



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

**PV(2017) 2199 final**

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

Brussels, 22 February 2017

# TEXTE EN

## MINUTES

of the 2199<sup>th</sup> meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 8 February 2017

(morning)

—

**PV(2017) 2199 final**

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

**EN**

## TABLE OF CONTENTS

<b>Attendance list</b>	<b>4-7</b>
1. AGENDAS (OJ(2017) 2199/FINAL; SEC(2017) 74/FINAL) .....	8
2. WEEKLY MEETING OF CHEFS DE CABINET (RCC(2017) 2199).....	8
3. APPROVAL OF THE MINUTES OF THE 2197 <sup>TH</sup> AND 2198 <sup>TH</sup> MEETINGS OF THE COMMISSION (25 JANUARY AND 1 FEBRUARY) (PV(2017) 2197).....	8
4. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS.....	8
4.1. WRITTEN PROCEDURES APPROVED (SEC(2017) 75 ET SEQ.).....	8
4.2. EMPOWERMENT (SEC(2017) 76 ET SEQ.).....	9
4.3. DELEGATION / SUBDELEGATION OF POWERS (SEC(2017) 77 ET SEQ.) .....	9
4.4. SENSITIVE WRITTEN PROCEDURES (SEC(2017) 78 AND /2).....	9
5. COMMISSION DECISION ON A PROCEEDING UNDER ARTICLE 101 OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION (CASE AT.40018 – CAR BATTERY RECYCLING) (C(2017) 900 TO /8; RCC(2017) 15) .....	9
6. NINTH REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL ON THE RELOCATION AND RESETTLEMENT OF REFUGEES (COM(2017) 74 AND /2).....	10

7.	INTERINSTITUTIONAL RELATIONS (RCC(2017) 13) .....	14
7.1.	LEGISLATIVE MATTERS .....	14
7.2.	RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL .....	15
7.3.	RELATIONS WITH PARLIAMENT .....	23
7.4.	RELATIONS WITH NATIONAL PARLIAMENTS, THE OTHER INSTITUTIONS AND BODIES, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS.....	25
8.	OTHER BUSINESS.....	25
8.1.	LATEST DEVELOPMENTS IN ROMANIA AS REGARDS THE FIGHT AGAINST CORRUPTION .....	25
8.2.	STATE OF PLAY OF THE SECURITY MEASURES TAKEN TO PROTECT PERSONS, PREMISES AND IT TOOLS WITHIN THE INSTITUTION.....	27

**Single sitting: Wednesday 8 February 2017 (morning)**

The sitting opened at 10.09 with Mr JUNCKER, President, in the chair.

Present:

Mr JUNCKER	President	
Mr TIMMERMANS	First Vice-President	Items 1 to 8 (in part)
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 ARIAS CAÑETE	Member	
Mr VELLA	Member	
Mr ANDRIUKAITIS	Member	
Ms THYSSEN	Member	
Mr MOSCOVICI	Member	Items 1 to 8 (in part)
Mr STYLIANIDES	Member	
Mr HOGAN	Member	
Ms BULC	Member	Items 1 to 7 (in part) and 8 (in part)
Ms BIEŃKOWSKA	Member	Items 1 to 8 (in part)
Ms JOUROVÁ	Member	
Mr NAVRACSICS	Member	
Ms CREȚU	Member	Items 1 to 8 (in part)
Ms VESTAGER	Member	Items 1 to 7 (in part) and 8 (in part)
Mr MOEDAS	Member	
Sir Julian KING	Member	

Absent:

Ms MOGHERINI

High Representative /  
Vice-President

Mr MIMICA

Member

Mr AVRAMOPOULOS

Member

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

Ms VANNINI	Adviser in Ms MOGHERINI's Office
Ms ANDRASSY	Deputy Chef de cabinet to Mr MIMICA
Ms ASTERIADI	Deputy Chef de cabinet to Mr AVRAMOPOULOS

