



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2016) 2157 final

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

Brussels, 24 February 2016

TEXTE EN

MINUTES

of the 2157th meeting of the Commission

held in Brussels

(Berlaymont)

on 17 February 2016

(morning)

—

PV(2016) 2157 final

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

EN

TABLE OF CONTENTS

Attendance list	4-6
1. AGENDAS (OJ(2016) 2157/FINAL; SEC(2016) 93/FINAL)	7
2. WEEKLY MEETING OF CHEFS DE CABINET (RCC(2016) 2157).....	7
3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 2154 TH MEETING (2 FEBRUARY), MINUTES OF 2155 TH MEETING (5 FEBRUARY) AND MINUTES OF 2156 TH MEETING (10 FEBRUARY) (PV(2016) 2154; PV(2016) 2154, 2 ND PART; PV(2016) 2155).....	7
4. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS.....	7
4.1. WRITTEN PROCEDURES APPROVED (SEC(2016) 94 ET SEQ.).....	7
4.2. EMPOWERMENT (SEC(2016) 95 ET SEQ.)	8
4.3. DELEGATION AND SUBDELEGATION OF POWERS (SEC(2016) 96 ET SEQ.).....	8
4.4. SENSITIVE WRITTEN PROCEDURES (SEC(2016) 97).....	8
4.5. GENERAL EMPOWERMENT RELATING TO THE IMPLEMENTATION OF ARTICLE 13 OF DIRECTIVE 2011/70/EURATOM ESTABLISHING A COMMUNITY FRAMEWORK FOR THE RESPONSIBLE AND SAFE MANAGEMENT OF SPENT FUEL AND RADIOACTIVE WASTE (C(2016) 974)	8
5. ADMINISTRATIVE AND BUDGETARY MATTERS (SEC(2016) 98 AND /2).....	9
SECRETARIAT-GENERAL / STRUCTURAL REFORM SUPPORT SERVICE — COORDINATION OF ACTIVITIES RELATING TO THE REUNIFICATION OF CYPRUS	9

6. INTERINSTITUTIONAL RELATIONS (RCC(2016) 21)	10
6.1. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL	10
6.2. RELATIONS WITH PARLIAMENT	18
6.3. RELATIONS WITH NATIONAL PARLIAMENTS, THE OTHER INSTITUTIONS AND BODIES, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS.....	19

Single sitting: Wednesday 17 February 2016 (morning)

The sitting opened at 10.09 with Mr JUNCKER, President, in the chair.

Present:

Mr JUNCKER	President	
Mr TIMMERMANS	First Vice-President	
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	
Mr HAHN	Member	
Ms MALMSTRÖM	Member	
Mr MIMICA	Member	
Mr ARIAS CAÑETE	Member	
Mr VELLA	Member	
Mr ANDRIUKAITIS	Member	
Mr AVRAMOPOULOS	Member	
Ms THYSSEN	Member	
Mr MOSCOVICI	Member	Item 6 (in part)
Mr STYLIANIDES	Member	
Mr HOGAN	Member	
Lord HILL	Member	
Ms BULC	Member	
Ms BIENKOWSKA	Member	
Ms JOUROVÁ	Member	
Mr NAVRACSICS	Member	
Ms CREȚU	Member	

Ms VESTAGER

Member

Mr MOEDAS

Member

The following also sat in:

Mr SELMAYR	Chef de cabinet to the PRESIDENT	
Mr ROMERO REQUENA	Director-General, Legal Service	
Mr PESONEN	Director-General, DG Communication	
Mr SCHINAS	Head of the Spokesperson's Service and Chief Spokesperson of the Commission	
Ms METTLER	Head of the European Political Strategy Centre	
Ms MARTÍNEZ ALBEROLA	Deputy Chef de cabinet to the PRESIDENT	
Mr SMULDERS	Chef de cabinet to Mr TIMMERMANS	Items 1 to 6 (in part)
Mr MANSERVISI	Chef de cabinet to Ms MOGHERINI	Items 1 to 6 (in part)
Ms ASTERIADI	Deputy Chef de cabinet to Mr AVRAMOPOULOS	Items 1 to 6 (in part)
Ms CHRISTOPHIDOU	Chef de cabinet to Mr STYLIANIDES	Items 1 to 6 (in part)
Ms ANDREEVA	Commission Spokesperson's Service	

