EUROPEAN COMMISSION

SECRETARIAT-GENERAL

**PV(2015) 2131 final**

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

Brussels, 1st July 2015

# TEXTE EN

**<u>MINUTES</u>**

**of the 2131st meeting of the Commission**

**held in Brussels**

**(Berlaymont)**

**on Wednesday 17 June 2015**

**(morning)**

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**Single sitting: Wednesday 17 June 2015 (morning)**

The sitting opened at 10.29 with Mr JUNCKER, President, in the chair.

Present:

| | | |
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| Mr JUNCKER | Chair | |
| Mr TIMMERMANS | First Vice-President | |
| Ms MOGHERINI | High Representative / Vice-President | Items 8 (in part) to 11 |
| Ms GEORGIEVA | Vice-President | |
| 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 | |
| Mr AVRAMOPOULOS | Member | |
| Ms THYSSEN | Member | |
| Mr MOSCOVICI | Member | Items 1 to 11 (in part) |
| Mr STYLIANIDES | Member | |
| Mr HOGAN | Member | |
| Lord HILL | Member | |
| Ms BULC | Member | |
| Ms BIEŃKOWSKA | Member | |
| Ms JOUROVÁ | Member | |
| Mr NAVRACSICS | Member | |
| Ms CREȚU | Member | |

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| Ms VESTAGER | Member |
| Mr MOEDAS | Member |

Absent:

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| Mr MIMICA | Member |

<u>The following sat in to represent absent Member of the Commission</u>:

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| Mr BEHRNDT | Chef de cabinet to Mr MIMICA | |

<u>The following also sat in</u>:

| | | |
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| Mr SELMAYR | Chef de cabinet to the PRESIDENT | |
| Mr ROMERO REQUENA | Director-General, Legal Service | |
| Mr PESONEN | Acting 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 | |
| Mr THOLONIAT | A member of the PRESIDENT's staff | Items 1 to 8 |
| Ms DEJMEK HACK | A member of the PRESIDENT's staff | Items 1 to 8 |
| Mr KASEL | A member of the PRESIDENT's staff | Points 9 and 10 |
| Mr MANSERVISI | Chef de cabinet to Ms MOGHERINI | Items 1 to 8 |
| Mr SUARDI | Deputy Chef de cabinet to Mr DOMBROVSKIS | Items 1 to 10 |
| Mr BAILLY | Chef de cabinet to Mr MOSCOVICI | Items 1 to 10 |
| Ms SCOPPIO | Adviser in Mr MOSCOVICI's Office | Points 9 and 10 |
| Ms ANDREEVA | Commission Spokesperson’s Service | |

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

## 1. AGENDAS
**(OJ(2015) 2131/FINAL; SEC(2015) 264/2)**

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(2015) 2131)**

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

## 3. APPROVAL OF THE MINUTES AND SPECIAL MINUTES OF THE 2130$^{TH}$ MEETING OF THE COMMISSION (9 JUNE 2015)
**(PV(2015) 2130; PV(2015) 2130, PART II)**

The Commission approved the minutes of its 2130$^{th}$ meeting.

## 4. INTERINSTITUTIONAL RELATIONS (RCC(2015) 51)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 12 June (RCC(2015) 51).

It paid particular attention to the following points.

### *4.1. LEGISLATIVE MATTERS*

**i) Trilogue**
(point 3.1 of the IRG record)

– Limitation of emissions of certain pollutants into the air from medium combustion plants (Directive) – GRZYB report – 2013/0442 (COD)

The Commission approved the line set out in SI(2015) 241/2.

**ii) Council dossier**
(point 3.3 of the IRG record)

– Amendment to Regulation (EU) 1387/2013 suspending the autonomous Common Customs Tariff duties on certain agricultural and industrial products (Council Regulation) – 2015/0104 (NLE) / Amendment to Regulation (EU) 1388/2013 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products (Council Regulation) – 2015/0105 (NLE)

The Commission approved the line set out in SI(2015) 219/2.

## *4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL*

**iii) Programming of Council business**
(SI(2015) 248)

The Commission took note of the information in SI(2015) 248 on the Council meetings between 18 June and 1 July.

