



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2016) 2163 final

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

Brussels, 20 April 2016

TEXTE EN

MINUTES

of the 2163rd meeting of the Commission

held in Brussels

(Berlaymont)

on 6 April 2016

(morning)

PV(2016) 2163 final

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

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Single sitting: Wednesday 6 April 2016 (morning)

The sitting opened at 10.16 with Mr JUNCKER, President, in the chair.

Present:

Mr JUNCKER	President	
Mr TIMMERMANS	First Vice-President	Items 1 to 14
Ms MOGHERINI	High Representative / Vice-President	
Ms GEORGIEVA	Vice-President	
Mr ANSIP	Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Mr DOMBROVSKIS	Vice-President	
Mr KATAINEN	Vice-President	
Mr OETTINGER	Member	Items 1 to 14 (in part)
Mr HAHN	Member	Items 1 to 14 (in part)
Ms MALMSTRÖM	Member	
Mr ARIAS CAÑETE	Member	
Mr VELLA	Member	Items 1 to 13
Mr ANDRIUKAITIS	Member	
Mr AVRAMOPOULOS	Member	Items 1 to 14 (in part)
Ms THYSSEN	Member	
Mr MOSCOVICI	Member	Items 1 to 16 (in part)
Mr STYLIANIDES	Member	
Mr HOGAN	Member	Items 1 to 15 (in part)
Lord HILL	Member	
Ms BULC	Member	
Ms BIENKOWSKA	Member	
Ms JOUROVÁ	Member	
Mr NAVRACSICS	Member	
Ms CREȚU	Member	
Ms VESTAGER	Member	Items 1 to 10 (in part)
Mr MOEDAS	Member	

Absent:

Mr MIMICA

Member

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

Mr BEHRNDT	Chef de cabinet to Mr MIMICA
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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	Items 1 to 14
Mr SCHINAS	Head of the Spokesperson's Service and Chief Spokesperson of the Commission	Items 1 to 14
Ms ANDREEVA	Commission Spokesperson's Service	
Mr SWIEBODA	European Political Strategy Centre	
Ms MARTÍNEZ ALBEROLA	Deputy Chef de cabinet to the PRESIDENT	
Mr SHOTTER	Adviser in the PRESIDENT's Office	Items 1 to 14
Mr BALTAZAR	Adviser in the PRESIDENT's Office	Items 14 (in part) to 16
Mr SMULDERS	Chef de cabinet to Mr TIMMERMANS	Item 14
Ms SUTTON	Deputy Chef de cabinet to Mr TIMMERMANS	Items 1 to 13
Ms SCHMITT	Chef de cabinet to Mr AVRAMOPOULOS	Items 1 to 13
Ms JUUL-JØRGENSEN	Chef de cabinet to Ms VESTAGER	Items 10 (in part) to 16
Mr RUETE	Director-General, DG Migration and Home Affairs	Items 1 to 13

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

At the request of the PRESIDENT, Ms GEORGIEVA started the meeting by inviting the Members to join her in a minute's silence to remember Ms Patricia RIZZO who was killed in the terrorist attacks of 22 March in Brussels and to commemorate a very valued colleague who had worked in several European agencies in the 'research family' since 1991.

She stated that a moving religious service had been held on 1 April in Wavre, which she had attended, on behalf of the PRESIDENT and the College, in the presence of Ms RIZZO's family, many friends and representatives of the authorities and of the Italian community in Belgium, as well as many colleagues from the European institutions.

Ms MOGHERINI thanked Ms GEORGIEVA for conveying the Commission's deepest sympathies with her attendance, and for mobilising, in particular, the Italian authorities in the tribute paid to Ms RIZZO.

The College observed a minute's silence.

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1. AGENDAS

(OJ(2016) 2163/FINAL; SEC(2016) 155/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) 2163)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 4 April.

3. APPROVAL OF THE MINUTES OF THE 2161ST MEETING OF THE COMMISSION (16 MARCH) AND THE MINUTES OF THE 2162ND MEETING (23 MARCH)

(PV(2016) 2161)

The Commission approved the minutes of its 2161st meeting and decided to hold over approval of the minutes of its 2162nd meeting for the following week.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2016) 42)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Monday 4 April (RCC(2016) 42).

It paid particular attention to the following points.

4.1. EARLY WARNING

- i) Amendment of Directive 2014/65/EU on markets in financial instruments as regards certain dates (Directive) – FERBER report – 2016/0033 (COD)**

The Commission approved the approach set out in SPI(2016) 15.

4.2. LEGISLATIVE MATTERS

- ii) Trilogue meetings**

(point 3.1 of the IRG record)

- Medical devices, and amendment of Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 (Regulation) – WILLMOTT report – 2012/0266 (COD) / In vitro diagnostic medical devices (Regulation) – LIESE report – 2012/0267 (COD)

The Commission approved the line set out in SI(2016) 124/2.

