



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2016) 2161 final

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

Brussels, 6 April 2016

TEXTE EN

MINUTES

of the 2161st meeting of the Commission

held in Brussels

(Berlaymont)

on 16 March 2016

(morning)

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Single sitting: Wednesday 16 March 2016 (morning)

The sitting opened at 10.15 with Mr JUNCKER, President, in the chair.

Present:

Mr JUNCKER	President	
Mr TIMMERMANS	First Vice-President	Items 1 to 10 (in part)
Ms MOGHERINI	High Representative / Vice-President	
Ms GEORGIEVA	Vice-President	Items 1 to 7/8 (in part)
Mr ANSIP	Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Mr DOMBROVSKIS	Vice-President	
Mr KATAINEN	Vice-President	Items 1 to 8
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	
Mr STYLIANIDES	Member	Items 1 to 7/8 (in part)
Mr HOGAN	Member	
Lord HILL	Member	
Ms BULC	Member	
Ms BIENKOWSKA	Member	
Mr NAVRACSICS	Member	
Ms CREȚU	Member	
Mr MOEDAS	Member	

Absent:

Mr MIMICA

Member

Ms JOUROVÁ

Member

Ms VESTAGER

Member

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

Mr BEHRNDT	Chef de cabinet to Mr MIMICA
Mr BRAUN	Deputy Chef de cabinet to Ms JOUROVÁ
Mr SCHONBERG	Expert from Ms VESTAGER'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	Items 1 to 10 (in part)
Ms ANDREEVA	Commission Spokesperson's Service	
Ms METTLER	Head of the European Political Strategy Centre	Items 1 to 10 (in part)
Mr SWIEBODA	European Political Strategy Centre	Item 10 (in part)
Ms MARTÍNEZ ALBEROLA	Deputy Chef de cabinet to the PRESIDENT	
Mr SHOTTER	Adviser in the PRESIDENT's Office	Items 7 to 9
Ms DEJMEK-HACK	Adviser in the PRESIDENT's Office	Item 10
Ms BALTA	A member of Mr TIMMERMANS's staff	Items 1 to 9
Mr ROMAKKANIEMI	Chef de cabinet to Mr KATAINEN	Items 9 and 10
Ms SCHMITT	Chef de cabinet to Mr AVRAMOPOULOS	Items 1 to 9
Ms CHRISTOPHIDOU	Chef de cabinet to Mr STYLIANIDES	Items 7/8 (in part) to 10 (in part)
Ms MICHOU	Deputy Secretary-General	Items 1 to 9 (in part)

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

The PRESIDENT paid tribute to Mr Richard BURKE, former Member and Vice-President of the Commission, who died on 15 March 2016.

He praised Richard BURKE as a great European, who had made a significant contribution to European integration, not just in Ireland, his home country, but in European terms as well, as the Member of the Commission for Transport, Taxation, Consumer Protection and Relations with the European Parliament from 1977 to 1981 and as Vice-President of the Institution from 1982 to 1984.

Among the major initiatives adopted during his two terms with the Commission, the President explained that Richard BURKE was, *inter alia*, behind the European infrastructure programme, the green paper on high-speed rail connections, the Channel Tunnel joining France and the United Kingdom and the development of the budget of the then European Communities.

He further added that Richard BURKE had played a leading role at the heart of public life in Ireland, campaigning for the country's entry into the European Economic Community in 1973 and helping to modernise its education system when he was appointed Education Minister.

The President stressed that the career and convictions of Richard BURKE attested to the strength of his ties to his homeland and the extent of his faith in Europe, two causes to which he dedicated his progressive thinking and commitment.

Personally and on behalf of the Commission, the President offered his sincere condolences to the family and friends of Mr Richard BURKE.

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1. AGENDAS

(OJ(2016) 2161/FINAL; SEC(2016) 134/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) 2161)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 14 March.

3. APPROVAL OF THE MINUTES OF THE 2159TH MEETING OF THE COMMISSION (2 MARCH) AND THE MINUTES OF THE 2160TH MEETING (8 MARCH)

The Commission held over approval of the minutes of its 2159th and 2160th meetings for the following week.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2016) 35)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 11 March (RCC(2016) 35).

It paid particular attention to the following points.

4.1. LEGISLATIVE MATTERS

i) Trilogue meetings

(point 3.1 of the IRG record)

- Technical requirements for inland waterway vessels and repeal of Directive 2006/87/EC of the European Parliament and of the Council (Directive) – BELET report – 2013/0302 (COD)

The Commission approved the line set out in SI(2016) 82.

