



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

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Brussels, 7 June 2016

TEXTE EN

MINUTES

of the 2170th meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 25 May 2016

(morning)

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TABLE OF CONTENTS

Attendance list	7-9
1. AGENDAS (OJ(2016) 2170/FINAL; SEC(2016) 230/FINAL/2)	10
2. WEEKLY MEETING OF CHEFS DE CABINET (RCC(2016) 2170).....	10
3. APPROVAL OF MINUTES OF 2167 TH MEETING (4 MAY), MINUTES AND SPECIAL MINUTES OF 2168 TH MEETING (10 MAY), AND MINUTES OF 2169 TH MEETING (18 MAY) (PV(2016) 2167; PV(2016) 2168; PV(2016) 2168, PART II)	10
4. INTERINSTITUTIONAL RELATIONS (RCC(2016) 65)	10
4.1. LEGISLATIVE MATTERS	11
4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL	12
4.3. RELATIONS WITH PARLIAMENT	14
4.4. RELATIONS WITH NATIONAL PARLIAMENTS, THE OTHER INSTITUTIONS AND BODIES, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS.....	14
5. MONITORING THE APPLICATION OF EUROPEAN UNION LAW	15
6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS.....	15
6.1. WRITTEN PROCEDURES APPROVED (SEC(2016) 231 ET SEQ.).....	15
6.2. EMPOWERMENT (SEC(2016) 232 ET SEQ.)	15
6.3. DELEGATION AND SUBDELEGATION OF POWERS (SEC(2016) 233 ET SEQ.).....	16
6.4. SENSITIVE WRITTEN PROCEDURES (SEC(2016) 234 AND /2)	16
6.5. AD HOC EMPOWERMENT CONCERNING THE DRAFT COMMISSION	

REGULATION PROHIBITING BLUEFIN TUNA FISHING ACTIVITIES IN THE ATLANTIC OCEAN EAST OF LONGITUDE 45° W AND IN THE MEDITERRANEAN SEA FOR [GEAR] FLYING THE FLAG OF OR REGISTERED IN [MEMBER STATE] (C(2016) 3173).....	16
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7. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2016) 235/2)	17
7.1. DG COMPETITION – APPOINTMENT OF AD14 CHIEF COMPETITION ECONOMIST (EU-28) (PERS(2015) 108 TO /4).....	17
7.2. DG RESEARCH AND INNOVATION – APPOINTMENT OF AD14/15 DIRECTOR (PERS(2016) 17 TO /3).....	18
7.3. DG ECONOMIC AND FINANCIAL AFFAIRS – APPOINTMENT OF AD 15 DIRECTOR.....	18
7.4. DG ECONOMIC AND FINANCIAL AFFAIRS – TERMINATION OF INTERNAL SELECTION PROCEDURE AND APPOINTMENT OF AN AD14 DIRECTOR (PERS(2016) 2 AND /2).....	19
7.5. DG INFORMATICS – INTERNAL AND INTERINSTITUTIONAL (GRADE AD14/15) AND EXTERNAL (GRADE AD14 – EU-28) PUBLICATION OF A VACANCY NOTICE FOR A DIRECTOR (PERS(2016) 48).....	19
7.6. DG COMMUNICATIONS NETWORKS, CONTENT AND TECHNOLOGY – CHANGE TO ORGANISATION CHART (SEC(2016) 252/2)	20
7.7. DG HUMANITARIAN AID AND CIVIL PROTECTION (ECHO) – CHANGE TO ORGANISATION CHART (SEC(2016) 252/2)	21
7.8. DG ENVIRONMENT – CHANGE TO ORGANISATION CHART (SEC(2016) 252/2; SEC(2016) 255).....	23
7.9. JOINT RESEARCH CENTRE – CHANGE TO ORGANISATION CHART (SEC(2016) 252/2; SEC(2016) 256/2).....	23

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.39792 – STEEL

ABRASIVES) (C(2016) 3121 TO /5; RCC(2016) 71)	25
9. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – A COMPREHENSIVE APPROACH TO STIMULATING CROSS- BORDER E-COMMERCE FOR EUROPE'S CITIZENS AND BUSINESSES (COM(2016) 320 TO /3; SWD(2016) 163 AND /2; RCC(2016) 66).....	26
10. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON CROSS-BORDER PARCEL DELIVERY SERVICES (COM(2016) 285 AND /2; SWD(2016) 166; SWD(2016) 167; SEC(2016) 237; RCC(2016) 66).....	26
11. REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL ASSESSING THE EFFECTIVENESS OF REGULATION (EC) 2006/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 27 OCTOBER 2004 ON THE COOPERATION BETWEEN NATIONAL AUTHORITIES RESPONSIBLE FOR THE ENFORCEMENT OF CONSUMER PROTECTION LAWS (THE REGULATION ON CONSUMER PROTECTION COOPERATION) (COM(2016) 284; RCC(2016) 66).....	26
12. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE COOPERATION BETWEEN NATIONAL AUTHORITIES RESPONSIBLE FOR THE ENFORCEMENT OF CONSUMER PROTECTION LAWS (COM(2016) 283 AND /2; SWD(2016) 164; SWD(2016) 165; SEC(2016) 236; RCC(2016) 66).....	26

13. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON ADDRESSING GEO-BLOCKING AND OTHER FORMS OF DISCRIMINATION BASED ON CUSTOMERS' NATIONALITY, PLACE OF RESIDENCE OR PLACE OF ESTABLISHMENT WITHIN THE INTERNAL MARKET AND AMENDING REGULATION (EC) 2006/2004 AND DIRECTIVE 2009/22/EC (COM(2016) 289 TO /3; SWD(2016) 173 AND /2; SWD(2016) 174 AND /2; SEC(2016) 239; RCC(2016) 66)	26
14. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS: ONLINE PLATFORMS AND THE DIGITAL SINGLE MARKET – OPPORTUNITIES AND CHALLENGES FOR EUROPE (COM(2016) 288 AND /2); SWD(2016) 172; RCC(2016) 67)	27
15. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING DIRECTIVE 2010/13/EU ON THE COORDINATION OF CERTAIN PROVISIONS LAID DOWN BY LAW, REGULATION OR ADMINISTRATIVE ACTION IN MEMBER STATES CONCERNING THE PROVISION OF AUDIOVISUAL MEDIA SERVICES IN VIEW OF CHANGING MARKET REALITIES (COM(2016) 287 TO /4; SWD(2016) 168 TO /3; SWD(2016) 169 AND /2; SEC(2016) 238; SWD(2016) 170 TO /3; SWD(2016) 171; RCC(2016) 67)	27
16. OTHER BUSINESS	35
16.1. EU FRAMEWORK TO STRENGTHEN THE RULE OF LAW — LATEST DEVELOPMENTS REGARDING THE RULE OF LAW IN POLAND	35

