



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2016) 2156 final

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

Brussels, 24 February 2016

TEXTE EN

MINUTES

of the 2156th meeting of the Commission

held in Brussels

(Berlaymont)

on 10 February 2016

(morning)

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

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Single sitting: Wednesday 10 February 2016 (morning)

The sitting opened at 9.46 with Mr JUNCKER, President, in the chair.

Present:

Mr JUNCKER	President	
Mr TIMMERMANS	First Vice-President	
Ms GEORGIEVA	Vice-President	
Mr ANSIP	Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Mr DOMBROVSKIS	Vice-President	
Mr OETTINGER	Member	
Mr HAHN	Member	
Mr MIMICA	Member	
Mr ARIAS CAÑETE	Member	
Mr VELLA	Member	
Mr AVRAMOPOULOS	Member	
Mr MOSCOVICI	Member	Items 8 to 12 (in part)
Mr STYLIANIDES	Member	
Lord HILL	Member	
Ms BULC	Member	
Ms BIENKOWSKA	Member	
Ms JOUROVÁ	Member	
Mr NAVRACSICS	Member	
Ms CREȚU	Member	

Absent:

Ms MOGHERINI	High Representative / Vice-President
Mr KATAINEN	Vice-President
Ms MALMSTRÖM	Member
Mr ANDRIUKAITIS	Member
Ms THYSSEN	Member
Mr HOGAN	Member
Ms VESTAGER	Member
Mr MOEDAS	Member

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

Mr MANSERVISI	Chef de cabinet to Ms MOGHERINI	
Mr ROMAkkANIEMI	Chef de cabinet to Mr KATAINEN	Items 8/11 (in part) and 12
Ms SALLA	A member of Mr KATAINEN's staff	Items 1 to 8/11 (in part)
Ms ÅSENIUS	Chef de cabinet to Ms MALMSTRÖM	
Mr VINČIŪNAS	Chef de cabinet to Mr ANDRIUKAITIS	
Mr HERMANS	Chef de cabinet to Ms THYSEN	
Mr POWER	Chef de cabinet to Mr HOGAN	
Ms JUUL-JØRGENSEN	Chef de cabinet to Ms VESTAGER	
Mr SEQUEIRA	Expert from Mr MOEDAS's cabinet	

The following also sat in:

Mr SELMAYR	Chef de cabinet to the PRESIDENT	
Mr ROMERO REQUENA	Director-General, Legal Service	
Mr PESONEN	Director-General, DG Communication	
Mr SCHINAS	Head of the Spokesperson's Service and Chief Spokesperson of the Commission	
Ms METTLER	Head of the European Political Strategy Centre	
Ms MARTÍNEZ ALBEROLA	Deputy Chef de cabinet to the PRESIDENT	
Mr SZOSTAK	Adviser in the PRESIDENT's Office	Items 1 to 8/11 (in part)
Mr SHOTTER	Adviser in the PRESIDENT's Office	Items 1 to 11
Ms SUTTON	Deputy Chef de cabinet to Mr TIMMERMANS	Items 1 to 11
Ms SCHMITT	Chef de cabinet to Mr AVRAMOPOULOS	Items 1 to 11
Mr FAULL	Head of the task force for strategic issues related to the UK referendum	Item 12 (in part)

Ms MICHOU

Deputy Secretary-General

Items 8/11 (in part) and
12

Ms ANDREEVA

Commission Spokesperson's Service

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

1. AGENDAS

(OJ(2016) 2156/FINAL; SEC(2016) 80/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(2016) 2156)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 8 February.

3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 2153rd MEETING (27 JANUARY), MINUTES OF 2154th MEETING (2 FEBRUARY) AND MINUTES OF 2155th MEETING (5 FEBRUARY)

(PV(2016) 2153; PV(2016) 2153, 2ND PART)

The Commission approved the minutes of its 2153rd meeting, and decided to hold over for one week approval of the minutes of its 2154th and 2155th meetings.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2016) 18)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 5 February (RCC(2016) 18).

It paid particular attention to the following points.