**iv) Non-legislative dossiers**
(point 4.1 of the IRG record)

– Signature, on behalf of the European Union, and provisional application of the Enhanced Partnership and Cooperation Agreement between the European Union and the Republic of Kazakhstan (Council Decision) – 2015/0110 (NLE)

The Commission took note of the information in SI(2015) 240/2.

– List of actions for EU-Lebanon cooperation on counter-terrorism

The Commission approved the line set out in SI(2015) 243/2.

**v) Preparation for Council meeting (Economic and Financial Affairs) (Luxembourg, 19 June)**
(point 4.2.4 of the IRG record)

– Amendment to Directive 2006/112/EC on the common system of value added tax, as regards the treatment of vouchers – 2012/0102 (CNS)

The Commission approved the line set out in SI(2015) 244.

### *4.3. RELATIONS WITH PARLIAMENT*

**vi) Results of the June I part-session of Parliament**
(SP(2015) 375; SP(2015) 376)

The Commission took note of the information in SP(2015) 375 and SP(2015) 376 on the proceedings of the part-session of Parliament held in Strasbourg from 8 to 11 June.

**vii) Action to be taken on Parliament's legislative resolutions and other resolutions of a legal nature**
(SP(2015) 385)

The Commission took note of document SP(2015) 385, drawn up following Parliament's June I part-session.

## 5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

### *5.1. WRITTEN PROCEDURES APPROVED (SEC(2015) 265 ET SEQ.)*

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

### *5.2. EMPOWERMENT (SEC(2015) 266 ET SEQ.)*

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

### 5.3. *DELEGATION AND SUBDELEGATION OF POWERS (SEC(2015) 267 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 June, as archived in Decide.

### 5.4. *SENSITIVE WRITTEN PROCEDURES (SEC(2015) 268 AND /2)*

The Commission took note of the sensitive written procedures for which the time limit expired between 15 and 19 June and of the finalisation written procedures initiated following the weekly meeting of Chefs de cabinet on 15 June.

### 5.5. *DELEGATION OF POWERS RELATING TO DECISIONS GRANTING UNION FINANCIAL ASSISTANCE IN THE FORM OF GRANTS IN THE FRAMEWORK OF THE CONNECTING EUROPE FACILITY IN THE SECTOR OF TELECOMMUNICATIONS (C(2015) 4172)*

The Commission adopted the decision set out in C(2015) 4172.

It decided to delegate to the Director-General responsible for Communication Networks, Content and Technology the power to adopt, on the Commission’s behalf and under its responsibility, measures concerning decisions granting Union financial assistance in the form of grants in the framework of the Connecting Europe Facility in the sector of telecommunications, in accordance with the conditions set out in C(2015) 4172.

## 6. ADMINISTRATIVE AND BUDGETARY MATTERS (SEC(2015) 269/3)

**ADMINISTRATIVE MATTERS**
**(PERS(2015) 53/3)**

### *6.1. DG TRADE – APPOINTMENT OF AD14/15 DIRECTOR (PERS(2015) 12 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, 'Sustainable Development; Economic Partnership Agreements – Africa, Caribbean and Pacific; Agri-food and Fisheries', in DG Trade (PERS(2015) 12).

It took note of the opinions of the Consultative Committee on Appointments of 27 March and 23 April 2015 (PERS(2015) 12/2 and /3).

The Commission proceeded to compare the applicants' qualifications for the post. It also considered their ability, efficiency and conduct in the service. On a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT and after consulting Ms MALMSTRÖM and also Ms MOGHERINI and Mr KATAINEN, it decided to appoint Ms Sandra GALLINA to the post.

This decision would take effect on 1 September 2015.

### *6.2. DG TRADE – APPOINTMENT OF AD14/15 DIRECTOR (PERS(2015) 14 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, 'Trade Defence', in DG Trade (PERS(2015) 14).

It took note of the opinions of the Consultative Committee on Appointments of 31 March and 23 April 2015 (PERS(2015) 14/2 and /3).

