



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2016) 2160 final

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

Brussels, 23 March 2016

TEXTE EN

MINUTES

of the 2160th meeting of the Commission

held in Strasbourg

(Winston Churchill building)

on 8 March 2016

(afternoon)

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Single sitting: Tuesday 8 March 2016 (afternoon)

The sitting opened at 13.21 with Mr JUNCKER, President, in the chair.

Present:

Mr JUNCKER	President	
Mr TIMMERMANS	First Vice-President	Items 1 to 10 (in part)
Ms MOGHERINI	High Representative / Vice-President	Items 1 to 10 (in part)
Ms GEORGIEVA	Vice-President	
Mr ANSIP	Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Mr DOMBROVSKIS	Vice-President	
Mr OETTINGER	Member	Items 1 to 10 (in part)
Mr HAHN	Member	
Mr MIMICA	Member	
Mr ARIAS CAÑETE	Member	
Mr VELLA	Member	
Mr ANDRIUKAITIS	Member	
Mr AVRAMOPOULOS	Member	Items 5 (in part) to 10
Ms THYSSEN	Member	
Mr STYLIANIDES	Member	
Mr HOGAN	Member	
Ms BULC	Member	
Ms BIENKOWSKA	Member	
Ms JOUROVÁ	Member	
Mr NAVRACSICS	Member	
Ms CREȚU	Member	
Ms VESTAGER	Member	
Mr MOEDAS	Member	

Absent:

Mr KATAINEN

Vice-President

Ms MALMSTRÖM

Member

Mr MOSCOVICI

Member

Lord HILL

Member

(8 March 2016)

*- English language version of the French text which is authentic -*The following sat in to represent absent Members of the Commission:

Ms SALLA	A member of Mr KATAINEN's staff
Ms DIACONESCU	A member of Mr MOSCOVICI's staff
Mr KUCK	A member of Lord Hill's staff

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 THOLONIAT	Adviser in the PRESIDENT's Office	Items 1 to 10 (in part)
Ms SUTTON	Deputy Chef de cabinet to Mr TIMMERMANS	Item 10
Ms LUCAS	A member of Mr DOMBROVSKIS' staff	
Ms SCHMITT	Chef de cabinet to Mr AVRAMOPOULOS	Items 1 to 5 (in part) and 10
Mr HERMANS	Chef de cabinet to Ms THYSSEN	Items 5 to 8
Ms ANDREEVA	Commission Spokesperson's Service	

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

The PRESIDENT opened the Commission meeting by emphasising that 8 March was International Women's Day.

Ms GEORGIEVA took the opportunity to say that the Commission was well on track to achieve its target of a better overall gender balance in management positions and, specifically, the target of 40% of senior management posts to be held by women by the end of the current mandate. She asked the Commission Members to support this objective and to continue the efforts still needed, in particular in terms of Head of Unit functions.

* * *

1. AGENDAS

(OJ(2016) 2160/FINAL; SEC(2016) 123/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) 2160)

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

3. APPROVAL OF THE MINUTES AND SPECIAL MINUTES OF THE 2158TH MEETING OF THE COMMISSION (24 FEBRUARY) AND THE MINUTES OF THE 2159TH MEETING (2 MARCH)

(PV(2016) 2158; PV(2016) 2158, 2ND PART)

The Commission approved the minutes of its 2158th meeting, and decided to hold over for one week approval of the minutes of its 2159th meeting.

4. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2016) 124 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 29 February and 4 March.

4.2. EMPOWERMENT

(SEC(2016) 125 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 29 February and 4 March.

4.3. DELEGATION AND SUBDELEGATION OF POWERS

(SEC(2016) 126 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 29 February and 4 March, as archived in Decide.

4.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2016) 127 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 7 and 11 March.