4.1. LEGISLATIVE MATTERS

i) Council Dossier

(point 3.3 of the IRG record)

- Proposal for a Council recommendation on addressing the serious deficiencies identified in the 2015 evaluation on the application by Greece of the Schengen *acquis* in the field of management of the external borders

The Commission approved the line set out in SI(2016) 40.

4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

ii) Programming of Council business

(SI(2016) 38)

The Commission took note of the information in SI(2016) 38 on the Council meetings between 11 and 24 February.

iii) Non-legislative dossiers

(point 4.1 of the IRG record)

- Position to be adopted, on behalf of the European Union, in the Port State Control Committee of the Paris Memorandum of Understanding on Port State Control (Council Decision) – 2015/0304 (NLE)

The Commission approved the line set out in SI(2016) 32.

- *Morocco country fiche on migration*

The Commission approved the line set out in SI(2016) 23/2.

- *Algeria country fiche on migration*

The Commission approved the line set out in SI(2016) 24/2.

4.3. RELATIONS WITH PARLIAMENT

- iv) Action to be taken on Parliament's legislative resolutions and other resolutions of a legal nature**
(SP(2016) 93)

The Commission decided to empower the Commission Members responsible for the sectors in question, in agreement with the PRESIDENT and Mr TIMMERMANS and, if necessary, with the other Members concerned, to adopt the amended proposals for transmission to Parliament and the Council, as set out in SP(2016) 93, drawn up following the February I part-session of Parliament, the contents of which were noted.

- v) Results of the February I part-session of Parliament**
(SP(2016) 88; SP(2016) 89)

The Commission took note of the information in SP(2016) 88 and SP(2016) 89 on the proceedings of the part-session of Parliament held in Strasbourg from 1 to 4 February.

4.4. OTHER BUSINESS

- vi) Draft letters from Lord HILL to the President of the European Parliament's Committee on Economic and Monetary Affairs and the President of the President of the Economic and Financial Affairs Council – Review of the precautionary recapitalisation provision in accordance with Article 32(4)(d)(iii) of Directive 2014/59/EU on bank recovery and resolution (BRRD)**
(point 7.1 of the IRG record)

The Commission approved the line set out in SPI(2016) 4/2.

5. MONITORING THE APPLICATION OF EUROPEAN UNION LAW

INFRINGEMENTS – URGENT CASES

(SEC(2016) 92)

The Commission adopted the decisions in SEC(2016) 92.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

6.1. WRITTEN PROCEDURES APPROVED

(SEC(2016) 81 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 1 and 5 February.

6.2. EMPOWERMENT

(SEC(2016) 82 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 1 and 5 February.

6.3. DELEGATION AND SUBDELEGATION OF POWERS

(SEC(2016) 83 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 1 and 5 February, as archived in Decide.

6.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2016) 84/2 AND /3)

The Commission took note of the sensitive written procedures for which the time limit expired between 8 and 12 February.

7. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2016) 85)

ADMINISTRATIVE MATTERS

(PERS(2016) 8)

7.1. DG INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND SMES – APPOINTMENT OF AD14/15 DIRECTOR

(PERS(2015) 88 TO /3)

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director of the ‘Competitiveness and European Semester’ Directorate in DG Internal Market, Industry, Entrepreneurship and SMEs (PERS(2015) 88).

It took note of the opinions of the Consultative Committee on Appointments of 27 November and 3 December 2015 (PERS(2015) 88/2 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 BIENKOWSKA and also Mr ANSIP, Mr DOMBROVSKIS, Mr KATAINEN and Mr ŠEFČOVIČ, it decided to appoint Mr Eric MAMER to the post.

This decision would take effect on 1 March 2016.

7.2. DG INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND SMES – APPOINTMENT OF AD14/15 DIRECTOR (PERS(2015) 89 TO /3)

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director of the ‘Innovation and Advanced Manufacturing’ Directorate in DG Internal Market, Industry, Entrepreneurship and SMEs (PERS(2015) 89).

The Commission took note of the opinions of the Consultative Committee on Appointments of 8 and 17 December 2015 (PERS(2015) 89/2 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 BIENKOWSKA and also Mr ANSIP, Mr DOMBROVSKIS, Mr KATAINEN and Mr ŠEFČOVIČ, it decided to appoint Mr Sławomir TOKARSKI to the post.

