



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

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Brussels, 25 May 2016

TEXTE EN

MINUTES

of the 2167th meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 4 May 2016

(morning)

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TABLE OF CONTENTS

Attendance list	7-9
1. AGENDAS (OJ(2016) 2167/FINAL/2; SEC(2016) 200/FINAL)	10
2. WEEKLY MEETING OF CHEFS DE CABINET (RCC(2016) 2167).....	10
3. APPROVAL OF THE MINUTES AND SPECIAL MINUTES OF THE 2165 TH MEETING OF THE COMMISSION (20 APRIL) AND THE MINUTES OF THE 2166 TH MEETING (27 APRIL) (PV(2016) 2165)	10
4. INTERINSTITUTIONAL RELATIONS (RCC(2016) 55)	10
4.1. LEGISLATIVE MATTERS	11
4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL	14
4.3. RELATIONS WITH PARLIAMENT	15
5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS.....	16
5.1. WRITTEN PROCEDURES APPROVED (SEC(2016) 201 ET SEQ.).....	16
5.2. EMPOWERMENT (SEC(2016) 202 ET SEQ.)	16
5.3. DELEGATION AND SUBDELEGATION OF POWERS (SEC(2016) 203 ET SEQ.).....	16
5.4. SENSITIVE WRITTEN PROCEDURES (SEC(2016) 204)	16
5.5. GENERAL EMPOWERMENT FOR THE ADOPTION OF MEASURES RELATING TO SECURITY (C(2016) 2797)	16
6. ADMINISTRATIVE AND BUDGETARY MATTERS (SEC(2016) 205 TO /3).....	17

6.1. SECRETARIAT GENERAL / REGULATORY SCRUTINY BOARD – APPOINTMENT OF THREE AD14 PRINCIPAL ADVISERS (PERS(2015) 64 TO /5).....	18
6.2. DG REGIONAL AND URBAN POLICY – AMENDMENT OF ORGANISATION CHART AND APPOINTMENT OF AD14 PRINCIPAL ADVISER.....	18
6.3. DG TAXATION AND CUSTOMS UNION – AMENDMENT OF ORGANISATION CHART AND APPOINTMENT OF PRINCIPAL ADVISER.....	19
6.4. DG HEALTH AND FOOD SAFETY – RENEWAL OF THE TERM OF OFFICE OF THE PRESIDENT OF THE COMMUNITY PLANT VARIETY OFFICE (CPVO)	19
6.5. DG HEALTH AND FOOD SAFETY – RENEWAL OF THE TERM OF OFFICE OF THE ALTERNATE TO THE CHAIR OF THE BOARD OF APPEAL OF THE COMMUNITY PLANT VARIETY OFFICE (CPVO)	20
6.6. DG INTERNATIONAL COOPERATION AND DEVELOPMENT – AMENDMENT OF ORGANISATION CHART AND APPOINTMENT OF DIRECTOR-GENERAL	21
6.7. DECISION OF THE PRESIDENT ON THE SPECIAL ENVOY FOR THE PROMOTION OF FREEDOM OF RELIGION OR BELIEF OUTSIDE THE EUROPEAN UNION (C(2016) 2872).....	22
6.8. DG INTERNATIONAL COOPERATION AND DEVELOPMENT / DG HUMAN RESOURCES AND SECURITY – APPOINTMENT OF SPECIAL ENVOY FOR THE PROMOTION OF FREEDOM OF RELIGION OR BELIEF OUTSIDE THE EUROPEAN UNION	22
7. REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL – THIRD REPORT ON PROGRESS BY TURKEY IN FULFILLING THE REQUIREMENTS OF ITS VISA LIBERALISATION ROADMAP (COM(2016) 278 AND /2; SWD(2016) 161)	23
8. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EC) 539/2001 LISTING THE THIRD COUNTRIES WHOSE NATIONALS MUST BE IN POSSESSION OF VISAS WHEN	