16.2. RESULTS OF THE 1 st WORLD HUMANITARIAN SUMMIT (ISTANBUL, 23-24 MAY 2016) (INFO(2016) 47)	36
16.3. ASSISTANCE PROGRAMME FOR GREECE – RESULTS OF THE EUROGROUP MEETING (BRUSSELS, 24 MAY 2016)	39

Single sitting: Wednesday 25 May 2016 (morning)

The sitting was opened at 09.04 and chaired by Mr TIMMERMANS, the PRESIDENT being absent.

Present:

Mr TIMMERMANS	First Vice-President	
Ms GEORGIEVA	Vice-President	
Mr ANSIP	Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Mr DOMBROVSKIS	Vice-President	Item 16 (in part)
Mr KATAINEN	Vice-President	
Mr OETTINGER	Member	Items 1 to 16 (in part)
Mr HAHN	Member	Items 9/15 (in part) and 16
Ms MALMSTRÖM	Member	
Mr MIMICA	Member	
Mr ARIAS CAÑETE	Member	
Mr ANDRIUKAITIS	Member	
Ms THYSEN	Member	
Mr STYLIANIDES	Member	
Mr HOGAN	Member	Items 9/15 (in part) and 16 (in part)
Ms BULC	Member	Items 1 to 16 (in part)
Ms BIENKOWSKA	Member	
Ms JOUROVÁ	Member	
Ms CREȚU	Member	Items 9/15 (in part) and 16
Ms VESTAGER	Member	
Mr MOEDAS	Member	

Absent:

Mr JUNCKER	President
Ms MOGHERINI	High Representative / Vice-President
Mr VELLA	Member
Mr AVRAMOPOULOS	Member
Mr MOSCOVICI	Member
Lord HILL	Member
Mr NAVRACSICS	Member

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

Ms PANZETTI	Chef de cabinet to Ms MOGHERINI
Ms PACE	Deputy Chef de cabinet to Mr VELLA
Ms SCHMITT	Chef de cabinet to Mr AVRAMOPOULOS
Mr FELKE	Deputy Chef de cabinet to Mr MOSCOVICI
Ms DE BASALDÚA	Deputy Chef de cabinet to Lord HILL
Ms KIRALY	Chef de cabinet to Mr NAVRACSICS

The following also sat in:

Ms MARTÍNEZ ALBEROLA	Deputy Chef de cabinet to the PRESIDENT	
Mr ROMERO REQUENA	Director-General, Legal Service	
Mr PESONEN	Director-General, DG Communication	
Mr WINTERSTEIN	Commission Spokesperson's Service	
Ms METTLER	Head of the European Political Strategy Centre	
Ms SILLAVEE	PRESIDENT's Office	
Mr SMULDERS	Chef de cabinet to Mr TIMMERMANS	Item 16 (in part)
Ms SUTTON	Deputy Chef de cabinet to Mr TIMMERMANS	
Mr LEPASSAAR	Chef de cabinet to Mr ANSIP	
Mr WYNANDS	Chef de cabinet to Mr DOMBROVSKIS	
Ms HEROLD	A member of Mr OETTINGER's staff	Items 1 to 15
Ms MICHOU	Deputy Secretary-General	

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

1. AGENDAS

(OJ(2016) 2170/FINAL; SEC(2016) 230/FINAL/2)

The Commission took note of that day's agenda and of the tentative agendas for forthcoming meetings.

2. WEEKLY MEETING OF CHEFS DE CABINET

(RCC(2016) 2170)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 23 May.

3. APPROVAL OF MINUTES OF 2167TH MEETING (4 MAY), MINUTES AND SPECIAL MINUTES OF 2168TH MEETING (10 MAY), AND MINUTES OF 2169TH MEETING (18 MAY)

(PV(2016) 2167; PV(2016) 2168; PV(2016) 2168, PART II)

The Commission approved the minutes of its 2167th and 2168th meetings and decided to hold over for one week approval of the minutes of its 2169th meeting.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2016) 65)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 20 May (RCC(2016) 65).

It paid particular attention to the following points.

4.1. LEGISLATIVE MATTERS

i) Trilogue meetings

(point 3.1 of the IRG record)

- Amendment of Regulation (EC) 91/2003 on rail transport statistics, as regards the collection of data on goods, passengers and accidents (Regulation) – CRAMER report – 2013/0297 (COD)

The Commission approved the line set out in SI(2016) 205 and /2.

- Amendment of Regulation (EC) 1365/2006 on statistics of goods transport by inland waterways as regards conferring of delegated and implementing powers upon the Commission for the adoption of certain measures (Regulation) – EICKHOUT report – 2013/0226 (COD)

The Commission approved the line set out in SI(2016) 211.

- Medical devices and amendment of Directive 2001/83/EC, Regulation (EC) 178/2002 and Regulation (EC) 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) 204.

- Amendment of Directive 2007/36/EC as regards the encouragement of long-term shareholder engagement and Directive 2013/34/EU as regards certain elements of the corporate governance statement (Directive) – COFFERATI report – 2014/0121 (COD)

The Commission approved the line set out in SI(2016) 169.