- iii) European Parliament dossiers – April I part-session**

(point 3.2 of the IRG record)

Ordinary legislative procedure – Second reading

- Fourth Railway Package (technical pillar) – European Union Agency for Railways and repeal of Regulation (EC) No 881/2004 (Regulation) – ZĪLE report – 2013/0014 (COD) / Interoperability of the rail system within the European Union (Directive – recast) – BILBAO BARANDICA report – 2013/0015 (COD) / Railway safety (Directive – recast) – CRAMER report – 2013/0016 (COD)

The Commission took note of the compromise texts in SP(2016) 211, SP(2016) 212 and SP(2016) 213, further to communications COM(2016) 36, COM(2016) 35 and COM(2016) 33, which it had approved on 26 January.

Empowerment

Under Article 13 of its Rules of Procedure, the Commission empowered Ms BULC, in agreement with the PRESIDENT, Mr TIMMERMANS and Mr ŠEFČOVIČ and any other members associated, to adopt its opinion on the amendments together with any amended proposals, on the basis of the lines set out in COM(2016) 36, COM(2016) 35 and COM(2016) 33, which it had approved on 26 January, once Parliament had given its opinion, and transmit them to the Council in accordance with Article 294(7)(c) of the Treaty on the Functioning of the European Union.

Ordinary legislative procedure – First reading

- Indices used as benchmarks in financial instruments and financial contracts (Regulation) – VAN NIEUWENHUYZEN report – 2013/0314 (COD)

The Commission approved the line set out in SP(2016) 214.

- Protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (Directive)
 - LE GRIP report – 2013/0402 (COD)

The Commission approved the line set out in SP(2016) 215.

- Zootechnical and genealogical conditions for trade in and imports into the Union of breeding animals and their germinal products (Regulation)
 - DANTIN report – 2014/0032 (COD)

The Commission took note of the compromise text in SP(2016) 216, further to note SI(2015) 520/3, which it had approved on 15 December 2015.

Special legislative procedure

- Amendment of Directive 2006/112/EC on the common system of value added tax, with regard to the duration of the obligation to respect a minimum standard rate (Council Directive) – SIMON report – 2015/0296 (CNS)

The Commission approved the line set out in SP(2016) 217.

iv) Council dossiers

(point 3.3 of the IRG record)

- Amendment of Regulation (EU) 2016/72 as regards certain fishing opportunities (Council Regulation) – 2016/0068 (NLE)

The Commission approved the line set out in SI(2016) 120.

- Amendment of Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking, as regards the definition of drug (Directive) – JIMÉNEZ-BECERRIL BARRIO report – 2013/0304 (COD) / New psychoactive substances (Regulation) – BONI report – 2013/0305 (COD)

The Commission approved the line set out in SI(2016) 126.

- Amendment of Council Regulation (EU, Euratom) No 609/2014 on the methods and procedure for making available the traditional, VAT and GNI-based own resources and on the measures to meet cash

requirements (Council Regulation) – DEPREZ & LEWANDOWSKI
report – 2015/0204 (NLE)

The Commission approved the line set out in SI(2016) 131/2.

4.3. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

v) Programming of Council business

(SI(2016) 133)

The Commission took note of the information in SI(2016) 133 on the Council meetings between 7 and 20 April.

vi) Non-legislative dossiers

(point 4.1 of the IRG record)

- Preparation of the World Humanitarian Summit (Istanbul, 23 and 24 May)

The Commission approved the line set out in SI(2016) 121/2.

- *Mission Support Platform for the benefit of civilian Common Security and Defence Policy (CSDP) missions*

The Commission approved the line set out in SI(2016) 127/2.

- Joint declarations on future cooperation between the European Union and Iran

The Commission approved the line set out in SI(2016) 128 and /2.

4.4. RELATIONS WITH PARLIAMENT

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

(point 5.6.1 of the IRG record)

The Commission approved, for transmission to Parliament, documents SP(2016) 220 and /2 on the action taken on the non-legislative resolutions adopted by Parliament at its January part-session.

viii) Action taken on legislative opinions and non-legislative resolutions adopted by Parliament at its February I and II part-sessions

(point 5.6.2 of the IRG record)

The Commission approved for transmission to Parliament document SP(2016) 221 on the action taken on the legislative opinions and non-legislative resolutions adopted by Parliament at its February I and II part-sessions.

4.5. OTHER BUSINESS

ix) 8th College-to-College meeting between the European Commission and the African Union Commission (Addis Ababa, 7 April 2016) – Joint declaration

(point 7.1 of the IRG record)

The Commission approved the line set out in SI(2016) 129 and /2 (see also item 5 of these minutes).

5. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2016) 160)

ADMINISTRATIVE MATTERS

(PERS(2016) 31)

**DG HUMAN RESOURCES AND SECURITY – ADMINISTRATIVE
ARRANGEMENT BETWEEN THE EUROPEAN COMMISSION, THE
EUROPEAN EXTERNAL ACTION SERVICE AND THE AFRICAN UNION
COMMISSION ESTABLISHING A STAFF EXCHANGE AND
ADMINISTRATIVE COOPERATION PROGRAMME**

(SEC(2016) 173)

The Commission took note of the information in point 1 of PERS(2016) 31 and, on a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT, decided:

- to approve the draft administrative arrangement between the European Commission, the European External Action Service and the African Union Commission establishing a staff exchange and administrative cooperation programme set out in SEC(2016) 173;
- to authorise Ms MOGHERINI to sign the administrative arrangement on behalf of the European Commission and the European External Action Service.