CROSSING THE EXTERNAL BORDERS OF MEMBER STATES AND THOSE WHOSE NATIONALS ARE EXEMPT FROM THAT REQUIREMENT (TURKEY) (COM(2016) 279 AND /2)	23
9. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EC) 539/2001 LISTING THE THIRD COUNTRIES WHOSE NATIONALS MUST BE IN POSSESSION OF VISAS WHEN CROSSING THE EXTERNAL BORDERS OF MEMBER STATES AND THOSE WHOSE NATIONALS ARE EXEMPT FROM THAT REQUIREMENT (REVISION OF THE SUSPENSION MECHANISM) (COM(2016) 290).....	23
10. REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL – FOURTH REPORT ON PROGRESS BY KOSOVO IN FULFILLING THE REQUIREMENTS OF THE VISA LIBERALISATION ROADMAP (COM(2016) 276 AND /2; SWD(2016) 160 AND /2)	29
11. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EC) 539/2001 LISTING THE THIRD COUNTRIES WHOSE NATIONALS MUST BE IN POSSESSION OF VISAS WHEN CROSSING THE EXTERNAL BORDERS OF MEMBER STATES AND THOSE WHOSE NATIONALS ARE EXEMPT FROM THAT REQUIREMENT (KOSOVO ²) (COM(2016) 277 AND /2)	29
12. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING THE CRITERIA AND MECHANISMS FOR DETERMINING THE MEMBER STATE RESPONSIBLE FOR EXAMINING AN APPLICATION FOR	

INTERNATIONAL PROTECTION LODGED IN ONE OF THE MEMBER STATES BY A THIRD-COUNTRY NATIONAL OR A STATELESS PERSON (RECAST) (COM(2016) 270 TO /3; RCC(2016) 56).....	30
13. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE EUROPEAN UNION AGENCY FOR ASYLUM AND REPEALING REGULATION (EC) 439/2010 (COM(2016) 271 TO /3; RCC(2016) 56)	36
14. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE ESTABLISHMENT OF ‘EURODAC’ FOR THE COMPARISON OF FINGERPRINTS FOR THE EFFECTIVE APPLICATION OF REGULATION (EU) 604/2013 ESTABLISHING THE CRITERIA AND MECHANISMS FOR DETERMINING THE MEMBER STATE RESPONSIBLE FOR EXAMINING AN APPLICATION FOR INTERNATIONAL PROTECTION LODGED IN ONE OF THE MEMBER STATES BY A THIRD-COUNTRY NATIONAL OR A STATELESS PERSON, FOR IDENTIFYING AN ILLEGALLY STAYING THIRD-COUNTRY NATIONAL OR STATELESS PERSON AND ON REQUESTS FOR THE COMPARISON WITH EURODAC DATA BY MEMBER STATES’ LAW ENFORCEMENT AUTHORITIES AND EUROPOL FOR LAW ENFORCEMENT PURPOSES (RECAST) (COM(2016) 272 TO /3; RCC(2016) 56)	36
15. PROPOSAL FOR A COUNCIL IMPLEMENTING DECISION SETTING OUT A RECOMMENDATION FOR THE TEMPORARY REINTRODUCTION OF INTERNAL BORDER CONTROL IN THE EVENT OF EXCEPTIONAL CIRCUMSTANCES PUTTING THE	

OVERALL FUNCTIONING OF THE SCHENGEN AREA AT RISK

(COM(2016) 275).....37

16. OTHER BUSINESS.....37

16.1. TRANSATLANTIC TRADE AND INVESTMENT PARTNERSHIP (TTIP) 37

16.2. EU-TURKEY HIGH LEVEL ECONOMIC DIALOGUE (INFO(2016) 43)..... 39

Single sitting: Wednesday 4 May 2016 (morning)

The sitting opened at 10.14 with Mr JUNCKER, President, in the chair.

Present:

Mr JUNCKER	President	
Mr TIMMERMANS	First Vice-President	
Ms GEORGIEVA	Vice-President	
Mr ANSIP	Vice-President	
Mr DOMBROVSKIS	Vice-President	
Mr KATAINEN	Vice-President	
Mr OETTINGER	Member	
Ms MALMSTRÖM	Member	
Mr MIMICA	Member	Items 1 to 15
Mr VELLA	Member	
Mr ANDRIUKAITIS	Member	
Mr AVRAMOPOULOS	Member	
Mr MOSCOVICI	Member	
Mr STYLIANIDES	Member	
Mr HOGAN	Member	
Lord HILL	Member	
Ms BULC	Member	
Ms BIEŃKOWSKA	Member	
Ms JOUROVÁ	Member	
Mr NAVRACSICS	Member	
Ms CREȚU	Member	
Ms VESTAGER	Member	
Mr MOEDAS	Member	

