



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2018) 2269 final

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

Strasbourg, 13 November 2018

TEXTE EN

MINUTES

of the 2269th meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 17 October 2018

(morning)

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PV(2018) 2269 final

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

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TABLE OF CONTENTS

Attendance list	5-7
1. AGENDAS (OJ(2018) 2269/FINAL; SEC(2018) 2269/FINAL)	8
2. WEEKLY MEETING OF CHEFS DE CABINET (RCC(2018) 2269)	8
3. APPROVAL OF THE MINUTES OF THE 2267 TH AND 2268 TH MEETINGS OF THE COMMISSION (2 AND 10 OCTOBER 2018)	8
4. INTERINSTITUTIONAL RELATIONS (RCC(2018) 139)	8
4.1. LEGISLATIVE MATTERS	9
4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL	12
4.3. RELATIONS WITH PARLIAMENT	13
4.4. OTHER BUSINESS.....	14
5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS.....	14
5.1. WRITTEN PROCEDURES APPROVED (SEC(2018) 425 ET SEQ.).....	14
5.2. EMPOWERMENT (SEC(2018) 426 ET SEQ.)	14
5.3. DELEGATION / SUBDELEGATION OF POWERS (SEC(2018) 427 ET SEQ.)	14
5.4. SENSITIVE WRITTEN PROCEDURES (SEC(2018) 428)	15
6. ADMINISTRATIVE AND BUDGETARY MATTERS (SEC(2018) 492/2)	15
6.1. DG AGRICULTURE AND RURAL DEVELOPMENT – APPOINTMENT OF AD15 DIRECTOR.....	15
6.2. DG RESEARCH AND INNOVATION – LIST OF CANDIDATES FOR THE POST OF EXECUTIVE DIRECTOR OF THE ‘CLEAN SKY 2’ JOINT UNDERTAKING AT GRADE AD14 (PERS(2017) 98 TO /3)	15

7. PREPARATION OF THE EUROPEAN COUNCIL (17 AND 18 OCTOBER 2018).....	16
8. PROPOSAL FOR A COUNCIL DECISION ON THE CONCLUSION OF THE FREE TRADE AGREEMENT BETWEEN THE EUROPEAN UNION AND THE SOCIALIST REPUBLIC OF VIETNAM (COM(2018) 691; RCC(2018) 141).....	16
9. PROPOSAL FOR A COUNCIL DECISION ON THE SIGNING, ON BEHALF OF THE EUROPEAN UNION, OF THE FREE TRADE AGREEMENT BETWEEN THE EUROPEAN UNION AND THE SOCIALIST REPUBLIC OF VIETNAM (COM(2018) 692; RCC(2018) 141).....	17
10. PROPOSAL FOR A COUNCIL DECISION ON THE CONCLUSION OF THE INVESTMENT PROTECTION AGREEMENT BETWEEN THE EUROPEAN UNION AND ITS MEMBER STATES, OF THE ONE PART, AND THE SOCIALIST REPUBLIC OF VIETNAM, OF THE OTHER PART (COM(2018) 693; RCC(2018) 141)	17
11. PROPOSAL FOR A COUNCIL DECISION ON THE SIGNING, ON BEHALF OF THE EUROPEAN UNION, OF THE INVESTMENT PROTECTION AGREEMENT BETWEEN THE EUROPEAN UNION AND ITS MEMBER STATES, OF THE ONE PART, AND THE SOCIALIST REPUBLIC OF VIETNAM, OF THE OTHER PART (COM(2018) 694; RCC(2018) 141).....	17
12. OTHER BUSINESS.....	20
12.1. STATE OF PLAY OF THE WORK ON THE 2021-2027 MULTIANNUL FINANCIAL FRAMEWORK.....	20
12.2. EUROPEAN SEMESTER OF ECONOMIC AND BUDGETARY POLICY COORDINATION FOR 2019 – PRELIMINARY EVALUATION OF DRAFT	

<i>BUDGETARY PLANS</i>	21
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Single sitting: Wednesday 17 October 2018 (morning)

The sitting opened at 10.14 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 ŠEFČOVIČ	Vice-President	Items 1 to 11
Mr DOMBROVSKIS	Vice-President	
Mr KATAINEN	Vice-President	Items 1 to 12 (in part)
Mr OETTINGER	Member	
Mr HAHN	Member	
Ms MALMSTRÖM	Member	Items 1 to 12 (in part)
Mr MIMICA	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	Items 1 to 12 (in part)
Ms JOUROVÁ	Member	
Mr NAVRACSICS	Member	Items 1 to 12 (in part)
Ms CREȚU	Member	
Mr MOEDAS	Member	
Sir Julian KING	Member	