- Accessibility of public sector bodies' websites (Directive) – CHARANZOVÁ report – 2012/0340 (COD)

The Commission approved the line set out in SI(2016) 207.

ii) European Parliament dossier – May II part-session

(point 3.2 of the IRG record)

Non-legislative procedure

- Provisional measures in the area of international protection for the benefit of Sweden in accordance with Article 9 of Council Decision (EU) 2015/1523 and Article 9 of Council Decision (EU) 2015/1601 establishing provisional measures in the area of international protection for the benefit of Italy and Greece (Council Decision) – KELLER report – 2015/0314 (NLE)

The Commission approved the line set out in SP(2016) 338.

iii) Council dossier

(point 3.3 of the IRG record)

- Recognition of professional qualifications in inland navigation and repeal of Council Directive 96/50/EC and Council Directive 91/672/EEC (Directive) – MEISSNER report – 2016/0050 (COD)

The Commission approved the line set out in SI(2016) 210/2.

4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

iv) Programming of Council business

(SI(2016) 212)

The Commission took note of the information in SI(2016) 212 on the Council meetings between 26 May and 8 June.

v) Non-legislative dossiers

(point 4.1 of the IRG record)

- Authorisation for the opening of negotiations on an agreement between the European Union and the United States of America laying down the terms and conditions of the detailed rules for access by the United States of America to the Public Regulated Service provided by the global navigation satellite system established under the Galileo programme (Council decision) / Authorisation for the opening of negotiations on an agreement between the European Union and the Kingdom of Norway laying down the terms and conditions of the detailed rules for access by the Kingdom of Norway to the Public Regulated Service provided by the global navigation satellite system established under the Galileo programme (Council decision)

The Commission approved the line set out in SI(2016) 202 and SI(2016) 203.

**vi) Preparation of Council meeting (Economic and Financial Affairs)
(Brussels, 25 May)**

(point 4.2.4 of the IRG record)

- Amendment of Directive 2006/112/EC on the common system of value added tax (VAT), as regards the treatment of vouchers (Council Directive) – GÁLL-PELCZ report – 2012/0102 (CNS)

The Commission approved the line set out in SI(2016) 199.

- Laying down of rules against tax avoidance practices that directly affect the functioning of the internal market (Council directive) – BAYET report – 2016/0011 (CNS)

The Commission approved the line set out in SI(2016) 200.

- Council Conclusions on the Commission's Action plan on VAT – Transaction Network Analysis (TNA)

The Commission approved the line set out in SI(2016) 201 and /2.

4.3. RELATIONS WITH PARLIAMENT

vii) Preparation of the 31st Joint Parliamentary Assembly of the African, Caribbean and Pacific States and the European Union (ACP-EU) (Windhoek 13-15 June) – Follow up to the resolutions adopted in Brussels on 9 December 2015

(point 5.9 of the IRG record)

The Commission approved the follow-up to the resolutions adopted by the Joint Parliamentary Assembly set out in SP(2016) 341 and /2, for transmission to the Assembly.

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

viii) Relations with national parliaments

(point 6.1 of the IRG record)

- Appearance of Mr Bernard VAN GOETHEM and Mr Denis SIMONIN, Director and Head of Sector, respectively, in DG SANTE, before the Committee of Inquiry of the French Parliament on the slaughter conditions of livestock in French slaughterhouses

The Commission authorised Mr Bernard VAN GOETHEM and Mr Denis SIMONIN to reply to the questions of the Committee of Inquiry of the French Parliament following the line set out in SNP(2016) 27.

- Written response from the Commission to invitations to Ms Vestager, Member of the Commission, and Mr Koopman, Deputy-Director General

in DG Competition, to appear before the Committee of Inquiry of the Portuguese Parliament on the *Banco Internacional do Funchal (BANIF)*

The Commission authorised Ms VESTAGER and/or Mr LAITENBERGER, Director-General of DG Competition, to reply to the questions of the Committee of Inquiry of the Portuguese Parliament following the line set out in SNP(2016) 28.

5. MONITORING THE APPLICATION OF EUROPEAN UNION LAW

STATE AID AND OTHER COMPETITION RULES

(SEC(2016) 251 AND /2; RCC(2016) 69)

The Commission adopted the decision set out in SEC(2016) 251/2.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

6.1. WRITTEN PROCEDURES APPROVED

(SEC(2016) 231 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 16 and 20 May.

6.2. EMPOWERMENT

(SEC(2016) 232 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 16 and 20 May.

6.3. DELEGATION AND SUBDELEGATION OF POWERS
(SEC(2016) 233 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 16 and 20 May, as archived in Decide.

6.4. SENSITIVE WRITTEN PROCEDURES
(SEC(2016) 234 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 23 and 27 May and of the finalisation written procedures initiated following the weekly meeting of Chefs de cabinet on Monday 23 May.

**6.5. AD HOC EMPOWERMENT CONCERNING THE DRAFT
COMMISSION REGULATION PROHIBITING BLUEFIN TUNA
FISHING ACTIVITIES IN THE ATLANTIC OCEAN EAST OF
LONGITUDE 45° W AND IN THE MEDITERRANEAN SEA FOR
[GEAR] FLYING THE FLAG OF OR REGISTERED IN
[MEMBER STATE]
(C(2016) 3173)**

The Commission decided to empower Mr VELLA, the Member of the Commission in charge of the Environment, Maritime Affairs and Fisheries, in agreement with the PRESIDENT, and as set out in C(2016) 3173, to determine, for each case, the Member State(s) and the gear(s) concerned and the definitive date(s) of entry into force of the respective closure(s) of bluefin tuna fishing on the basis of the available information indicating definitive trends in quota consumption and Member States' actions in response to these, and consequently to adopt the Commission Implementing Regulation prohibiting bluefin tuna fishing at that date for purse seiners and/or traps

and/or longliners for certain Member States. This empowerment could be exercised by way of the adoption of one or more successive regulations, as required. The definitive date(s) of entry into force of the respective closure(s) could not be before the date communicated to the Member States by way of prior warning by fax.

7. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2016) 235/2)

ADMINISTRATIVE MATTERS

(PERS(2016) 47/2)

7.1. DG COMPETITION – APPOINTMENT OF AD14 CHIEF COMPETITION ECONOMIST (EU-28)

(PERS(2015) 108 TO /4)

The Commission had before it applications under Article 2(a) of the Conditions of Employment of Other Servants of the European Union for the post of Chief Competition Economist in DG Competition (PERS(2015) 108 and /2).