This decision would take effect on 16 February 2016.

7.3. DG ECONOMIC AND FINANCIAL AFFAIRS – TERMINATION OF THE INTERNAL SELECTION PROCEDURE, AND INTERNAL, INTERINSTITUTIONAL (AT GRADE AD15/16) AND EXTERNAL (AT GRADE AD15 – EU-28) PUBLICATION OF THE VACANCY NOTICE FOR THE POST OF DEPUTY DIRECTOR-GENERAL (PERS(2015) 124; PERS(2016) 10)

The Commission, on a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT and after consulting Mr MOSCOVICI and also Mr DOMBROVSKIS and Mr KATAINEN, decided:

- to terminate internal selection procedure COM/2015/2007 for the

appointment of a Deputy Director-General (ECFIN.DDG2) in DG Economic and Financial Affairs, without making an appointment;

- to authorise the internal, interinstitutional and external publication under Article 29(1)(a)(i) and (iii), (1)(b), and (2) of the Staff Regulations of the vacancy notice in PERS(2016) 10 for the post of Deputy-Director-General (ECFIN.DDG2) in DG Economic and Financial Affairs.

These decisions would take effect immediately.

7.4. DG MARITIME AFFAIRS AND FISHERIES – EXTENSION OF THE TERM OF OFFICE OF THE EXECUTIVE DIRECTOR OF THE EUROPEAN FISHERIES CONTROL AGENCY (EFCA) AT GRADE AD14

The Commission took note of the information in point 4 of PERS(2016) 8 and, on a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT, and having consulted Mr VELLA and also Mr KATAINEN and Mr ŠEFČOVIČ, decided:

- to propose to the Administrative Board of the European Fisheries Control Agency to extend the term of office of Mr Pascal SAVOURET in the post of Executive Director of the Agency, without changing grade, for a period of five years from 1 September 2016;
- to instruct Mr VELLA, the Member of the Commission responsible for Maritime Affairs and Fisheries, to communicate this decision to the Administrative Board of the European Fisheries Control Agency.

These decisions would take effect immediately.

7.5. DG MOBILITY AND TRANSPORT – TEMPORARY APPOINTMENT AS EXECUTIVE DIRECTOR OF THE JOINT UNDERTAKING SHIFT2RAIL

The Commission took note of the information in point 5 of PERS(2016) 8 and, on a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT and having consulted Ms BULC and also Mr KATAINEN and Mr ŠEFČOVIČ, decided to appoint Mr Keir FITCH, an AD13 official and currently Head of Unit of ‘Research & innovative transport systems’ in DG Mobility and Transport, to perform temporarily the duties of Executive Director of the Joint Undertaking Shift2Rail, in addition to his current responsibilities and until such time as the Executive Director took up office.

This decision would take effect immediately.

8. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL ON THE STATE OF PLAY OF THE IMPLEMENTATION OF THE PRIORITY ACTIONS UNDER THE EUROPEAN AGENDA ON MIGRATION

(COM(2016) 85 TO /3; RCC(2016) 20)

9. PROPOSAL FOR A COUNCIL IMPLEMENTING DECISION REGARDING A TEMPORARY SUSPENSION OF THE RELOCATION OF 30% OF APPLICANTS ALLOCATED TO AUSTRIA UNDER COUNCIL DECISION (EU) 2015/1601 ESTABLISHING PROVISIONAL MEASURES IN THE AREA OF INTERNATIONAL PROTECTION FOR THE BENEFIT OF ITALY AND GREECE

(COM(2016) 80; RCC(2016) 20)

10. COMMISSION RECOMMENDATION ADDRESSED TO THE HELLENIC REPUBLIC ON THE URGENT MEASURES TO BE TAKEN BY GREECE IN

**VIEW OF THE RESUMPTION OF TRANSFERS UNDER REGULATION
(EU) 604/2013**

(C(2016) 871; RCC(2016) 20)

**11. INFORMATION ON THE PREPARATION OF A DRAFT COMMISSION
IMPLEMENTING DECISION CONCERNING A RECOMMENDATION ON
SPECIFIC ACTIONS TO BE TAKEN BY THE HELLENIC REPUBLIC AS A
FOLLOW-UP TO THE EVALUATION REPORT OF 2 FEBRUARY 2016
(C(2016) 872 DRAFT AND /2 ; RCC(2016) 20)**

Mr TIMMERMANS opened the debate on the state of play in implementing the immediate priority actions agreed in September 2015 under the European Agenda on Migration to manage the increasing flows of migrants and refugees arriving in the EU. He pointed out that, since then, the Commission had reported regularly – in September, October and December – on the progress made, noting on each occasion the delay by the Member States in applying the adopted decisions.