These decisions would take effect immediately.

**6. JOINT COMMUNICATION FROM THE COMMISSION AND THE HIGH
REPRESENTATIVE OF THE EUROPEAN UNION FOR FOREIGN
AFFAIRS AND SECURITY POLICY TO THE EUROPEAN PARLIAMENT
AND THE COUNCIL – JOINT FRAMEWORK ON COUNTERING HYBRID
THREATS – A EUROPEAN UNION RESPONSE**

(JOIN(2016) 18 TO /3; RCC(2016) 41)

The Commission approved the joint communication in JOIN(2016) 18/3, for

transmission to the European Parliament and the Council and, for information, to the national parliaments.

7. COMMISSION DECISION AMENDING DECISION C(2013) 8512 FINAL 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 CONCERNING SOCIETE GENERAL (CASE AT.39914 – EURO INTEREST RATE DERIVATIVES)

(C(2016) 1995 TO /5; RCC(2016) 44)

The Commission:

- took note of the opinion of the Advisory Committee on Restrictive Practices and Dominant Positions of 4 April 2016 in C(2016) 1995/4;
- took note of the final report of the Hearing Officer of 4 April 2016 in C(2016) 1995/3;
- adopted, in the authentic language (English), the decision in C(2016) 1995/5 amending Decision C(2013) 8512 final, rectifying the fine imposed on the company to which the decision is addressed, which amounted to € 227 718 000;
- decided to notify the decision in C(2016) 1995/5 to the company 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 (with business secrets and other confidential information removed) accessible on the internet.

**8. 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.39965 – MUSHROOMS)
(C(2016) 1933 TO /5; RCC(2016) 44)**

The Commission:

- took note of the opinion of the Advisory Committee on Restrictive Practices and Dominant Positions of 4 April 2016 in C(2016) 1933/4;
- took note of the final report of the Hearing Officer of 4 April 2016 in C(2016) 1933/3;
- adopted in the authentic language (English) the decision in C(2016) 1933/5 finding that the company 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 that company a fine of € 5 194 000;
- decided to notify the decision in C(2016) 1933/5 to the company 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 (with business secrets and other confidential information removed) accessible on the internet.

9. OTHER BUSINESS

STATE OF PLAY ON IMPLEMENTATION OF THE AGREEMENT ON MIGRATION BETWEEN THE EUROPEAN UNION AND TURKEY

Mr TIMMERMANS reported on the state of play regarding implementation of the joint action plan agreed between the European Union and Turkey to manage the influx of refugees and the reception of asylum seekers. He congratulated the Greek authorities for the work they had accomplished over recent weeks in putting into effect the decisions taken by the Union with reference to its migration policy and the action plan. He also pointed out that, although the Office of the United Nations High Commissioner for Refugees (UNHCR) supported implementation of the plan, the agency's representatives on the ground, on the Greek islands, sometimes encouraged migrants to submit asylum requests when they quite blatantly did not meet the requirements to apply for refugee status.

In particular, Mr TIMMERMANS emphasised the fundamental importance of Member States accepting and applying the agreed principle of the resettlement of refugees, without which the Union would not be able to meet its legal and international obligations and a common asylum policy was impossible.

He further stressed the need to continue to implement all the components of the asylum and migration policy actively in order to prevent, in the weeks ahead, a new influx of refugees facilitated by improved weather conditions.

Mr AVRAMOPOULOS reported on his meeting with the Turkish President, Recep Tayyip Erdoğan, and Prime Minister, Ahmet Davutoğlu, on 4 April, the first day that the action plan between the European Union and Turkey was put into

effect. He explained that, at the meeting, the two men expressed their support for implementing the system for the return and resettlement of refugees laid down in the agreement, and confirmed that legislation on the protection of Syrian refugees was to be adopted by the Turkish parliament the next day.

With respect to non-Syrian migrants, he hoped that a solution could be found that would address the concerns of both the Union and international bodies. He said that the other recurrent theme in talks between the Union and Turkey was combating terrorism. He then turned to the Turkish President's expectations in relation to the commitments made by the Union on the opening of chapters in the negotiations on Turkey's EU accession process, and his personal hope for a simultaneous acceleration in the negotiations on the reunification of Cyprus following the elections planned for May.

Mr AVRAMOPOULOS argued that Turkey's change of tone and more constructive approach bore out the validity of the strategy adopted by the Union, using the security and migration challenges as catalysts. He pointed out, however, that relations with Turkey needed to be viewed from a long-term perspective, building further towards a real partnership capable of gradually bringing together the European Union and Turkey.

