

(SP(2016) 573; SP(2016) 575)

The Commission took note of the information in SP(2016) 573 and SP(2016) 575 on the proceedings of the part-session of Parliament held in Strasbourg from 12 to 15 September.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED

(SEC(2016) 377 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 12 and 16 September.

5.2. EMPOWERMENT

(SEC(2016) 378 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 12 and 16 September.

5.3. DELEGATION / SUBDELEGATION OF POWERS

(SEC(2016) 379 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 12 and 16 September, as archived in Decide.

5.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2016) 380 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 19 and 23 September.

5.5. GENERAL EMPOWERMENT AND DELEGATION OF POWERS – COMMISSION DECISION COMPLEMENTING COMMISSION DECISION C(2014) 5167 OF 23 JULY 2014 ON GRANTING EMPOWERMENT AND DELEGATION OF POWERS TO ADOPT

***CERTAIN DECISIONS RELATED TO THE EUROPEAN STRUCTURAL
AND INVESTMENT FUNDS FOR THE 2014-2020 PROGRAMMING
PERIOD***

(C(2016) 5949)

The Commission decided:

- to empower, under Article 13 of its Rules of Procedure, the Commission Member responsible for the European Maritime and Fisheries Fund (EMFF), on behalf of the Commission and under its responsibility, to take the decisions mentioned in Article 1 of C(2016) 5949 in accordance with the terms set out in that document;
- to empower, under Article 13 of its Rules of Procedure, the Commission Member responsible for the European Regional Development Fund (ERDF) and the Cohesion Fund, on behalf of the Commission and under its responsibility, to take the decisions mentioned in Article 2 of C(2016) 5949 in accordance with the terms set out in that document;
- to empower, under Article 13 of its Rules of Procedure, the Commission Members responsible for the European Regional Development Fund (ERDF), the Cohesion Fund and the European Social Fund (ESF), each in their respective areas of competence, on behalf of the Commission and under its responsibility, to take the decisions mentioned in Article 3 of C(2016) 5949 in accordance with the terms set out in that document;
- to empower, under Article 13 of its Rules of Procedure, the Commission Member responsible for the European Regional Development Fund (ERDF), on behalf of the Commission and under its responsibility, to take the decisions mentioned in Article 4 of C(2016) 5949 in accordance with the terms set out in that document;

- to delegate, under Article 14 of its Rules of Procedure, to the Directors-General for Regional and Urban Affairs, Employment, Social Affairs and Inclusion, and Maritime Affairs and Fisheries, the power to adopt, on behalf of the Commission and under its responsibility, the decisions mentioned in Article 6 of C(2016) 5949 in accordance with the terms set out in that document;
- to delegate, under Article 14 of its Rules of Procedure, to the Director-General for Maritime Affairs and Fisheries, the power to adopt, on behalf of the Commission and under its responsibility, the decisions mentioned in Article 7 of C(2016) 5949 in accordance with the terms set out in that document;

6. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2016) 381)

ADMINISTRATIVE MATTERS

(PERS(2016) 88)

6.1. OFFICE FOR INFRASTRUCTURE AND LOGISTICS – LUXEMBOURG

– APPOINTMENT OF AD14/15 DIRECTOR

(PERS(2016) 13 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 Office for Infrastructure and Logistics in Luxembourg (PERS(2016) 13).

It took note of the opinions of the Consultative Committee on Appointments of 9 and 16 June 2016 (PERS(2016) 13/2 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, it then decided to appoint Mr Marc BECQUET to the post.

This decision would take effect on 1 November 2016.

6.2. DG ENERGY – APPOINTMENT OF DIRECTOR

On a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT, and having consulted Mr ARIAS CAÑETE, and also Mr ŠEFČOVIČ and Mr KATAINEN, the Commission decided to fill the post of Director, 'Euratom Supply Agency', in the Directorate-General for Energy, by transferring in the interest of the service, under Article 7 of the Staff Regulations, Ms Marian O'LEARY, an AD15 official and currently Director of the Office for Infrastructure and Logistics in Luxembourg.

This decision would take effect on 1 November 2016.

6.3. DG HUMAN RESOURCES AND SECURITY – APPROVAL OF LIST OF CANDIDATES FOR THE POST OF HEAD OF THE EUROPEAN UNION DELEGATION IN SAUDI ARABIA (PERS(2016) 82/2)

The Commission took note of the information in point 3 of PERS(2016) 88 and, on a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT, decided to approve the list of candidates for the AD9-14/AD12 post of Head of the EU Delegation in Saudi Arabia in PERS(2016) 82/2, which would serve as a basis for the competent authority of the European External Action Service to make a final appointment.

