



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2018) 2265 final

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

Brussels, 10 October 2018

TEXTE EN

MINUTES

**of the 2265th meeting of the Commission
held in Strasbourg
(Winston Churchill building)
on Tuesday 11 September 2018
(afternoon)**

PV(2018) 2265 final

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

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Single sitting: Tuesday 11 September 2018 (afternoon)

The sitting opened at 13.11 with Mr JUNCKER, President, in the chair.

Present:

Mr JUNCKER	President	
Mr TIMMERMANS	First Vice-President	
Ms MOGHERINI	High Representative / Vice-President	Items 24.2 (in part) and 25
Mr ANSIP	Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Mr DOMBROVSKIS	Vice-President	
Mr KATAINEN	Vice-President	
Mr OETTINGER	Member	
Mr HAHN	Member	
Ms MALMSTRÖM	Member	
Mr MIMICA	Member	
Mr ARIAS CAÑETE	Member	
Mr VELLA	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 CREȚU	Member	
Ms VESTAGER	Member	
Mr MOEDAS	Member	Items 24 and 25
Sir Julian KING	Member	
Ms GABRIEL	Member	

Absent:

Mr ANDRIUKAITIS

Member

The following sat in to represent an absent Member of the Commission:

Mr VINCIUNAS	Chef de cabinet to Mr ANDRIUKAITIS
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The following also sat in:

Ms MARTÍNEZ ALBEROLA	Chef de cabinet to the PRESIDENT	
Mr ROMERO REQUENA	Director-General, Legal Service	
Mr PESONEN	Director-General, DG Communication	
Mr SCHINAS	Head of the Spokesperson's Service and Chief Spokesperson of the Commission	
Mr MOTOC	European Political Strategy Centre	
Mr SZOSTAK	Deputy Chef de cabinet to the PRESIDENT	
Ms ARKI	PRESIDENT's Office	
Ms SILLAVEE	PRESIDENT's Office	
Mr SMULDERS	Chef de cabinet to Mr TIMMERMANS	Item 24.1
Mr PETROCELLI	A member of Ms MOGHERINI's staff	Items 1 to 24.2 (in part)
Mr LEPASSAAR	Chef de cabinet to Mr ANSIP	Item 24.2
Mr SNELS	Secretariat-General	

Secretary: Mr SELMAYR, Secretary-General, assisted by Ms COLLOMP, Senior Expert in the Secretariat-General.

1. AGENDAS

(OJ(2018) 2265/FINAL)

The Commission took note of that day's agenda.

2. WEEKLY MEETING OF CHEFS DE CABINET

(RCC(2018) 2265)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 10 September 2018.

3. APPROVAL OF THE MINUTES OF THE 2263RD AND 2264TH MEETINGS OF THE COMMISSION (18 JULY AND 5 SEPTEMBER 2018)

(PV(2018) 2263, PV(2018) 2263, 2ND PART)

The Commission approved the minutes of its 2263rd meeting and decided to hold over approval of the minutes of its 2264th meeting for a later meeting.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2018) 130)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 7 September 2018 (RCC(2018) 130).

It paid particular attention to the following points.

4.1. LEGISLATIVE MATTERS

i) Trilogue

(point 3.1 of the IRG record)

- Work-life balance for parents and carers and repeal of Council Directive 2010/18/EU (Directive) – CASA report – 2017/0085 (COD)

The Commission took note of SI(2018) 441/3.

ii) European Parliament dossiers – September 2018 part-session

(point 3.2 of the IRG record)

Ordinary legislative procedure – First reading

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

The Commission approved the line set out in SP(2018) 506.

- Protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and the free movement of such data, and repeal of Regulation (EC) 45/2001 and Decision 1247/2002/EC (Regulation) – ERNST report – 2017/0002 (COD)

The Commission took note of SP(2018) 507, further to note SI(2018) 246/2, which it had approved on 23 May 2018.

- Controls on cash entering or leaving the Union and repeal of Regulation (EC) 1889/2005 (Regulation) – DELVAUX / LÓPEZ AGUILAR report – 2016/0413 (COD)

The Commission approved the line set out in SP(2018) 509 and /2 and took note of the compromise text in SP(2018) 509/2, further to note SI(2018) 336/2, which it had already approved on 20 June 2018.