**5. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING DIRECTIVE 96/71/EC OF 16 DECEMBER 1996 CONCERNING THE POSTING OF WORKERS IN THE FRAMEWORK OF THE PROVISION OF SERVICES
(COM(2016) 128 TO /3; SWD(2016) 52 TO /3; SWD(2016) 53 AND /2; SEC(2016) 132; RCC(2016) 34)**

The PRESIDENT asked Mr DOMBROVSKIS and Ms THYSSEN to present the proposal for a revision of the 1996 Directive concerning the posting of workers in the framework of the provision of services. He congratulated them on their outstanding work and excellent coordination with the Members of the Commission who had been associated with this proposal.

Mr DOMBROVSKIS began by referring to the origins of this initiative, which had been announced by the PRESIDENT in his political guidelines and confirmed in the Commission's work programme for 2016. He reminded the meeting that the general principle of the initiative was to ensure equal pay for equal work in the same place.

He explained that the proposal for a revision submitted to the Commission that day for examination was a targeted one and that it had been the subject of a broad informal consultation, in particular with the social partners. He considered that this dossier was politically and technically ready to be presented, despite sometimes divergent positions, including at the Council and European Parliament.

He therefore suggested a pragmatic approach on this sensitive issue that would enable agreement to be reached on the need to improve the conditions applied to posted workers, ensure greater economic predictability and stability, and guarantee a level playing field.

Ms THYSSEN told the meeting that the proposed revision demonstrated the Commission's wish to contribute to a more social Europe by providing Europeans with specific solutions to specific problems. In the case at hand, she noted that

posting of workers was increasing rapidly even though at present it affected only around 1% of the European labour force. For this reason, she believed that the internal market rules, social protection for workers and the level playing field for local and cross-border providers should be reinforced, while taking account of the efforts made to remove unnecessary barriers and simplify internal market procedures in order to facilitate the cross-border provision of services.

In her view the proposal for a revision was justified because of the need to update the rules in force, given that the European employment market had changed significantly since 1996, when the initial directive was adopted. She detailed the three main changes proposed, which concerned the remuneration of posted workers, long-term postings and rules on temporary workers. She referred also to: (i) the principle, which she considered fair and balanced, for local and posted workers to be subject to the same remuneration rules, as regards not just the minimum wage but also the remuneration components governed by the rules in force of the host country; (ii) the need to align the aspects of posting relating to the right to work with those relating to social security legislation, whereby a worker posted for over 24 months was deemed to be fully integrated in the labour market of the host country; and (iii) the need to make the directive on the posting of workers more consistent with the directive on temporary agency work.

Ms THYSSEN explained that these changes would make it possible to better protect workers, increase transparency and legal certainty and guarantee a level playing field for domestic companies and companies posting workers, while ensuring that the Member States' wage bargaining systems were fully complied with.

She felt that the proposed revision was balanced despite the risk that its adoption by the co-legislator would prove to be complex. She sincerely thanked the Commission Members and departments which had helped to draw it up.

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

- the Members' support for the proposal for a revision of the directive, which was judged to be balanced, particularly in view of the diverse situations in the Union in terms of the structure of the labour market and experiences in employment policy generally and posting of workers in particular;
- the validity of the Commission's initiative, which provided legal clarity, prevented abuses and created a level playing field, even if the directive in question concerned a category of workers that was not significant in terms of numbers; the aim of social justice sought by the initiative;
- the need for a revision of the initial 1996 directive given that it had been adopted at the time of the EU enlargements in 2004 and 2007, and the need to avoid negative competition on wage costs between the Member States with high wages and the others, leading to a defensive attitude of the former vis-à-vis the latter;
- the wish to highlight the fairness of the proposed revision by explaining the search for a balance between the measures affecting supply (reform of labour markets) and those affecting demand (incentives linked to posting of workers); the importance of labour mobility to boost investment in the internal market;
- the need to avoid giving the impression that the proposal was a token gesture rather than a social Europe initiative; the criticisms that the Commission would be sure to receive for its proposal for a revision;
- for some, highlighting of the benefits of posting of workers, which led to a qualitative improvement of competition by allowing a skilled work force to participate in the labour market;
- for others, a wish to ensure, as regards both the measure itself and how it was communicated, that the proposed targeted revision of the directive was consistent with the EU's internal market strategy; a call to ensure that it did not

entail an additional administrative burden;

- a call to avoid causing divisions between the Member States; the effort the Commission would have to make to secure common positions on this matter; the hope that investment would prevent a brain drain from the poor regions of the EU to the wealthier regions.