- Amendment of Council Regulation (EC) 1236/2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment (Regulation) – SCHAAKE report – 2014/0005 (COD)

The Commission approved the line set out in SI(2016) 93.

ii) Council dossier

(point 3.3 of the IRG record)

- Combating terrorism and replacing Council Framework Decision 2002/475/JHA on combating terrorism (Directive) – HOHLMEIER report – 2015/0281 (COD)

The Commission took note of the information in SI(2016) 95.

4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

iii) Programming of Council business

(SI(2016) 102)

The Commission took note of the information in SI(2016) 102 on the Council meetings between 17 and 30 March.

iv) Non-legislative dossiers

(point 4.1 of the IRG record)

- Authorisation for the Commission to open negotiations for the conclusion of an Agreement between the European Union and the Hashemite Kingdom of Jordan on the facilitation of the issuance of short-stay visas (Recommendation for a Council Decision)

The Commission approved the line set out in SI(2016) 76.

- Joint Declaration on a Common Agenda on Migration and Mobility (CAMM) between India and the European Union and its Member States

The Commission approved the line set out in SI(2016) 83.

- Ethiopia country fiche on migration
- Somalia country fiche on migration
- Eritrea country fiche on migration
- Sudan country fiche on migration

The Commission approved the line set out in SI(2016) 85 and /2, SI(2016) 86/2, SI(2016) 87 and /2 and SI(2016) 88/2.

- Position to be adopted on behalf of the European Union at the International Maritime Organization during the 40th session of the Facilitation Committee, the 69th session of the Marine Environment Protection Committee and the 96th session of the Maritime Safety Committee on the adoption of amendments to the Facilitation Convention MARPOL Annex IV, SOLAS Regulations II-2/13 and II-2/18, the Fire Safety Systems Code and the 2011 Enhanced Survey Programme Code (Council Decision) – 2016/0048 (NLE)

The Commission approved the line set out in SI(2016) 91.

v) Preparation for Council meeting (General Affairs) (Brussels, 15 March 2016)

(point 4.2.3 of the IRG record)

- Provision of emergency support within the Union (Council Regulation) – 2016/0069 (NLE)

The Commission approved the line set out in SI(2016) 100/2.

vi) Latest developments in the Council

(point 4.4 of the IRG record)

- Eurogroup transparency

The Commission took note of the information in SI(2016) 89.

4.3. RELATIONS WITH PARLIAMENT

vii) Results of Parliament's March part-session

(SP(2016) 172; SP(2016) 173)

The Commission took note of the information in SP(2016) 172 and SP(2016) 173 on the proceedings of the part-session of Parliament held in Strasbourg from 7 to 10 March.

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

(SP(2016) 184)

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) 184, drawn up following the part-session of Parliament of 7 to 10 March, the contents of which were noted.

ix) Committee of inquiry into Emission Measurements in the Automotive Sector (EMIS) – State of play and Commission internal procedural arrangements

(point 5.1.2 of the IRG record)

The Commission took note of SP(2016) 177 and /2.

x) Action taken on non-legislative resolutions adopted by Parliament at its December II part-session

(point 5.6.1 of the IRG record)

The Commission approved SP(2016) 180/2 on the action taken by the Commission on the legislative initiative resolution (Article 225 of the TFEU) with recommendations to the Commission on bringing transparency, coordination and convergence to corporate tax policies in the Union, and the non-legislative resolution on tax rulings and other measures similar in nature or effect, adopted by Parliament at its part-sessions of December II and November II 2015 respectively, for transmission to Parliament once the Commission has adopted all the action taken on the non-legislative resolutions adopted by Parliament at its December II 2015 part-session.

xi) Participation by Members of Parliament in international conferences

(point 5.7 of the IRG record)

- 69th session of the Marine Environment Protection Committee (MEPC) of the International Maritime Organization (IMO) (London, 18 to 22 April 2016)

The Commission agreed to the request to the PRESIDENT from Mr Martin Schulz, the President of the European Parliament, concerning the attendance of three Members of the European Parliament at the above-mentioned meeting, from 18 to 20 April as observers in the EU delegation, with a reminder about the procedure to be followed as set out in SP(2016) 178.

- 60th session of the UN Commission on the Status of Women (New York, 14 to 24 March 2016)

The Commission agreed to the request to the PRESIDENT from Mr Martin Schulz, the President of the European Parliament, concerning the attendance of nine Members of the European Parliament at the above-mentioned meeting, from 14 to 17 March as observers in the EU delegation, with a reminder about the procedure to be followed as set out in SP(2016) 183.

4.4. OTHER BUSINESS

- xii) Invitation to Mr Joaquín ALMUNIA, former Member of the Commission, to inform the European Affairs Committee at the Corts Valencianes (the regional Parliament in Comunitat Valenciana) in relation to state aid case SA.22668 – ‘Cuidad de la Luz’.**

(point 7.1 of the IRG record)

The Commission approved the line set out in SPI(2016) 12 and /2.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED (SEC(2016) 135 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 7 and 11 March.