Absent:

Ms VESTAGER

Member

Ms GABRIEL

Member

(17 October 2018)

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

Ms JUUL-JØRGENSEN	Chef de cabinet to Ms VESTAGER
Ms BORISSOVA	Chef de cabinet to Ms GABRIEL

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	
Ms METTLER	Head of the European Political Strategy Centre	
Ms AHRENKILDE HANSEN	Deputy Secretary-General	
Ms GAUER	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
Mr DELVAUX	Adviser in the PRESIDENT's Office	Items 8 to 11
Mr THOLONIAT	Adviser in the PRESIDENT's Office	Item 12 (in part)
Ms ARKI	PRESIDENT's Office	Items 1 to 7 (in part)
Ms SILLAVEE	PRESIDENT's Office	Items 7 (in part) to 12
Mr NOCIAR	Chef de cabinet to Mr ŠEFČOVIČ	Item 12
Mr WYNANDS	Chef de cabinet to Mr DOMBROVSKIS	Item 12 (in part)
Mr BAILLY	Chef de cabinet to Mr MOSCOVICI	Item 12 (in part)
Ms KIRALY	Chef de cabinet to Mr NAVRACSICS	Item 12 (in part)
Mr SNELS	Secretariat-General	
Ms ANDREEVA	Commission Spokesperson's Service	
Mr BARNIER	Chief negotiator and Head of the Article 50 Task Force	Items 1 to 7

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

PV(2018) 2269 final

1. AGENDAS

(OJ(2018) 2269/FINAL; SEC(2018) 2269/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(2018) 2269)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 15 October 2018.

3. APPROVAL OF THE MINUTES OF THE 2267TH AND 2268TH MEETINGS OF THE COMMISSION (2 AND 10 OCTOBER 2018)

The Commission held over approval of the minutes of its 2267th and 2268th meetings for a later meeting.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2018) 139)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 12 October 2018 (RCC(2018) 139).

It paid particular attention to the following points.

4.1. LEGISLATIVE MATTERS

i) Trilogues

(point 3.1 of the IRG record)

- Mutual recognition of goods lawfully marketed in another Member State (Regulation) – ŠTEFANEK report – 2017/0354 (COD)

The Commission approved the line set out in SI(2018) 523/2.

- 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 SI(2018) 522.

- European Union Agency for the Cooperation of Energy Regulators (Regulation – recast) – PETERSEN report – 2016/0378 (COD)

The Commission approved the line set out in SI(2018) 498.

- Unfair trading practices in business-to-business relationships in the food supply chain (Directive) – DE CASTRO report – 2018/0082 (COD)

The Commission approved the line set out in SI(2018) 528.

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

The Commission approved the line set out in SI(2018) 518/2.

ii) European Parliament dossiers – October II 2018 part-session

(point 3.2 of the IRG record)

Ordinary legislative procedure – First reading

(17 October 2018)

- Use of the Schengen Information System for the return of illegally staying third-country nationals / Establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, amendment of Regulation (EU) 515/2014 and repeal of Regulation (EC) 1987/2006 / Establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amendment of Regulation (EU) No 515/2014 and repeal of Regulation (EC) 1986/2006, Council Decision 2007/533/JHA and Commission Decision 2010/261/EU (Regulations) – LENAERS and COELHO reports – 2016/0407 (COD) / 2016/0408 (COD) / 2016/0409 (COD)

The Commission approved the line set out in SP(2018) 633 and took note of the three compromise texts annexed thereto.

- Amendment of Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures (Directive) – REVAULT D'ALLONNES BONNEFOY report – 2017/0114 (COD)

The Commission approved the line set out in SP(2018) 634 and /2.

- Amendment of Directive 2009/33/EC on the promotion of clean and energy-efficient road transport vehicles (Directive) – GRZYB report – 2017/0291 (COD)

The Commission approved the line set out in SP(2018) 636/2.

- Reduction of the impact of certain plastic products on the environment (Directive) – RIES report – 2018/0172 (COD)

The Commission approved the line set out in SP(2018) 639/2 and /3.

- 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

(17 October 2018)

and (EU) 995/2010, and Council Regulations (EC) 338/97 and (EC) 2173/2005 (Regulation) – VĂLEAN report – 2018/0205 (COD)

The Commission approved the line set out in SP(2018) 643.