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 MICHOU	Deputy Secretary-General	
Ms MARTÍNEZ ALBEROLA	Deputy Chef de cabinet to the PRESIDENT	
Ms KRAMER	Director of Coordination and Administration in the PRESIDENT's Office	Item 8 (in part)
Mr SHOTTER	Chief adviser in the PRESIDENT's Office	Items 6 to 8
Mr DELVAUX	Adviser in the PRESIDENT's Office	Item 7
Ms SILLAVEE	PRESIDENT's Office	
Ms BALTA	A member of Mr TIMMERMANS's staff	
Mr ROMAkkANIEMI	Chef de cabinet to Mr KATAINEN	Item 7
Mr LEHMANN	A member of Mr OETTINGER's staff	Items 7 (in part) and 8
Ms ÅSENIUS	Chef de cabinet to Ms MALMSTRÖM	Item 7
Ms JUUL-JOERGENSEN	Chef de cabinet to Ms VESTAGER	Items 7 (in part) and 8
Mr MORRISON	Chef de cabinet to Sir Julian KING	Items 7 (in part) and 8

Ms ANDREEVA

Commission Spokesperson's Service

Mr SALMI

DG Human Resources and Security

Items 7 (in part) and 8

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

**1. AGENDAS**

**(OJ(2017) 2199/FINAL; SEC(2017) 74/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(2017) 2199)**

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 6 February.

**3. APPROVAL OF THE MINUTES OF THE 2197<sup>TH</sup> AND 2198<sup>TH</sup> MEETINGS OF THE COMMISSION (25 JANUARY AND 1 FEBRUARY)**

**(PV(2017) 2197)**

The Commission approved the minutes of its 2197<sup>th</sup> meeting and decided to hold over approval of the minutes of its 2198<sup>th</sup> meeting for the following week.

**4. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS**

***4.1. WRITTEN PROCEDURES APPROVED***

***(SEC(2017) 75 ET SEQ.)***



The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 30 January and 3 February.

**4.2. EMPOWERMENT**

*(SEC(2017) 76 ET SEQ.)*

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 30 January and 3 February.

**4.3. DELEGATION / SUBDELEGATION OF POWERS**

*(SEC(2017) 77 ET SEQ.)*

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 30 January and 3 February, as archived in Decide.

**4.4. SENSITIVE WRITTEN PROCEDURES**

*(SEC(2017) 78 AND /2)*

The Commission took note of the sensitive written procedures for which the time limit expired between 6 and 10 February.

**5. COMMISSION DECISION ON A PROCEEDING UNDER ARTICLE 101 OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION (CASE AT.40018 – CAR BATTERY RECYCLING) (C(2017) 900 TO /8; RCC(2017) 15)**

Following a brief presentation by Ms VESTAGER, the Commission:

- took note of the opinions of the Advisory Committee on Restrictive Practices and Dominant Positions of 30 January and 6 February, in C(2017) 900/3 and C(2017) 900/6;

- took note of the final report of the Hearing Officer of 6 February in C(2017) 900/5;
- adopted, in the authentic language (English), the decision in C(2017) 900/7 finding that the companies to which the decision was addressed had infringed Article 101 of the Treaty on the Functioning of the European Union, requiring them to put an end to the infringements immediately, and imposing on some of them fines totalling €67 609 000;
- decided that the decision in C(2017) 900/7 would be notified to the companies concerned in the authentic language (English), together with the Hearing Officer’s final report;
- adopted in the authentic languages (English) Annex I relating to one of the companies concerned which was included in C(2017) 900/8, and decided to notify it to the company in question;
- decided that the key parts of the decision, together with the Advisory Committee’s opinion and the Hearing Officer’s final report, would be published in the official languages of the Union in the Official Journal of the European Union (with business secrets and other confidential information removed);
- decided to make the decision (with business secrets and other confidential information removed) accessible on the internet.

**6. NINTH REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL ON THE RELOCATION AND RESETTLEMENT OF REFUGEES (COM(2017) 74 AND /2)**

Mr TIMMERMANS presented the ninth monthly report from the Commission on

progress made in relation to the relocation and resettlement in EU Member States of persons in need of international protection. While acknowledging the sensitive nature of this issue, he stressed the need for the emergency relocation and resettlement programmes to be implemented effectively and fully, as they were a key part of the EU's migration strategy and a crucial application of the principle of solidarity between Member States. He added that these programmes would end in September 2017 and that their future beyond that date should already be discussed.