The Commission took note of the opinions of the Consultative Committee on Appointments of 11 and 21 April 2016 (PERS(2015) 108/3 and /4).

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT, and after consulting Ms VESTAGER and also Mr ANSIP, Mr KATAINEN and Mr ŠEFČOVIČ, the Commission decided to appoint Mr Tommaso VALLETTI as a member of the temporary staff under Article 2(a) of the Conditions of Employment of Other Servants of the

European Union, for a period of three years, renewable once for a maximum period of two years, to the post in question.

This decision would take effect on 1 September 2016.

**7.2. DG RESEARCH AND INNOVATION – APPOINTMENT OF AD14/15
DIRECTOR
(PERS(2016) 17 TO /3)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director of the ‘Common Support Centre’ Directorate in DG Research and Innovation (PERS(2016) 17).

The Commission took note of the opinions of the Consultative Committee on Appointments of 11 and 28 April 2016 (PERS(2016) 17/2 and /3).

The Commission proceeded to compare the applicants’ qualifications for the post. It also considered their ability, efficiency and conduct in the service. On a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT and after consulting Mr MOEDAS and also Mr ANSIP, Mr DOMBROVSKIS, Mr KATAINEN and Mr ŠEFČOVIČ, it decided to appoint Ms Anna PANAGOPOULOU to the post.

This decision would take effect on a date to be determined.

**7.3. DG ECONOMIC AND FINANCIAL AFFAIRS – APPOINTMENT OF
AD 15 DIRECTOR**

On a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT and after consulting Mr MOSCOVICI, and also Mr DOMBROVSKIS and Mr KATAINEN, the Commission decided to fill the post of Director of the ‘Investment, Growth and Structural Reforms’ Directorate in DG Economic and Financial Affairs, by transferring in the interest of the service, under

Article 7 of the Staff Regulations, Ms Mary Veronica TOVSAK PLETESKI, an AD15 official and currently Director of ‘European and International Carbon Markets’ in DG Climate Action.

This decision would take effect on a date to be determined.

**7.4. DG ECONOMIC AND FINANCIAL AFFAIRS – TERMINATION OF INTERNAL SELECTION PROCEDURE AND APPOINTMENT OF AN AD14 DIRECTOR
(PERS(2016) 2 AND /2)**

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

- to terminate, with immediate effect, internal selection procedure COM/2016/71 for the post of Director, ‘Economies of the Member States I’, without making an appointment;
- to fill that post by transferring in the interest of the service, under Article 7 of the Staff Regulations, Mr Manfred BERGMANN, an AD14 official and currently Director, ‘Indirect Taxation and Tax Administration’, in DG Taxation and Customs Union.

This decision would take effect on a date to be determined.

**7.5. DG INFORMATICS – INTERNAL AND INTERINSTITUTIONAL (GRADE AD14/15) AND EXTERNAL (GRADE AD14 – EU-28) PUBLICATION OF A VACANCY NOTICE FOR A DIRECTOR
(PERS(2016) 48)**

On a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT, and after consulting Mr OETTINGER and also Mr ANSIP and

Mr KATAINEN, the Commission decided to authorise the publication, under Article 29(1)(a)(i) and (iii) and (1)(b) of the Staff Regulations, of the vacancy notice in PERS(2016) 48 for the post of Director, ‘Business Solutions’, in DG Informatics.

This decision would take effect immediately.

**7.6. DG COMMUNICATIONS NETWORKS, CONTENT AND TECHNOLOGY – CHANGE TO ORGANISATION CHART
(SEC(2016) 252/2)**

The Commission took note of the information in SEC(2016) 252/2 and, on a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT, and after consulting Mr OETTINGER and also Mr ANSIP and Mr KATAINEN, decided:

- to create a new Directorate CNECT.DDG2.I ‘Media Policy’;
- to move Directorate CNECT.DDG1.C ‘Digital Excellence and Science Infrastructure’ from Brussels to Luxembourg;
- to move Directorate CNECT.DDG1.H ‘Digital Society, Trust and Cybersecurity’ from Brussels to Luxembourg by the end of 2018;
- to transfer in the interest of the service, under Article 7 of the Staff Regulations, Mr Giuseppe ABBAMONTE, currently Director of Directorate CNECT.DDG2.G ‘Media and Data’, to the post of Director of the new Directorate CNECT.DDG2.I ‘Media Policy’;
- to transfer in the interest of the service, under Article 7 of the Staff Regulations, Ms Linda CORUGEDO STENEBOERG, currently Principal Adviser in DG Communications Networks, Content and Technology, to the post of Director of Directorate CNECT.DDG2.D

‘Policy Strategy and Outreach’;

- to close down five units, including one unit-level task force;
- to adopt, subject to a final revision, the new organisation chart set out in SEC(2016) 253/2.

Unless indicated otherwise, these decisions would take effect on 1 July 2016.

After the reorganisation, the total number of directorates in DG Communications Networks, Content and Technology would increase from 9 to 10 and the total number of unit-level entities would decrease from 49 to 44.

**7.7. DG HUMANITARIAN AID AND CIVIL PROTECTION (ECHO) –
CHANGE TO ORGANISATION CHART
(SEC(2016) 252/2)**

The Commission took note of the information in SEC(2016) 252/2 and, on a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT, and after consulting Mr STYLIANIDES and also Ms MOGHERINI, decided:

- to change the name of the Directorate-General from DG Humanitarian Aid & Civil Protection (ECHO) to DG European Civil Protection and Humanitarian Aid Operations (ECHO);
- to create a new Directorate ECHO.C ‘Africa, Asia, Latin America, Caribbean and Pacific’;
- to transfer in the interest of the service, under Article 7 of the Staff Regulations, Mr Jean-Louis DE BROUWER, currently Director of Directorate ECHO.B ‘Humanitarian and Civil Protection Operations’ to the post of Director of the new Directorate ECHO.B ‘Europe, Eastern Neighbourhood and Middle East’;

- to transfer in the interest of the service, under Article 7 of the Staff Regulations, Ms Androulla KAMINARA, currently Principal Adviser in DG International Cooperation and Development, to the post of Director of Directorate ECHO.C ‘Africa, Asia, Latin America, Caribbean and Pacific’;
- to transfer in the interest of the service, under Article 7 of the Staff Regulations, Ms Chiara GARIAZZO, currently Director, ‘Modernisation of Education I – Europe 2020, country analysis, Erasmus+ coordination’ in DG Education and Culture, to the post of Director of Directorate ECHO.D ‘General Affairs’; this decision would take effect on 16 July 2016.
- to create three units;
- to close down one unit by 1 January 2018 at the latest, without prejudice to other changes to be decided in the context of implementing the Communication on Synergies and Efficiencies in the Commission – New Ways of Working;
- to adopt, subject to a final revision, the new organisation chart set out in SEC(2016) 254.

