



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2016) 2162 final

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

Strasbourg, 12 April 2016

TEXTE EN

MINUTES

**of the 2162nd meeting of the Commission
held in Brussels
(Berlaymont)
on 23 March 2016
(morning)**

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Single sitting: Wednesday 23 March 2016 (morning)

The sitting opened at 10.20 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 AVRAMOPOULOS	Member
Mr MOSCOVICI	Member
Mr STYLIANIDES	Member
Mr HOGAN	Member
Lord HILL	Member
Ms JOUROVÁ	Member
Mr NAVRACSICS	Member
Ms CREȚU	Member
Mr MOEDAS	Member

Absent:

Mr VELLA	Member
Mr ANDRIUKAITIS	Member
Ms THYSSEN	Member
Ms BULC	Member
Ms BIEŃKOWSKA	Member
Ms VESTAGER	Member

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

Mr NEALE	Expert from Mr VELLA's cabinet
Mr VINČIŪNAS	Chef de cabinet to Mr ANDRIUKAITIS
Mr HERMANS	Chef de cabinet to Ms THYSSEN
Ms OEN	Deputy Chef de cabinet to Ms BULC
Mr HUSAK	Chef de cabinet to Ms BIENKOWSKA
Ms JUUL-JØRGENSEN	Chef de cabinet to Ms VESTAGER

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 SCHINAS	Head of the Spokesperson's Service and Chief Spokesperson of the Commission
Mr SMULDERS	Chef de cabinet to Mr TIMMERMANS
Ms WERNER	Chef de cabinet to Ms GEORGIEVA
Ms SCHMITT	Chef de cabinet to Mr AVRAMOPOULOS
Ms BERTAUD	Commission Spokesperson's Service

Secretary: Mr ITALIANER, Secretary-General, assisted by Mr François GENISSON, Head of Unit in the Secretariat-General.

1. AGENDAS

(OJ(2016) 2162/FINAL; SEC(2016) 143/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) 2162)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 21 March.

3. APPROVAL OF THE MINUTES AND SPECIAL MINUTES OF THE 2159TH MEETING OF THE COMMISSION (2 MARCH) AND THE MINUTES OF THE 2160TH AND 2161ST MEETING (8 AND 16 MARCH)

(PV(2016) 2159; PV(2016) 2159, PART II; PV(2016) 2160)

The Commission approved the minutes of its 2159th and 2160th meeting and decided to hold over for one week approval of the minutes of its 2161st meeting.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2016) 38)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 18 March (RCC(2016) 38).

It paid particular attention to the following points.

4.1. LEGISLATIVE MATTERS

i) Council dossiers

(point 3.3 of the IRG record)

- Implementing enhanced cooperation in the area of financial transaction tax (Council Directive) 2013/0045 (CNS)

The Commission took note of the information in SI(2016) 108.

- Amendment of Directive 2011/16/EU as regards 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) 115.

4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

ii) Programming of Council business

(SI(2016) 118)

The Commission took note of the information in SI(2016) 118 on the Council meetings between 24 March and 6 April.

iii) Non-legislative dossiers

(point 4.1 of the IRG record)

- The signing, on behalf of the European Union, of a Framework Agreement between the European Union and Kosovo¹ on the general principles for the participation of Kosovo in Union programmes /

¹ This designation was without prejudice to positions on status, and was in line with UN Security Council Resolution 1244/1999 and the International Court of Justice Opinion on the Kosovo declaration of independence.

Conclusion of a Framework Agreement between the European Union and Kosovo on the general principles for the participation of Kosovo in Union programmes (Council Decisions) – 2013/0114 (NLE) / 2013/0115 (NLE)

The Commission approved the line set out in SI(2016) 103.

- *Niger country fiche on migration*
- *Tunisia country fiche on migration*

The Commission approved the line set out in SI(2016) 104 and SI(2016) 105/2.

- Preparations for the third United Nations Conference on Housing and Sustainable Urban Development – *Habitat III* (Quito, 17 to 20 October)

The Commission took note of the information in SI(2016) 106 and /2.

- *Discussion paper for the Brussels Conference on Afghanistan*

The Commission took note of the information in SI(2016) 116.

- 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 (Recommendation for a Council Decision)

The Commission approved the line set out in SI(2016) 107.

- Draft revised mandates for the Strategic Forum for International S&T Cooperation (SFIC) and the High Level Group on Joint Programming (GPC)

The Commission approved the line set out in SI(2016) 112.

4.3. RELATIONS WITH PARLIAMENT

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

(point 5.6.2 of the IRG record)

The Commission approved documents SP(2016) 190 and /2 on the action taken on the non-legislative resolutions adopted by Parliament at its December II part-session, for transmission to Parliament.