This decision would take effect immediately.

7. OTHER BUSINESS

7.1. FIRST ATTENDANCE AT A COMMISSION MEETING OF SIR JULIAN KING

(C(2016) 6300)

The PRESIDENT welcomed Sir Julian KING, who was attending his first Commission meeting as a member.

The PRESIDENT told the meeting that Sir Julian had been officially appointed as a Member of the Commission by the Council just two days earlier, on Monday 19 September, after consultation with the European Parliament and by common accord with him in his capacity as President of the Commission.

Sir Julian replaced Lord HILL, who had resigned on 25 June 2016, the day after the UK referendum on membership of the EU. The PRESIDENT added that he had appointed Sir Julian Commissioner for Security Union, a role in which he would work closely with Mr AVRAMOPOULOS.

Accordingly, the PRESIDENT presented his decision on the organisation of the responsibilities of the Members of the Commission, set out in document C(2016) 6300 amending Decision C(2014) 9000 of 1 November 2014, as amended by Decision C(2016) 6000 of 13 July 2016, the contents of which were noted.

The PRESIDENT wished Sir Julian KING every success in his new role at the Commission.

7.2. RESULTS AND FOLLOW-UP OF THE INFORMAL SUMMIT OF THE HEADS OF STATE OR GOVERNMENT OF 27 MEMBER STATES (BRATISLAVA, 16 SEPTEMBER 2016)

The PRESIDENT reported briefly on the informal Bratislava Summit, which he had attended on 16 September alongside Donald TUSK, the President of the European Council, and Robert FICO, the Prime Minister of Slovakia (which currently held the Presidency of the Council of the European Union), and the 27 EU Heads of State or Government, to discuss the future of Europe in the wake of the United Kingdom's vote to leave the EU.

With regard to the content of the summit, which did not lead to any formal conclusions, the PRESIDENT reported that the talks had focused mainly on the political priorities for the future of the Union of 27, and had resulted in a draft ‘roadmap’ for revitalising the European project. He was pleased that the Member States had referred specifically to, and welcomed, his State of the Union address to the European Parliament on 14 September. He added that at Bratislava the European leaders had also agreed to ask the three presidents to work on a roadmap for the tangible initiatives to be adopted in the short term.

In any event, he saw the informal Bratislava Summit as the first step in a process of deliberation and work of the 27 States. This first stage would be followed by the European Council meetings – of all 28 Member States – in October, which would focus on economic matters, and December, during which the defence projects that had been launched would be officially endorsed. He also referred to a meeting of the 27 European leaders at the start of 2017 in Valletta, before concluding the ‘Bratislava Process’ with a symbolic event next March for the sixtieth anniversary of the Treaty of Rome, to be held in the Italian capital.

The Commission took note of this information.

**8. DRAFT COMMISSION IMPLEMENTING REGULATION LAYING DOWN DETAILED RULES ON THE APPLICATION OF FAIR USE POLICY AND ON THE METHODOLOGY FOR ASSESSING THE SUSTAINABILITY OF THE ABOLITION OF RETAIL ROAMING SURCHARGES AND ON THE APPLICATION TO BE SUBMITTED BY A ROAMING PROVIDER FOR THE PURPOSES OF THAT ASSESSMENT
(C(2016) 6059 DRAFT ; RCC(2016) 109)**

Mr ANSIP submitted the draft new approach to the rules on the application of fair use policy, one of three mechanisms agreed by the co-legislators in 2015 with a view to abolishing the international roaming charges currently levied on mobile telecommunications made from a Member State other than the one in which the user lived. The mechanism must be complemented by the reform of the wholesale roaming market proposed by the Commission last June and by the sustainability clause opt-out regime, these three components being necessary for a harmonious transition to EU-wide mobile communications free of roaming charges.

He explained what the draft was designed to achieve, noting that Regulation (EU) 531/2012 on roaming charges conferred implementing powers on the Commission to lay down the arrangements for applying the fair use principle with a view to abolishing these charges. An initial version of these arrangements, which provided for exemption from roaming charges limited to 90 days per year, had been withdrawn two weeks previously at the request of the PRESIDENT, who wanted the Commission to put forward a new approach. The draft tabled that day had not yet been submitted to the Commission for adoption as consultations with the main interested parties, Parliament and the national regulators (via the Body of European Regulators for Electronic Communications (BEREC)) had to take place before the draft could be submitted to the Council under the committee procedure and adopted by the Commission prior to 15 December 2016.