5.2. EMPOWERMENT

(SEC(2016) 136 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 7 and 11 March.

5.3. DELEGATION AND SUBDELEGATION OF POWERS

(SEC(2016) 137 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 7 and 11 March, as archived in Decide.

5.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2016) 138)

The Commission took note of the sensitive written procedures for which the time limit expired between 14 and 18 March.

6. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2016) 139)

ADMINISTRATIVE MATTERS

(PERS(2016) 21)

**DG HUMANITARIAN AID AND CIVIL PROTECTION/DG HUMAN
RESOURCES AND SECURITY – APPLICATION OF THE DEROGATION
PROVIDED FOR IN THE COMMISSION DECISION ON THE CONDITIONS
OF EMPLOYMENT OF CONTRACT STAFF IN THE FRAMEWORK OF THE**

PROVISION OF EMERGENCY SUPPORT WITHIN THE UNION**(PERS(2016) 21)**

The Commission took note of the information in point 1 of PERS(2016) 21 and, on a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT, and having consulted Mr STYLIANIDES and also Ms MOGHERINI, decided to authorise, in the framework of the emergency support instrument, existing experts employed under the labour law of a Member State to operate also within the European Union.

This decision would take effect from the entry into force of the Council Regulation on the provision of emergency support within the Union, and until 30 June 2016.

7. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL – NEXT OPERATIONAL STEPS IN EU-TURKEY COOPERATION IN THE FIELD OF MIGRATION

(COM(2016) 166 TO /3; RCC(2016) 39)

8. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL – FIRST REPORT ON RELOCATION AND RESETTLEMENT

(COM(2016) 165 TO /4; RCC(2016) 39)

At the invitation of the PRESIDENT, Mr TIMMERMANS opened the discussion on the Communication and the report that the Commission would be presenting at the European Council meeting on 17 and 18 March, with a view to adopting new measures to respond to the refugee crisis.

The Communication on EU-Turkey cooperation in the field of migration followed the meeting of EU leaders with the Turkish Prime Minister, Ahmet Davutoğlu, on 7 March, while the report provided the first assessment of relocation of applicants

for international protection, in accordance with the two Council decisions adopted in September 2015 to implement the relocation mechanism in the EU (Council Decision (EU) 2015/1523 and Council Decision (EU) 2015/1601). The report also assesses the resettlement of refugees.

Mr TIMMERMANS dwelt mainly on cooperation with Turkey. Without going into the details of the Communication, he began by noting that it developed the six principles agreed by EU leaders on 7 March, which could be used as the basis for a possible agreement.

All new irregular migrants passing through Turkey to the Greek islands would be returned to Turkey and, in exchange, one Syrian refugee from Turkey would be resettled in the EU for every Syrian returned to Turkey from Greece ('1:1' principle). The return to Turkey of all new migrants was an extraordinary and temporary measure which, in cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR), was designed to address the urgent situations created by the closure of certain internal borders of the Schengen area and on the Balkan route.

He stressed that the future application of this first principle was in accordance with EU and international law, a point that some had appeared to call into question. He also made it clear that under the *acquis* in force (in particular the requirements of the Charter of Fundamental Rights and the Asylum Procedures Directive), applications for asylum would be dealt with individually. He ruled out any collective return or *refoulement* measure. There were other guarantees, in particular the possibility of appealing decisions, which would be granted in Greece, and the fact that once returned to Turkey, migrants could have international protection where warranted by their personal circumstances.

Mr TIMMERMANS explained that he considered it essential to conclude an agreement with Turkey, in his view the only means of moving forward in the search for practical and effective solutions, and to provide rapid assistance, in particular, to

Greece, which was overwhelmed by a continuous and massive influx of refugees. While not underestimating the difficulties of the arrangement, in particular the logistical difficulties, he believed that cooperation between the EU and Turkey could help alleviate the current migration crisis and humanitarian emergency, particularly if the resettlement mechanism started operating effectively at the same time.

In any event, he welcomed the fact that the Commission was shouldering its responsibilities by presenting a Communication along these lines, while stressing that the final decision lay with the Member States.

The PRESIDENT pointed out that the operation of the proposed return system depended, however, on Greece and Turkey adopting a number of measures and legislative changes. More generally, he noted that this complex system was difficult to explain and that the Member States seemed increasingly reluctant to conclude an agreement with Turkey. However, he considered that there was no alternative, given that closing the borders was certainly not an option in his view, as evidenced by recent events.