Returning to the implementation on the ground of the joint action plan between the Union and Turkey, he thanked everyone who had contributed towards its establishment, even though there was still much that needed to be done, with the support of the Union's agencies and Member State experts. In his view, it was absolutely necessary to follow up to the letter the asylum proceedings filed by refugees, which were set to rise over the coming weeks. At the same time, he felt that it was necessary to keep a close watch on the emergence of new migration routes, in particular through Albania and Bulgaria, and for Italy to be prepared in the event of a shift in migration flows in order to stay on top of the situation.

To conclude, he stressed the necessity for the Union to pursue its commitments

towards African countries in terms of prevention, in line with the decisions taken at the Valletta summit, which provided for additional funding within the framework of managing migration flows.

Ms MOGHERINI pointed out that the initial results obtained appeared to bear out the wisdom of the Union's strategy of cooperating with Turkey.

Nonetheless, in her view the Union should argue for a greater role for the UNHCR in Turkey, *inter alia* to dispel the misleading argument that the Union was not complying with international obligations. With this in mind, she held that a part of the funding planned for the reception of refugees in Turkey could be allocated to the UNHCR and noted that Mr Filippo Grandi, the UN High Commissioner for Refugees, was prepared to work to that end.

At this point in the implementation of the agreement between the Union and Turkey, she explained that it was important for the resettlement system for refugees to be applied in practice. She was stepping up her efforts to promote resettlement measures in other regions of the world, although distance in relation to the country of origin was likely to limit the scope of these measures.

She also referred to the emergence of new migration routes and the fact that Operation Sophia, which was aimed at combating migrant smuggling and at dismantling human trafficking networks, had led to the interception, in the middle of the Mediterranean Sea, of two vessels from Turkey. She pointed out that, while human smugglers changed routes rapidly, they gave rise to additional migration flows, which was why such flows had to be tackled at their origins. On this point, she suggested examining the issue of migrants arriving from Libya and considered, in this context, the possibility of extending the mandate of Operation Sophia, a possibility that was to be discussed at the next meeting of the Foreign Affairs and Defence Council on 19 April.

Ms MOGHERINI also mentioned the importance of the meeting to be held the

following day in Addis Ababa between the European Commission and the African Union Commission, one of the objectives of which was to ensure effective follow-up to the Valletta summit. She reminded the meeting of the priority given by the African countries to economic development issues. In particular, it was necessary to take rapid action in the Sahel and in the Horn of Africa, where there were many trafficking networks.

Mr HAHN referred to the paradox of Turkey's efforts to fulfil its international obligations with regard to the protection of refugees, on the one hand, and its violations of freedom of expression and minority rights on the other.

With regard to aid to refugees with EU support within the framework of the facility for refugees in Turkey, rapid progress had been made by the Commission departments in the organisation of projects to provide tangible emergency humanitarian aid and to meet immediate social and educational needs, in close cooperation with the World Food Programme (WFP) and the United Nations Children's Fund (UNICEF) – 735 000 refugees would receive food aid in the following six months, and 300 000 children had already been given schooling thanks to European aid. Mr HAHN therefore regretted that the media had wrongly reported that the EU had still not paid out a single euro for the reception of refugees in Turkey. He further noted that no fewer than 14 Member States still had to subscribe to the facility for refugees in Turkey. He therefore considered that the visibility of the projects financed by the EU had to be increased, so that European taxpayers could be informed about the role and usefulness of the financial aid supplied by the EU. In terms of assisting the return of migrants, however, EU financing could not cover the cost of transporting migrants from Turkey to their country of origin.

To conclude, Mr HAHN recommended continuing efforts to secure the EU's external border and reminding the Member States of their common interest in overcoming the migrant crisis, whatever their geographical location and current

exposure to the influx.

Mr STYLIANIDES pointed out the decisive role played by the Commission in Greece and Turkey with regard to the reception of refugees, and noted that no less than € 100 million had been committed to humanitarian aid projects for refugees, often in the form of contracts with the UNHCR and WFP. He stressed the need to maintain a close working relationship with the UNHCR, the EU's main partner on the ground. Even though European support on the ground was becoming increasingly operational, he asked the Members of the Commission to contribute to increasing the visibility of the EU's action in support of refugees amongst the general public and in the media.

Finally, he mentioned the importance of the next European Council, to be held in June, within the wider framework of relations between the EU and Turkey and in the context of joint efforts to resolve the migrant crisis.

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

- the need to consider preventive measures to stop the emergence of alternative routes for illegal migration, particularly in the Mediterranean;
- in this context, the priority that should be given to the fight against people-smuggling networks;
- the importance of Turkey adopting the necessary legislation for Syrian refugees to claim asylum in Turkey;
- the need to continue to take action to tackle the root causes of the migration crises by supporting agricultural development in developing countries and, in the short term, drawing up political guidelines that would enable implementation of this objective.