The Commission proceeded to compare the applicants' qualifications for the post. It also considered their ability, efficiency and conduct in the service. On a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT and after consulting Ms MALMSTRÖM and also Ms MOGHERINI and Mr KATAINEN, it decided to appoint Mr Leopoldo RUBINACCI to the post.

This decision would take effect on 1 July 2015.

### *6.3. SECRETARIAT-GENERAL – CHANGE TO THE ORGANISATION CHART – CREATION OF THE STRUCTURAL REFORM SUPPORT SERVICE*

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

– that a new service called the Structural Reform Support Service would be created within the Secretariat-General, which would be responsible for steering and coordinating support for a particular Member State in cooperation with other Commission services, other Member States and/or other international organisations; that the new service would rely on, and make full use of expertise, experience and practical know-how developed over time by the Task Force for Greece (TFGR) and the Support Group for Cyprus; that its emphasis would be on support for the preparation and implementation of growth-enhancing administrative and structural reforms, in particular in the context of economic governance processes, including through assistance for the efficient and effective use of the European Structural Funds;

– that such support would be granted upon request from a Member State and its extent would depend on priorities and capacity to deliver assistance;

– that in keeping with his responsibilities as set out in his mission letter, Mr DOMBROVSKIS, Vice-President for the Euro and Social Dialogue, would co-ordinate the work of the new service on behalf of the PRESIDENT;

– that the function of Head of the Structural Reform Support Service would be at Director-General level, and that it could be filled by transfer or appointment;

– that the Head of the service would have the powers of authorising officer by delegation for the financial aspects related to the activities of the entity, in accordance with Article 2(3) of Commission Decision C(2015) 1423 of 5 March 2015 on the Internal Rules on the implementation of the general budget of the European Union;

– that the Structural Reform Support Service would have a thematic structure with teams or clusters rather than formal units, thus allowing for flexible use of resources and coordination functions;

– that the Head of the new Structural Reform Support Service would be appointed later;

– that the staff of the new service would be composed of officials, seconded national experts, temporary staff members, contract staff members and special advisers;

– that the new service would initially be composed of the staff of the TFGR and the Support Group for Cyprus in active service on 30 June 2015;

– that, apart from the Head of the new service (and one other management level official), any new staff would be directly assigned from the Secretariat-General, seconded (placed at disposal) from their service of origin or taken on from the outside for an initial period of maximum two years;

– that the service would have support from across the Commission, in particular from DGs ECFIN, EMPL, REGIO, AGRI, ENER, FISMA, COMP, MARE, SANTE, TAXUD, JUST, HOME, GROW and COMM (including the Representations if necessary). The new service would in particular draw on the experience and expertise of DG ECFIN gained in recent years in supporting structural reforms in various Member States;

– that the ceilings for the different staff categories, as well as the mechanism for their subsequent revision, would be decided by the PRESIDENT in agreement with Ms GEORGIEVA and after consulting Mr DOMBROVSKIS;

– that all staff occupying organisation chart functions who were assigned to the new service would, for the purposes of the secondment, be transferred to Adviser or Principal Adviser functions in their DG of origin; these functions would be created temporarily and abolished after the departure of the job holder;

– that to ensure the efficient operation of the service, the Vice-President responsible for Human Resources would be authorised to deviate, where necessary and in relation to the staff assigned to the service, from the following individual provisions of Commission Decisions concerning publication, selection, justification for having recourse to temporary staff, maximum duration of employment, grading, minimum length of employment by the current employer in the case of seconded national experts, fees paid to special advisers, maximum period since retirement and restrictions with regard to assignments and remuneration in the case of retired officials: (i) Decision C(2008) 6866 of 12 November 2008 laying down rules on the secondment to the Commission of national experts and national experts in professional training; (ii) Decision C(2011) 1264 of 2 March 2011 on the general provisions for implementing Article 79(2) of the Conditions of Employment of Other Servants of the European Union, governing the conditions of employment of contract staff employed by the Commission under the terms of Articles 3a and 3b of the said Conditions; (iii) Decision C(2013) 9049 of 16 December 2013 on policies for the engagement and use of temporary agents; (iv) Decision C(2004) 1597/6 of 28 April 2004 on the maximum duration for the recourse to non-permanent staff in the Commission services; (v) Decision C(2013) 9037 of 16 December 2013 on outside activities and assignments; (vi) Decision SEC(2006) 1702 of 13 February 2007 on organisation charts of Commission DGs and Services; and (vii) Decision C(2007) 6655 of 19 December 2007 on rules on Special Advisers to the Commission;