Ms THYSSEN thanked the Members of the Commission for their comments and noted with satisfaction that they had, in particular, praised the balance of the proposal submitted to them.

The PRESIDENT warmly thanked Mr DOMBROVSKIS and Ms THYSSEN. He praised the proposal presented that day to the Commission, whose purpose, in his view, was to restore dignity to posted work compared with local work and help to gradually strengthen the social dimension of Europe. Even if the adoption of the revision risked running up against political divisions at the Council and the European Parliament, the Commission was fulfilling its role of taking the initiative. He asked all the Members of the Commission to defend this proposal, particularly vis-à-vis the European Parliament.

The Commission adopted the proposal for a Regulation in COM(2016) 128/3 for transmission to Parliament, the Council, the European Economic and Social Committee and the national parliaments, together with the impact assessment and the summary thereof in staff working documents SWD(2016) 52/3 and SWD(2016) 53/2, the contents of which were noted.

It also took note of the opinion of the Regulatory Scrutiny Board in SEC(2016) 132.

6. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS –

LAUNCHING A CONSULTATION ON A EUROPEAN PILLAR OF SOCIAL RIGHTS**(COM(2016) 127 TO /3; SWD(2016) 50 AND /2; SWD(2016) 51; RCC(2016) 34)**

With regard to the preparation of the consultation on a European Pillar of Social Rights, Mr DOMBROVSKIS thanked all those at the Commission who had contributed to the considerable work done over the past few weeks. He pointed out that the project had been the subject of three Commission policy debates, two of which had covered social policy in general, in June and October 2015, and the last of which had been dedicated to the actual Pillar, its principles and possible areas of action, in January this year.

He explained that the future European Pillar of Social Rights would have two complimentary objectives. The first would be to modernise the *acquis* in terms of social legislation and to fill in the gaps, and the other would be to identify the criteria to be applied on the basis of national practices, in particular with regard to flexicurity to encourage upward convergence in the euro area Member States and those who would like to join them. In response to the concerns raised about the emphasis being placed primarily on the euro area, he explained that social divisions and those related to employment were still significant even though integration and the efficient functioning of the labour markets were of paramount importance.

He pointed out that the Pillar would make it possible to guide and encourage reform at national level, whilst underlining the importance of pursuing responsible budgetary policies. In this respect he said that the current challenges of high unemployment and an ageing population were still a burden on public finances and national social security systems. He therefore believed it necessary for budgetary viability to be fully integrated into the adaptation to the development of social needs.

More generally, Mr DOMBROVSKIS felt that implementing a European Pillar of Social Rights required a good balance between economic and social policy in order

to avoid jeopardising job creation and limiting investment opportunities, two objectives that were essential to the Union's economic recovery.

He concluded his presentation by highlighting the importance of the consultation that was being launched in the Commission's political programme and invited the Members of the Commission to contribute in their respective fields and to raise awareness among stakeholders.

Ms THYSSEN explained that the objective of the consultation was to enable joint discussion of a first draft of what a European Pillar of Social Rights should become by defining the main principles of fair and efficient labour markets and social security systems. In the longer term, it was necessary to ensure that the European social model stood the test of time and responded to transformations to society and the world of work in Europe – in particular, the ageing population, the diversification of the workforce and the digital economy.

She highlighted the importance of anticipating and guiding these developments whilst keeping in mind that economic growth and social progress must go together. Ultimately, the European Pillar of Social Rights would establish a certain number of fundamental principles and social rights adapted to the reality of the 21st century and, once adopted, would act as a frame of reference for evaluating the performance of social and employment policy with regard to societal change and trends on the labour markets.