Mr AVRAMOPOULOS welcomed the recent successes of the 'Sophia' operation in the Mediterranean. He also mentioned the ongoing discussions concerning possible participation of the North Atlantic Treaty Organization (NATO), which had deployed some ships in the Mediterranean but did not have a clearly defined role in the fight against trafficking networks. He stressed the need to decide rapidly on the proposal on the European Border and Coast Guard responsible for the EU's external borders.

The EU was scrupulously applying the policy of non-refoulement of migrants and he therefore considered the criticism that had appeared in the media on the reception of refugees to be completely unjustified. Nevertheless, he reiterated the need to remain vigilant and ensure constant monitoring of compliance with asylum rules on the ground.

To draw the discussion to a close, Mr AVRAMOPOULOS mentioned the use of a budget of € 1.8 billion from the Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa, which had been set up by the EU and formally launched during the Valletta summit of 11 and 12 November 2015, making it possible to fund an initial phase of refugee resettlement.

The Commission took note of this information.

10. COMMUNICATION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL – TOWARDS A REFORM OF THE COMMON EUROPEAN ASYLUM SYSTEM AND REINFORCED LEGAL AVENUES TO EUROPE (COM(2016) 197 TO /3; RCC(2016) 43)

Mr TIMMERMANS presented the Communication on a reform of the common European asylum system and reinforced legal avenues to Europe in the general context of the successive packages of measures adopted by the Union in recent

months to manage the current mass migration flows to the Union in a coordinated European framework. He pointed out that in its European Agenda on Migration of 13 May 2015, the European Commission had proposed a broad strategy to address the immediate challenges posed by the current crisis and equip the EU with tools to manage migration better in the medium and long term in the areas of irregular migration, borders, asylum and legal migration.

Mr TIMMERMANS focused on the most complex issue in political terms, i.e. the common European asylum system. The refugee crisis had revealed shortcomings in this system and the Commission was today launching a process of reflection and reform. He explained that on the basis of the outcome of the policy debate held by the College on 16 March and of an in-depth analysis, the Communication suggested two options for ensuring a fair and sustainable system to determine the Member State responsible for examining asylum applications, and therefore for the distribution of asylum seekers among the Member States. The first option was to add an equitable burden-sharing dimension (corrective mechanism) to the 'Dublin Regulation' in force, while the second was to harmonise asylum procedures or rules at European level in order to create uniform conditions throughout the Union and reduce irregular secondary movements within the EU, i.e. a new system for allocating asylum applications in the EU based on a distribution key. The Communication also suggested extending the mandate of the European Asylum Support Office (EASO) while presenting in parallel measures to ensure good management of avenues for legal migration to Europe.

Mr TIMMERMANS said that there was no question of denying protection to third-country nationals in need of it or letting them fall into the hands of people smugglers. However, the current system was no longer viable, since it was applied on the basis of national considerations that encouraged 'asylum shopping', on the one hand, and irregular migration on the other. Furthermore, the provisions of the Dublin Regulation currently in force had the effect of over-burdening a small number of Member States who were in the front line in terms of arrival of migrants.

He therefore stressed the need for a system for the future, based on common rules, a fairer sharing of responsibilities and safe and legal channels in the EU for those in need of protection.

He personally favoured the more ambitious second option, in his view the only effective alternative. However, for political reasons, it was advisable to hear the positions of the Council and the European Parliament, which would be studying the Communication in the coming days, and leave them a free choice of options in view of the sensitivity of the refugee issue in certain Member States and certain sections of European public opinion.

Mr AVRAMOPOULOS, too, emphasised that the Commission's proposed reform of the Dublin system had a threefold objective: (i) to share responsibility for receiving refugees, (ii) to reduce 'asylum shopping' between Member States and (iii) to discourage secondary movements within the Union. He was convinced of the need for an ambitious and wide-ranging reform rather than a marginal one.

He noted that what the two reform options had in common was the automatic allocation of asylum seekers among the Member States on the basis of a distribution key. Where they differed was in the circumstances in which the systems would come into play. Under the first option, this allocation would be made in situations of particular pressure, at a trigger threshold still to be established, while in the second, all asylum seekers would be distributed among the 28 Member States.

In order to achieve these objectives, it was necessary in any event to continue to harmonise asylum procedures, the assessment of asylum claims and rights and conditions concerning the reception of asylum seekers and refugees, and to strengthen the EASO.

He then referred to the proposal to open legal channels of entry into the Union in order to reduce irregular migration. He presented the main points of the proposal (a permanent European resettlement framework, a reform of the Blue Card to be

developed with the Member States and legal migration provisions to be put in place with the Union's partners, in particular Africa, in order to secure their cooperation in the policy of returning irregular migrants).