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

1. AGENDAS

(OJ(2016) 2157/FINAL; SEC(2016) 93/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) 2157)

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

3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 2154TH MEETING (2 FEBRUARY), MINUTES OF 2155TH MEETING (5 FEBRUARY) AND MINUTES OF 2156TH MEETING (10 FEBRUARY)

(PV(2016) 2154; PV(2016) 2154, 2ND PART; PV(2016) 2155)

The Commission approved the minutes of its 2154th and 2155th meetings, and decided to hold over for one week approval of the minutes of its 2156th meeting.

4. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2016) 94 ET SEQ.)

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

4.2. EMPOWERMENT

(SEC(2016) 95 ET SEQ.)

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

4.3. DELEGATION AND SUBDELEGATION OF POWERS

(SEC(2016) 96 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 8 and 12 February, as archived in Decide.

4.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2016) 97)

The Commission took note of the sensitive written procedures for which the time limit expired between 15 and 19 February and of the finalisation written procedures initiated following the weekly meeting of Chefs de cabinet on Monday 8 February.

4.5. GENERAL EMPOWERMENT RELATING TO THE IMPLEMENTATION OF ARTICLE 13 OF DIRECTIVE 2011/70/EURATOM ESTABLISHING A COMMUNITY FRAMEWORK FOR THE RESPONSIBLE AND SAFE MANAGEMENT OF SPENT FUEL AND RADIOACTIVE WASTE

(C(2016) 974)

The Commission adopted the decision in C(2016) 974 and decided to empower the Member of the Commission responsible for climate action and energy to adopt, on behalf of the Commission and under its responsibility, the Opinions referred to in Article 13(2) of Council Directive 2011/70/Euratom, under the terms and conditions set out in the document in reference.

5. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2016) 98 AND /2)

ADMINISTRATIVE MATTERS

(PERS(2016) 11 AND /2)

SECRETARIAT-GENERAL / STRUCTURAL REFORM SUPPORT SERVICE — COORDINATION OF ACTIVITIES RELATING TO THE REUNIFICATION OF CYPRUS

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

- all the Commission's activities relating to the reunification of Cyprus would be coordinated by the Structural Reform Support Service (SRSS) in liaison with the PRESIDENT's Personal Representative to the UN Good Offices Mission in Cyprus;
- the Task Force for the Turkish Cypriot community would be transferred from the Directorate-General for Regional and Urban Policy to the SRSS, together with the human and financial resources available to it on 1 January 2016, and integrated as a unit within the SRSS; the definitive transfer of the establishment plan posts would be regularised under the 2016 complementary allocation and the 2017 draft budget; operational appropriations and appropriations for expenditure on external staff would be made available to the SRSS by (co)delegation in accordance with the applicable internal rules; at the same time, appropriate financial circuits would be put in place by the SRSS under its overall responsibility;
- as indicated in the decision on the SRSS, the Service would have strategic support from across the Commission; in particular, all the Directorates-General

should allocate the necessary resources and staff and make time to help to prepare the application of the EU *acquis* by the future Turkish Cypriot constituent state and the Federal State once the settlement process had been completed;

- all the Directorates-General would cooperate fully with the SRSS, keeping it informed of their activities in relation to the settlement process, communicating to it information in their possession, contributing, at the request of the SRSS, to memoranda and legal documents, and assigning staff to missions or to the SRSS, if necessary.

These decisions would take effect immediately.