Absent:

Ms MOGHERINI	High Representative / Vice-President
Mr ŠEFČOVIČ	Vice-President
Mr HAHN	Member
Mr ARIAS CAÑETE	Member
Ms THYSSEN	Member

(4 May 2016)

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

Mr MANSERVISI	Chef de cabinet to Ms MOGHERINI	Items 7 to 16
Mr NOCIAR	Chef de cabinet to Mr ŠEFČOVIČ	
Mr KARNITSCHNIG	Chef de cabinet to Mr HAHN	
Mr SCHELLEKENS	Deputy Chef de cabinet to Mr ARIAS CAÑETE	
Mr HERMANS	Chef de cabinet to Ms THYSSEN	

The following also sat in:

Mr SELMAYR	Chef de cabinet to the PRESIDENT	
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	
Ms METTLER	Head of the European Political Strategy Centre	
Mr SHOTTER	Adviser in the PRESIDENT's Office	Items 1 to 15
Ms ARKI	PRESIDENT's Office	
Ms SUTTON	Deputy Chef de cabinet to Mr TIMMERMANS	Items 1 to 15
Ms WERNER	Chef de cabinet to Ms GEORGIEVA	Items 1 to 6
Ms SCHMITT	Chef de cabinet to Mr AVRAMOPOULOS	Items 1 to 15
Ms MICHOU	Deputy Secretary-General	
Ms ANDREEVA	Commission Spokesperson's Service	
Mr MORDUE	DG Neighbourhood and Enlargement Negotiations	Items 1 to 9

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

1. AGENDAS

(OJ(2016) 2167/FINAL/2; SEC(2016) 200/FINAL)

The Commission took note of that day's agenda and of the tentative agendas for forthcoming meetings. It also took note of the addition of items 6.6, 6.7 and 6.8 (regarding administrative decisions) to that day's agenda.

2. WEEKLY MEETING OF CHEFS DE CABINET

(RCC(2016) 2167)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 2 May.

3. APPROVAL OF THE MINUTES AND SPECIAL MINUTES OF THE 2165TH MEETING OF THE COMMISSION (20 APRIL) AND THE MINUTES OF THE 2166TH MEETING (27 APRIL)

(PV(2016) 2165)

The Commission approved the minutes of its 2165th meeting, and decided to hold over for one week approval of the minutes of its 2166th meeting.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2016) 55)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 29 April (RCC(2016) 55).

It paid particular attention to the following points.

4.1. LEGISLATIVE MATTERS

i) Trilogue meetings

(point 3.1 of the IRG record)

- ‘MIFID II package’ – Amendment of Directive 2014/65/EU on markets in financial instruments as regards certain dates (Directive) – FERBER report – 2016/0033 (COD) / Amendment of Regulation (EU) 600/2014 on markets in financial instruments, Regulation (EU) 596/2014 on market abuse and Regulation (EU) 909/2014 on improving securities settlement in the European Union and on central securities depositories as regards certain dates (Regulation) – FERBER report– 2016/0034 (COD)

The Commission approved the line set out in SPI(2016) 19/3.

- Provisional legal aid for suspects or accused persons deprived of liberty and legal aid in European arrest warrant proceedings (Directive) – DE JONG report – 2013/0409 (COD)

The Commission approved the line set out in SI(2016) 151.

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

The Commission approved the line set out in SI(2016) 159.

ii) European Parliament dossiers – May I part-session

(point 3.2 of the IRG record)

Ordinary legislative procedure – Second reading

- Promoting the free movement of citizens and businesses by simplifying the acceptance of certain public documents in the European Union and

amending Regulation (EU) 1024/2012 (Regulation) – DELVAUX report – 2013/0119 (COD)

The Commission took note of the compromise text in SP(2016) 288, further to communication COM(2016) 206, which it had already approved on 8 April.

- European Union Agency for Law Enforcement Cooperation and Training (Europol) and repeal of Decisions 2009/371/JHA and 2005/681/JHA (Regulation) – DÍAZ DE MERA report – 2013/0091 (COD)

The Commission took note of the compromise text in SP(2016) 289, further to communication COM(2016) 209, which it had already approved on 8 April.