From this standpoint, he regretted that the content of the report to be submitted to the European Council the following week was no different, which he found appalling given the urgency of the situation. He felt that the Member States were now too far behind to exercise control over the situation, despite the Commission's considerable financial and practical support.

He remarked that the number of migrants on the Eastern Mediterranean/Western Balkans route had fallen to 60 000 in January 2016, from a peak of 200 000 the previous October. He pointed out, however, that this figure was still unusually high for the winter and feared a further increase in the spring.

Mr TIMMERMANS considered that it was highly unlikely that the root causes of these migration flows would disappear in the near future. He cited as an example the fresh upsurge in fighting in Syria, which would inevitably cause tens of thousands of people to flee and seek a better life in Europe.

He therefore believed that the migration flows would continue and that the EU could not, nor did it intend to, turn its back on its moral and legal obligation to protect refugees. Nonetheless, it could not allow the irregular and uncontrolled movement of migrants across border after border towards northern Europe to continue, as this fundamentally contravened the principles of the Common European Asylum System and the Schengen Agreement. He explained that this situation had already led to several Member States reintroducing temporary controls on internal borders, thereby threatening freedom of movement within the Schengen Area and its many advantages for the EU's citizens and economies.

Mr TIMMERMANS argued that, to be truly ready to manage migration flows, the EU needed to restore order to the system, which entailed increased legal resources to allow those who needed protection to enter the EU legally and those who did not qualify as refugees to be rapidly identified so their return could be arranged. He stressed that this task fell to the country of first entry into the EU, with the operational and financial support of the EU and its agencies.

He added that people arriving in the EU must understand that they would be granted refuge if their application was justified, but that they would not be able to choose any given Member State as their final destination, at the risk of being expelled, with due regard for the rules of non-refoulement. Faced with this reality, those planning on travelling with no grounds for requesting asylum would think twice before placing their money and their lives in the hands of people smugglers.

Moreover, Mr TIMMERMANS felt that Greece in particular must take the necessary steps to resume the normal application of Schengen external border controls and the Dublin rules, for both sea and land borders. With this in mind, the Commission would also adopt that day a recommendation to Greece on the application of the Dublin system and take note of a draft Implementing Decision detailing the measures expected of the Greek authorities to correct the serious deficiencies in their external border controls. He explained that this Implementing

Decision would be formally adopted once the Council approved, on 12 February, the recommendation proposed by the Commission on 2 February.

In these circumstances, Greece would need substantial support and the other Member States would have to act on their commitments to share the responsibility to offer shelter and refuge for those entitled to it by accelerating the implementation of the agreed relocation scheme. He added that all Member States must contribute to these efforts and that it was necessary to examine ways of strengthening the EU's capacity to provide humanitarian assistance, not just to the Western Balkan nations, but probably also to Member States.

Finally, Mr TIMMERMANS felt that it was important, at the next European Council meeting on 18 and 19 February, for the Heads of State or Government to undertake to restore order to the migration system and impose control over the irregular and uncontrolled flows through the Eastern Mediterranean/Western Balkans route by the spring. This would require Member States to show determination, solidarity and a sense of responsibility, and the Commission to pursue and intensify its efforts to provide the financial and technical assistance needed most of all by frontline Member States.

Mr AVRAMOPOULOS saw the European Council meeting on 18 and 19 February as a new opportunity to coordinate the EU's response to the migration crisis. The package of measures proposed for adoption that day would serve to take stock of what had been done, what would be done and what could be envisaged for the future in order to achieve tangible results, with migrants continuing to arrive.