Mr AVRAMOPOULOS described the extremely difficult living conditions of the thousands of refugees he had seen the previous day during his visit to the border crossing at Idomeni. He stressed the plight of the 12 000 people blocked on the Greek side and the tensions this was causing with the authorities of the neighbouring country. He was convinced of the urgent need for cooperation with Turkey on the migration issue. In addition, he praised the work done on the ground by the EU services, agencies and partners and by the Greek Government, while emphasising the support they needed, in terms of personnel as well as material and financial resources, to prevent a humanitarian catastrophe.

As regards the next operational stages of a possible agreement with Turkey, he observed that the three main steps concerning returns, resettlement and visa liberalisation were and must be in accordance with EU legislation and international

law. What was needed now was for the human and financial resources and logistics to be commensurate with needs and ambitions.

As regards the '1:1' return-resettlement mechanism, its aim was not to shift the burden of hosting refugees on to Turkey but to assist people in need of international protection. In addition to the 18 000 places still available under the resettlement mechanism set up in 2015, the Commission would be willing to allow the 54 000 places provided for under the relocation mechanism to be assigned to it, and would do this in a proposal at the end of the week.

In conclusion, he considered that the proposed agreement with Turkey would work only if the Member States agreed on the opening of legal migration routes to the Union.

With regard to the report on relocation and resettlement, Mr AVRAMOPOULOS noted that the relocations were clearly insufficient and must be stepped up significantly in the coming days and weeks. He referred to the targets of at least 6 000 relocations by 21 April and 20 000 by 21 May. He also noted that the number of resettlements was still well below the agreed figures.

Mr STYLIANIDES referred to the follow-up to the Council's agreement on the proposal adopted by the Commission on 2 March with a view to creating an Emergency Assistance Instrument for humanitarian crises in the Union. He explained that specific projects were already being identified, in particular in Greece, and that the European Parliament was to give its opinion on the amending budget providing for the first allocation for this new instrument at the meeting in mid-April. He also reported on his meeting last Friday with the Greek Prime Minister, Alexis Tsipras. This meeting had given him the opportunity to explain the rules for allocating the different EU funds that could be mobilised for humanitarian assistance, in agreement with his government.

Ms MOGHERINI supported the Commission proposals presented that day. She

considered that the solutions put forward could be useful not just to close off the source of the migration via Turkey but also to manage others that might open up at a later stage. However, she pointed out that the political relationship between the EU and Turkey was not limited to the issue of migration.

In any event, if the proposed cooperation with Turkey were endorsed by the EU leaders at the European Council this weekend, she emphasised the logistical as well as legal implications of this cooperation.

She also proposed giving more weight to respect for fundamental freedoms, democratic principles and the rule of law in the text on cooperation with Turkey. In addition, she expressed her wish to be associated with the Communication, which concerned certain external aspects of Union policies to which the European External Action Service (EEAS) had contributed.

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

General aspects

- highlighting projects financed in various policy areas to help refugees, in particular as regards the education of children and unaccompanied minors;
- the advantage that, thanks to these practical assistance projects, Syrian refugees could remain as close as possible to their country of origin so that they could return home once peace was restored;
- the need for a comprehensive integration strategy for migrants, covering education, health, training, language learning, employment, etc.; the importance of working with cities and regions, civil society, social partners and the private sector;
- the case for advising the Member States on specific integration measures for

women and for the increasing numbers of migrant children; the help available in this connection from the Organisation for Economic Cooperation and Development (OECD);

Cooperation between the EU and Turkey in the field of migration

- the support of the Commission's Members for the proposed communication, given the pressing need for an agreement, however imperfect, with Turkey to help resolve the refugee crisis; the clarification it provided on matters that were often insufficiently understood;
- the need to develop a legally sound cooperation mechanism on the one hand, and the proposed incentives to ensure that Turkey kept its side of the bargain on receiving refugees on the other;
- the Commission's driving role in finding solutions to the current migration and humanitarian crisis;
- regarding returns, questions on the number of people likely to be affected, the breakdown by country of origin, and whether the proposed system would be voluntary or mandatory;
- regarding the opening of new chapters in the negotiations on the accession of Turkey to the EU, the need to start the preparatory work in the next few months, given the length of time that would be needed for the adoption of the decision itself, should it come about;
- regarding the Refugee Facility for Turkey, the need to specify that a first instalment of EUR 95 million had already been committed, but that the Commission was awaiting information from the Turkish authorities before carrying out an assessment of needs; the fact that most Member States had failed to pay their contribution to the Facility on time; the issue of arrangements for the additional EUR 3 billion in financing referred to by the Turkish authorities,

which had to be discussed in depth;