- Conditions of entry and residence of third-country nationals for the purposes of research, studies, pupil exchange, remunerated and unremunerated training, voluntary service and au pairing (Directive – recast) – WIKSTRÖM report – 2013/0081 (COD)

The Commission took note of the compromise text in SP(2016) 290, further to communication COM(2016) 184, which it had already approved on 5 April.

Ordinary legislative procedure – First reading

- Amendment of Regulation (EC) 184/2005 on Community statistics concerning balance of payments, international trade in services and foreign direct investment as regards conferring of delegated and implementing powers upon the Commission for the adoption of certain measures (Regulation) – GIEGOLD report – 2014/0194 (COD)

The Commission approved the line set out in SP(2016) 279 and took note of the compromise text attached to that document.

Special legislative procedure

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

The Commission approved the line set out in SP(2016) 280.

iii) Council dossiers

(point 3.3 of the IRG record)

- European Border and Coast Guard and repeal of Regulation (EC) 2007/2004, Regulation (EC) 863/2007 and Council Decision 2005/267/EC (Regulation) – PABRIKS report – 2015/0310 (COD)

The Commission took note of the information in SI(2016) 144.

- 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) 162.

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

The Commission approved the line set out in SI(2016) 165.

- Fourth ‘Railway’ Package (market pillar) – Amendment of Regulation (EC) 1370/2007 concerning the opening of the market for domestic passenger transport services by rail (Regulation) – VAN DE CAMP

report – 2013/0028 (COD) / Amendment of Directive 2012/34/EU of 21 November 2012 of the European Parliament and of the Council establishing a single European Railway Area, as regards the opening of the market of domestic passenger transport services by rail and the governance of the railway infrastructure (Directive) – SASSOLI report – 2013/0029 (COD) / Repeal of Regulation (EEC) 1192/69 of the Council on common rules for the normalisation of the accounts of railway undertakings (Regulation) – KYLLÖNEN report – 2013/0013 (COD)

The Commission approved the line set out in SI(2016) 173.

4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

iv) Programming of Council business

(SI(2016) 177)

The Commission took note of the information in SI(2016) 177 on the Council meetings between 5 and 18 May.

v) Non-legislative dossiers

(point 4.1 of the IRG record)

- 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) 166.

- *Re-location of judicial proceedings under the mandate of the CSDP mission EULEX Kosovo*¹

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

The Commission approved the line set out in SI(2016) 174 and /2.

- African Peace Facility – Funding Perspectives 2016/2018

The Commission approved the line set out in SI(2016) 184.

vi) Latest developments in the Council

(point 4.4 of the IRG record)

- Steel – Preserving sustainable jobs and growth in Europe (Communication from the Commission – COM(2016) 155)

The Commission approved the line set out in SI(2016) 171 and /2.

4.3. RELATIONS WITH PARLIAMENT

vii) Action to be taken on Parliament's legislative resolutions and other resolutions of a legal nature

(SP(2016) 296)

The Commission decided to empower the Commission Members responsible for the sectors in question, in agreement with the PRESIDENT and Mr TIMMERMANS and, if necessary, with the other Members concerned, to adopt the amended proposals for transmission to Parliament and the Council, as set out in SP(2016) 296, drawn up following the part-session of Parliament of 27 and 28 April, the contents of which were noted.

viii) Results of the April II part-session of Parliament

(SP(2016) 300)

The Commission took note of the information on Parliament's part-session held on 27 and 28 April in Brussels, set out in SP(2016) 300.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED (SEC(2016) 201 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 25 and 29 April.

5.2. EMPOWERMENT (SEC(2016) 202 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 25 and 29 April.

5.3. DELEGATION AND SUBDELEGATION OF POWERS (SEC(2016) 203 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 22 and 29 April, as archived in Decide.

5.4. SENSITIVE WRITTEN PROCEDURES (SEC(2016) 204)

The Commission took note of the sensitive written procedures for which the time limit expired between 2 and 6 May.