He felt that the EU's message should be clear, emphasising, firstly, that it was ready to grant protection to those who needed it without them being able to choose which Member State they would end up in and, secondly, that it advised irregular migrants against travelling to Europe, at the risk of being sent back to their country of origin. For this reason, it was essential to restore strict application of the rules on asylum, border controls and returns.

Despite some progress, Mr AVRAMOPOULOS believed that much remained to be done, particularly with regard to refugee reception and registration centres ('hotspots'); support from the army should help the establishment of hotspots in Greece. Two such facilities were already up and running in Italy.

On the subject of fingerprinting, he also reported considerable progress, with the rate increasing in Greece from 8% in September 2015 to 78% in January 2016, and in Italy from 36% to 87% over the same period.

As regards relocations, he found it unacceptable that so far only 497 refugees had been relocated from Greece and Italy, compared with the planned figure of 160 000. He had therefore written a letter to each Member State concerned urging them to put European solidarity into practice by increasing their offers of relocation.

On the question of readmissions, it was important to follow a nuanced approach tailored to each non-EU country, so as to encourage all of them to cooperate more fully. In this context he stressed the need for Italy and Greece to have enough places available in centres for illegal migrants awaiting return.

Mr AVRAMOPOULOS felt that it was vital for cooperation with Turkey to yield results, in his view the only viable way of reducing the influx of migrants into the Union. Turkey's status as a safe country meant that asylum seekers who had passed through Turkey could be sent back there to receive protection. However, this required both the support of the Turkish authorities and implementation by the Member States of the voluntary humanitarian admission scheme with Turkey which, unfortunately, was slow in getting off the ground.

He recalled that the previous week the Commission had adopted recommendations on the serious shortcomings found in the management of the EU's external borders by the Greek authorities. The College would now take note of the draft implementing decision on those recommendations. He mentioned in particular the suggestion that Greece step up exit checks at its border with the former Yugoslav

Republic of Macedonia and expressed his doubts about support for a non-member State to enable that country to close its common border with a EU Member State.

Mr AVRAMOPOULOS then stressed the scale of the humanitarian crisis which Greece might have to face in the months ahead if Turkey did not cooperate, FYROM closed its borders to illegal migrants and the relocation scheme failed.

He noted that one of the measures in the package tabled for discussion that day was a recommendation aimed at bringing Greece back into the Dublin system, but he also pointed out that the resumption of transfers was closely linked to the number of migrants arriving in Greece. If the number of arrivals were to remain high, it would be difficult to argue that, in addition to this large influx, Greece should also deal with the migrants returned to it under the Dublin rules. In this context the main purpose of reintegrating Greece into the Dublin system was to send a signal to migrants that they could not choose the country in which to submit their asylum application.

He ended by saying that, in his view, the next few days would show whether the EU was able to regain control of the situation or whether each Member State would adopt its own individual approach, causing the entire system to collapse.

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

- support from the Members of the Commission for the package, which was seen as balanced and presenting an accurate assessment of the situation, while at the same time looking ahead to the future; the fact that the Commission had proposed – and the Council had approved – many tools and decisions to provide a sustainable, tailored response to the refugee crisis, but these had not been implemented and followed up on the ground in the Member States;
- the urgent need to appeal to the Heads of State or Government, at the crucial European Council meeting on 18 and 19 February, to shoulder their

responsibilities and to speed up the pace at which the agreed measures were implemented;

- the vital importance of ensuring that the refugee crisis did not turn into a crisis of European solidarity; a warning about new tensions emerging between certain Member States, which might lead to controls at other internal borders being reinstated; the request sent by the former Yugoslav Republic of Macedonia to certain neighbouring Member States asking for assistance in protecting its border with Greece;
- the need to make a clear appeal to uphold freedom of movement, which lay at the heart of the European project; the suggestion that, at the European Council, the PRESIDENT should also spell out what the consequences would be if the Schengen agreements were to unravel, including the effect this would have on the operation of the single market;
- the glaringly inadequate number of current relocations compared with the figure of 160 000 that had been agreed at EU level; to remedy this, the suggestion of forming a coalition of Member States that were willing to play a real and active part in relocating refugees;
- the prospect not only of further influxes of migrants from Syria in particular, given the escalating conflict there, but also of new waves of migrants that might arrive from Libya for example; the need to take firm action to dismantle people-smuggling networks and other trafficking rings;
- the suggestion that consideration be given to the idea of secondary burden-sharing with the frontline Member States; the encouragement which the Commission was giving to Member States to draw on the Structural Funds in order to help integrate refugees; the possible role of the available flexibility concerning the cost of receiving refugees when examining the Member States' budgets under the Stability and Growth Pact;