Even if it primarily concerned euro area Member States, she pointed out that the future Pillar would remain open should other Member States wish to participate. She explained that although social rights and social protection were important for the 28 Member States of the Union, the financial crisis had shown that adjusting economic and social policy and the convergence of these policies were of particular importance for the stability and soundness of the euro area.

Going back to the main objectives of the consultation itself, Ms THYSSEN noted

that the first was to evaluate the Union's current legislative *acquis* with regard to social matters and its implementation. The second was to enable an analysis of the new social trends and work patterns, which meant in particular identifying best practices and learning from innovation in the social domain. Finally, the third objective of the consultation was to gather stakeholders' opinions of the proposed draft Pillar and its role as a fundamental element of a fairer and sounder Economic and Monetary Union (EMU).

Ms THYSSEN stressed that this process would call on a wide range of expertise and experience. She said that during the coming months the Commission would work actively together with the other institutions of the Union, the national authorities and parliaments, social partners, non-governmental organisations, social services, the academic world, and citizens. She concluded her presentation by saying that the consultation process would close at the end of the year and that the Commission would present its final proposal in Spring 2017, which would thus be taken into account in the drafting of the white paper on the completion of the EMU.

A brief discussion followed, during which the Members of the Commission expressed their satisfaction with the initiative taken that day of starting a general discussion on a future European Pillar of Social Rights and suggested a tour of the Member States to spark national debates on this very important matter and to demonstrate the institution's leading role in the development of a social Europe.

The PRESIDENT concluded the discussion by congratulating Ms THYSSEN and Mr DOMBROVSKIS on their excellent work and highlighting the necessity and value of a wide consultation.

The Commission approved the Communication in COM(2016) 127/3, for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, and, for information, to the national parliaments, together with the staff working documents distributed as SWD(2016) 50/2 and SWD(2016) 51, the contents of which were noted.

7. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN CENTRAL BANK AND THE EUROGROUP – 2016 EUROPEAN SEMESTER – ASSESSMENT OF PROGRESS ON STRUCTURAL REFORMS, PREVENTION AND CORRECTION OF MACROECONOMIC IMBALANCES, AND RESULTS OF IN-DEPTH REVIEWS UNDER REGULATION (EU) 1176/2011 (COM(2016) 95 TO /4)

Mr DOMBROVSKIS presented the policy communication submitted to the Commission for approval that day as part of the current stage of the European Semester cycle of economic and fiscal policy coordination, which consisted of assessing the progress made by Member States on the implementation of their structural reforms and on the prevention and correction of their macroeconomic imbalances.

He described the key messages, referred to during the policy debate on 24 February, of the in-depth reviews carried out by the Commission's departments. He confirmed that economic recovery was moving ahead within the EU and that many Member States were continuing to resolve the structural problems in their economies. Although fewer Member States showed imbalances this year compared to last year, several of them were still facing difficulties and remained vulnerable. For this reason, he emphasised the general need to strengthen the structural reforms and the competitiveness of EU economies by continuing to reduce the high debt and deficit levels, addressing inefficiencies on the labour market, ensuring the viability of social security systems and improving the business environment.

He described in greater detail the results of the in-depth reviews carried out since November 2015 with the aim of determining if certain Member States showed macroeconomic imbalances and, if so, how serious they were. In accordance with the simplification, proposed by the Commission in October 2015, of the

Macroeconomic Imbalance Procedure (MIP) – which now had only four categories – six of the 18 Member States on which an in-depth review was carried out did not show macroeconomic imbalances. The other 12 showed macroeconomic or excessive macroeconomic imbalances.

Where the Member States showing excessive macroeconomic imbalances were concerned, he briefly described their individual circumstances and the factors that justified the analyses by the Commission's services. In addition to the general warning given to the Member States in question, he emphasised that some of them should make absolutely sure that the measures announced to reverse the observed trends were implemented. The results of all of the analyses would be examined by the Council and discussions between the Commission and Member States would continue until their national reform programmes were presented in April.