In general, he noted that, although some Member States were on the right track towards fully honouring their relocation and resettlement commitments, others clearly needed to make greater efforts, particularly those that had not yet carried out any relocations or resettlements. In his view, it was necessary not to allow the Member States to behave opportunistically by ignoring their commitments and denying the Member States directly affected by the flows of migrants, namely Greece and Italy, the solidarity that was essential for the success of the Union's strategy and that had been promised so many times by Heads of State or Government. He felt that without viable relocation and resettlement programmes, the Union's migration policy was destined to fail; it was therefore a matter of convincing the most reluctant Member States to honour their commitments.

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

- the considerable and unacceptable differences noted in the Member States' implementation of the emergency relocation and resettlement programmes; some had made considerable progress towards meeting their commitments, while others had not made any progress at all, at a time when the EU was facing the biggest migration crisis since the Second World War;
- the possibility that new migratory flows in the future could affect other Member States which would then need to ask the EU for help in order to cope;

- the case for launching infringement procedures against the Member States that were the most reluctant to honour their commitments given the length of the procedures, meaning they could not provide a rapid solution to an urgent problem;
- the possibility, nonetheless, of envisaging infringement procedures against Member States that had not begun developing the infrastructure for receiving persons in need of international protection;
- the case for using the review of the multiannual financial framework to adapt the budgets allocated to the management of migratory flows in accordance with the number of relocations and resettlements actually recorded by each Member State;
- the difficulty, however, of adapting certain budgets, e.g. the European Social Fund, which did not allow funding allocated to specific Member States to be reallocated to others;
- the importance of working closely with the cities and regions receiving refugees, particularly in relation to local integration;
- the need to discuss, as soon as possible, the future of the EU's emergency relocation and resettlement programmes beyond September;
- aside from this question, the need for a comprehensive examination to begin in the coming weeks with a view to identifying ways of guaranteeing the standardised and consistent implementation of these programmes in all EU Member States;
- the need for the relocation and resettlement measures to also be accepted by the people for whom they were designed, namely persons needing international protection, and who would therefore not be able to choose their place of relocation or resettlement.

Mr TIMMERMANS noted that the mixed progress of the relocation and resettlement programmes would probably lead to criticism from a section of the general public and the media; the Commission needed to be ready to respond to this criticism by preparing information activities focusing on the commitments made by the Member States. He indicated that the ninth report would be presented to the European Parliament, as well as to the media at a press conference. In conclusion, he stressed the urgent need to step up relocations from Greece in order to reduce the considerable migratory pressure on the country, while also noting that the pressure on Italy, which was just as serious, would require longer term action.

The PRESIDENT explained that there was a greater consensus on the external component of the EU's migration policy compared to the internal policy for the Member States, where divisions were preventing a comprehensive and effective approach. A comparison of the figures relating to relocations and resettlements carried out in each Member State revealed the willingness or reluctance of each Member State to implement the policy, which had, however, been agreed upon by all.

He ended the discussion by indicating that a meeting between the relevant Members of the Commission would be held in the coming weeks to identify the strategy to be used beyond September and guarantee improved implementation of the programmes in force by the Member States.

The Commission approved, subject to final revision, the report in COM(2017) 74/2, for transmission to Parliament, the European Council and the Council, and, for information, to the national parliaments.

## **7. INTERINSTITUTIONAL RELATIONS**

### **(RCC(2017) 13)**

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 3 February (RCC(2017) 13).

It paid particular attention to the following points.

### **7.1. LEGISLATIVE MATTERS**

#### **i) Trilogues**

(point 3.1 of the IRG record)

- European Union Agency for Asylum and repeal of Regulation (EU) 439/2010 (Regulation) – NIEDERMÜLLER report – 2016/0131 (COD)

The Commission approved the line set out in SI(2017) 24/2.

- Amendment of Regulation (EU) 258/2014 establishing a Union Programme to support specific activities in the field of financial reporting and auditing for the period of 2014-2020 (Regulation) – STOLOJAN report – 2016/0110 (COD)

The Commission approved the line set out in SI(2017) 25/2.