- Amendment of Regulation (EC) 726/2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency (Regulation) – TĂNĂSESCU report – 2014/0256 (COD) / Veterinary medicinal products (Regulation) – GROSSETÊTE report – 2014/0257 (COD) / Manufacture, placing on the market and use of medicated feed and repeal of Council Directive 90/167/EEC (Regulation) – AGUILERA GARCÍA report – 2014/0255 (COD)

The Commission took note of documents SP(2018) 635, SP(2018) 637 and SP(2018) 638, further to notes SI(2018) 302, SI(2018) 328 and SI(2018) 372, which it had already approved on 6, 12 and 27 June 2018 respectively.

- Amendment of Regulation (EU) 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) 1083/2006 as regards support to structural reforms in Member States (Regulation) – VAN NISTELROOIJ and KREHL report – 2017/0336 (COD)

The Commission approved the line set out in SP(2018) 645.

Special legislative procedure

- Amendment of Regulation (EU) 216/2013 on the electronic publication of the Official Journal of the European Union (Council Regulation) – SVOBODA report – 2017/0039 (APP)

The Commission approved the line set out in SP(2018) 642.

iii) Council dossier

(point 3.3 of the IRG record)

- Respect for private life and protection of personal data in electronic communications and repeal of Directive 2002/58/EC (Regulation) – SIPPEL report – 2017/0003 (COD)

The Commission took note of the information in SI(2018) 527.

4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

iv) Programming of Council business

(SI(2018) 529)

The Commission took note of the information in SI(2018) 529 on the Council meetings between 18 and 31 October 2018.

v) Non-legislative dossiers

(point 4.1 of the IRG record)

- Internet Corporation for Assigned Names and Numbers (ICANN) – Reform of the ‘WHOIS database’

The Commission approved the line set out in SI(2018) 519/2.

- Global Compact for Safe , Orderly and Regular Migration – State of play in view of the Intergovernmental Conference (Marrakesh, 10 and 11 December 2018)

The Commission approved the line set out in SI(2018) 521.

- Information about the discussions at the 215th International Civil Aviation Organization (ICAO) Council related to the requirements for the implementation of the Carbon Offset and Reduction Scheme for International Aviation (CORSIA)

The Commission approved the line set out in SI(2018) 525/2.

4.3. RELATIONS WITH PARLIAMENT

vi) Non-legislative dossiers

(point 5.1 of the IRG record)

- Inquiry Committee on Emission Measurements in the Automotive Sector (EMIS) – Action taken on the recommendations of 4 April 2017 to the Council and the Commission – Report to the European Parliament on the action taken

The Commission approved the line set out in SPI(2018) 43.

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

(point 5.6.2 of the IRG record)

The Commission approved, for transmission to Parliament, documents SP(2018) 628 and /2 on the action taken on the non-legislative resolutions adopted by Parliament at its July 2018 part-session.

viii) Action taken on the non-legislative resolutions adopted by Parliament at its July 2018 part-session – Follow-up to the resolution containing recommendations to the Commission on a Statute for social and solidarity-based enterprises – MAŠTÁLKA report

(point 5.6.3 of the IRG record)

The Commission approved, for transmission to Parliament, document SP(2018) 630/2 on the follow-up to the resolution containing

recommendations to the Commission on a Statute for social and solidarity-based enterprises, which Parliament adopted at its July 2018 part-session.

4.4. OTHER BUSINESS

ix) Active monitoring and forecast of budget implementation 2018

(point 7.1 of the IRG record)

The Commission took note of the information in SPI(2018) 42.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED

(SEC(2018) 425 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 8 and 12 October 2018.

5.2. EMPOWERMENT

(SEC(2018) 426 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 8 and 12 October 2018.

5.3. DELEGATION / SUBDELEGATION OF POWERS

(SEC(2018) 427 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 8 and 12 October 2018, as archived in Decide.

5.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2018) 428)

The Commission took note of the sensitive written procedures for which the time limit expired between 15 and 19 October 2018.

6. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2018) 492/2)

ADMINISTRATIVE MATTERS

(PERS(2018) 70/2)

6.1. DG AGRICULTURE AND RURAL DEVELOPMENT – APPOINTMENT OF AD15 DIRECTOR

On a proposal from Mr OETTINGER, in agreement with the PRESIDENT, and after consulting Mr HOGAN, and also Mr KATAINEN and Mr ANDRIUKAITIS, the Commission decided to fill the post of Director of the ‘Markets and Observatories’ Directorate in DG Agriculture and Rural Development by transferring in the interest of the service, under Article 7 of the Staff Regulations, Mr Michael SCANNELL, an AD15 official and currently Director of the ‘Food Chain: Stakeholder and International Relations’ Directorate in DG Health and Food Safety.

This decision would take effect on 1 December 2018.