They could be revised at any time and, in any event, no later than 1 February 2017, on the basis of an assessment of possible additional needs identified by the SRSS.

6. INTERINSTITUTIONAL RELATIONS

(RCC(2016) 21)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 12 February (RCC(2016) 21).

It paid particular attention to the following points.

6.1. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

i) Programming of Council business

(SI(2016) 48)

The Commission took note of the information in SI(2016) 48 on the Council meetings between Thursday 18 February and Wednesday 2 March.

ii) Non-legislative dossiers

(point 4.1 of the IRG record)

- Proposal for revised Directives on Official Development Assistance (ODA) in the field of peace and security - 50th high-level meeting of the Development Assistance Committee (DAC) of the Organisation for Economic Cooperation and Development (OECD) (Paris, 18 and 19 February 2016)

The Commission took note of document SI(2016) 41.

- Preparation of the 3rd UN Conference on Housing and Sustainable Urban Development – *Habitat III* (Quito, 17-20 October 2016)

The Commission took note of document SI(2016) 42/2.

iii) Preparation of the European Council (Brussels, 18 and 19 February 2016)

(point 4.2.4 of the IRG record)

Migration and the refugee crisis

The PRESIDENT opened the debate on the preparation of the European Council meeting to be held on 18 and 19 February, which would examine two major issues: (i) the package of initiatives adopted by the Commission on 10 February to review the management of the refugee crisis and recommend new measures to Member States, and (ii) the new draft settlement for the United Kingdom in view of the referendum on its membership of the EU.

With regard to the migration issue, Mr TIMMERMANS referred to the debate at the General Affairs Council meeting held the previous day on the package presented by the Commission, which had revealed a certain degree of instability in the various parties' positions. He expressed surprise that, with a

few minor amendments, the Member States agreed on the content of the package, which called for them to implement the decisions they themselves had taken, yet which very few of them had acted on.

Mr AVRAMOPOULOS expressed concern, two days before the decisive European Council meeting, about the rising tensions within the Union on how Europe was handling the migration crisis, with each Member State leaving to others the burden of taking in refugees. He therefore felt it more urgent than ever to ensure credible and effective solidarity between partners and obtain tangible results on the ground, which was starting to occur in Greece and Italy thanks to the Commission's close monitoring. The increase in fingerprinting rates and the operation of refugee reception and registration centres (hotspots) were proof of this.

He mentioned the possibility, put forward in some quarters, of closing the border between Greece and the former Yugoslav Republic of Macedonia, should the agreement between the EU and Turkey and the intervention of the North Atlantic Treaty Organisation (NATO) to provide support to the European Agency for the Management of Operational Cooperation at the External Borders (Frontex) fail to produce tangible results ahead of the European Council meeting on 17 and 18 March. He did not see closing the border as a good solution, as it would create a humanitarian crisis in one Member State and divert the route taken by migrants, stranding some of them in other frontline Member States.

Mr AVRAMOPOULOS emphasised, on the other hand, the need to monitor the strategy proposed by the Commission and to implement all of its components simultaneously and in full, namely (i) ensuring that the hotspot and relocation systems ran smoothly, (ii) increasing reception capacities in Greece and the Western Balkan countries, (iii) taking effective measures to combat people smugglers, (iv) helping to improve the living conditions of

migrants in third countries, (v) opening up legal immigration channels in Europe by speeding up work on the humanitarian admission scheme and (vi) deepening cooperation with countries located on the Balkans route before strengthening border controls.

On the subject of measures to combat people smugglers, in particular, he returned to the NATO initiative which, subject to a few technical points still to be resolved, would see the organisation conduct surveillance of the EU's borders in the Aegean Sea, working closely with national coastguard services and Frontex. He stressed that NATO's role would not be to stop or drive back boats carrying refugees, but to provide information to help combat human trafficking and criminal networks. He believed this measure would send a clear signal to people smugglers.