European consumers had long regarded the roaming charges levied by telecom operators as excessive. These charges had gradually been reduced from 2009 onwards as European legislation was put in place, invariably at the Commission's initiative.

Roaming charges were intended to cover real costs and could therefore not be regarded as a source of extra profit for operators. Significant differences in the development of telecom networks and in charges continued to exist between Member States. For example, in many southern countries, operators had invested in infrastructure which enabled them to provide roaming services to tourists in summer. As these services were underused and therefore not very profitable outside the tourist season, operators tended to adjust their prices upwards to compensate for under use during busy periods.

The big differences between Member States in terms of telecom prices, including for data exchange, could give rise to abuse, potentially resulting in significant losses of revenue for operators if roaming charges were simply abolished. He gave the example of the massive purchase of SIM (*Subscriber Identity Module*) cards for use in a Member State other than the one in which the operator sold them.

The new approach envisaged a solid safeguard mechanism designed to protect operators from abuse, while providing consumers using their mobile phone in another Member State with an unlimited number of communications for an unlimited time. The proposed new mechanism was based on the principle of the users' residence or regular, stable links with another Member State.

Under the proposed mechanism, the operator could introduce a supplement if it noted abuse or abnormal use, i.e. domestic traffic insignificant in comparison with roaming traffic, a long period of inactivity of a SIM card used mainly for roaming or sequential use of several SIM cards for roaming by the same customer. In that scenario, any increase in telecommunications charges would have to respect the limits proposed by the Commission on 15 June 2016 in the draft amendment to the

roaming regulation with regard to the rules applicable to wholesale markets, i.e. no more than €0.04 per minute for telephone calls, €0.01 per SMS message and €0.0085 per megabit for data. Operators could use the same safeguard mechanism if they could prove that alignment of roaming charges with national charges put their domestic charging model at risk and that the national regulator allowed them to do so.

Mr ANSIP pointed out that EU legislation had made it possible to reduce roaming charges by 92% for calls since 2007, 92% for SMS messages since 2009, and 96% for data since 2012, greatly benefiting European consumers. Accordingly, operators' interests should be taken into account too, and he considered that the proposed new approach offered the best possible balance.

Mr OETTINGER again stressed that the Commission wanted to put in place a fair and efficient system for the abolition of roaming charges by June 2017 for all Europeans travelling within the Union, while making sure that operators had the means to guard against abuse.

He referred to the current lack of an internal telephony market in Europe, with national regulators setting tariffs on the basis of numerous national criteria. To cite an example, the average mobile telephone tariff paid by Irish citizens was around six times higher than that paid by Latvians. Under these draft implementing rules, all travellers using a mobile telephone card of a Member State in which they were resident or with which they had regular ties would be able to use their mobile phones in all the other Member States as if they were in their own. The concept of regular and stable ties allowed the particular situations of cross-border workers, expatriates who often travelled to their Member State of origin or students taking part in the European Erasmus programme to be taken into account.

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

- the political importance of the Commission's undertaking to propose the abolition of roaming charges in the Union by June 2017; a call to ensure that this concrete pledge was fulfilled, for the sake of the Commission's credibility and in order to meet the high expectations raised;
- the symbolic value for Europe of abolishing roaming charges for EU citizens;
- the Commission Members' support for the proposed new approach, while emphasising the need for a careful and detailed analysis and for a balance to be struck between consumers' long-term interests and the competitiveness of European industry;
- the consequences of abolishing roaming charges for the functioning and structure of the sector concerned, which was based on a particular economic model; the wish to avoid any unwanted knock-on effects such as a fall in investment, market concentration, consumer price increases in certain cases or poorer-quality services given the significant differences between markets in the Member States;
- a reminder of the estimates indicating that abolishing roaming charges could be expected to lead to a twenty-fold increase in the consumption of telecommunications; the fact that the sector operators had already incorporated the abolition of these charges into their economic strategy; the technology already existing in markets for circumventing roaming charges;
- questions about the effect that the forthcoming reform of wholesale roaming markets could have on retail price levels;
- for all these reasons, the value of having an updated impact assessment and obtaining stakeholders' opinions in order to achieve a balanced final proposal;
- the need for targeted communication on this sensitive issue.

The PRESIDENT thanked Mr ANSIP and Mr OETTINGER for their detailed explanations. He concluded by noting that the Commission approved in principle the draft Decision set out in C(2016) 6059 *DRAFT*, and authorised the Director-General of the Directorate-General for Communications Networks, Content and Technology to continue the consultation procedures and, in particular, to forward this draft to the Communications Committee before the formal adoption of the Decision at a later stage.

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The meeting closed at 11.22.