5.5. GENERAL EMPOWERMENT FOR THE ADOPTION OF MEASURES RELATING TO SECURITY (C(2016) 2797)

The Commission adopted the decision set out in document C(2016) 2797 and decided to empower the Member of the Commission with responsibility for

security to adopt, on behalf of the Commission and under its responsibility, the implementing rules provided for in Article 21 of Commission Decision (EU, Euratom) 2015/443 and Article 60 of Commission Decision (EU, Euratom) 2015/444 for certain technical measures, and to draw up the security notices setting out security guidelines and best practices, in accordance with the terms and conditions set out in the document in question.

6. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2016) 205 TO /3)

ADMINISTRATIVE MATTERS

(PERS(2016) 39 TO /3)

At the PRESIDENT's invitation, Ms GEORGIEVA announced two extra items to be put to the Commission that day for a decision, and one item to be put to it for information (see items 6.6, 6.7 and 6.8 of these minutes).

The first of these items concerned the transfer of Mr Stefano MANSERVISI, currently Chef de cabinet to Ms MOGHERINI, High Representative of the Union for Foreign Affairs and Security Policy, to the post of Director-General of DG International Cooperation and Development.

The PRESIDENT presented to the Commission his decision to create a new post of Special Envoy for the promotion of freedom of religion or belief outside the European Union, and proposed to appoint Mr Ján FIGEL', former Member of the Commission, to this post as special adviser to Mr MIMICA. This decision would take effect on 6 May 2016.

Ms GEORGIEVA took the opportunity to mention briefly the European Parliament's vote on 28 April granting discharge to the Commission for the 2014 financial year. She welcomed this positive result for the Commission and thanked

all those who had contributed.

**6.1. SECRETARIAT GENERAL / REGULATORY SCRUTINY BOARD –
APPOINTMENT OF THREE AD14 PRINCIPAL ADVISERS
(PERS(2015) 64 TO /5)**

The Commission had before it applications under Article 29(2) of the Staff Regulations for three principal adviser posts on the Regulatory Scrutiny Board in the Secretariat-General (PERS(2015) 64 to /3).

It took note of the opinions of the Consultative Committee on Appointments of 6 and 14 January 2016 (PERS(2015) 64/4 and /5).

The Commission proceeded to compare the applicants' qualifications for the posts. On a proposal from the PRESIDENT, in agreement with Mr TIMMERMANS and Ms GEORGIEVA, it decided to appoint Mr Nils BJÖRKSTEN, Mr Claudio RADAELLI and Ms Isabelle SCHÖMANN to the vacant posts, and to engage them as temporary staff within the meaning of Article 2(a) of the Conditions of employment of other servants of the European Union, for a non-renewable term of three years.

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

**6.2. DG REGIONAL AND URBAN POLICY – AMENDMENT OF
ORGANISATION CHART AND APPOINTMENT OF AD14 PRINCIPAL
ADVISER**

On a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT and after consulting Ms CREȚU, Mr ANSIP, Mr ŠEFČOVIČ and Mr KATAINEN, the Commission decided:

- to create a temporary principal adviser post in DG Regional and Urban Policy; this post would be abolished upon the departure of the job holder;

(4 May 2016)

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

- to fill that post by transferring in the interest of the service, under Article 7 of the Staff Regulations, Ms Natalija KAZLAUSKIENE, an AD14 official and currently Head of the Commission Representation Office in Lithuania.

These decisions would take effect on 1 September 2016.

6.3. DG TAXATION AND CUSTOMS UNION – AMENDMENT OF ORGANISATION CHART AND APPOINTMENT OF PRINCIPAL ADVISER

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

- to create a temporary principal adviser post in DG Taxation and Customs Union; this post would be abolished upon the departure of the job holder;
- to fill that post by transferring in the interest of the service, under Article 7 of the Staff Regulations, Mr Mirosław ZIELINSKI, an AD15 official and currently Director of the ‘Resources’ Directorate in DG Taxation and Customs Union;
- to second Mr ZIELINSKI to the World Customs Organisation in the interest of the service under Articles 37 and 38 of the Staff Regulations from 1 June 2016 to 31 March 2017.

These decisions would take effect on 1 June 2016.