In reply to a question, he stated that the number of migrants landing in Greece had fallen in recent weeks and that this situation was not solely due to the weather conditions.

In conclusion, Mr AVRAMOPOULOS argued that the current version of the European Council conclusions should be strengthened in order to acknowledge the urgency of the situation and the need for rapid progress in every aspect of the management of the crisis.

Mr HAHN emphasised the erratic daily number of migrants arriving in Greece from Turkey and travelling from Greece to the former Yugoslav Republic of Macedonia and Serbia. He added that the targets for the number of reception places needed both in Greece and along the Balkans route were far from being reached.

He also told the meeting that he had stepped up the implementation of the specific projects described in the agreements signed with Jordan, Libya and Turkey, for example on the education of migrant children and 'integration

through work'. For the Balkan region, he referred to the initiatives undertaken to use pre-accession funding to finance projects on border management and migration. He also warned of new migration flows that could soon arrive from Libya.

Ahead of this week's European Council meeting, Ms MOGHERINI felt it preferable to encourage Member States to act on their commitments and decisions rather than seeking temporary solutions, as this situation, which was likely to continue for some time, needed to be addressed with lasting, common measures, such as the hotspot and relocation systems.

She referred to the excellent coordination instigated with NATO to support Frontex and stressed the importance of the information NATO would be able to supply on trafficking in the Aegean Sea. She explained that the reason why Greece and Turkey had decided to agree to the NATO mission despite having opposed the creation of a European coast guard a few months ago was precisely because of its non-operational nature and limited duration. She added that NATO was still bound by the obligation of rescue at sea set out in the Maritime Code.

On this point, Mr AVRAMOPOULOS added that, although NATO had dismissed the suggestion of its mission containing any political dimension, the presence of its vessels in the Aegean Sea was nonetheless a sensitive issue for public opinion in Greece and Turkey. Turning to matters of substance, he described the measures agreed by the EU and NATO for coordinated communication and an overall cooperation framework that envisaged, for example, the exchange of liaison officers and the assistance of Europol. He did not deny the difficulties posed by the issue of jurisdiction to prosecute any people smugglers who were intercepted. In conclusion, he explained that the NATO Council would give its opinion of the agreement on 24 February.

Ms MOGHERINI returned to the question of the possible closure of the border between Greece and the former Yugoslav Republic of Macedonia, expressing doubts as to the effectiveness of the measure and adding that the FYROM authorities had not requested it. She highlighted the political problem posed by the fact of assisting a non-member State to manage its border with a Member State. She said that good relations should in general be maintained between the EU and the Balkan countries, whose efforts were welcome, in particular by giving them advice if they requested it.

Ms MOGHERINI also reported on her discussions with Mr Jens Stoltenberg, the NATO Secretary-General, and on the setting up, in agreement with Mr Stoltenberg, of an EU-NATO coordination cell.

Finally, she highlighted the problems relating to Turkey's attitude to the Syrian crisis and felt that the EU would need to hold frank discussions with the Turkish government on the matter.

Mr STYLIANIDES referred to the tragic events in Aleppo in Syria, and said that the EU should prepare for a new wave of refugees. He pointed out that the draft Conclusions of the European Council called on the Commission to adapt its response and its instruments to the reality of the migration crisis by also providing humanitarian assistance in the EU Member States. However, that required specific legal instruments and a budget, on which a discussion had already begun between the Commission Members concerned. He said he would table a proposal on these points ahead of the European Council in March; it would then have to be dealt with by emergency legislative procedure.