- European Year of Cultural Heritage (Decision) – DIACONU report – 2016/0259 (COD)

The Commission approved the line set out in SI(2017) 18/2.

**ii) European Parliament dossiers - Results of February II part-session**

(point 3.2 of the IRG record)

- Amendment of Directive 2003/87/EC to enhance cost-effective emission reductions and low-carbon investments (Directive) – DUNCAN report – 2015/0148 (COD)

The Commission approved the line set out in SP(2017) 49 and /2.

- Amendment of Regulation (EC) 562/2006 as regards the reinforcement of checks against relevant databases at external borders (Regulation) – MACOVEI report – 2015/0307 (COD)

The Commission approved the line set out in SP(2017) 50 and took note of the compromise text annexed thereto.

**7.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL**

**iii) Programming of Council business**

(SI(2017) 34)

The Commission took note of the information in SI(2017) 34 on the Council meetings between 9 and 22 February.

**iv) Non-legislative dossiers**

(point 4.1 of the IRG record)

- Anti-dumping measures applicable to imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China

Mr KATAINEN introduced the discussion about the line to follow submitted to the Commission for its assessment on the question of anti-dumping and countervailing duties imposed by the European Union on imports of cells and

photovoltaic modules – solar panels – originating in or consigned from China where they were subsidised and exported at less than cost price.

He pointed out that since the December 2013 Council Decision, Chinese exporters had had to either respect a minimum import price or pay a duty at the border on these solar panels. However, it seemed that following an investigation carried out by the Commission's departments in 2016, China was still subsidising the solar panel sector and these products would be imported at a dumping price if the minimum import price or the customs duty were abolished. The Commission had therefore submitted to the Council – the Trade Defence Instruments Committee – two draft acts extending the anti-dumping and countervailing duties and whilst the Member States did not oppose the anti-subsidy proposal, 18 of them, representing 33.8% of the Union's population, opposed the anti-dumping proposal, which had triggered the appeal procedure.

Mr KATAINEN went on to present the main elements that made this file particularly complex. He explained that subsidising Chinese solar panels or selling them below cost price had a negative effect on EU manufacturers and was a direct threat to some 8 000 jobs. However, he observed the fact that importing cheap products also affected 50 000 jobs in the industry both upstream and downstream, and the interest of European consumers, bearing in mind also that the Union's policy to combat climate change encouraged greater recourse to renewable energy sources.

He therefore turned to the terms of the Decision before the College on how to respond to the recent vote by the Member States meeting in the Trade Defence Instruments Committee, where a simple majority did not support the Commission's initial proposal to extend by 24 months the anti-dumping measures already in place, including an interim review making it possible to phase them out.



He listed the options being put to the College that day. They were (i) abandoning the anti-dumping measures even though the Commission's investigation confirmed the validity of its initial position, (ii) extending the measures by 12 months, without phasing them out, with the risk that the Commission would have to carry out an expiry review, or (iii) extending the anti-dumping measures by 18 months and phasing them out gradually, an option which would allow the Commission, after the six months necessary for an interim review, to amend the form and progressively reduce the level of these measures for the remaining 12 months and which would be the most justified approach. With regard to the last option, Mr KATAINEN said that once the measure was close to the market price, there would be no need to launch another expiry review in order to renew it so the procedure would effectively come to an end. He added that this option could also be implemented for a shorter period of time but that the market operators would then have to adapt more quickly to the more abrupt reduction in duties that this would cause.

Finally, Mr KATAINEN highlighted a few aspects he believed to be fundamental, i.e. the inequality of the competition conditions for European manufacturers of solar panels compared with their Chinese counterparts benefiting from subsidies, with a price differential of around 30%, the expected gains in efficiency for the European industry and the solid legal basis, which would have to underpin the Commission's proposal.

Ms MALMSTRÖM returned to the investigation carried out by her departments, which had concluded that the dumping of Chinese solar panels was still having a negative effect on EU companies and that, furthermore, the sector was still being subsidised by the Chinese authorities. She confirmed that the legal criteria for continuing the anti-dumping measures had therefore been met, and this was also the case if the Union's interests, i.e. consumers, users and the climate change objectives, were taken into account.