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

Reform of the asylum system and choice of options

- the need to reform the asylum system to remedy the shortcomings revealed in recent months by the migration and refugee crisis, and to move towards greater harmonisation and solidarity, irrespective of the option adopted;
- in the choice of option for revising the current arrangements, the tension between idealism and pragmatism, given the political sensitivity of the issue for the Member States;
- for some Members, the importance of promoting the first option, which was considered more likely to ease the immediate pressure on front-line Member States overwhelmed by the influx of migrants, easier to implement and more likely to convince reluctant Member States; the suggestion that this option be supported, for example by allowing centralised access to information at European level while at the same time leaving the choice of asylum system to the Member States; the need to listen to the Member States on this issue, which concerned national sovereignty;
- for the rest - who were in the majority - a preference for the second option, which was more ambitious, more sustainable and more in line with the other measures proposed by the Commission since the migrant crisis began a year ago; the importance of the European scale of this option, which made it better suited to resolving problems shared by all Member States; the merits and complementary nature of the other proposals adopted that day to improve the

registration of migrants, for example the Eurodac system and EASO's mandate; nevertheless, a reminder not to underestimate the political sensitivity of this option for some members of the Council;

- the desire on the part of some of those in favour of the second option to see the Commission publicly support this choice; for other Members, the opposite recommendation of presenting the possible options in a neutral manner; for other Members still, the merits of reasserting the authority of the Commission as a political entity, drawing on an in-depth technical assessment;
- in relation to the strategy for presenting the Commission's proposal to the co-legislators, support for the approach presented by Mr TIMMERMANS in his introduction;
- for one Member of the Commission, the importance of the internal political constraints facing certain national governments, which were required to address their citizens' concerns in the face of a huge influx of refugees; for other Members, a reminder that the Commission should always take a European perspective in order to develop common solutions in which all Member States took part and to persuade Member States and stakeholders to support and embrace these solutions; for others still, the need to regain citizens' trust through the Union's capacity to obtain tangible results in the management of the refugee crisis;
- for some, the inadequacy of the first option compared to the second, which was more effective and showed greater solidarity in redressing certain purely geographical inequalities; the need to use the urgency of the issues at hand in order to garner support for this option among Member States;
- a reminder of the key efforts being made to tackle the root causes of the influx of refugees, with the humanitarian aid provided by the Union, and of economic migrants, by implementing the conclusions of the Valletta summit held with

African nations in November 2015;

Legal avenues of entry into the EU

- the overall support for the approach presented in the communication;
- the need to do more to integrate migrants, as the Commission would be doing when it unveiled a raft of measures to this end in June;
- the suggestion of also encouraging women and highly-skilled refugees to enter as legal migrants, as their economic and social integration would have a positive impact on certain Member States; the demand for labour in certain economic sectors in Europe;
- the contribution that regional stakeholders and municipal councils could make to the integration of legal migrants and the good practices they should be encouraged to apply;
- for some Members, however, the need to adjust legal immigration to suit the actual needs of the labour market and the integration capacities of each Member State;
- the call to recognise and emphasise the value of the multicultural dimension of Europe's societies;
- the need for robust security initiatives, for example to develop fingerprint recording and identification.

Mr TIMMERMANS thanked everybody for this in-depth discussion and for their support for his proposed approach to interinstitutional negotiations on the Common European Asylum System. He explained that, in presenting this communication, the Commission was not yet at the stage of submitting a proposal, but simply sought to provide the Council and Parliament with two areas for consideration in the form of two options for reviewing the current system. Only after these options had been

debated would the Commission draw conclusions to draft its proposal. At this stage, he believed it more useful for the Commission to listen to them, rather than taking a position on either option.

Mr AVRAMOPOULOS, meanwhile, stressed that Parliament had high expectations for the Commission's communication on the European Asylum System. He supported the approach chosen by the College, while restating his desire for a bold European solution that would stand the test of time.

The PRESIDENT made no secret of his personal preference for an ambitious reform of the asylum system, but believed it more appropriate, given the current political climate, to follow the pragmatic course of action put forward by Mr TIMMERMANS and strive to create the conditions needed for the Commission's future proposal to be adopted. He concluded this point by noting that the College would return to this subject when the proposal was presented to it at its meeting on 4 May.

The Commission approved the Communication in COM(2016) 197/3 for transmission to Parliament and the Council and, for information, to the European Economic and Social Committee, the Committee of the Regions and the national parliaments.

11. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL – STRONGER AND SMARTER INFORMATION SYSTEMS FOR BORDERS AND SECURITY (COM(2016) 205 AND /2; RCC(2016) 43)

The Commission approved the communication in COM(2016) 205/2 for transmission to the European Parliament and the Council and, for information, to the European Economic and Social Committee, the Committee of the Regions and the national parliaments.

12. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING AN ENTRY/EXIT SYSTEM (EES) TO REGISTER ENTRY AND EXIT DATA AND REFUSAL OF ENTRY DATA OF THIRD COUNTRY NATIONALS CROSSING THE EXTERNAL BORDERS OF THE MEMBER STATES OF THE EUROPEAN UNION AND DETERMINING THE CONDITIONS FOR ACCESS TO THE EES FOR LAW ENFORCEMENT PURPOSES AND AMENDING REGULATION (EC) NO 767/2008 AND REGULATION (EU) NO 1077/2011 (COM(2016) 194 AND /2; SWD(2016) 114; SWD(2016) 115; SWD(2016) 116; SEC(2016) 163; RCC(2016) 43)

The Commission adopted the proposal for a Regulation in COM(2016) 194/2 for transmission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the national parliaments, together with the staff working document distributed as SWD(2016) 114 and the impact assessment and summary thereof in staff working documents SWD(2016) 115 and SWD(2016) 116, the contents of which were noted.