- a call to ensure the consistency of rules and practices as regards the liberalisation of visa arrangements for all non-member countries;
- the need to maintain close contacts with the European Parliament on all these matters;
- observations regarding worrying developments on press and media freedom in Turkey and on the handling of the Kurdish question;
- a warning against confusing the issue of cooperation with Turkey and the process for resolving the Cyprus question;

Relocation and resettlement of refugees

- since the final decision was a matter for the Member States, the need to do everything possible to persuade them to speed up relocation and resettlement;
- a request to plan ahead for the possible influx of people from other emigration countries and to prepare the population for these sensitive issues, the consequences of which – namely relocation and resettlement – were at the heart of European solidarity;
- from that point of view, the need to continue to monitor closely the situation in the Mediterranean, especially Libya, where there was the added problem of the absence of a government interlocutor.

Mr AVRAMOPOULOS thanked the Members of the Commission for their comments and the contribution that each within his or her own sphere could make to the integration of migrants. He said that he was himself working on this question with the OECD and the private sector.

Mr TIMMERMANS returned to the question of visa liberalisation for Turkish

citizens, reminding the meeting that the decision had been taken back in 2015. He went on to note a significant decline in the sense of unity among the Member States, but pointed out that the refugee crisis could not be resolved without collective action. He added that the relative easing of the number of migrants arriving in the EU should facilitate resettlements.

The package of proposals put forward by the Commission would be difficult to introduce in logistical terms, but the task was not impossible if everyone accepted their responsibilities and their share of the burden, so that unacceptable situations like Idomeni did not happen again in Europe.

He also accepted the suggestion that the Communication on EU-Turkey cooperation should include a specific reference to the contents of Chapters 23 and 24 of the accession negotiations mentioned in point 2.5 in the last paragraph on page 8, namely respect for democracy, the rule of law and fundamental freedoms, including freedom of expression.

The PRESIDENT welcomed this in-depth discussion. He expressed regret that the media were only showing shocking images of refugees living in dreadful conditions, without explaining what the EU was doing to tackle the crisis or the funding it was providing, including in Lebanon and Jordan. On the question of visa liberalisation for Turkish citizens, he recalled that the decision had been taken the previous November without causing any particular concern.

At the end of this discussion, the Commission:

- approved the communication in COM(2016) 166/3, taking into account the amendment agreed at the meeting, for transmission to the European Parliament, the European Council and the Council, and, for information, to the national parliaments;
- approved the report in COM(2016) 165/4, for transmission to the European Parliament, the European Council and the Council and, for information, to the

national parliaments.

**9. POLICY DEBATE ON REFORM OF THE COMMON EUROPEAN ASYLUM SYSTEM AND REINFORCED LEGAL AVENUES TO EUROPE
(SEC(2016) 153; RCC(2016) 39)**

Mr TIMMERMANS opened the policy debate by indicating that the planned reforms in this area were designed to complement, in the medium and long term, the emergency measures introduced as part of the European Agenda on Migration to deal with the immediate consequences of the current crisis, as were the measures referred to in points 7 and 8 of these minutes.

In his view, this crisis had clearly highlighted the limitations of the current Common European Asylum System (CEAS), making fundamental reform essential, especially given the likelihood that the EU would have to face other political, economic and demographic consequences in the future. In his opinion, reform of the ‘Dublin Regulation’ establishing the Member State responsible for the examination of an asylum claim within the EU would have a significant role to play. He did however stress, more generally, the need for responsibilities to be shared more fairly within the Union, as a prerequisite for the smooth functioning of the future system, in the interest of all Member States. While it was essential to equip the EU with a framework better suited to the current situation, he acknowledged the political sensitivity of this issue, and therefore suggested the planned timetable be drawn up with care.

Mr AVRAMOPOULOS recalled the request made by the European Council of 18 and 19 February to move towards a reform of the EU’s legal framework on asylum. He explained that a number of priority measures had been identified, as set out in the background note distributed on his authority and that of Mr TIMMERMANS, to address the shortcomings of the current

Common European Asylum System.

He referred to two possible approaches to reform of the Dublin system establishing the Member State responsible for asylum seekers, so as to ensure a fairer, more inclusive and more sustainable system for the Union; this could be done either by invoking the principle of shared responsibility for asylum seekers in times of crisis or by enacting this principle once asylum seekers arrived in the Union.

He added that it was also necessary to bolster the ‘Eurodac’ database, which allowed fingerprints to be compared when applying the Dublin Regulation. Depending on the reform chosen for the Regulation, this tool should be improved so that all persons entering the EU and their subsequent movement could be monitored more efficiently and systematically.