Unless indicated otherwise, these decisions would take effect on 1 July 2016.

After the reorganisation, the total number of directorates in DG European Civil Protection and Humanitarian Aid Operations (ECHO) would increase from 3 to 4 and the total number of unit-level entities would increase from 14 to 17.

7.8. DG ENVIRONMENT – CHANGE TO ORGANISATION CHART**(SEC(2016) 252/2; SEC(2016) 255)**

The Commission took note of the information in SEC(2016) 252/2 and, on a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT, and after consulting Mr VELLA and also Mr ŠEFČOVIČ and Mr KATAINEN, decided:

- to transfer in the interest of the service, under Article 7 of the Staff Regulations, Ms Astrid SCHOMAKER, currently Director of Directorate ENV.F ‘Strategy’, to the post of Director of the future Directorate ENV.F ‘Global Sustainable Development’;
- to adopt the new organisation chart set out in SEC(2016) 255.

These decisions would take effect on 1 July 2016.

To complete this reorganisation, the Director-General of DG Environment also undertook to close down by 1 July 2018 one of the units in DG Environment not belonging at this time to the Shared Resources Directorate ENV/CLIMA, or a similar shared department, without prejudice to any additional changes to be adopted in the context of the implementation of the Communication ‘Synergies and Efficiencies in the Commission – New Ways of Working’.

7.9. JOINT RESEARCH CENTRE – CHANGE TO ORGANISATION CHART**(SEC(2016) 252/2; SEC(2016) 256/2)**

The Commission took note of the information in SEC(2016) 252/2 and, on a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT, and after consulting Mr NAVRACSICS and also Mr ANSIP, Mr DOMBROVSKIS and Mr KATAINEN, decided:

- to derogate from the provisions of the Communication ‘Organisation Charts of Commission DGs and Services’ with regard to the creation of departments in entities other than language services;
- to create four departments;
- to transfer in the interest of the service, under Article 7 of the Staff Regulations, Mr Giovanni DE SANTI, currently Director of Directorate JRC.F ‘Institute for Energy & Transport (Petten)’, to the post of Director of the future Directorate JRC.I ‘Competences (Ispra)’;
- to transfer in the interest of the service, under Article 7 of the Staff Regulations, Mr Stephan LECHNER, currently Director of Directorate JRC.G ‘Institute for the Protection and Security of the Citizen (Ispra)’, to the post of Director of Directorate ENER.DDG2.E ‘Euratom safeguards’, and Mr Piotr SZYMANSKI, currently Director of Directorate ENER.DDG2.E ‘Euratom safeguards’, to the future Directorate JRC.C, ‘Energy, Transport and Climate (Petten)’;
- to close down Unit JRC.R.11, ‘Human Resources’, as from a date coinciding with the entry into force of the new Human Resources Service Delivery Module at the Joint Research Centre;
- to adopt the new organisation chart set out in SEC(2016) 256/2.

These decisions would take effect on 1 July 2016.

After the reorganisation, the total number of directorates and intermediate entities at the Joint Research Centre would remain unchanged (10 and 72, respectively), while the number of departments would increase from 0 to 4 and the total number of units would fall from 72 to 68.

**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.39792 – STEEL ABRASIVES)
(C(2016) 3121 TO /5; RCC(2016) 71)**

The Commission:

- took note of the opinions of the Advisory Committee on Restrictive Practices and Dominant Positions of 25 April and 24 May 2016 in C(2016) 3121/4;
- took note of the final report of the Hearing Officer of 24 May 2016 in C(2016) 3121/3;
- adopted in the authentic language (English) the decision in C(2016) 3121/5 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 it to put an end to the infringements immediately and imposing on that company a fine of € 6 197 000;
- decided that the decision in C(2016) 3121/5 would be notified 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. **COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – A COMPREHENSIVE APPROACH TO STIMULATING CROSS-BORDER E-COMMERCE FOR EUROPE'S CITIZENS AND BUSINESSES**
(COM(2016) 320 TO /3; SWD(2016) 163 AND /2; RCC(2016) 66)
10. **PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON CROSS-BORDER PARCEL DELIVERY SERVICES**
(COM(2016) 285 AND /2; SWD(2016) 166; SWD(2016) 167; SEC(2016) 237; RCC(2016) 66)
11. **REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL ASSESSING THE EFFECTIVENESS OF REGULATION (EC) 2006/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 27 OCTOBER 2004 ON THE COOPERATION BETWEEN NATIONAL AUTHORITIES RESPONSIBLE FOR THE ENFORCEMENT OF CONSUMER PROTECTION LAWS (THE REGULATION ON CONSUMER PROTECTION COOPERATION)**
(COM(2016) 284; RCC(2016) 66)
12. **PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE COOPERATION BETWEEN NATIONAL AUTHORITIES RESPONSIBLE FOR THE ENFORCEMENT OF CONSUMER PROTECTION LAWS**
(COM(2016) 283 AND /2; SWD(2016) 164; SWD(2016) 165; SEC(2016) 236; RCC(2016) 66)
13. **PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON ADDRESSING GEO-BLOCKING AND OTHER FORMS OF DISCRIMINATION BASED ON CUSTOMERS' NATIONALITY,**

**PLACE OF RESIDENCE OR PLACE OF ESTABLISHMENT WITHIN THE
INTERNAL MARKET AND AMENDING REGULATION (EC) 2006/2004
AND DIRECTIVE 2009/22/EC**