- Establishment of a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services, and amendment of Regulation (EU) 1024/2012 (Regulation) – MIZZI report – 2017/0086 (COD)

The Commission took note of SP(2018) 508, further to note SI(2018) 327, which it had already approved on 12 June 2018.

- Amendment of Directive 92/106/EEC on the establishment of common rules for certain types of combined transport of goods between Member States (Directive) – AIUTO report – 2017/0290 (COD)

The Commission approved the line set out in SP(2018) 534.

iii) Council dossier

(point 3.3 of the IRG record)

- European Labour Authority (Regulation) – LENAERS report – 2018/0064 (COD)

The Commission took note of the information in SI(2018) 444/2.

4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

iv) Programming of Council business

(SI(2018) 451)

The Commission took note of the information in SI(2018) 451 on the Council meetings between 13 and 26 September 2018.

v) Non-legislative dossiers

(point 4.1 of the IRG record)

- Conclusion of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) (Council Decision) – 2016/0062 (NLE) – draft Code of Conduct to be presented to the Council

The Commission approved the line set out in SI(2018) 445/2.

- Position to be taken on behalf of the European Union at the 13th General Assembly of the Intergovernmental Organisation for International Carriage by Rail (OTIF) as regards certain amendments to the Convention concerning International Carriage by Rail (COTIF) and to its Appendices (Council Decision) – 2018/0295 (NLE)

The Commission approved the line set out in SI(2018) 442.

- The Hydrogen Initiative

The Commission approved the line set out in SI(2018) 446.

- Rule of law in Poland

The Commission approved the line set out in SI(2018) 450.

4.3. RELATIONS WITH PARLIAMENT

vi) Action taken on the non-legislative resolutions adopted by Parliament at its May II 2018 part-session

(point 5.6.1 of the IRG record)

The Commission approved documents SP(2018) 515 and /2 on the action taken on the non-legislative resolutions adopted by Parliament at its May II part-session, for transmission to Parliament.

vii) Action taken on the non-legislative resolutions adopted by Parliament at its May II 2018 part-session – Follow-up to the resolution with recommendations to the Commission on odometer manipulation in motor vehicles: revision of the EU legal framework – ERTUG report

(point 5.6.2 of the IRG record)

The Commission approved SP(2018) 516 on the action taken on Parliament's resolution with recommendations to the Commission on odometer manipulation in motor vehicles: revision of the EU legal framework, adopted by Parliament at its May II 2018 part-session, for transmission to Parliament.

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

viii) Participation by Members of the Committee of the Regions in international conferences

(point 6.4.1 of the IRG record)

- 14th meeting of the Conference of Parties to the Convention on Biological Diversity (CBD COP 14) (Sharm El-Sheik, 17 to 29 November 2018)

The Commission agreed to the request to the PRESIDENT from Mr Karl-Heinz LAMBERTZ, President of the Committee of the Regions, concerning the attendance of a Member of the Committee of the Regions at the above-mentioned meeting as an observer in the EU delegation, with a reminder about the procedure to be followed as set out in SR(2018) 24.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED

(SEC(2018) 383 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 3 and 7 September 2018.

5.2. EMPOWERMENT

(SEC(2018) 384 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 3 and 7 September 2018.

5.3. DELEGATION / SUBDELEGATION OF POWERS

(SEC(2018) 385 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 3 and 7 September 2018, as archived in Decide.

5.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2018) 386 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 10 and 14 September 2018 and of the finalisation written procedures initiated following the weekly meeting of Chefs de cabinet on Monday 10 September 2018.

6. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON PREVENTING THE DISSEMINATION OF TERRORIST CONTENT ONLINE

A CONTRIBUTION FROM THE EUROPEAN COMMISSION TO THE LEADERS' MEETING IN SALZBURG ON 19-20 SEPTEMBER 2018

(COM(2018) 640 AND /2; SWD(2018) 408; SWD(2018) 409; SEC(2018) 397; RCC(2018) 128)

7. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE EUROPEAN COUNCIL – A EUROPE THAT PROTECTS: AN INITIATIVE TO EXTEND THE COMPETENCES OF THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE TO CROSS-BORDER TERRORIST CRIMES

A CONTRIBUTION FROM THE EUROPEAN COMMISSION TO THE LEADERS' MEETING IN SALZBURG ON 19-20 SEPTEMBER 2018

(COM(2018) 641 AND /2; RCC(2018) 128)

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A CONTRIBUTION FROM THE EUROPEAN COMMISSION TO THE LEADERS' MEETING IN SALZBURG ON 19-20 SEPTEMBER 2018

(COM(2018) 630 TO /3; SWD(2018) 403; SWD(2018) 404; SEC(2018) 396; RCC(2018) 128)

9. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – SECURING FREE AND FAIR EUROPEAN ELECTIONS

A CONTRIBUTION FROM THE EUROPEAN COMMISSION TO THE LEADERS' MEETING IN

SALZBURG ON 19-20 SEPTEMBER 2018

(COM(2018) 637 AND /2; RCC(2018) 128)

**10. FREE AND FAIR ELECTIONS – COMMISSION GUIDANCE DOCUMENT
ON THE APPLICATION OF UNION DATA PROTECTION LAW IN THE
ELECTORAL CONTEXT**

***A CONTRIBUTION FROM THE EUROPEAN COMMISSION TO THE LEADERS' MEETING IN
SALZBURG ON 19-20 SEPTEMBER 2018***

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**11. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL AMENDING REGULATION (EU,
EURATOM) 1141/2014 AS REGARDS A VERIFICATION PROCEDURE
RELATED TO INFRINGEMENTS OF RULES ON THE PROTECTION OF
PERSONAL DATA IN THE CONTEXT OF ELECTIONS TO THE
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***A CONTRIBUTION FROM THE EUROPEAN COMMISSION TO THE LEADERS' MEETING IN
SALZBURG ON 19-20 SEPTEMBER 2018***

(COM(2018) 636 TO /3; RCC(2018) 128)

**12. COMMISSION RECOMMENDATION ON ELECTION COOPERATION
NETWORKS, ONLINE TRANSPARENCY, PROTECTION AGAINST
CYBERSECURITY INCIDENTS AND FIGHTING DISINFORMATION
CAMPAIGNS IN THE CONTEXT OF ELECTIONS TO THE EUROPEAN
PARLIAMENT**

***A CONTRIBUTION FROM THE EUROPEAN COMMISSION TO THE LEADERS' MEETING IN
SALZBURG ON 19-20 SEPTEMBER 2018***

(C(2018) 5949 AND /2; RCC(2018) 128)

On a proposal from the PRESIDENT, the Commission confirmed that the texts currently set out in COM(2018) 640/2, COM(2018) 641/2, COM(2018) 630/3, COM(2018) 637/2, COM(2018) 638/2, COM(2018) 636/3 and C(2018) 5949/2 would be formally adopted by finalisation written procedure, the deadline for which

was set at 9.00 on Wednesday 12 September 2018 (PE/2018/6341, PE/2018/6343, PE/2018/6297, PE/2018/6340, PE/2018/6339, PE/2018/6312 and PE/2018/6337 respectively).

13. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE EUROPEAN BORDER AND COAST GUARD AND REPEALING COUNCIL JOINT ACTION 98/700/JHA, REGULATION (EU) 1052/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AND REGULATION (EU) 2016/1624 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

A CONTRIBUTION FROM THE EUROPEAN COMMISSION TO THE LEADERS' MEETING IN SALZBURG ON 19-20 SEPTEMBER 2018

(COM(2018) 631 AND /2; RCC(2018) 127)

14. AMENDED PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE EUROPEAN UNION AGENCY FOR ASYLUM AND REPEALING REGULATION (EU) 439/2010

A CONTRIBUTION FROM THE EUROPEAN COMMISSION TO THE LEADERS' MEETING IN SALZBURG ON 19-20 SEPTEMBER 2018

(COM(2018) 633 AND /2; RCC(2018) 127)

15. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON COMMON STANDARDS AND PROCEDURES IN MEMBER STATES FOR RETURNING ILLEGALLY STAYING THIRD-COUNTRY NATIONALS (RECAST)

A CONTRIBUTION FROM THE EUROPEAN COMMISSION TO THE LEADERS' MEETING IN SALZBURG ON 19-20 SEPTEMBER 2018

(COM(2018) 634 AND /2; RCC(2018) 127)

16. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL ENHANCING LEGAL PATHWAYS TO EUROPE: AN INDISPENSABLE PART OF A BALANCED AND

COMPREHENSIVE MIGRATION POLICY

A CONTRIBUTION FROM THE EUROPEAN COMMISSION TO THE LEADERS' MEETING IN SALZBURG ON 19-20 SEPTEMBER 2018

(COM(2018) 635 AND /2; RCC(2018) 127)

17. REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL ON THE EVALUATION OF THE EUROPEAN BORDER SURVEILLANCE SYSTEM (EUROSUR)

A CONTRIBUTION FROM THE EUROPEAN COMMISSION TO THE LEADERS' MEETING IN SALZBURG ON 19-20 SEPTEMBER 2018

(COM(2018) 632 AND /2; RCC(2018) 127)

On a proposal from the PRESIDENT, the Commission confirmed that the texts currently set out in COM(2018) 631/2, COM(2018) 633/2, COM(2018) 634/2, COM(2018) 635/2 and COM(2018) 632/2 would be formally adopted by finalisation written procedure, the deadline for which was set at 9.00 on Wednesday 12 September 2018 (PE/2018/6345, PE/2018/6329, PE/2018/6336, PE/2018/6355 and PE/2018/6327 respectively).

18. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL ON A NEW AFRICA–EUROPE ALLIANCE FOR SUSTAINABLE INVESTMENT AND JOBS: TAKING OUR PARTNERSHIP FOR INVESTMENT AND JOBS TO THE NEXT LEVEL

(COM(2018) 643 TO /3; RCC(2018) 126)

19. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL AND THE EUROPEAN INVESTMENT BANK – TOWARDS A MORE EFFICIENT FINANCIAL ARCHITECTURE FOR INVESTMENT OUTSIDE THE

EUROPEAN UNION

(COM(2018) 644 TO /3; RCC(2018) 126)

On a proposal from the PRESIDENT, the Commission confirmed that the communications in COM(2018) 643/3 and COM(2018) 644/3 would be formally adopted by finalisation written procedure, the deadline for which was set at 9.00 on Wednesday 12 September 2018 (PE/2018/6364 and PE/2018/6365 respectively).

20. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN COUNCIL, THE EUROPEAN PARLIAMENT AND THE COUNCIL – A STRONGER GLOBAL ACTOR: A MORE EFFICIENT DECISION-MAKING FOR EU COMMON FOREIGN AND SECURITY POLICY

(COM(2018) 647 TO /3; RCC(2018) 125)

On a proposal from the PRESIDENT, the Commission confirmed that the communication in COM(2018) 647/3 would be formally adopted by finalisation written procedure, the deadline for which was set at 9.00 on Wednesday 12 September 2018 (PE/2018/6367).

21. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL DISCONTINUING SEASONAL CHANGES OF TIME AND REPEALING DIRECTIVE 2000/84/EC

(COM(2018) 639 TO /3; SWD(2018) 406; RCC(2018) 129)

On a proposal from the PRESIDENT, the Commission confirmed that the proposal for a Directive in COM(2018) 639/3 would be formally adopted by finalisation written procedure, the deadline for which was set at 9.00 on Wednesday 12 September 2018 (PE/2018/6342).

22. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN CENTRAL BANK, THE ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS: STRENGTHENING THE UNION FRAMEWORK FOR PRUDENTIAL AND ANTI-MONEY LAUNDERING SUPERVISION FOR FINANCIAL INSTITUTIONS

(COM(2018) 645 AND /2; RCC(2018) 124)

23. AMENDED PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING 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

(COM(2018) 646 AND /2; RCC(2018) 124)

On a proposal from the PRESIDENT, the Commission confirmed that the documents in COM(2018) 645/2 and COM(2018) 646/2 would be formally adopted by finalisation written procedure, the deadline for which was set at 9.00 on Wednesday 12 September 2018 (PE/2018/6366 and PE/2018/6368 respectively).

24. INTERINSTITUTIONAL RELATIONS (CONTINUED)

(RCC(2018) 130)

24.1. RELATIONS WITH PARLIAMENT

i) Non-legislative dossier – Preparations for the September 2018 part-session

(point 5.1 of the IRG record)

– Situation in Hungary – SARGENTINI report

The PRESIDENT asked Mr TIMMERMANS to brief the College on the speech he would shortly be making on behalf of the Commission in the debate to be held in Parliament on a parliamentary report. This would be followed by a vote on a resolution calling on the Council to trigger the procedure under Article 7(1) of the Treaty on European Union against Hungary. This debate would take place in the presence of the Hungarian Prime Minister, Viktor Orbán, who would have the opportunity to speak.

Mr TIMMERMANS presented the dual message he intended to deliver to MEPs at this parliamentary debate, stressing that the Commission shared Parliament's concerns about respect for the values of the Union, notably the rule of law, with regard to a number of measures taken by the Hungarian authorities, and at the same time recalling the measures which the Commission had taken, using the instruments at its disposal to enforce respect for these values, including opening proceedings for infringement of EU law.

He stressed that democracy in the European Union could not exist without the rule of law and respect for fundamental rights, the values of a society in which pluralism, non-discrimination and tolerance prevailed. The Commission was worried about problems related to civil society, academic freedom and media pluralism in Hungary, all of which were essential to the proper working of democracy.

He recalled that the Commission had asked the EU Court of Justice to rule on the compatibility with European law of certain laws adopted in Hungary which, for example, had the effect of restricting the space allowed for civil society organisations. In this context he specifically referred to the laws on NGOs receiving foreign funding and on higher education. The Commission had also launched infringement proceedings against Hungary for its legislation criminalising support for asylum seekers, the special tax on education, training and media campaign activities in the field of migration, the treatment of asylum seekers and its legislation on returning failed asylum seekers. He pointed out that European law required Member States to provide for the basic needs of people in transit zones, for example by supplying food and ensuring their humane and dignified treatment.

He further noted that the Commission had launched infringement proceedings against Hungary in 2016 relating to discrimination against Roma children in the education system, on the grounds of their ethnic origin. On this matter the Hungarian authorities had engaged in a constructive dialogue with the Commission and had amended the legislation in question as a result.

Mr TIMMERMANS also mentioned the serious failings discovered by the Commission in the management by the Hungarian authorities of the operational programmes under the EU's structural and investment funds, as well as the investigations into fraud and other irregularities launched by the European Anti-Fraud Office. On the Commission's initiative, the Council had addressed recommendations to the Hungarian authorities in July, in the context of the European Semester, on strengthening their anti-corruption

framework to better guard against this risk and to make the tools for investigating and punishing such abuses, as provided for in Hungarian law, more effective.

He then turned to the functioning and independence of the Hungarian judiciary, which also warranted close monitoring by the Commission, as guardian of the Treaties, and in particular the imbalance of power between the President of the National Office for the Judiciary and the National Judicial Council.

Finally, Mr TIMMERMANS intended to stress in his speech to the European Parliament that the Commission was using all the instruments at its disposal to deal with the concerns raised by the Hungarian legislation, choosing the means it considered most effective, namely the infringement procedure, audits and investigations relating to the Member States' management of EU funds and the measures provided for in the annual cycle of economic and budgetary policy coordination within the European Union, i.e. the European Semester.

He pointed out that it was the Commission which, in December 2017, had invoked the procedure provided for in Article 7(1) of the Treaty on European Union in order to determine that there was a clear risk of a serious breach of the rule of law in Poland.