6.2. DG RESEARCH AND INNOVATION – LIST OF CANDIDATES FOR THE POST OF EXECUTIVE DIRECTOR OF THE ‘CLEAN SKY 2’ JOINT UNDERTAKING AT GRADE AD14

(PERS(2017) 98 TO /3)

On a proposal from Mr OETTINGER, in agreement with the PRESIDENT and after consulting Mr MOEDAS and also Mr ANSIP, Mr ŠEFČOVIČ,

Mr DOMBROVSKIS and Mr KATAINEN, the Commission decided:

- to approve the list of two candidates, presented by order of preference and set out in point 2 of PERS(2018) 70/2, which was submitted to it in order to fill the post of Executive Director of the ‘Clean Sky 2’ Joint Undertaking, and to consider this list as the Commission proposal;
- to instruct Mr MOEDAS, the member of the Commission responsible for research, science and innovation, to communicate this list to the Governing Board of the ‘Clean Sky 2’ Joint Undertaking.

These decisions would take effect immediately.

7. PREPARATION OF THE EUROPEAN COUNCIL (17 AND 18 OCTOBER 2018)

With a meeting of the European Council (Article 50) due to start in a few hours, the Commission reviewed the latest developments in the negotiations that it was conducting on behalf of the European Union with the United Kingdom with a view to its withdrawal under Article 50 of the Treaty on European Union.

The Commission was also informed of the results of the other discussions held at the General Affairs Council on 16 October.

8. PROPOSAL FOR A COUNCIL DECISION ON THE CONCLUSION OF THE FREE TRADE AGREEMENT BETWEEN THE EUROPEAN UNION AND THE SOCIALIST REPUBLIC OF VIETNAM (COM(2018) 691; RCC(2018) 141)

9. **PROPOSAL FOR A COUNCIL DECISION ON THE SIGNING, ON BEHALF OF THE EUROPEAN UNION, OF THE FREE TRADE AGREEMENT BETWEEN THE EUROPEAN UNION AND THE SOCIALIST REPUBLIC OF VIETNAM**
(COM(2018) 692; RCC(2018) 141)
10. **PROPOSAL FOR A COUNCIL DECISION ON THE CONCLUSION OF THE INVESTMENT PROTECTION AGREEMENT BETWEEN THE EUROPEAN UNION AND ITS MEMBER STATES, OF THE ONE PART, AND THE SOCIALIST REPUBLIC OF VIETNAM, OF THE OTHER PART**
(COM(2018) 693; RCC(2018) 141)
11. **PROPOSAL FOR A COUNCIL DECISION ON THE SIGNING, ON BEHALF OF THE EUROPEAN UNION, OF THE INVESTMENT PROTECTION AGREEMENT BETWEEN THE EUROPEAN UNION AND ITS MEMBER STATES, OF THE ONE PART, AND THE SOCIALIST REPUBLIC OF VIETNAM, OF THE OTHER PART**
(COM(2018) 694; RCC(2018) 141)

At the invitation of the PRESIDENT, Ms MALMSTRÖM presented the proposals for Council decisions on the conclusion, on the one hand, and the signing, on the other, of a **Free Trade Agreement** between the European Union and the Socialist Republic of Vietnam, and the proposals for Council decisions on the conclusion, on the one hand, and the signing, on the other, of an **Investment Protection Agreement** between the European Union and its Member States and the Socialist Republic of Vietnam. These two agreements had been the subject of long negotiations between the two parties.

She stressed the political importance of the Free Trade Agreement with Vietnam, which illustrated the Union's commitment to open international trade based on values and rules. Moreover, the conclusion of this agreement sent a strong signal to the member states of the Association of Southeast Asian Nations (ASEAN) and raised the prospect of negotiating a future region-to-region trade agreement.

Ms MALMSTRÖM also highlighted the economic importance of the Free Trade Agreement with Vietnam, which was the EU's second largest trading partner among the members of ASEAN, after Singapore. By way of illustration, she cited the trade worth a total of €47.6 billion for goods and €3.6 billion for services. In particular, she drew attention to the fact that with a market of around 95 million consumers, the emergence of a middle class and a young, entrepreneurial workforce, the Vietnamese economy would continue to prosper, which made the expected economic benefits of a trade agreement with the Union even more promising.

She explained that the Free Trade Agreement would make it possible to abolish 99 % of the current customs duties with a reduction of 65 % of duties on imports of goods from the Union as soon as it came into force, followed by the phasing-out of these duties over ten years. These customs duties on imports of certain key products from the EU were today relatively high (35 % for machinery and appliances, 75 % for motorcycles, 78 % for cars and 32 % for automotive parts). She added that customs duties on pork, beef and dairy products would be gradually phased out over a period of three to seven years and that the Free Trade Agreement would protect no fewer than 169 geographical indications of traditional EU beverages and food products on the Vietnamese market.