**(COM(2016) 289 TO /3; SWD(2016) 173 AND /2; SWD(2016) 174 AND /2;
SEC(2016) 239; RCC(2016) 66)**

- 14. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND
SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS:
ONLINE PLATFORMS AND THE DIGITAL SINGLE MARKET –
OPPORTUNITIES AND CHALLENGES FOR EUROPE**
(COM(2016) 288 AND /2; SWD(2016) 172; RCC(2016) 67)

- 15. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND
OF THE COUNCIL AMENDING DIRECTIVE 2010/13/EU ON THE
COORDINATION OF CERTAIN PROVISIONS LAID DOWN BY LAW,
REGULATION OR ADMINISTRATIVE ACTION IN MEMBER STATES
CONCERNING THE PROVISION OF AUDIOVISUAL MEDIA SERVICES
IN VIEW OF CHANGING MARKET REALITIES**
**(COM(2016) 287 TO /4; SWD(2016) 168 TO /3; SWD(2016) 169 AND /2;
SEC(2016) 238; SWD(2016) 170 TO /3; SWD(2016) 171; RCC(2016) 67)**

Mr ANSIP presented to the Commission the package of initiatives tabled that day for a decision with a view to developing an overall strategy aimed at completing the digital single market in a number of areas – cross-border e-commerce, online platforms, the supply of audiovisual media services, etc. – directly affecting European citizens and businesses. He began by thanking the Members of the Commission who had contributed to the drafting of the package – Mr OETTINGER, Ms BIENKOWSKA, Ms JOUROVÁ, Ms VESTAGER and Mr KATAINEN.

He explained that the set of proposals was made up of two separate parts. The first was concerned with e-commerce and consisted of (i) a legislative proposal aimed at

combating geo-blocking and other forms of discrimination based on nationality, place of residence or place of establishment, (ii) a legislative proposal on cross-border parcel delivery services, aimed at increasing price transparency and enhancing regulatory oversight, and (iii) a legislative proposal to enforce consumers' rights, together with (iv) guidelines clarifying, among other things, what should be considered to be an unfair commercial practice in a digital world. The second part concerned measures aimed at modernising the EU's rules on audiovisual media and its approach to online platforms.

Mr ANSIP illustrated the failings of the present single market by means of some statistics. He pointed out that two-thirds of EU consumers would like to be able to purchase goods and services online from Member States other than their own, but that they were very often unable to do so since only 37% of internet sites allowed customers from other Member States to complete their purchase online. He added that 26% of sites did not allow cross-border delivery of products or services to consumers who chose a delivery address other than their home.

He was therefore proposing legislation which would eliminate all discrimination as regards access to prices or conditions of sale or payment for consumers who tried to buy goods or services, whether online or in person, in a Member State other than their own, unless it was objectively justified on grounds such as VAT or certain legal provisions in the public interest.

On cross-border parcel deliveries, he pointed out that the prices charged by postal operators to deliver a small parcel to another Member State were often as much as five times higher than the domestic rates, with no clear correlation with actual costs, which constituted sufficient grounds for the Commission to call for enhanced price transparency and regulatory oversight of such services, so that consumers and retailers could benefit from affordable deliveries without the need for price regulation.

Mr ANSIP concluded his remarks by saying that the Commission was also that day

proposing measures to modernise EU rules in the field of audiovisual services and was adopting a targeted approach to online platforms.

He concluded by thanking the Secretary-General of the Commission and his departments for their assistance in preparing a package of measures which was set to change the face of the digital market and for which there was a strong demand among European consumers.

Mr OETTINGER stated that the Commission had carried out a large-scale consultation in order to decide whether there was a need for legislation on online platforms, and this had led him to incorporate aspects relating to platforms in sectoral initiatives such as the revision of the EU rules on audiovisual services to create a more equitable environment for all market stakeholders, to promote European cinema, to protect children, and to combat hate speech more effectively, while putting forward a new approach to digital platforms to remedy the problems identified in different areas.

He observed that viewers no longer watched video content only via their TV channels but also increasingly via video-on-demand services and video-sharing platforms. The Commission therefore wished to achieve a balance regarding the rules for traditional television broadcasters, video-on-demand providers and video-sharing platforms, especially as regards the protection of children. He pointed out that the leading digital platforms were American and would undoubtedly be critical of the European regulations, the purpose of which was to create common EU rules and fair competition.

Finally, he stressed that the geo-blocking initiative struck the right balance between meeting consumers' demand for border-free online shopping and providing sufficient legal certainty for businesses. He felt sure that this approach, taking due account of the specific features of certain sectors, would provide cross-border e-commerce in the EU with the boost it needed.

Ms BIENKOWSKA then explained that the package on the table that day was made necessary by the inadequacy of the provisions of Article 20 of the 2006 Directive on services in the internal market, commonly known as the 'Services Directive'. When a consumer entered a shop in another EU country, the retailer did not ask for the consumer's ID before accepting a purchase or adjust the price or conditions. In the online environment, however, consumers very often had no access to offers available in other countries, for example because they had been redirected to the website for a particular country or because payment had to be made using a credit or debit card registered in a particular country. There was no place for such discrimination in the single market.

She pointed out that the principle of non-discrimination had already been established by the Services Directive and the Commission had applied it in service sectors such as car rental or, more recently, amusement parks. From now on, businesses and consumers would enjoy greater legal certainty as to what was allowed, since the Regulation on geo-blocking would ensure that the same rules applied to online goods and services as to 'offline' purchases.

She added that, to avoid placing a disproportionate burden on companies, the Regulation would not impose an obligation to deliver across the EU and would exempt small businesses that fell under a national VAT threshold from certain provisions.

Finally, she stressed that, thanks to clearer rules, better application and more affordable cross-border parcel deliveries, it would be easier for consumers and businesses, especially small and medium-sized enterprises (SMEs), to take advantage of the EU's single market and electronic cross-border trade.

Ms JOUROVÁ for her part mentioned the aspects of the package concerned with consumer protection, especially in the proposal for the revision of the Regulation on consumer protection cooperation, which would give more powers to national authorities to enforce consumer rights, and in the updated guidelines on unfair

commercial practices, to address in particular the challenges of the digital world.