With regard to the developing budgetary situation, he cited five Member States – Belgium, Croatia, Italy, Romania and Finland – to which it was proposed to send a letter warning them of a risk of non-conformity with the Stability and Growth Pact. The same applied to the autonomous recommendation which the Commission proposed to address to Spain (see also point 8 of these minutes). He suggested adopting this recommendation by finalisation written procedure on 9 March and sending the aforementioned letters to the relevant Member States on the same day. The Commission would have to take formal decisions in May for the purpose of budgetary monitoring.

Ms THYSEN emphasised the balance struck by the set of measures presented and the equal treatment the Commission gave to Member States. As regards the main emerging trends in terms of employment and social policies, she noted a more favourable overall context in relation to the reintegration of unemployed people, including young jobseekers, into the job market, although the situation varied considerably between Member States. As a result, she felt that the guidance proposed under the European Semester was beginning to bear fruit and that a

constructive cooperation between the Commission's departments and the Member States' authorities would allow the expected results to be achieved.

Although she fully concurred with the analysis on the macroeconomic and excessive macroeconomic imbalances in certain Member States, she emphasised the importance of the commitments undertaken by them actually being implemented, stressing the key role played by reforms of the labour market and social protection. She confirmed her desire to continue cooperating actively with the relevant Member States' authorities on all of these aspects.

During a brief discussion, the members of the Commission expressed their support for a balance between all of the analyses and measures presented at this stage of the European Semester cycle and for the constructive approach of the dialogue between the Commission and the Member States, emphasising the suitability of the tools of the European Semester for fostering greater ownership by the Member States of the necessary structural reforms.

The PRESIDENT thanked the members of the Commission who had contributed to this stage of the 2016 European Semester. He noted the Commission's full approval of the communication submitted for examination by Mr DOMBROVSKIS, Mr MOSCOVICI and Ms THYSSEN.

Subject to final linguistic revision, the Commission approved the communication set out in document COM(2016) 95/4, for transmission to the European Parliament, the Council, the European Central Bank and the Eurogroup and, for information, to the national parliaments.

8. COMMISSION RECOMMENDATION REGARDING MEASURES TO BE TAKEN BY SPAIN IN ORDER TO ENSURE A TIMELY CORRECTION OF ITS EXCESSIVE DEFICIT

(C(2016) 5200)

PV(2016) 2160 final

On a proposal from the PRESIDENT, the Commission agreed that the recommendation set out in C(2016) 5200 would be formally adopted by finalisation written procedure, the deadline for which was set at 15.00 on Wednesday 9 March (PE/2016/1665).

9. OTHER BUSINESS

DRAFT COMMISSION IMPLEMENTING REGULATION RENEWING APPROVAL OF THE ACTIVE SUBSTANCE GLYPHOSATE PURSUANT TO REGULATION (EC) 1107/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 21 OCTOBER 2009 CONCERNING THE PLACING OF PLANT PROTECTION PRODUCTS ON THE MARKET AND REPEALING COUNCIL DIRECTIVES 79/117/EEC AND 91/414/EEC

After this issue had been raised at the Commission meeting held the previous week and received media coverage, the PRESIDENT invited Mr ANDRIUKAITIS to report on the latest developments concerning the procedure to renew approval for the active substance glyphosate, following the meeting of Member States held on 7 March under the committee procedure.

Mr ANDRIUKAITIS described the Member States' positions on this issue, which he stressed had changed, and explained that the Commission was not yet at the stage of adopting a decision but would do so in due course based on complete information.

Mr HOGAN emphasised certain elements to be taken into account in the procedure to renew approval for glyphosate, such as the opinion of the European Food Safety Authority (EFSA).

The PRESIDENT brought the discussion to a close by asking Mr ANDRIUKAITIS to keep the Commission informed of the issue as it developed.

The Commission took note of this information.

10. INTERINSTITUTIONAL RELATIONS

(RCC(2016) 32)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Thursday 3 March (RCC(2016) 32).

It paid particular attention to the following points.