– that opportunities offered by the 'Active Senior Programme' would be used;

– that for some activities the new service would need to be present in the Member State receiving support, and that for this part of its work it would have support from central services such as DGs COMM, DIGIT and HR; that DG COMM would assist the new service with suitable and secure office space and associated logistical arrangements in the Member States concerned, if necessary with the dedicated support of OIB, as an exception to Article 3 of Commission Decision 2003/523/EC;

– that (i) other servants who were recruited to work in Member States receiving support would have their place of employment in those Member States; (ii) officials and other servants who were sent by the Commission to work in Member States receiving support and who were not assigned to a function in these Member States would be deemed to be on long-stay mission if their assignment lasted for a minimum of twelve consecutive months in the same country, and that this long-stay mission could be extended to a maximum of 24 months; (iii) that, by derogation from the Guide to Missions (C(2008) 6215 of 18 November 2008), the daily subsistence allowance paid to staff members on such long-stay missions would be reduced to 25% of the full daily subsistence allowance paid for missions to that country; and (iv) in addition, accommodation expenses would be reimbursed upon submission of the supporting documents up to a maximum of EUR 1 500 per month;

– that the organisation of the new service and the derogation arrangements would be reviewed for the first time 18 months after its creation and annually from then on.

This decision would take effect on 1 July 2015.

### *6.4. DG ENERGY – RENEWAL OF THE TERM OF OFFICE OF THE DIRECTOR OF THE AGENCY FOR THE COOPERATION OF ENERGY REGULATORS (ACER)*

The Commission took note of the information in point 4 of PERS(2015) 53/3 and, on a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT, and having consulted Mr ARIAS CAÑETE and also Mr ŠEFČOVIČ, decided:

– to propose to the Administrative Board that the term of office of Mr Alberto POTOTSCHNIG as Director of the Agency for the Cooperation of Energy Regulators be extended for a period of three years from 16 September 2015;

– to consider this proposal as the Commission proposal under Article 16(4) of Council Regulation (EC) 713/2009;

– to instruct Mr ARIAS CAÑETE, Member of the Commission responsible for energy, to communicate this proposal to the Administrative Board of the Agency for the Cooperation of Energy Regulators.

These decisions would take effect immediately.

### *6.5. SECRETARIAT GENERAL / DG HUMAN RESOURCES AND SECURITY – SUPPORT GROUP FOR CYRPUS*

The Commission took note of the PRESIDENT's decision:

– to integrate, from 1 July 2015, the Support Group for Cyprus in the newly-created Structural Reform Support Service within the Secretariat-General; this support service would absorb the role of the Support Group for Cyprus;

– consequently, to incorporate the staff of the Support Group for Cyprus in active employment at 30 June 2015 in the new support service, where they would continue their activities.

## 7. COMMISSION DECISION ON A PROCEEDING UNDER ARTICLE 101 OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION AND ARTICLE 53 OF THE AGREEMENT ON THE EUROPEAN ECONOMIC AREA (*CASE AT.40055 – PARKING HEATERS*) (C(2015) 3981 TO /5; RCC(2015) 54)

The Commission:

- took note of the opinion of the Advisory Committee on Restrictive Practices and Dominant Positions of 15 June 2015 in C(2015) 3981/4;
- took note of the final report of the Hearing Officer of 15 June 2015 in C(2015) 3981/3;
- adopted in the authentic language (English) the decision in C(2015) 3981/5 finding that the companies to which the decision was addressed had infringed Article 101 of the Treaty on the Functioning of the European Union and Article 53 of the Agreement on the European Economic Area, requiring the parties to put an end to the infringements immediately and imposing on one of these companies a fine of EUR 68 175 000;
- decided that the decision in C(2015) 3981/5 would be notified to the companies concerned, together with the final report of the Hearing Officer;
- 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 (minus any business secrets and other confidential information) accessible on the Internet.