She pointed out that in the event of breaches of consumer rights within the Union, the Commission would now be able to coordinate joint actions with national enforcement authorities to put a stop to such practices and move more quickly to protect consumers, while saving time and resources for the Member States and businesses.

She considered that the measures on consumer protection within the EU provided this package of initiatives with a balance between the interests of individuals and companies, and could help increase consumer confidence in e-commerce; all of these positive points would be of direct benefit to growth in this sector, where potential remained largely untapped.

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

- the complementarity of the proposed measures with existing EU legislation, in particular on tobacco and alcohol advertising, which also prohibited online advertising of electronic cigarettes and should enable online alcohol advertising targeted at young people to be tackled more effectively;
- the need to continue efforts to apply the simple principle that online and offline markets should be covered by the same rules;
- the expected positive impact on e-commerce, in particular, from the proposal for a Regulation on geo-blocking;
- the importance of the digital single market for the collaborative economy, in particular as regards the digitalisation of the economy, circular economy and implementation of new business models;

- the usefulness of considering the long-term development of the digital single market, while ensuring it led to new business models;
- the need to create links between the digital single market, energy unions, capital markets and transport;
- the fundamental role of big data and the ability to use the internet for the development the economy of the future and for the circular economy;
- the hope that legislation would adapt more quickly in future to the continuous development of the digital market and to technological innovation, which it aimed to promote;
- in the view of some, the risk of new forms of monopoly emerging from the opening up of the digital market and development of e-commerce;
- the usefulness of formulating clear responses to criticism of the exceptions made for the purchase of copyrighted goods;
- the need to ensure fair remuneration for creators of online content;
- questions about the next steps towards completing the digital single market, in particular by removing the exceptions which perpetuated the distinction between digital products and services and tangible goods.

Mr OETTINGER raised the issue of the decision-making process in the EU institutions, which meant that EU legislation could not keep pace with developments in the digital sector; hence the need, in his view, to encourage the future Council presidencies held by Slovakia and Malta to speed up implementation of the digital single market. As regards content services protected by copyright and, more specifically, e-books and music downloads, he recalled the positions of the main players in the sector and pointed out that the Commission would propose initiatives in the course of the year. It was also necessary to partially harmonise the taxation of

online products and services, with a view to completing the digital single market.

Mr ANSIP explained that, in order to develop the market, the Commission had chosen a step-by-step approach focused on results. A more ambitious approach would no doubt have made practical progress more difficult and, besides, the rapid development of the digital sector would inevitably require regular adjustments of EU legislation in addition to the other major projects of harmonising contractual rules and taxation.

Non-EU firms would adapt naturally to new EU rules, since they were familiar with the European market in which they operated and understood its development. He was also confident about the vitality of the digital sector in Europe, which had produced some of the main global digital platforms and generated over 40 % of revenue from mobile applications.

Mr TIMMERMANS rounded off the discussion by highlighting that teamwork between the Commissioners concerned and between departments had resulted in a high-quality package and could serve as a model for the preparation of forthcoming initiatives. He noted the specific challenges posed by the rapid development of the digital sector, which would require careful thought to ensure that the regulatory environment adapted accordingly, without stifling innovation or limiting growth. He welcomed the quality of the work done and encouraged all Commissioners to explain and defend the initiatives adopted that day.

After the discussion, the Commission:

- approved the communication in COM(2016) 320/3 for transmission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the European Data Protection Supervisor and, for information, to the national parliaments, together with the staff working document distributed as SWD(2016) 163/2, the contents of which were noted;

- adopted the proposal for a Regulation in COM(2016) 285/2 for transmission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of Regions, the European Data Protection Supervisor and the national parliaments, accompanied by the impact assessment and the summary thereof in the staff working documents distributed as SWD(2016) 166 and SWD(2016) 167, the contents of which were noted;
- took note of the opinion of the Regulatory Scrutiny Board, distributed as SEC(2016) 237;
- approved the report in COM(2016) 284 for transmission to the European Parliament, the Council and the European Data Protection Supervisor and, for information, to the European Economic and Social Committee, the Committee of the Regions and the national parliaments;
- adopted the proposal for a Regulation in COM(2016) 283/2 for transmission to the European Parliament, the Council, the European Economic and Social Committee, the European Data Protection Supervisor and the national parliaments and, for information, to the Committee of the Regions, accompanied by the impact assessment and the summary thereof in the staff working documents distributed as SWD(2016) 164 and SWD(2016) 165, the contents of which were noted;
- took note of the opinion of the Regulatory Scrutiny Board, distributed as SEC(2016) 236;
- adopted the proposal for a Regulation in COM(2016) 289/3 for transmission to European Parliament, the Council, the European Economic and Social Committee, the European Data Protection Supervisor and the national parliaments and, for information, to the Committee of the Regions, accompanied by the impact assessment and the summary thereof in the staff working documents distributed as SWD(2016) 173/2 and SWD(2016) 174/2, the contents

of which were noted;

- took note of the opinion of the Regulatory Scrutiny Board, distributed as SEC(2016) 239;
- approved the communication in COM(2016) 288/2 for transmission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the European Data Protection Supervisor and, for information, to the national parliaments, together with the staff working document distributed as SWD(2016) 172, the contents of which were noted;
- adopted the proposal for a Directive in COM(2016) 287/4 for transmission to the European Parliament, the Council, the European Data Protection Supervisor and the national parliaments and, for information, to the European Economic and Social Committee and the Committee of the Regions, accompanied by the impact assessment, the summary thereof, the REFIT ex-post evaluation and the summary thereof in the staff working documents distributed as SWD(2016) 168/3, SWD(2016) 169/2, SWD(2016) 170/3 and SWD(2016) 171, the contents of which were noted;
- took note of the opinion of the Regulatory Scrutiny Board, distributed as (SEC(2016) 238.

16. OTHER BUSINESS

16.1. EU FRAMEWORK TO STRENGTHEN THE RULE OF LAW — LATEST DEVELOPMENTS REGARDING THE RULE OF LAW IN POLAND

Mr TIMMERMANS referred to the meetings he had had with the Polish authorities on respect for the rule of law in Poland since the last meeting of

the College on 18 May.

The Commission took note of this information.