Regarding the objective of achieving greater convergence of asylum rules across the Union to ensure more equal treatment, irrespective of the Member State responsible, he noted the possibility of replacing a number of EU directives on asylum procedures and conditions with regulations, which would be directly applicable in the Member States.

Moreover, he briefly referred to the possibility of tightening up measures designed to discourage secondary movements within the EU, as well as the possibility of imposing penalties where appropriate. He explained that such measures might be needed for the future Common European Asylum System to work, and to prevent abuse. Lastly, he stressed the importance of expanding the remit of the European Asylum Support Office (EASO) to help ensure the future CEAS worked properly from a technical point of view.

As regards the reinforcement of legal avenues to Europe, an objective set by the PRESIDENT following the adoption of his political guidelines for the mandate of the current Commission, Mr AVRAMOPOULOS made reference to the planned proposal for a permanent resettlement scheme with common rules for the

resettlement and humanitarian admission of refugees. Furthermore, he stressed the need, in the light of the demographic challenge facing the Union, to improve and facilitate entry conditions for highly skilled migrants, in particular through the relaunch of the EU's 'blue card' legislation, which had not been used sufficiently thus far. He also highlighted the appropriateness of offering a more attractive framework for migrant entrepreneurs, including the objective of greater cooperation with certain third countries, in particular in relation to migration and mobility.

Lastly, he emphasised the key role that should be given to integration policies for third-country nationals in the EU. He called on the Members of the Commission to set out how their respective portfolios would contribute to an EU Action Plan on integration, which he would present in the near future.

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

- support for a fundamental reform of the Common European Asylum System, as well as reinforced avenues of legal migration in Europe, in the light of the structural weaknesses of the current system exposed by the crisis, and the need for the Union to adapt to the new geopolitical reality, the globalised economy and the new forms of mobility that would be a hallmark of the years, and decades, to come;
- as regards the reform of the Dublin system, the inadequacy of the current system, designed in a different era and for another context, and which had proved to be unable to deal with the challenges posed by the current crisis; in addition, a reminder that, in times of crisis, the use of inappropriate tools could have a negative impact on certain key EU policies, such as the Schengen area;
- the need to establish a genuine European system of solidarity able to meet the challenges faced; the importance of nonetheless taking due account of the political sensitivity of this issue when preparing the future reform;

- the need to ensure that, when it came to practical implementation, responsibilities were shared fairly between the Member States by incorporating a fair distribution mechanism for asylum seekers in the Union;
- the view expressed by some that a gradual approach should be taken by improving the current system and incorporating the option described above; a call from others for greater ambition from the outset; the possibility of combining the various options presented and the need to ensure a certain flexibility in the future system;
- as regards practical arrangements, the need for an effective key for the fair distribution of asylum seekers among the Member States; the appropriateness of taking stock of experience so far in using the existing distribution key;
- the importance of mobilising the Member States around a common vision for tackling the EU's common challenges, on the one hand, and of paying a great deal of attention to communication, on the other, given the sensitivity of such matters for the general public;
- in terms of other possible areas of reform, the appropriateness of increased convergence in the asylum rules applied by the Member States so as to ensure comparable conditions and suitable reception capacities throughout the Union, in order that the right to asylum was guaranteed to all third-country nationals needing international protection; the importance of taking into account specific aspects in that regard, such as variations in the cost of living from one Member State to another;
- the fact that this had to go hand in hand with strict application of the EU policy on returning persons not entitled to international protection; the suggestion that this aspect be included, in particular, in the reform of the CEAS;
- the importance of an overall impact assessment of the possible replacement of

EU directives by other types of legislative act;

- as regards potential measures to avoid secondary movements, a request for clarification concerning the extent of the problem, and the need to ensure such measures were proportional; the possible link between the process chosen to distribute asylum seekers among the Member States and secondary movements;
- general support for possibly reviewing EASO's mandate during the future reform of the Common European Asylum System and the Dublin system; the usefulness of closer cooperation between EASO and the Member State authorities responsible for migration issues;
- as regards resettlement and humanitarian admission of refugees in the EU, the need for a permanent resettlement mechanism that could be activated when necessary; the need to involve civil society;
- as regards legal migration, the importance of identifying precisely which sectors of the European labour market were suffering from a skills shortage and of ensuring consistency between this policy and existing re-skilling and re-training measures; the work to be done in educating European citizens in this respect; support for the objective of preferential entry conditions for highly qualified workers to meet these needs by proposing a suitable reform of the 'blue card' system; the major competitive challenges for the EU in terms of provision of services and possible increased reciprocity in trade agreements in this regard;
- the key role that integration policy should play in the future Common European Asylum System; support for the objective of proposing a new strategy by drawing up an EU action plan on integration;
- lastly, the usefulness of having a mechanism in the very short term for sharing responsibility in the EU if the current crisis worsened, and the suggestion that a temporary mechanism be proposed in the interim.