- the extreme difficulties encountered by Greece in protecting the EU's external borders and complying with the Dublin rules; the need to consider the possibility of encouraging the other Member States to contribute to a stronger support mechanism, for example the secondment of police officers in Greece even before the adoption of the Commission's proposals on the European Border and Coast Guard; the case for speeding up the introduction of the European Border and Coast Guard;
- the seriousness and scale of refugees' humanitarian needs; the humanitarian aid projects for Syrian refugees already being carried out in southern and south-eastern Turkey;
- the growing number of children, who now accounted for 36% of arrivals; the need for coordinated action by bodies working on the ground in order to protect child refugees in particular from violence; the importance of not separating them from their families; the particularly precarious situation of unaccompanied children, who should be given priority for relocation; the priority to be attached to educating child refugees;
- the need to encourage minors to have themselves registered at points of entry into the Union and in neighbouring countries and to provide their fingerprints;
- the financial aid of €3 billion which the European Union and its Member States had pledged at the London conference on supporting Syria and the region (see also item 12.1 of these minutes) and the visibility that should be given to this aid;
- the need to finalise work on the European aid intended for Jordan and Libya and to make real progress on the facility for refugees in Turkey, using the humanitarian system that had been set up on the ground;
- as regards the facility for refugees in Turkey, the fact that there was still a long

way to go to reach the total of €3 billion in contributions; the value of clearly stating what the European Union expected of Turkey in terms of reducing the influx of refugees in return for the €3 billion facility;

- the political contradiction inherent in the European Union asking Turkey to open its borders for humanitarian reasons, on the one hand, and to close them to migrants wanting to travel to Europe, on the other;
- the need for consistency between internal and external policies with a focus on the sources of migration and how to manage it; for some, the need for a firmer line by the Union with third countries on the matter of returning illegal migrants; preventive measures, on the one hand, and the arrangements for returns and readmission to be incorporated into development policy through political dialogue and debate, with African countries in particular, on the other;
- on the subject of the policy on returning illegal migrants, the very small number of people actually sent back, the difficulties in enforcing the policy, particularly the practical problems, and the lack of agreements with certain third countries that were a source of emigration, such as Morocco; hence the importance of preventing illegal migrants from entering Union territory in the first place;
- on the key question of monitoring the Union's external borders, some support for the idea agreed by the Turkish authorities and the German Chancellor, Angela Merkel, of calling on NATO to help with this; the visible, dissuasive effect NATO's intervention would have; according to some Members, the support that should be given to those EU Member States that were taking part in the military action against the regime in Syria;
- the need to address European public opinion in order to explain the situation and the EU's action; the attention to be paid to the public's impatience at what it saw as the Union's inability to protect its external borders, in particular; a warning about the extremely worrying emergence in some Member States of paramilitary

groups formed to protect particular sections of the population.

Replying to these different comments, the PRESIDENT felt that the Commission had done everything possible to propose a comprehensive system that would enable the refugee crisis to be managed effectively, drawing on the principle of solidarity. This had been its priority since the beginning of its term of office.

However, the fact was that this system of financial, logistical and humanitarian support was still not fully operational because the Member States were dragging their heels about implementing it on the ground. Repeating this fact time and again in European Council meetings was clearly not helping to encourage the national authorities to shoulder their responsibilities and honour the commitments – and financial pledges – made at political level.

The PRESIDENT could not understand why, as he saw it, authorities were being encouraged to disregard the law, and he deplored the slow pace of progress in Europe in general. He cited the example of the few hundred refugees that had been relocated from Greece and Italy to other Member States, compared with the pledge to move 160 000. On the subject of Frontex, he pointed out that the Commission had recommended that the Member States should make experts available to assist this agency and that the Member States had seconded just 750 officers so far. He did not underestimate the difficulty of raising the €2 billion which the Member States were supposed to add to the €1 billion taken from the Union budget to finance the facility for refugees in Turkey. Whatever happened, a proper assessment could be drawn up at the end of February, and he confirmed his willingness to continue to put pressure on Member State governments whenever the opportunity arose.