**16.2. RESULTS OF THE 1st WORLD HUMANITARIAN SUMMIT
(ISTANBUL, 23-24 MAI 2016)
(INFO(2016) 47)**

Ms GEORGIEVA reported on the results of the first World Humanitarian Summit held on 23-24 May in Istanbul on the initiative of the UN Secretary-General, Ban Ki-Moon, at which she had represented the Union together with Mr MIMICA and Mr STYLIANIDES. The meeting had been called to address an unprecedented proliferation of humanitarian needs worldwide, with protracted crises, long-term population displacements and increasing violations of international humanitarian law. All these factors called for a fundamental and urgent transformation of the humanitarian responses provided.

She outlined the ideas explored at the Summit to develop the funding that could be mobilised for this purpose, dwelling in particular on the launching of the 'Grand Bargain' initiative, which brings together the main humanitarian donors and operational agencies. The aim of this initiative is to harness synergies between donors, put more efficient means at their disposal and thus have a greater impact on the ground; for example, by stepping up the proportion of aid provided by local actors, simplifying and standardising certain reports addressed to the donors, and requiring more transparency from agencies. This facility should make an additional USD 1 billion available over five years.

In order to optimise the deployment on the ground of the limited financial resources for humanitarian aid, she felt it was important for the Commission to use the revision of the EU's financial regulation planned for this year to

ensure that the largest possible share of the available funds was assigned to concrete actions on the ground and that new result-focused instruments were developed.

To conclude, she highlighted more generally the urgent need to tackle the root causes of conflicts for which no political settlement was being reached in the absence of international cooperation, and called for the Union to play an active role in order to mobilise the global players who could make a positive contribution to this end.

Mr STYLIANIDES felt that only time would tell if this first World Humanitarian Summit had been a success. However, he stressed the significant progress already made, with the inclusion on the agenda for discussion of the 'Grand Bargain', the issue of education in emergency humanitarian aid and international humanitarian law.

On education in emergency aid, which was a subject particularly close to his heart, he had reiterated in Istanbul the Union's commitment to allocating at least 4% of its humanitarian funding to education, which had been welcomed. He also stressed the urgent need, in the case of long-term population displacements, to integrate children's education as far upstream as possible in all humanitarian responses.

Finally, he considered it essential, in the face of the increasing violations of international humanitarian law in some of the ongoing conflicts, to reassert its validity, even if it was difficult to make progress on this front.

He ended his presentation by underlining that these issues were not only a matter for foreign policy; they were directly linked to the causes of the migration crisis in Europe and would continue to confront the Union for a long time to come.

Mr MIMICA emphasised the fact that the attendees at the Summit appeared to

have become more aware of the need to tie humanitarian aid and development aid together more effectively and to strengthen the synergies between them at each stage of the crisis response. He welcomed the fact that the presence in Istanbul of the Commission Members responsible for these policies demonstrated the efforts the EU was already making to move in that direction.

To illustrate this, he reported that he had cited the raft of measures the Commission had recently adopted to assist countries affected by 'El Niño', which were worth a total of €539 million, combining humanitarian aid with measures aimed at strengthening these countries' long-term resilience.

He also reported that he had announced a contribution of €5 million to the UN's new 'Education Cannot Wait' initiative, and referred to the broader context in which €5.3 billion of EU funding would be allocated to education in third countries for the 2014-2020 period, more than half of which was earmarked for conflict areas.

Finally, with regard to current initiatives within the EU, he referred to the revision of the European Consensus on Development, the aim of which was to make it more consistent with the United Nations' post-2015 Development Agenda and the global Sustainable Development Goals (SDGs).

Mr TIMMERMANS thanked the Commission Members for their presentations and confirmed that these points would be taken into account when developing the measures that would be submitted to the Commission at its meeting on 7 June in the wider context of the migration crisis.

The Commission took note of this information and of the note distributed as INFO(2016) 47.

16.3. ASSISTANCE PROGRAMME FOR GREECE – RESULTS OF THE EUROGROUP MEETING (BRUSSELS, 24 MAY 2016)

At the invitation of Mr TIMMERMANS, Mr DOMBROVSKIS reported on the overall agreement on the conclusion of the first review of the assistance programme for Greece, reached by the Eurogroup during the night of 25 May after lengthy talks. He welcomed the fact that the measures voted through by the Greek parliament in recent weeks had made this breakthrough possible. The Eurogroup agreement paved the way to unlocking the second tranche of bailout funds, worth a total of €10.3 billion. An initial instalment of €7.5 billion would be paid next month, with the second, in the amount of €2.8 billion, following in early autumn provided the Greek government met certain conditions. This amount would allow Greece's €86 billion third bailout programme, launched in August 2015 before being suspended in autumn of the same year, to resume, and should allow the country to clear part of its arrears and honour its commitments, particularly in relation to the European Central Bank.

He added that the previous night's agreement also included, for the first time and up to the end of the third bailout programme in 2018, ways forward for the gradual relief of Greek debt. Mr DOMBROVSKIS explained the details of the relief, which would consist of complex technical transactions involving bond issues and buy-backs by the European Stability mechanism. He explained that other debt restructuring measures could be envisaged at a later date, such as extending repayment deadlines.

Overall, he was very confident that these two parts of the agreement would re-establish the conditions for renewed confidence in the Greek economy, which was essential to a lasting recovery.

In conclusion, he mentioned the discussions at the meeting which focused on the International Monetary Fund's involvement in the financial assistance

programme, to support the implementation of the agreed budgetary and structural reforms in Greece. The IMF's senior managers had confirmed their intention to propose a financial arrangement to the Executive Board by the end of 2016. This arrangement would be based on a new evaluation by the IMF, in collaboration with the European Union, of the long-term viability of Greek debt.

Mr DOMBROVSKIS felt that the results of the Eurogroup meeting were a positive sign that the assistance programme for Greece was back on track and an economic recovery was on the way. This was precisely the scenario forecast by the Commission and indicated by its economic forecasts, which were fairer and more optimistic than those of the IMF.

Mr TIMMERMANS thanked Mr DOMBROVSKIS for this good news.

The Commission took note of this information.

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

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The meeting closed at 11.05.