10.1. LEGISLATIVE DOSSIERS

i) Trilogue

(point 3.1 of the IRG record)

- Medical devices – 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) 78.

ii) European Parliament dossiers – March part-session

(point 3.2 of the IRG record)

Ordinary legislative procedure – First reading

- Veterinary medicinal products (Regulation) – GROSSETÊTE report – 2014/0257 (COD)

The Commission approved the line set out in SP(2016) 162.

- Amendment of Regulation (EC) 726/2004 laying down Community procedures for the authorisation and supervision of medicinal products

for human and veterinary use and establishing a European Medicines Agency (Regulation) – TĂNĂSESCU report – 2014/0256 (COD)

The Commission approved the line set out in SP(2016) 163.

iii) Council dossier

(point 3.3 of the IRG record)

- Amendment of Directive 2011/16/EU concerning the mandatory automatic exchange of information in the field of taxation (Council Directive) – 2016/0010 (CNS)

The Commission approved the line set out in SI(2016) 67.

10.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

iv) Programming of Council business

(SI(2016) 81)

The Commission took note of the information in SI(2016) 81 on the Council meetings between 10 and 23 March.

v) Outcome of the informal meeting of Heads of State or Government on the refugee crisis, and of the high-level meeting with the Turkish Prime Minister (Brussels, 7 March)

(SI(2016) 90)

The PRESIDENT reported on the meeting held the previous day between EU leaders, the President of the European Council, Donald Tusk, and himself, on the one hand, and the Turkish Prime Minister, Ahmet Davutoğlu, on the other, with a view to strengthening cooperation between the EU and Turkey in the context of the migration and refugee crisis. The meeting had been followed by an informal meeting of the European Council.

On 7 March the Turkish Prime Minister had made a new proposal, which the Heads of State or Government had not taken a final decision on – a fact that the PRESIDENT regretted given the urgency of the migration crisis and the current situation in some Member States. The proposal, which Mr Tusk had been asked to elaborate on before the next European Council meeting on 17 and 18 March provided for (i) the return of all irregular migrants crossing from Turkey to the Greek islands, (ii) quicker implementation of the roadmap on visa liberalisation for Turkish citizens, (iii) faster disbursement of the EUR 3 billion and examination of possible additional funding for the Refugee Facility for Syrians in Turkey, (iv) preparation of the decision on the opening of new chapters in Turkey's accession negotiations, (v) examination of the possible creation of humanitarian safe areas in Syria, and (vi) the decision to resettle in the EU one Syrian from Turkey for each Syrian readmitted by Turkey from the Greek islands.

The PRESIDENT stressed that the return mechanism was particularly important and should allow the gradual dismantling of the smugglers' business model. He explained that European leaders had examined at length the question of whether the return of asylum seekers from the Greek islands to Turkey complied with European and international law. As regards European law, he mentioned Articles 33(2)(c) and 38 of Directive 2013/32/EU on common procedures for granting and withdrawing international protection, which referred to the concept of a safe third country.

Relocation of refugees was still an issue for Greece and Italy, but certain Member States did not seem ready to make concessions.

He concluded by pointing out that, after lunch with the Turkish Prime Minister, the 28 EU leaders had reconvened and agreed on a return to full application of the Schengen Borders Code, with a view to ending illegal flows of migrants along the Western Balkans route, increasing humanitarian aid to

refugees in Greece and helping Greece to manage its external borders.

Ms MOGHERINI, who was present during the discussion between the Turkish Prime Minister and the EU leaders, regretted that the lack of clarity of the process had made the negotiations confused and the decisions difficult or even impossible to take.

With regard to the substance, she summarised the three main points that would need to be worked on, i.e. (i) the feasibility of the proposals, whether on relocation and resettlement, return to Turkey, or the question of funding for refugees in Turkey (in particular from the EU budget), (ii) the fate of Syria, which concerned the European Union and Turkey, and in which it had an important role to play, and (iii) the link to be established between compliance with the principles of rule of law, opposition rights, freedom of expression and media freedom in Turkey, on the one hand, and the opening of new chapters in the accession negotiations, on the other.