Although the price of an item was of interest to the person buying it, she felt that for a private individual planning to install a solar panel that would last about 20 years, other criteria were also important, for example energy legislation, tax on solar energy and financing options. The same applied to commercial users and the authorities dealing with public procurement, who were more concerned with obtaining sufficient capacity rather than the lowest price.

She explained that any analysis of the Union's interest should also consider, first of all, the argument that a sustainable climate policy could not draw on dumped imports, and secondly the fact that manufacturing skills, know-how and research should be kept within the Union, at least for the main components of the product containing cutting-edge technology – such as photovoltaic cells – instead of depending almost entirely on China.

As regards the impact on employment, were the anti-dumping measures to expire now, 8 000 jobs would be directly threatened. However, she also emphasised the tens of thousands of jobs in the upstream and downstream industries, for example in installation, for which the price of solar panels was a key factor.

Ms MALMSTRÖM pointed out that EU law was predisposed to favour European industry, in the sense that once the legal conditions to impose measures were met, the Commission was bound to protect European industry against unfair practices. Exceptionally, a case could be concluded without taking measures if the general interest of the Union clearly outweighed the need to protect its industry.

Returning to the topic of the investigation, she explained that it justified continuing to impose duties. At the same time, the measures imposed in 2013 had not been very effective, which meant that the Union had subsequently accepted a voluntary price undertaking from China consisting of a

commitment to a minimum import price for solar panels sold in the EU. She nonetheless acknowledged that this method was inflexible, that the minimum import price had not followed global market prices and that it was considered too high by everyone, including the European solar panel industry. For this reason, the Commission had proposed extending the anti-dumping measures by only two years instead of the standard five, and announced an interim review to lower the current minimum import price. However, this compromise had not been supported, hence the options put forward that day as described by Mr KATAINEN.

Ms MALMSTRÖM felt that, firstly, maintaining the Commission's initial proposal would not garner any more support in future than it had previously and, secondly, simply abolishing the anti-dumping measures would harm EU producers who were beginning to get back onto their feet and still needed protection for a little longer in order to recover, bearing in mind that it would be the first time the Commission would make a proposal contradicting the results of its own investigation.

For these reasons, she suggested focusing on the duration of the new anti-dumping measures. A shorter duration could lead to a request for a further extension, while a longer one would allow the Commission to launch an accelerated interim review, taking six months instead of the standard 12, enabling the measure to be phased out gradually, thereby reducing the likelihood of additional extensions.

Technically speaking, it would be very difficult to carry out the interim review and phase out the anti-dumping measures in under 18 months. In practical terms, this solution would lead to a far steeper reduction in duties, creating more uncertainty on the market and requiring it to make more effort to adapt, and could eventually turn out to be far more costly for all parties. Finally, from a legal standpoint, the Commission could be referred to the

European Court of Justice for having proposed phasing out the measures too quickly, e.g. over a period of six months, without solid grounds for doing so.

Accordingly, Ms MALMSTRÖM suggested extending the anti-dumping measures by 18 months and implementing a credible phasing-out mechanism which could be supported by the observations made during the Commission's investigation. She shared the view that the duties applied to solar panels should be abolished as quickly as possible, but wished to proceed with caution and on the basis of solid justification. In summary, she emphasised the fact that, whereas European industry would normally be entitled to protection for five years, the Commission had proposed two years, and she was even proposing 18 months.

In the course of the wide-ranging discussion that followed, the Commission raised the following main points:

- the difficulty of the decision to be taken given the complexity of the issues at stake and the potential consequences of the decision in various policy areas;
- the need for a comprehensive analysis; the factors to be taken into consideration should include an analysis of the world market;
- the need to protect European industry from unfair competition and thereby defend the 8 000 direct jobs potentially at threat in the EU from competition by Chinese solar panels;
- majority support for the compromise proposed by Mr KATAINEN and Ms MALMSTRÖM consisting of a review and the gradual phasing-out of anti-dumping measures against solar panels imported from China within a time period of 18 months, which was considered reasonable; the desirability of leaving the industry time to adapt, innovate and take account of the investment cycle;