Mr TIMMERMANS responded to these comments by stressing the need, in the future reform, to encourage a vision that really incorporated the European dimension and around which all Member States could rally. He supported an ambitious and global approach that was consistent with existing measures under the European Agenda on Migration, and in particular with the principle of shared responsibility. He reaffirmed that only a solution based on European solidarity would be equal to the challenge of European dimensions that the EU faced. He concluded by hoping that the Member States would stand up and be counted.

Mr AVRAMOPOULOS fully agreed with Mr TIMMERMANS on the need for a level of ambition that was equal to the challenges.

He also confirmed the need to examine the sensitive issue of service providers, although he considered that this issue could not be included in the re-launched European blue card.

Lastly, he wished to see the establishment of a mechanism that could limit the problem of secondary movements, which could jeopardise a global approach based on fair sharing of responsibility.

The PRESIDENT closed the policy debate by thanking those who had contributed to the discussion. He underlined the importance of asylum and legal immigration issues, not only in the context of the geopolitical upheaval on Europe's doorstep, which had serious humanitarian repercussions, but also in terms of the EU's credibility and integrity – hence the political sensitivity of those issues. He confirmed his full support for the approach described by Mr TIMMERMANS and Mr AVRAMOPOULOS, both on the substance and the proposed timetable, and sincerely hoped that the Member States would commit to European solidarity.

The Commission took note of the results and conclusions of the policy debate and of the background note in SEC(2016) 153.

10. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, THE COMMITTEE OF THE REGIONS AND THE EUROPEAN INVESTMENT BANK – STEEL – PRESERVING SUSTAINABLE JOBS AND GROWTH IN EUROPE (COM(2016) 155 TO /3; RCC(2016) 37)

Mr KATAINEN presented the Communication ‘Steel: Preserving sustainable jobs and growth in Europe’, explaining that it responded to an appeal from the steel industry, relayed by the Member States, in the context of the current crisis in the sector. He noted that this crisis was not a new cause for concern, since it had given rise to intense work over the past six months, in particular within the framework of the Competitiveness Council in November 2015.

The primary message of this Communication was that the Commission was ready to use all the tools at its disposal to respond to the short- and long-term concerns of energy-intensive industries and, more specifically, to the concerns of their workers.

However, such action was not the sole responsibility of the Commission, since there could be no viable future for the steel industry unless the Member States and the sector itself came up with solutions to the short-term problems, which related to the social dimensions of the crisis and to overproduction, and to the longer-term issues, which related to innovation and energy prices.

He therefore called on the Member States to take concerted action to agree on, for example, modernisation of the trade defence instruments on the basis of the proposal adopted by the Commission in 2013. In this context, he highlighted the Commission's desire to play its part, as it was doing with its commitment to shorten the duration of internal investigation procedures relating to trade policy without compromising their quality in any way.

In any event, there was no miracle solution, and only a joint effort founded on the contributions of all players would make it possible to maintain a sustainable and competitive steel industry.

Mr KATAINEN added that the Communication offered the Commission an opportunity to express its views on competitiveness in Europe, which could not allow itself under any circumstances to use low salaries or lower-quality steel products as leverage, a principle that was, moreover, applicable to all energy-intensive industries. He was also of the opinion that to strengthen competitiveness, a horizontal approach based on innovation, competitive energy prices and exploitation of the Union's single market should be prioritised.

The Communication did not contain presumptions as to the outcome of the ongoing procedures concerning the granting of market economy status to China.

Finally, Mr KATAINEN referred to use of the various Union funds dedicated to innovation and energy efficiency, the two main challenges to be faced over and above the overproduction problems. He noted that the European Fund for Strategic Investments (EFSI) was already financing a project to modernise the steel industry in Italy, and wanted the main stakeholders in the sector to be better informed about the possibility of drawing on European financing to improve the competitiveness of their industry.

Ms MALMSTRÖM explained that the Union's trade policy was one of the instruments that made it possible to support and protect European industry. The Union used trade defence measures to compensate for dumping and to ensure a level playing field for the industry. However, trade defence was not enough; it was also necessary to work energetically within the framework of the existing bilateral or multilateral forums to achieve a reduction in the overproduction of steel. The Union had held bilateral talks with China on these issues in the previous week. In addition, a high-level symposium organised by the Organisation for Economic Co-operation and Development (OECD) on the future of the steel industry would be held in

Brussels on 18 April.