It also took note of the opinion of the Regulatory Scrutiny Board in SEC(2016) 163.

13. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EU) 2016/399 AS REGARDS THE USE OF THE ENTRY/EXIT SYSTEM (COM(2016) 196 AND /2; SWD(2016) 115; SWD(2016) 116; SEC(2016) 163, RCC(2016) 43)

The Commission adopted the proposal for a Regulation in COM(2016) 196/2 for transmission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the national parliaments,

together with the impact assessment and the summary thereof in staff working documents SWD(2016) 115 and SWD(2016) 116, the contents of which were noted.

It also took note of the opinion of the Regulatory Scrutiny Board in SEC(2016) 163.

14. OTHER BUSINESS (CONTINUED)

DIALOGUE WITH THE POLISH AUTHORITIES ON THE RULE OF LAW IN POLAND

Mr TIMMERMANS reviewed the situation regarding the rule of law in Poland, following the Commission's decision of 13 January to launch an open and constructive dialogue with the Polish government as part of the first stage of the EU framework to strengthen the rule of law, adopted in March 2014.

He reported on his generally constructive visit to Warsaw the day before (5 April), when he had met several members of the Polish government and the President of Poland's Constitutional Tribunal. He regretted that, despite a willingness to cooperate and a degree of openness on the part of the members of the government, the dispute relating to the composition of the Constitutional Tribunal and the length of the term of its judges remained unresolved, and the institutions of the Polish State still appeared to be reluctant to accept the two rulings issued by the Tribunal.

Mr TIMMERMANS expressed his grave concern about this issue and insisted that respect for the rule of law in all Member States was the cornerstone of the area of freedom, security and justice embodied by the European Union. He therefore reiterated his firm intention to do everything possible to promote a positive dialogue with the Polish government. However, he stressed that the starting point of such a dialogue had to be full compliance with the Polish Constitution as it stood, which meant recognising the two rulings in question.

He added that the Council of Europe's Venice Commission had just issued an opinion which fully confirmed the Commission's analysis. He therefore recommended playing on these factors and felt that by engaging in a dialogue with the Polish authorities it would be possible to meet the conditions for a settlement. Before the PRESIDENT's forthcoming visit, he would be returning to Poland.

Finally, he stressed the need to highlight in this context the good cooperation that had always been a feature of relations between the European Union and Poland and the high level of agreement on the political and economic priorities for the future.

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

- serious concern about the situation in Poland, which might pose a systemic risk to respect for the rule of law in an EU Member State; a reminder that the Constitutional Tribunal was the cornerstone of Poland's democracy and was responsible for monitoring the constitutionality of all judicial acts adopted in the country;
- the need for the Commission to continue its efforts to promote a genuine dialogue with the Polish authorities; the importance of insisting on the pre-condition of full compliance with the provisions of the current Constitution and thus full recognition and effective implementation of the Constitutional Tribunal's rulings;
- support from Commission Members for building on the impetus created by the recent publication of the Venice Commission's opinion; the hope that the Polish government, which had requested this opinion, would rapidly follow the recommendations it contained;
- in the context of this first application of the EU framework to strengthen the rule of law, the importance of adopting an approach that was clear, rigorous and

constructive; the need to emphasise here that the Commission's analyses respected the principles of equal treatment and objectivity; the hope that a solution could be reached by common accord without allowing the process to get bogged down;

- a reminder of the support for Europe and the hopes pinned on Europe by a large proportion of the Polish population; at the same time, the importance of respecting the legitimate rights of the democratically-elected Polish government and the different views that might be expressed in the country;
- concern about some of the other reforms that had been announced or already adopted by the Polish government, and the need to remain alert to these changes;
- some questions about the possible fallout from the current deadlock as regards European cooperation in particular policy areas; on a general level, the importance of emphasising the inseparability of the rights and obligations of every EU Member State and insisting on respect for the rule of law, which underpinned this.

Mr TIMMERMANS wound up the debate by thanking the Members of the Commission for their support and the staff of DG Justice and Consumers for their valuable preparatory work on this dossier.

The Commission took note of this information.

15. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

15.1. WRITTEN PROCEDURES APPROVED

(SEC(2016) 156 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 21 March and 1 April.

15.2. EMPOWERMENT

(SEC(2016) 157 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 21 March and 1 April.

15.3. DELEGATION AND SUBDELEGATION OF POWERS

(SEC(2016) 158 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 21 March and 1 April, as archived in Decide.

15.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2016) 159 TO /3)

The Commission took note of the sensitive written procedures for which the time limit expired between 4 and 8 April and of the 'finalisation' written procedures initiated following its weekly meeting on Wednesday 23 March.