- in the opinion of some, the need to consider the possibility of a period of 12 months in total and to take into account the tens of thousands of jobs in the upstream and downstream industries;
- the observation that despite the anti-subsidy measure adopted in 2013 by the Union and the minimum import price, European industry had continued to decline because of lack of competitiveness with respect to the size of the Chinese solar panel producers, and represented only 5% of world production;
- in the light of the Union's objective of being world leader in the renewable energies sector, the desire to integrate solar panel technology and ensure that the cost of renewable energies was affordable;
- the competitive advantage enjoyed by China as a result of its access to rare earths, unlike the Union; on the other hand, the fact that the Union was highly competitive in the polysilicon sector, which would justify sending out a signal to the Chinese authorities on this point; more generally, the possible reciprocal concessions in EU-China trade relations;
- the current evolution of the geopolitical landscape to be integrated into the Union's global strategy; the desirability of holding a College discussion on the possibilities of broadening the bilateral relationship with China in this context; to this end, the wish to set up a working group bringing together the Members of the Commission concerned to define a positive political agenda with China on the basis of common interests on the international stage.

The PRESIDENT supported the idea of deepening the Union's global strategy with regard to China, even if he did not underestimate the difficulty posed by the steel dossier. Returning to the duration of the anti-dumping measures that

the Commission was preparing to propose, he asked the Director-General of the Legal Service to clarify the implications for a period of 12 and 18 months, respectively.

The Director-General of the Legal Service, Mr ROMERO REQUENA, explained that with the entry into force of the Treaty of Lisbon, competence for decisions on anti-dumping duties had been transferred from the Council to the Commission. The Commission had a broad margin of discretion here, as indicated in Article 21 of Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union, which was annexed to the note addressed to the College for that day's discussion. This margin of discretion, which was based on legal, political and economic factors, had been confirmed by a ruling of the European Court of Justice in 1996.

With regard to the options presented to the College in the case of imports of Chinese solar panels, all three of them would, if reasoned and well prepared, be legally defensible before the EU Court of Justice in the event of an appeal. However, an 18-month extension of the anti-dumping measures would give the Commission more room for manoeuvre. In conclusion, he said that the decision had to be taken before the date of expiry of the anti-dumping measures in force (4 March 2017).

The PRESIDENT thanked the Director-General of the Legal Service for these clarifications and drew the conclusions of the discussion. In the specific case of Chinese solar panels, the Commission proposed to submit to the Trade Defence Instruments Committee the option of extending the current anti-dumping measures by 18 months, and gradually phasing them out, as supported by the evidence obtained during its investigation. If this proposal could not secure a qualified majority in the Committee, the Commission

reserved the right to modify it and to submit the option of extending the current measures by 12 months. He also noted that if neither of these two options obtained a qualified majority, the matter would be referred again to the Commission. More generally, he stressed the importance of rapidly developing a global strategy with regard to China, in the light of current geopolitical developments, if possible before the EU-China summit to be held in May.

The Commission approved the line set out in SI(2017) 26/2, taking account of the conclusions drawn by the PRESIDENT at the end of the discussion.

- Position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Annex XX (Environment) to the EEA Agreement (CO<sub>2</sub> Emissions) (Council decision) – 2015/0301 (NLE)

The Commission approved the line set out in SI(2017) 28.

### **7.3. RELATIONS WITH PARLIAMENT**

#### **v) Non-legislative dossier**

(item 5.1 of the IRG record)

- Committee of inquiry into Emission Measurements in the Automotive Sector (EMIS) – Preparation of the exchange of views with Ms BIENKOWSKA on 9 February 2017

The Commission took note of the speaking points set out in the Annex to SP(2017) 63.

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

(item 5.6.1 of the IRG record)

The Commission approved documents SP(2017) 54 and /2 on the action taken on the non-legislative resolutions adopted by Parliament at its October II part-session, for transmission to Parliament.

**vii) Action taken on the non-legislative resolutions adopted by Parliament at its October I part-session**

(item 5.6.2 of the IRG record)

The Commission approved document SP(2017) 67 on the action taken on the non-legislative resolutions adopted by Parliament at its October I part-session, for transmission to Parliament.