## 8. OTHER BUSINESS

### *ECONOMIC SITUATION IN GREECE*

The Commission referred to the latest developments in Greece's economic situation.

**9. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL – A FAIR AND EFFICIENT CORPORATE TAX SYSTEM IN THE EUROPEAN UNION – 5 KEY AREAS FOR ACTION**
**(COM(2015) 302 TO /3 AND ANNEX; SWD(2015) 121 AND /2; RCC(2015) 53)**

**10. COMMISSION DECISION ESTABLISHING THE COMMISSION EXPERT GROUP ‘PLATFORM FOR TAX GOOD GOVERNANCE, AGGRESSIVE TAX PLANNING AND DOUBLE TAXATION’ AND REPLACING DECISION C(2013) 2236 OF 23 APRIL 2013**
**(C(2015) 4095; RCC(2015) 53)**

Mr DOMBROVSKIS presented the action plan for a fair and efficient corporate tax system in the European Union, which was submitted for the Commission’s approval that day.

By way of introduction, he noted that the action plan was a follow-up to, and included the main components of, the policy debate the Commission had held on 18 February.

The proposed measures were practical and were intended to introduce fairer corporate taxation and to ensure that profits were taxed where they were generated. Moreover, some of these initiatives were aimed at implementing the results of the work carried out by the Organisation for Economic Cooperation and Development under its BEPS project (Base Erosion and Profit Shifting) and therefore had to be viewed within the broader context of international cooperation on tax matters.

Mr DOMBROVSKIS also stressed the importance of the measures proposed to increase corporate tax transparency, such as country-by-country reporting options and the development of a common approach to third-country non-cooperative tax jurisdictions.

Finally, he referred to the smooth progress of the examination of the proposal for a Directive to increase the transparency of tax rulings presented by the Commission on 18 March, which could be adopted by the co-legislators before the end of the year.

Mr MOSCOVICI, for his part, thanked the Members of the Commission for their support for this important initiative to ensure fair and efficient corporate taxation in Europe. He considered that the approval of the plan presented that day was an important step in bringing corporate taxation into line with the EU's general policy objectives on growth and investment in a fairer single market and a stronger social Europe.

The contribution that corporate taxation could make to achieving these objectives should not be under-estimated, given its role in sustainable public revenue for the Member States. It determined how companies could benefit from and develop in the internal market. Lastly, he underlined the factor of public confidence in the governments and tax systems of the Member States, and therefore of democratic legitimacy, represented by fair and efficient taxation in particular.

Mr MOSCOVICI pointed out that the corporate tax systems in the EU, which were now outdated, lacked coordination and were in urgent need of reform. He explained that certain companies suffered from the red tape in national systems and sometimes had to contend with double or triple taxation of their profits in a number of Member States, which resulted in insoluble legal cases.

At the same time, other, smarter companies took advantage of the loopholes in a system that lacked coherence and was not European enough. Given differing national policies, the result was that tax avoidance was too widespread, tax competition too strong and the single market too fragmented.

Citizens and companies paid a high price for these failures.

Mr MOSCOVICI therefore welcomed the fact that the proposed action plan was intended to introduce a major and necessary reform of corporate taxation, which was along the same lines as the international reforms under way in this field, but tailored to match the EU's own needs.

He hoped that, with the support of the Members of the Commission, progress could be made by the end of the year on the three dossiers in the action plan, namely the relaunch of the proposal concerning the Common Consolidated Corporate Tax Base (CCCTB), the conclusion of the BEPS negotiations in the OECD and the proposal for a Directive on tax rulings.

He referred to the European list of the 30 tax havens most frequently cited as such by the Member States, explaining that it would be used to expose the least cooperative of the third-country tax jurisdictions and announced that some of them had already made overtures in order not to appear on the list and to demonstrate their willingness for dialogue.

Mr MOSCOVICI concluded his presentation by stressing that the action plan proposed by the Commission constituted a complete programme for an ambitious but realistic reform that would better defend the EU against tax avoidance and implement fair tax policies in the Member States which were conducive to growth, for the good of the single market and the global competitiveness of Europe.