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

(point 5.6.3 of the IRG record)

The Commission approved document SP(2016) 191 on the action taken on the legislative opinions and non-legislative resolutions adopted by Parliament at its January part-session, for transmission to Parliament.

vi) Participation by Members of Parliament in international conferences

(point 5.7 of the IRG record)

- First World Humanitarian Summit (Istanbul, 23 and 24 May)

The Commission replied to the request to the PRESIDENT from Mr Martin Schulz, the President of the European Parliament, concerning the attendance of twelve Members of the European Parliament at the above-mentioned meeting from 23 to 24 May as observers in the EU delegation, as set out in SP(2016) 152 and /2.

- 31st session of the United Nations Human Rights Council (Geneva, 29 February to 24 March)

The Commission agreed to the request to the PRESIDENT from Mr Martin Schulz, the President of the European Parliament, concerning the attendance of seven Members of the European Parliament at the above-mentioned meeting from 14 to 15 March as observers in the EU delegation, with a reminder about the procedure to be followed as set out in SP(2016) 195.

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

- vii) Testimony of Mr Karl SOUKUP, Director in DG Competition, to the Austrian Parliament's committee of inquiry (*Nationalrat*) in the Hypo Group Alpe-Adria case**
(point 6.1.3 of the IRG record)

The Commission authorised Mr Karl SOUKUP to respond to the invitation from the Austrian Parliament, following the line set out in SNP(2016) 16 and /2.

- viii) Action taken on opinions of the Committee of the Regions – Sixty-sixth report – October 2015 plenary session**
(point 6.4.1 of the IRG record)

The Commission approved the replies to the opinions adopted by the Committee of the Regions during the October 2015 plenary session, contained in the document distributed as SR(2016) 6/2, for transmission to the Committee of the Regions.

5. MONITORING THE APPLICATION OF EUROPEAN UNION LAW

INFRINGEMENTS – URGENT INDIVIDUAL CASE

(SEC(2016) 154)

The Commission adopted the decision in SEC(2016) 154.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

6.1. WRITTEN PROCEDURES APPROVED

(SEC(2016) 144 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 14 and 18 March.

6.2. EMPOWERMENT

(SEC(2016) 145 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 14 and 18 March.

6.3. DELEGATION AND SUBDELEGATION OF POWERS

(SEC(2016) 146 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 14 and 18 March, as archived in Decide.

6.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2016) 147 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 21 March and 1 April.

7. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2016) 148/2)

ADMINISTRATIVE MATTERS

(PERS(2016) 26/2)

7.1. DG COMPETITION – APPOINTMENT OF AD14/15 DIRECTOR

(PERS(2015) 119 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, ‘Markets and cases V: Transport, Post and Other Services’, in DG Competition (PERS(2015) 119).

It took note of the opinions of the Consultative Committee on Appointments of 17 and 25 February (PERS(2015) 119/2 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 Ms VESTAGER, as well as Mr ANSIP, Mr ŠEFČOVIČ and Mr KATAINEN, it decided to appoint Mr Henrik MØRCH to the post.

This decision would take effect on 1 April.

**7.2. DG BUDGET / DG HUMAN RESOURCES AND SECURITY –
ALLOCATION OF ESTABLISHMENT PLAN POSTS FOR 2016
(SEC(2016) 171 AND /2)**

**7.3. DG HUMAN RESOURCES AND SECURITY – SYNERGIES AND
EFFICIENCIES IN THE COMMISSION – NEW WAYS OF WORKING
(SEC(2016) 170)**

On a proposal from the PRESIDENT, the Commission agreed that the communications currently set out in SEC(2016) 171/2 and SEC(2016) 170, would be formally adopted by ‘finalisation’ written procedure, the deadline for which was set at 10.00 on Monday 4 April (PE/2016/2015 and PE/2016/2014).

**8. SECURITY – UPDATE ON THE SITUATION FOLLOWING THE
TERRORIST ATTACKS IN BRUSSELS ON 22 MARCH AND THE
IMPLEMENTATION OF THE EUROPEAN AGENDA ON SECURITY
(INFO(2016) 19)**

The PRESIDENT announced that, following the tragic attacks in Brussels the day before and given the profound shock they had caused, the day's meeting would be devoted entirely to security matters. He particularly thanked Ms GEORGIEVA and Mr AVRAMOPOULOS for their efforts in these exceptionally difficult circumstances. A minute's silence would be observed at midday in Belgium and also in the Commission, in the presence of the Belgian Sovereigns, King Philippe and Queen Mathilde, the Belgian Prime Minister, Charles Michel, and members of the Belgian government, as well as the French Prime Minister, Manuel Valls, who was visiting the Commission for a working lunch with the College.

Ms GEORGIEVA sent her sincere condolences to the victims of the attacks and their loved ones. She paid tribute to the Belgian authorities and the dignity of the

Belgian people at this difficult time.

She then described the internal measures taken to ensure the safety of staff and the continuity of the Commission's operations. She praised the close coordination established between the relevant departments and also with the Belgian authorities, the European External Action Service (EEAS) and the other EU institutions. The situation would be reassessed on Monday to determine whether these measures needed to be modified or not, depending on the information provided by the Belgian authorities. She warmly thanked Commission staff for their responsible attitude and the solidarity they had shown in these difficult circumstances. Finally, she informed the meeting that a 'March against Fear' would be held in Brussels at 14.00 on Sunday.