**viii) Results of Parliament's February I part-session**

(SP(2017) 66)

The Commission took note of the information on Parliament's part-session held on 1 and 2 February in Brussels, set out in SP(2017) 66.

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

(SP(2017) 47)

The Commission decided to empower the Members of the Commission responsible for the sectors in question, in agreement with the PRESIDENT and Mr TIMMERMANS and, if necessary, with the other Members concerned, to adopt the amended proposals for transmission to Parliament and the Council, as set out in SP(2017) 47, drawn up following the part-session of Parliament of 1 and 2 February, the contents of which were noted.



**x) Parliament's Rules of Procedure– General revision– CORBETT report**

(item 5.9 of the IRG record)

The Commission approved the line set out in SP(2017) 31 and took note of the draft reply of the Commission to be signed by Mr TIMMERMANS in the annex thereto.

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

**xi) Relations with national parliaments**

(item 6.1 of the IRG record)

- 5<sup>th</sup> Inquiry Committee of the German Bundestag on the emission measurements in the automotive sector – Hearing of Mr Alois KRASENBRINK, Head of Unit for ‘Sustainable Transport’ in the ‘Energy, Transport and Climate’ Directorate of the Joint Research Centre (JRC)

The Commission approved the line set out in SNP(2017) 9.

**8. OTHER BUSINESS**

**8.1. LATEST DEVELOPMENTS IN ROMANIA AS REGARDS THE FIGHT AGAINST CORRUPTION**

Mr TIMMERMANS referred to the political crisis triggered by an emergency decree adopted in Romania on 31 January by the Romanian Government in order to relax anti-corruption legislation. He noted that, even though the

Romanian Government had since announced that the decree would be withdrawn following pressure from protesters and the legal system, it had nevertheless stated that it intended to present a draft law to the same effect to the Romanian Parliament, thereby forcing the latter to bear or not the responsibility for adopting it or not. However, he considered that the sole possible solution, not only politically, but also from the point of view of the rule of law, consisted in simply withdrawing the contested decree. He deemed unacceptable the Government's attempt to call into question the fundamental reforms concerning the rule of law implemented in Romania as part of its accession to the Union. Furthermore, he stressed the importance the Romanian population had given to the position of the EU institutions on the contested decree.

In this context, Mr TIMMERMANS referred to the relevance of the cooperation and verification mechanism, which made it possible to ensure that Romania would not go back on the reforms implemented as part of its accession to the EU and which enjoyed the support of a very large majority of the Romania population.

He concluded by stating that he did not consider it necessary for the Commission to adopt a position again, since, following the withdrawal of the contested decree, the current situation had more to do with Romania's internal politics than the Commission's role as guardian of the rule of law in the Member States. Nevertheless, he confirmed that the Commission would remain vigilant and would continue to monitor closely the legislative initiatives of the current Government.

During a brief discussion, the Commission stressed the importance of distinguishing between issues that belonged strictly to internal politics from those touching upon the protection of the rule of law and the Union's principles and values.

The PRESIDENT closed the discussion by underlining the Commission's role in protecting fundamental rights in all the Member States with no distinction.

The Commission took note of this information.

**8.2. STATE OF PLAY OF THE SECURITY MEASURES TAKEN TO PROTECT PERSONS, PREMISES AND IT TOOLS WITHIN THE INSTITUTION**

Mr OETTINGER and Sir Julian KING informed the Members of the College of the increased security measures implemented by the Commission, in agreement with the other institutions and the authorities of the host country, Belgium. They referred to the security of buildings, staff and the European schools, and to the security of communications, including when travelling in other Member States or third countries. They both called for greater vigilance, particularly as regards cybersecurity. They proposed that Members of the Commission who wished to have a security analysis should contact the Director of the Security Directorate of the Commission. They also invited them to raise the awareness of their Cabinets and the staff under their authority to the risks and the precautions to be taken in order to avoid those risks.

The Commission took note of this information.

\*

\* \*

The Commission's other discussions on certain agenda items are recorded in the special minutes.

\*

\* \*

The meeting closed at 12.14.