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

– the relevance of the proposed action plan to the EU's social policy objectives in view of its main focus, fair taxation;

– the importance of considering tax transparency measures also in the context of the analysis of tax rulings and their consequences in terms of State aid; hence the need to ensure close coordination between the Commission's legislative work and its role as guardian of the Treaties in relation to State aid;

- the advisability of presenting an amended proposal on the CCCTB in order to relaunch the legislative work on this fundamental measure for companies and small and medium-sized enterprises (SMEs) in particular; the suggestion to defend the amended proposal on the CCCTB not only before Parliament but also before the national parliaments, given that many of them in the past had called into question the Commission's power to take initiatives in this field;

- the fact that certain tax havens not on the list of third-country non-cooperative tax jurisdictions should be included; the question, for some, of the consequences for the third countries of appearing on the list of non-cooperative tax jurisdictions; for others, the question of the need or legal obligation to publish such a list, bearing in mind that it would certainly cause controversy and strong protests by the third countries concerned.

Mr MOSCOVICI explained that, although there was no legal obligation to publish the list of tax havens, there was a political objective, namely to encourage the jurisdictions concerned to cooperate more closely with the EU and its Member States in the field of taxation and to tackle tax avoidance more effectively.

The PRESIDENT thanked Mr DOMBROVSKIS and Mr MOSCOVICI for the significant work achieved thanks to this very important Communication, which laid the foundations for a fairer tax framework that was conducive to growth in the EU.

The Commission:

- approved the communication in COM(2015) 302/3 and COM(2015) 302/3 – Annex, for transmission to Parliament and the Council and, for information, to the European Economic and Social Committee, and the national parliaments, together with the staff working document distributed as SWD(2015) 121/2, the contents of which were noted;

– adopted the decision in C(2015) 4095;

– decided to publish them in the *Official Journal of the European Union* in order to inform the Member States and interested parties.

## 11. OTHER BUSINESS (CONTINUED)

***EUROPEAN AGENDA ON MIGRATION***

With a view to the European Council on 25 and 26 June, Mr AVRAMOPOULOS reported on the discussions that had taken place the previous day at the Justice and Home Affairs Council concerning the European Agenda on Migration and the first series of concrete measures adopted by the Commission on 13 and 27 May respectively. These proposals followed the recent tragedies involving the deaths of migrants in the Mediterranean and responded to the explicit request made by Heads of State or Government at the Extraordinary European Council on 23 April.

During their in-depth and constructive discussions, the EU Ministers of Home Affairs had broadly approved the comprehensive nature of the approach proposed by the Commission, which formed a coherent and balanced whole, together with around sixty measures envisaged in the context of the Agenda. Proof of this was their unanimous agreement on the need for the EU to equip itself with sufficient resources to reflect its solidarity, for instance as regards the relocation of migrants, and the responsibilities shouldered by Member States, for instance in identifying economic migrants not entitled to stay in the EU and repatriating them swiftly to their countries of origin. It was precisely this balance that would permit the smooth functioning and integrity of the Schengen area.

Mr AVRAMOPOULOS then turned to the proposal that had aroused the most heated discussions, namely the relocation to other Member States of migrants arriving in the frontline Member States. While a majority of Member States had indicated willingness to take part in the proposed relocation mechanism, some had expressed reservations about its compulsory nature, while others wanted it to remain a temporary measure. He felt that the Commission should stick resolutely to its initial proposal, given that the distribution key was based on clear, objective and fair criteria, and that it could signal a real change of direction in European migration policy. He welcomed the fact that the Luxembourg Presidency had prioritised the need to make every possible effort to have the proposals on the resettlement and relocation mechanisms adopted before the end of July, if possible.

He emphasised that it was now high time to implement the measures, and confirmed that Ministers were in favour of the approach proposed by the Commission to ensure more efficient repatriation of irregular migrants. At the same time, he underlined the urgent need to put into practice the envisaged European solidarity measures in the regions of Member States directly affected by migration pressure, and to respond without delay to the ever-increasing humanitarian needs arising there.