Moreover, the agreement would make it possible to remove other non-tariff barriers to trade, particularly as regards automobile regulations and phytosanitary rules, while opening up to EU undertakings the possibility of participating in calls for tender by the Vietnamese authorities and public enterprises, and improving the protection of the Union's intellectual property in the country.

Ms MALMSTRÖM stressed that these benefits would materialise in numerous areas that were not open to the rest of the world, which would give the Union first-mover advantage.

She also emphasised the innovative nature of the Free Trade Agreement with Vietnam. She referred, for example, to the provisions guaranteeing a level playing field from the standpoint of public enterprises and State aid, which went beyond the

standards laid down by the World Trade Organisation. This first step could pave the way for the introduction of new international standards in the World Trade Organisation.

The Agreement contained strong commitments on human rights and an ambitious chapter on trade and sustainable development that set high standards in the areas of consumer protection, work and the environment, and encouraged joint measures on climate change, while safeguarding public services.

As regards the Investment Protection Agreement that would replace the 21 bilateral treaties in force, Ms MALMSTRÖM said that its main objective was to ensure fair and equitable treatment in Vietnam for EU investors and their investments. The Agreement also provided for a modern dispute resolution mechanism aimed at striking a balance between protecting investors and safeguarding the right of the governments of the two parties to regulate in the interest of their citizens.

In conclusion, she said that while the Free Trade Agreement fell under the exclusive competence of the Union, the Investment Protection Agreement fell under the shared competence of the EU and the Member States. She also pointed out that the Commission did not envisage a provisional application of the Investment Protection Agreement, unless the Member States requested it.

Ms MALMSTRÖM drew attention to the tight timetable the Commission had set itself to conclude the negotiations and submit its proposals for Council decisions. She said it would be regrettable if the European Parliament were unable to approve the agreement within the current legislature pending its verification by the Council's lawyer-linguists, particularly since it had already been translated into the EU's official languages by the Commission's services.

The PRESIDENT congratulated Ms MALMSTRÖM for the exemplary conduct of the trade negotiations with the Socialist Republic of Vietnam and noted in passing the quality and professionalism of the Commission's translation services. He said that the Council's lawyer-linguists must finalise the texts as soon as possible.

Following this presentation, the Commission:

- adopted the proposal for a Decision on the conclusion of the Free Trade Agreement in COM(2018) 691, for transmission to the European Parliament and the Council, and, for information, to the national parliaments;
- adopted the proposal for a Council Decision on the signing of the Free Trade Agreement in COM(2018) 692 for transmission to the Council and, for information, to the European Parliament and the national parliaments;
- adopted the proposal for a Decision on the conclusion of the Investment Protection Agreement in COM(2018) 693, for transmission to the European Parliament and the Council, and, for information, to the national parliaments;
- adopted the proposal for a Council Decision on the signing of the Investment Protection Agreement in COM(2018) 694 for transmission to the Council and, for information, to Parliament and the national parliaments.

12. OTHER BUSINESS

12.1. STATE OF PLAY OF THE WORK ON THE 2021-2027 MULTIANNUAL FINANCIAL FRAMEWORK

The PRESIDENT gave the floor to Mr OETTINGER and asked him to report on the discussions at the General Affairs Council on 16 October 2018 concerning the 2021-2027 Multiannual Financial Framework.

Mr OETTINGER praised the brisk pace of the work at the technical level, thanks to the impetus given by the Austrian Presidency and the speed with which the European Parliament had appointed its rapporteurs in summer 2018. He stressed that the negotiations could therefore begin at the political level, raising the possibility that all the proposals on the 2021-2027 Multiannual Financial Framework could be adopted by the end of

the current legislature.

Mr OETTINGER also said that the great majority of the Member States, when invited by the Austrian Presidency to give their opinions on Heading VII (European Public Administration) of the future Multiannual Financial Framework, had declared themselves to be in favour of the Commission's proposal.

The PRESIDENT welcomed the progress made on the work on the Multiannual Financial Framework.

The Commission took note of this information.

**12.2. EUROPEAN SEMESTER OF ECONOMIC AND BUDGETARY POLICY
COORDINATION FOR 2019 – PRELIMINARY EVALUATION OF
DRAFT BUDGETARY PLANS**

The Commission discussed the evaluation currently under way of the draft budgetary plans that the 19 euro area Member States had submitted to it by the deadline (15 October), and the stages that would follow this evaluation until the start of the 2019 European Semester of Economic and Budgetary Policy Coordination, on 21 November.

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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 12.10.