Economic situation in Cyprus

The approval of the revised version of the European Semester Communication of 8 March 2016 was currently the subject of a written

procedure (PE/2016/2343), for which the time limit was 10.00 on 7 April. The Commission would also take note that day of the country report for Cyprus.

Mr DOMBROVSKIS noted that Cyprus had recently exited its macroeconomic assistance programme. He referred to the procedural measures he was proposing, in conjunction with Mr MOSCOVICI, to bring Cyprus back under the normal European Semester governance cycle.

He stressed that the outlook for the Cypriot economy was quite favourable, in both macroeconomic and budgetary terms, with a forecast growth rate of 1.5 % for 2016 and 2 % for 2017, falling unemployment and a fiscal performance that was ahead of target.

Nevertheless, the last evaluation of the assistance programme could not be completed because the Cypriot Government had not yet adopted the measures needed to prepare the privatisation of the Cypriot Telecommunications Authority (CyTA), as it had been asked to do.

As regards the reintegration of Cyprus into the normal European Semester surveillance procedure, he recommended publishing the country report on Cyprus, as the Commission had recently done for the other euro area member countries. He then set out the detailed arrangements for Cyprus' return in the context of the macroeconomic imbalances procedure. Given the residual risks still facing the country's economy, he proposed that Cyprus be classified among the Member States with excessive macroeconomic imbalances, but without triggering the corrective arm of the procedure at this stage. This approach had been followed when both Portugal and Ireland had exited their respective assistance programmes.

Mr MOSCOVICI therefore proposed that the Communication on the macroeconomic imbalances procedure, adopted by the Commission in March, be revised to include Cyprus and laid before the Commission for approval by

written procedure, in line with the conditions that had been set out. He also proposed that the country report mentioned by Mr DOMBROVSKIS be published at the same time, in particular to allow the Cypriot authorities to take it into account in the national reform programme which all the Member States must submit to the Commission by the end of April. Lastly, he pointed out that the Cypriot economy would be the subject of post-programme surveillance, as provided for in the applicable ‘two-pack’ Regulation.

During a brief discussion, the Members of the Commission welcomed the conditions in which Cyprus was exiting its assistance programme, expressed appreciation for the joint efforts that had led to this outcome, in particular the active involvement of the Cypriot Government, emphasised the need to pursue the programme of reforms in order to consolidate the efforts made so far and to support growth, and noted that, owing to a fairly favourable economic situation, Cypriots were regaining confidence in the European project.

The Commission took note of this information.

16. OTHER BUSINESS (CONTINUED)

16.1. ‘PANAMA PAPERS’ AFFAIR

At the invitation of the PRESIDENT, Mr MOSCOVICI spoke briefly about the ‘Panama Papers’ affair. A few days before, an international consortium of investigative journalists had revealed the existence of offshore accounts and companies created in Panama to allow prominent personalities and top political and economic leaders to evade taxes. In addition to the shocking aspects of the practices that had been revealed, he feared the repercussions which this affair might have for populist attitudes and views in Europe and

elsewhere.

In this context he felt that it was all the more important for the Commission to press forward with its proposals and ambitions regarding tax transparency. The following week he would be presenting a proposal on public tax transparency aimed at making country-by-country reporting on profits made by multinational companies not only mandatory but also public.

He also suggested launching a discussion on what proposals could be put forward at international level, making a link between negotiations on trade and tax on the one hand and the banking sector on the other, in order to promote transparency and avoid complex financial schemes such as those revealed in Panama. He concluded by saying that he wanted the Union to lead by example on these issues, drawing on strong support from public opinion.

Lord HILL stressed the important work that had already been accomplished towards introducing greater tax transparency. He noted that the ‘Panama Papers’ affair was changing the political dynamic as regards multinationals, but at the same time recommended adopting a well thought-out strategy.

The Commission took note of this information.

16.2. SITUATION IN LIBYA

Ms MOGHERINI reported on the latest encouraging developments in Libya with the recent return to Tripoli of the President of the Libyan Presidential Council and Government of National Accord, Mr Fayez Al Sarraj. She explained that the EU was working on different aspects of support – in particular humanitarian aid, development aid, security and border management – which it could provide to the authorities in due course if the

situation continued to evolve favourably. A joint Council meeting of Foreign Affairs and Defence Ministers would examine these matters on 18 April. Constant monitoring was required, as the situation in the country was fragile and there was still a risk of armed conflict.

The Commission took note of this information.

16.3. SITUATION IN NAGORNO KARABAKH

Ms MOGHERINI spoke about the deadly fighting that had suddenly flared up again between Armenia and Azerbaijan in the Nagorno Karabakh region since 2 April, taking the international community, Russia and the United States by surprise. The European Union's special envoy on the ground was working with the two sides on de-escalation and a ceasefire. These efforts were being coordinated with the Organisation for Security and Cooperation in Europe (OSCE) and the Minsk Group. She stressed that the EU's message was to continue to call for an end to the fighting and for the resumption of talks between the Armenian and Azerbaijani Governments.

The Commission took note of this information.

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The meeting closed at 13.03.