Summing up, Mr TIMMERMANS said that, in order to defend the fundamental values of the Union, the Commission drew solely on the objective analysis of the facts to claim the existence of a risk of a breach of the rule of law and the fundamental values of the Union. Where it felt that European law had been breached it launched the infringement procedure, which was accompanied by an intensive dialogue with the Member State concerned. He concluded by saying that the Commission would continue to closely monitor the situation in Hungary and would not hesitate to take further measures if necessary.

In the course of the discussion that followed, the Commission raised the following main points: the concerns raised by the recent lapses by certain Member States in terms of respect for the fundamental principles of the Union; a recommendation that the Commission stick to the strictly objective approach it had always followed; the fact that each situation of non-compliance with the fundamental values of the Union was different, as was the case-by-case approach which the Commission had to follow to allow for this; the risk that some parties or movements were trying to drag the Commission into politicising the issue; a reminder of the rights of minority political forces in a democratic system; a suggestion that a discussion should be started with Parliament about the possibility of including additional criteria, such as the resources allocated to justice, when granting European funding, as well as the conditionality relating to the rule of law.

The PRESIDENT thanked Mr TIMMERMANS and the College for these ideas, which he might refer to in his State of the Union address.

The Commission took note of this information.

24.2. LEGISLATIVE MATTERS

ii) European Parliament dossiers – September 2018 part-session

(point 3.2 of the IRG record)

Ordinary legislative procedure – First reading

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

In view of the debate due to take place on the same day in the European Parliament and the plenary vote planned for Wednesday 12 September, the PRESIDENT asked Mr ANSIP and Ms GABRIEL to report on the situation with regard to the proposal for a Directive on Copyright in the Digital Single Market.

Mr ANSIP emphasised the importance of the proposal, which aimed to modernise the European framework for copyright in line with the Digital Single Market proposals. Both stakeholders and European citizens agreed on the need for amending copyright, bearing in mind, *inter alia*, that the existing rules had been drawn up at a time when there was no broadband internet, no smartphones and no social networks.

He pointed out that the proposed new rules would make it possible to preserve European cultural heritage, to ensure access to it for European citizens and to enhance transparency in the remuneration of creators. He added that the rules established a fundamental exception with respect to European research and innovation, namely the text and data mining exceptions, along with other exceptions in support of education.

All these advantages for the cultural sectors and for European society overall were within reach, providing that the Parliament adopted a mandate when it voted on 12 September. However, two key provisions of the Commission's proposal, namely Article 11 on the new right for press publishers and Article 13 concerning user-generated content sharing platforms, had given rise to intense debate.

He explained that the provisions concerning the rights of press publishers would not constitute a 'tax on hyperlinks' or an obstacle to access to information. Similarly, he emphasised that Article 13 was not aimed at establishing 'private censorship' or as an obstacle to freedom of expression, but, on the contrary, to provide content creators with the possibility of deciding how platforms made such content available, along with a fairer allocation of the revenue generated by the use of such content. Article 13 was not aimed at individual users or their possibility of putting content on line; it did not limit the use of parodies in any way, it did not prohibit internet memes and it contained mechanisms and solid guarantees in favour of freedom of expression.

To conclude, Mr ANSIP referred to the various amendments proposed by the European Parliament, which, to a large extent, aimed to enhance the Commission's proposal without altering it in spirit. He also mentioned the importance of opening trilogues to show that Europe was capable of reforming copyright while safeguarding the key values and principles of the Union.

Ms GABRIEL gave a detailed account of the two main groups of amendments. She asked the Members of the Commission to take part in the efforts to obtain a vote in favour.

A brief discussion followed during which the Commission mainly addressed the need to base itself on a limited number of simple and non-technical key messages to inform policymakers, while focusing their attention on the key issue of the distribution of revenue generated by cultural content and stressing the important role of the Presidency of the Council.

The Commission approved the line set out in SP(2018) 505.

25. OTHER BUSINESS

PARLIAMENTARY ELECTION IN SWEDEN

At the PRESIDENT's request, Ms MALSTRÖM briefly reported on the outcome of the parliamentary election of 9 September in Sweden.

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The meeting closed at 13.58.