Coming back, finally, to the European Council to be held the following week, Mr AVRAMOPOULOS expressed confidence that the conditions were in place to ensure agreement on the main principles underlying the European Agenda on Migration and the series of unprecedented measures it comprised. He trusted that all the Heads of State or Government would show political will and courage, refusing to yield to the populist movements sowing discord in European societies, and that they would display real European solidarity.

Ms MOGHERINI was, in turn, eager to stress both the internal and external dimensions of the European Agenda on Migration, pointing out that the EU's credibility in the eyes of its international partners would be judged on the latter. She reported on the main strategies she was working on to this end, for instance a certain number of high-level meetings with the representatives of the main countries of origin and transit of migrants, in particular Niger and the other Sahel region countries, in a bid to better coordinate the management of migration flows.

In relation to efforts to combat people smugglers and traffickers, she described the preparations in progress to set up an operation under the Common Security and Defence Policy (CSDP), which would help to dismantle their networks. Provided that all the conditions were met, she would be able to propose the launching of the naval operation at the Foreign Affairs Council on 22 June. While stressing that the operation would be aimed only at dismantling smuggler and trafficker networks and under no circumstances would target the migrants themselves, she explained that the first step would be to gather information and organise patrols on the high seas, in compliance with international law. Further steps would require the adoption of a specific resolution at the United Nations Security Council.

Any decision to launch the naval operation would certainly result in acrimonious reactions by the media and general public in Europe. The Commission would have to make a huge effort in terms of communication. She pointed out in passing that it was quite paradoxical that some strands of European public opinion were reluctant to host new migrants in their countries while, on the other hand, they were hostile to the planned naval operation that they felt could be dangerous for the migrants.

As regards developments concerning this matter at institutional level, Ms MOGHERINI agreed that some progress had been made at the Justice and Home Affairs Council the day before. While the challenges remained consequential, the approach proposed by the Commission was based on the EU's founding values – solidarity and fairness – both inside the EU and internationally. The outcome of the European Council in relation to the proposed Agenda would bear witness to the EU's capacity to put in place a coherent political solution to a major, multidimensional challenge.

During the ensuing discussion, the Commission raised the following matters:

- the need to highlight the reciprocal nature of European solidarity; a reminder of examples of solidarity from which certain Member States had benefited or were still benefiting, for instance under the Structural Funds, and the legitimate expectation that, in a spirit of shared responsibility, these Member States could, in return for this, step up to the mark and accept the request for solidarity addressed to them in the context of the European response to the migration crisis;

- a warning, by others, against hasty judgement of the positions of certain governments with regard to the Agenda and the need to take account of the special characteristics of each Member State; questions about the feasibility of certain aspects of the planned approach to migration; the risk posed by the prevailing populist mood, and the emphasis on the need to take on board public concerns and ensure ownership of the planned measures, which was far from being the case in some Member States;

- the point raised by others that the debate on migration policy in some Member States, especially in the wake of the Commission's proposals, was helping to ensure collective awareness and ownership of the challenges involved; moreover, the excessive manipulation of migration policy in national political debates and the resulting dangerous generalisations; the case for highlighting the objective facts that justified common action by Member States to deal with this phenomenon together;

- regarding the proposal on the relocation of migrants and the positions of the Member States on this question, the case for placing the discussions, which were currently concerned almost exclusively with the distribution key, in the broader context of the global approach described by Mr AVRAMOPOLOUS and Ms MOGHERINI; the observation that this perspective could increase support for the European Agenda on Migration on the part of a currently hesitant public opinion; questions about the feasibility of a distribution mechanism that was voluntary, as some Member States wanted;

- regarding cooperation between the EU and non-member countries, a question about the situation as regards the reception centres for migrants operated by the United Nations High Commission for Refugees (UNHCR) in third countries;
- in connection with measures to combat people smugglers and traffickers, a number of requests for further information on the scope of the naval operation to which EU Foreign Ministers might be asked to give the go-ahead the following week.

Mr TIMMERMANS pointed first of all to the paradoxical nature of European solidarity, whereby solidarity was invoked within the EU only if a Member State called for it, and not as a principle to which everyone subscribed and contributed of their own accord.