In defensive terms, there were no fewer than 16 measures in place relating to steel imported from China, and others were being drawn up. In this context, China considered that the trade defence cases opened by the Union already covered more than 50% of its steel exports. To ease the strain on the steel industry, the Commission was using registration procedures and opening cases on the grounds of a threat of injury. She added that the Commission intended to reduce the period for imposing provisional measures from nine to eight months. Moreover, the Commission's 2013 proposal to modernise the Union's trade defence instruments contained numerous improvements, but they would only see the light of day if the co-legislators concluded the ongoing adoption procedure.

Finally, Ms MALMSTRÖM noted that there were substantial differences between the trade defence systems of the Union and of the United States; in the Union it took nine months to adopt provisional measures, as opposed to six months in the United States. During this period, the Union had to consult 28 Member States, have documents translated, and conduct its investigations, even if this additional time ultimately made it possible to produce more detailed and robust analyses. In conclusion, she mentioned the efforts of the Dutch Presidency of the Council to push forward adoption of the proposal on modernisation of the trade defence instruments.

Ms THYSSEN cited the social aspects of the modernisation process in the steel industry, pointing to two elements, namely (i) quality of work, which meant good working conditions and lifelong learning, for which the Commission had developed a new skills strategy for Europe, and (ii) the Union's labour legislation, which made it possible to support the restructuring processes and anticipate the changes under way in the industry while at the same time ensuring that workers' rights were respected.

She also noted in this connection that the European Globalisation Adjustment Fund

provided financial support for workers laid off as a result of foreign competition in a particular sector, in order to help them find a new job. Almost 5 000 workers had already benefited from such aid in the steel sector. The European Social Fund (ESF) could also contribute to training for the unemployed and to measures to help them re-enter the labour market.

Ms BIENKOWSKA felt that the communication reflected the European Union's desire to support the steel industry. She found it hard to accept the criticism from certain Member States, given that the Council had still not reached agreement on the package of measures proposed by the Commission in 2013 to modernise the EU's trade defence instruments. She noted, too, that most of the measures provided for in the communication would apply to other energy-intensive industries.

Mr ARIAS CAÑETE welcomed the fact that the communication specifically identified the main challenges facing the steel sector and heavy industry in general, namely the need to innovate and modernise and the importance of training and trade defence.

Innovation was also an important element in the context of the proposal for a system for greenhouse gas emission allowance trading (ETS) for the post-2020 period, which provided for the free allocation of emission allowances and the creation of an innovation fund to promote the development of new technologies in the industry.

Judging from the consultations he had held on the proposal for the future ETS, he believed that the communication struck the right balance by guaranteeing the reduction in emissions required to meet the targets set for 2030 while also allowing measures to adequately protect the competitiveness of European industry.

He noted, however, that in his recent discussions with representatives of the steel industry they had indicated that the emissions trading system was not to blame for the sector's difficulties, given that the price of coal was currently very low. However, the price of coal was likely to rise in future, and the Paris climate change

agreement would enable the gradual introduction of fair conditions for competition worldwide. In the meantime, the Member States could reduce the costs associated with the emission trading system in energy-intensive industries, and particularly steel.

Mr ARIAS CAÑETE noted, finally, that, as part of the EU's energy strategy, the Commission was preparing new initiatives to be launched by the end of the year. These included a new legislative framework on energy efficiency and a new electricity market design to promote competitive energy prices while at the same time pursuing the decarbonisation targets.

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

- the case for adopting a similar approach to that proposed for modernising the steel industry for other industrial sectors, in order to foster competitiveness in Europe;
- the impact on competitiveness of energy prices, which remained high in the European Union even though European industry was considered to be twice as energy efficient as its American competitor;
- in connection with this, the importance of the forthcoming report on energy prices in Europe, which would help to shape the debates on competitiveness and pinpoint the main weaknesses in the European energy market;
- the importance of the steel industry for other sectors, particularly the car industry, which depended on supplies of high-quality steel requiring the use of advanced technologies;
- the need to continue to think about how the European Union should redefine its future industrial and trade policy in a globalised economy on the eve of a fourth industrial revolution.

Mr KATAINEN said that all the measures presented in the communication were applicable to other sectors of industry too. The reason for this communication was the particularly difficult situation currently facing the steel industry.

The PRESIDENT thanked the Members of the Commission who had helped to draft the communication for the quality of their work and the relevance of the approach proposed. The steel sector was particularly important for European industry as a whole and this justified the determination of the Union and its Member States to support it. As regards the specific question of energy prices, he mentioned the possibility of certain industries producing their own electricity in future and was glad to see a reference to this in the communication itself.

The Commission approved the communication in COM(2016) 155/3, subject to final linguistic revision, for transmission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank, and, for information, to the national parliaments.

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The meeting closed at 12.53.