Mr AVRAMOPOULOS provided an update on the ongoing investigation, highlighting the possible links between the attacks in Brussels and those in Paris last November. He too spoke of the close cooperation the day before with the Belgian Interior Minister, Jan Jambon, the Belgian competent authorities and also their French counterparts, Europol and the EU Counter-Terrorism Coordinator, Gilles de Kerchove. He called for enhanced European cooperation on security issues, and in particular as regards intelligence gathering and sharing, which were central to such cooperation.

He then confirmed that a meeting of the Justice and Home Affairs Council would be held in the next few days. As well as considering the immediate operational aspects relating to Tuesday's attacks, this would be an opportunity to review a number of important initiatives envisaged by the European Agenda on Security presented by the Commission in April 2015 which had either already been submitted to the co-legislator or would feature in the Commission's work programme very soon.

He briefly outlined the contents of the information note on this subject distributed at the meeting under the authority of himself and Mr TIMMERMANS. He dwelt on certain initiatives aimed at giving the Union the means to tackle the terrorist threat

and organised crime collectively and more effectively. The final adoption of these measures by the co-legislator was crucial to their rapid and effective implementation in the Member States. He particularly emphasised the need to promote a more robust and effective exchange of information and intelligence between EU Member States.

Among the other measures that might be envisaged at EU level to complement those taken by the Member States, he pointed in particular to the work currently under way on a communication on the use of a digital tool for transmitting targeted information to the law enforcement authorities of the Member States, thereby contributing to effective management of internal security and the external borders.

He wound up his presentation by expressing the hope that, in the aftermath of the murderous attacks which had struck at the political and symbolic heart of Europe, the need to strengthen European cooperation to tackle the challenges which went far beyond the national context would soon be reflected in a renewed political will and practical progress.

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

- the feeling of solidarity with and profound sympathy for the victims and their families in the wake of these serious attacks;
- at the internal level, support for the measures taken by the Commission; recognition of the very high level of cooperation at departmental level; the excellent collaboration between the Commission and the Belgian authorities and the other EU institutions in particular;
- the impact of certain personal initiatives, such as the PRESIDENT's decision to go to the Place de la Bourse in Brussels, which had been turned into a place of remembrance, and other acts of humanity by Members of the Commission;

- on the policy front, the need to respond to terrorism with a firm resolve and relentless determination; the serious threat posed by current forms of terrorism, particularly because of how they were organised and their international ramifications;
- as well as the very understandable emotions, the desire to return to normal as soon as possible and the hope that the Commission would show that it was continuing to work for European solutions to European problems;
- the need to learn the lessons from the Brussels attacks, following those in Paris, to improve prevention and find ways of foiling such terrorist attacks;
- the key question of sharing information between the Member States in the fight against terrorism; the need to promote, wherever possible, a cultural change in this area;
- a call by some Members for Europe to set itself the objective of building a ‘security union’, alongside its judicial, police and customs cooperation, along the lines of the energy union;
- in the interests of effective counter-terrorism, the need for Member States to strengthen cooperation between police structures that were fragmented at regional and national level, and to boost their resources;
- the balance that had to be struck in counter-terrorism between ensuring citizens' safety and respecting their fundamental right to privacy; a reminder of legislative initiatives in the area of justice where adoption by the co-legislator needed to be speeded up, such as the Directive on preventing money laundering and terrorist financing, and the initiatives the Commission would present in the weeks and months to come;
- the case for encouraging Member States to make better use of the tools already introduced by Eurojust and Europol, the European system for exchanging

information about people wanted for terrorist offences or suspected of such offences, and also the measures to help combat online radicalisation and radicalisation in prison;

- more generally, the need for political action targeting Europe's young people, to give them the hope of a positive future; the importance, too, of prevention and tackling the underlying causes of radicalisation;
- the suggestion that the head of the Security Directorate in the Commission's DG Human Resources and Security and possibly someone from the European External Action Service specialising in crisis situations and intelligence should be invited to brief Members of the Commission at one of their future weekly meetings;
- the importance, in the light of current events, of taking initiatives at European level to achieve progress on other political dossiers, for example relating to Syria.

While pointing out that the Member States were primarily in charge of security and counter-terrorism policies, Mr TIMMERMANS stressed the need for resolute action by the Union in the areas under its responsibility. He drew attention to the risk of populist and extremist movements exploiting what might be presented in the context of the attacks in Europe as political impotence, by conflating the responsibilities at national and European level.

The PRESIDENT agreed that the Union had to be ambitious when it had the instruments to act, as the Commission was doing, for example, in the European Agenda on Security. It was also essential for Europe to state clearly that it was not giving in to fear and that it was acting solely to defend its values of peace and democracy. Finally he emphasised the importance of stressing that the European Union and the Commission would continue to work in the interests of unity, to combat terrorism and seek European answers to questions that touched all of its

citizens.

The Commission took note of these comments and of the note distributed as INFO(2016) 19.

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The meeting closed at 11.30.