In response to a question on the humanitarian situation of vulnerable populations in Syria, Ms MOGHERINI noted a slight improvement and a glimmer of hope in that humanitarian aid was now getting into the country, where the ceasefire seemed to be holding, and peace talks would resume in Geneva on 9 March. The EU had also decided to open an ECHO (Humanitarian Aid and Civil Protection) office in Damascus.

Mr AVRAMOPOULOS commented on some of the points raised. He noted that, in order to support the conclusion of an agreement with Turkey within the next 10 days, the implementation of the agreement should be anticipated, which implied more solidarity and a real European approach.

He added that the EU needed a simple and efficient procedure to return irregular migrants arriving in Greece. As regards returns of Syrian asylum seekers to Turkey, he confirmed that these could only take place if they

complied fully with European and international law, namely Directive 2013/32/EU on common procedures for granting and withdrawing international protection, already mentioned by the PRESIDENT. Under EU legislation, the Member States could regard an asylum application as inadmissible without examining its content and send the migrant concerned back to a 'safe third country'. It would then be up to the third country to allow the applicant to request refugees' status and, if granted, benefit from the protection accorded by the applicable Geneva Convention. For the time being, Turkey had improved the situation of Syrians living on its territory.

Mr AVRAMOPOULOS also pointed out that the planned agreement with Turkey would only work if the Member States showed more solidarity in opening up legal migration routes to the EU. For that reason, he called for the urgent deployment of the system for voluntary humanitarian admission from Turkey, as well as a general resettlement mechanism.

Lastly, he stressed that European leaders should be made fully aware of the funding needed for the return of thousands of migrants from the Greek islands to Turkey, as well as for the resettlement, relocation or humanitarian admission of a large number of refugees. Additional financing would also be needed for the new humanitarian aid system within the EU that the Commission had proposed the previous week.

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

- the fact that cooperation with Turkey to resolve the migration crisis was an important negotiation for the EU; the strategy pursued by the Turkish authorities, on the one hand, and, on the other, Turkey's indispensable role in finding a solution to the crisis;
- the refugee camps in Turkey appeared to be well organised; the real and

verifiable needs of Syrian refugees in Turkey needed to be assessed before releasing funding and humanitarian aid, which the EU needed to retain control of;

- many Syrians apparently intended to return home once peace had been restored;
- as regards Turkish accession to the EU and visa liberalisation for Turkish citizens, the Turkish authorities were reminded of the procedures to be followed and criteria to be complied with, which did not permit any concessions or short-cuts;
- the EU could only count on itself to secure its external borders;
- irrespective of the possible agreement with Turkey, there were humanitarian needs in some Member States, in particular Greece; it was necessary to help Greece and prevent the humanitarian disaster it faced.

The Commission took note of this information.

vi) Non-legislative dossiers

(point 4.1 of the IRG record)

- Recommendation for a Council Decision authorising the opening of negotiations on a draft text of an international legally-binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction

The Commission approved the line set out in SI(2016) 73.

- International Maritime Organisation (IMO) – Council Shipping Working Party – Joint European Union submissions (SWD(2016) 40, SWD(2016) 42 and SWD(2016) 43)

The Commission approved the line set out in SI(2016) 77.

10.3. RELATIONS WITH PARLIAMENT

**vii) European Parliament business – March 2016 plenary session –
Questions for oral answer O-000021/2016 and O-000040/2016 –
Towards a thriving data-driven economy**

The Commission took note of document SP(2016) 154/3.

**viii) European Parliament business – March 2016 plenary session –
Question for oral answer O-000034/2016 – What is a 'Social triple-
A'?**

The Commission took note of SP(2016) 155.

**ix) European Parliament business – March 2016 plenary session –
Question for oral answer O-000030/2016 – Zika virus outbreak**

The Commission took note of SP(2016) 166.

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The meeting closed at 15.04.