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

- the apparent contrast between the sense of urgency shared by the

Member States during the financial crisis, which allowed decisions to be taken quickly and financial resources to be mobilised, and the present migration crisis, in which the Member States seemed to be playing for time and taking time to implement the measures adopted collectively to manage the influx of migrants into the EU;

- questions regarding the proportion of asylum seekers from Iraq and Syria out of the total number of migrants wishing to enter the EU;
- the impossibility for the Union to cope with the exodus of entire populations and, as a result, the need to act in such a way as to ensure that only migrants who could legitimately claim refugee status could be given asylum;
- recent developments on the EU's borders with Russia, where a growing number of migrants were crossing into the EU without a visa and without permission from the Russian authorities to return to the territory of the Russian Federation; the importance of engaging in discussions with the Russian authorities as soon as possible on managing migration flows;
- the need to deploy the European Medical Corps in the Western Balkans and Turkey to make an active contribution to the provision of health care for refugees on the ground;
- the difficulty for female refugees to achieve integration through work because of traditional attitudes to the role of women;
- the need to reduce tensions between Member States by creating a de facto solidarity around subjects on which a common understanding already existed.

Mr TIMMERMANS felt it was important for the EU to continue with the strategy it had adopted for managing the migration crisis and to concentrate

on putting it into effect, and he emphasised the role the Commission should play as facilitator in this connection.

He considered that asylum requests should be processed as far as possible before the asylum seeker's arrival on EU territory, particularly in Turkey, or immediately on arrival, especially in Greece and Italy. Reception facilities and hotspots in those two Member States should therefore continue to be expanded; there was, in his view, no contradiction between the use of the Schengen system and strengthening controls at the EU's external borders. He added that making a more rigorous distinction between migrants who were likely to be given asylum and economic migrants, who would be stopped at the EU's borders would act as a deterrent.

Replying to a question, Mr AVRAMOPOULOS said that 41% of all migrants came from Syria, 26% from Afghanistan and 16% from Iraq. He pointed out, however, that on arriving at a hotspot the migrants mostly claimed to be Syrian asylum-seekers, and it was therefore essential to accurately identify those who were not entitled to refugee status and return them to their country of origin. He insisted moreover that European solidarity must be expressed in practical measures, particularly the relocation of refugees, and not be confined to wishful thinking.

He also referred to the growing migratory pressure faced by Finland on its border with Russia, and supported the idea of establishing a dialogue on migration with the Russian Federation as soon as possible, before the EU was confronted by a new influx of migrants on its Eastern border.

The PRESIDENT responded to some of the contributions to the discussion, starting with the message for the Member States contained in the draft Conclusions of the European Council, which he wished had been stronger. He called on the Members of the Commission to do their best, without further delay, to convince European public opinion that the strategy proposed by the

institution was right, whatever the resistance at national level. For his part, he intended to insist once again at the European Council meeting that the Member States must implement their own binding decisions and that if they did not do so the Commission would not hesitate to initiate the necessary infringement proceedings. He closed the discussion with the hope that, despite what had been said, the Member States would join forces more quickly to manage the migration crisis than they had a few years ago to deal with the financial crisis.

The Commission took note of this information.

Draft settlement for the UK within the European Union ahead of the UK referendum on EU membership

The PRESIDENT reported on the progress of the ongoing discussions on the draft settlement for the UK within the European Union with a view to the meeting of the European Council at the end of the week.

The Commission held an exchange of views on the draft settlement and took note of the additional information provided.

6.2. RELATIONS WITH PARLIAMENT

iv) Non-legislative dossier

(point 5.1 of the IRG record)

- Financing instruments for external action under the multiannual financial framework (MFF) – The role of the European Parliament in relation to implementing measures – Replies from Ms MOGHERINI, Mr MIMICA and Mr HAHN to the letter from Mr Brok, MEP, of 24 November 2015

The Commission approved the line set out in SP(2016) 104.

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

v) Action taken on opinions of the European Economic and Social Committee – July and September 2015 Plenary Sessions
(point 6.3.1 of the IRG record)

The Commission approved document SC(2016) 5/3 on the action taken by the Commission on the opinions adopted by the European Economic and Social Committee during the July and September 2015 sessions, for transmission to that Committee.

*

* *

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

*

* *

The meeting closed at 11.55.