Despite the controversy surrounding the proposed migration strategy, he felt it was of fundamental importance for the Commission to act with courage and be faithful to its principles; it must continue to stress the merits of its proposals without giving way in the slightest to the most populist arguments. He also pointed out that none of the Member States had come forward with a counter-proposal to the European Agenda on Migration and he stressed once again the soundness of the approach put forward by the Commission.

Regarding the European Council of 25 and 26 June, he felt that, although the Member States were unlikely to accept the proposed figures for the relocation and resettlement of refugees as they stood, the leaders would probably agree on the principle of the distribution keys and he stressed the historic nature of such a decision.

Against this background, however, it was important to show that the Union was able to repatriate migrants who abused the asylum system to their countries of origin efficiently, since the inclusion of a credible return policy, and in particular the linking of the principle of solidarity between Member States to the acceptance of refugees, would improve public acceptance and understanding of the European Agenda on Migration.

Finally, Mr TIMMERMANS acknowledged that although the Union seemed to be on the brink of a historic decision which would mark a radical change in its migration policy, the Commission faced a long and difficult task to make its case in the coming years in this extremely sensitive area.

Mr AVRAMOPOULOS agreed, and also stressed the historic nature of the proposals to be put before the Council the following week, especially since the challenge of migration currently facing Europe seemed likely to last for as long as geopolitical instability and poverty continued to affect many African and Middle Eastern countries and Europe remained an attractive destination.

On the relocation mechanism, he reiterated that the proposed arrangement would only succeed if all the Member States participated and the system was made obligatory. Indeed, he observed with regret that solidarity on a voluntary basis was often doomed to failure, as had happened with the mechanism to relieve the strain on Malta a few years earlier when it was facing a similar migratory pressure. He therefore recommended that the Union should now proceed on the basis of a compulsory and equitable approach based on solidarity. He concluded his reply by asking the Members of the Commission to take part in the general communication effort during the time ahead and to display courage in a matter which would, in his view, be in the nature of a political test.

Ms MOGHERINI described in greater detail the measures that would be deployed, as appropriate, in the naval operation under the European Union Common Security and Defence Policy. Firstly, in terms of information sharing, it would be a matter of reinforcing the interfaces between the existing structures in the Member States, and secondly, as regards the collection of data at sea, the idea was to establish a number of infrastructures equipped with imaging systems and other equipment aimed at compiling a more robust body of data on the activities of marine traffickers.

She also wished to see the current debates in the Member States on migration flows into the EU put into perspective, in particular as regards the 'South-South' flows between African nations or within the continent of Asia. She expressed regret that these relative figures were too seldom quoted, since they constituted a prism through which Europe's true contribution could be objectively assessed.

For the future, she stressed the medium to long-term outlook for the challenge of migration, since conflict, poverty and natural disasters inevitably led to substantial population movements. She therefore felt that the EU could today help above all to implement measures designed to control such movements as rationally as possible, especially by means of upstream cooperation with the main countries of origin and of transit of migrants, all of which were in Africa.

The PRESIDENT returned to a number of comments made during the discussion. While he understood the need to allow each Member State the time to create ownership of the measures proposed by the Commission in its European Agenda on Migration, he also observed that populism was no longer confined to extreme political forces alone and its influence was increasingly being felt in the major European governing parties. On this point, he agreed with Mr TIMMERMANS, Ms MOGHERINI and Mr AVRAMOPOULOS that the Commission must show political courage and defend its vision of a Europe based on solidarity and fairness.

He recalled the tragic events which had shaken the conscience of the European political class and led to the extraordinary European Council meeting of 23 April. He hoped that all those who had called on the Commission to come up with a firm response to the realities of the migration phenomenon at that time would now match their actions to their words. He confirmed that the Commission had no intention of amending its proposals, since an optional system would do nothing to solve the problems arising from the current crisis, which would, he noted, have implications well beyond the immediate term. He closed the discussion by expressing his confidence in the Commission's ability to explain the merits of its proposal, which reflected the common values on which the very principle of European integration was based.

The Commission took note of these conclusions and this information.

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

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The meeting closed at 12.03.