As regards the flexibility he had already said would be applied in the context of the Stability and Growth Pact in order to make allowance in the analysis of Member States' budgets for the expenses they had incurred in dealing with refugees, he confirmed that this would be done fairly and by examining each individual case, but that it would obviously have to wait until the figures for 2015 were available.

On a different level, he said he was willing to consider the idea of extending the terms of reference of the Commission's DG Humanitarian Aid and Civil Protection to European Union Member States that might need to call on its services.

Finally, looking ahead to the European Council meeting the following week, the PRESIDENT hoped that the conclusions would be more ambitious than they were at the moment. He would be attending the summit, representing the Commission, with the feeling that he had done his duty but also, in the light of the inadequacy of the results achieved, that he must continue to plead tirelessly to convince all of the Member States.

The Commission:

- approved the communication in COM(2016) 85/3, for transmission to the European Parliament and the Council and, for information, to the national parliaments;
- adopted the proposal for a Council Implementing Decision set out in COM(2016) 80, for transmission to the Council and, for information, to the European Parliament and the national parliaments;
- adopted the recommendation in C(2016) 871 and decided to notify it to the Hellenic Republic, to publish it for information in the *Official Journal of the European Union* and to transmit it, for information to the European Parliament and the Council;
- took note of the Commission Implementing Decision in C(2016) 872 and /2 draft.

12. OTHER BUSINESS

12.1. RESULTS OF THE INTERNATIONAL CONFERENCE ON SUPPORTING SYRIA AND THE REGION (LONDON, 4 FEBRUARY) (INFO(2016) 8 AND /2)

Mr HAHN reported on the results of the International Conference on Supporting Syria and the Region which he had attended, on behalf of the Commission, with Ms MOGHERINI and Mr STYLIANIDES, on 4 February in London. The chief aim of the Conference, which had been organised at the initiative of the UK, Germany, Norway, Kuwait and the United Nations, was to secure and increase funding to provide aid to the Syrian population in Syria, Syrian refugees and the communities hosting them in neighbouring Jordan, Lebanon, Turkey and Iraq.

By the close of the Conference, aid worth more than USD 10 billion had been pledged. The EU had pledged over EUR 2 billion for 2016-2017, making it by far the largest contributor to the international efforts to address the Syrian crisis. The Member States had also announced contributions bringing the total amount from the EU to €3 billion for humanitarian, economic, development and stabilisation assistance. Deployment of this assistance could begin as soon as agreement had been reached on the last legal provisions that remained to be settled.

Mr HAHN also referred to the part of the conference dedicated to job creation and economic development in the countries hosting Syrian refugees. He reported that the efforts to support Jordan and Lebanon were on track, both in terms of funding and trade agreements, which should not just improve the living conditions of refugees but also enable them to find work. In addition, the facility for refugees in Turkey, amounting to €3 billion, had just been launched.

He concluded by suggesting a discussion on the access that certain Arab countries wanted to the EU market and the role this access could play in political stabilisation and job creation in the region.

Mr STYLIANIDES confirmed that he had had several meetings with representatives of the Gulf states to promote with them the value of a joint approach to the management of the Syrian crisis. Together with Mr HAHN, he is currently examining action-oriented modalities to that end.

The Commission took note of this information and of the note distributed in INFO(2016) 8/2.

12.2. PROPOSAL FOR A SETTLEMENT FOR THE UK WITHIN THE EUROPEAN UNION PRESENTED BY THE PRESIDENT OF THE EUROPEAN COUNCIL, DONALD TUSK, IN CONNECTION WITH THE REFERENDUM IN THE UK, IN PREPARATION FOR THE EUROPEAN COUNCIL MEETING (BRUSSELS, 18 AND 19 FEBRUARY)

The PRESIDENT reported on the state of play of the ongoing discussions on the proposed settlement for the UK within the European Union presented on 2 February by the President of the European Council, Donald Tusk.

The Commission held a discussion on this proposed settlement and took note of the additional information provided.

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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 11.50.