6.4. DG HEALTH AND FOOD SAFETY – RENEWAL OF THE TERM OF OFFICE OF THE PRESIDENT OF THE COMMUNITY PLANT VARIETY OFFICE (CPVO)

On a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT

and after consulting Mr ANDRIUKAITIS and Mr KATAINEN, the Commission decided:

- to propose to the Council that the term of office of Mr Martin EKVAD as President of the Community Plant Variety Office be renewed for a period of five years from 1 August 2016;
- to instruct Mr ANDRIUKAITIS to communicate this decision to the Council.

These decisions would take effect immediately.

6.5. DG HEALTH AND FOOD SAFETY – RENEWAL OF THE TERM OF OFFICE OF THE ALTERNATE TO THE CHAIR OF THE BOARD OF APPEAL OF THE COMMUNITY PLANT VARIETY OFFICE (CPVO)

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

- to propose to the Council that the term of office of Ms Sari Kaarina HAUKKA as alternate to the Chair of the Board of Appeal of the Community Plant Variety Office be renewed for a period of five years from 15 October 2016;
- to instruct Mr ANDRIUKAITIS to communicate this decision to the Council.

These decisions would take effect immediately.

**6.6. DG INTERNATIONAL COOPERATION AND DEVELOPMENT –
AMENDMENT OF ORGANISATION CHART AND APPOINTMENT OF
DIRECTOR-GENERAL**

Having taken note of the procedure set out in document PERS(2016) 39/3, the Commission, on a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT and Ms MOGHERINI, in her capacity as High Representative of the Union for Foreign Affairs and Security Policy, and after consulting Mr MIMICA, decided:

- to create a temporary post of adviser hors classe in DG International Cooperation and Development; this post would be abolished upon the departure of the job holder;
- to approve the transfer of Mr Stefano MANSERVISI from the European External Action Service to the Commission, under Article 8 of the Staff Regulations, to the new post of adviser hors classe in DG International Cooperation and Development;
- to second Mr MANSERVISI to the post of Chef de cabinet to Ms MOGHERINI, in the interest of the service under Articles 37 and 38 of the Staff Regulations;
- to transfer Mr MANSERVISI in the interest of the service under Article 7 of the Staff Regulations to the post of Director-General for International Cooperation and Development, and to end his secondment as Chef de cabinet to Ms MOGHERINI; these decisions would take effect on 16 May 2016.

Unless indicated otherwise, these decisions would take effect immediately.

6.7. DECISION OF THE PRESIDENT ON THE SPECIAL ENVOY FOR THE PROMOTION OF FREEDOM OF RELIGION OR BELIEF OUTSIDE THE EUROPEAN UNION

(C(2016) 2872)

The Commission took note of the PRESIDENT's decision creating the post of Special Envoy for the promotion of freedom of religion or belief outside the European Union, as set out in document C(2016) 2872.

This decision would take effect on 6 May 2016.

6.8. DG INTERNATIONAL COOPERATION AND DEVELOPMENT / DG HUMAN RESOURCES AND SECURITY – APPOINTMENT OF SPECIAL ENVOY FOR THE PROMOTION OF FREEDOM OF RELIGION OR BELIEF OUTSIDE THE EUROPEAN UNION

The Commission took note of the information set out in point 2 of PERS(2016) 39/2 and, on a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT and after consulting Ms MOGHERINI and Mr MIMICA, decided:

- to appoint Mr Ján FIGEL, former Member of the Commission, to the post of Special Envoy for the promotion of freedom of religion or belief outside the European Union, as special adviser to Mr MIMICA, for a renewable term of one year;
- to authorise the Director-General for Human Resources and Security to implement that decision by signing a special adviser contract on behalf of the authority empowered to conclude contracts of employment.

These decisions would take effect on 6 May 2016.

- 7. REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL – THIRD REPORT ON PROGRESS BY TURKEY IN FULFILLING THE REQUIREMENTS OF ITS VISA LIBERALISATION ROADMAP**
(COM(2016) 278 AND /2; SWD(2016) 161)
- 8. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EC) 539/2001 LISTING THE THIRD COUNTRIES WHOSE NATIONALS MUST BE IN POSSESSION OF VISAS WHEN CROSSING THE EXTERNAL BORDERS OF MEMBER STATES AND THOSE WHOSE NATIONALS ARE EXEMPT FROM THAT REQUIREMENT (TURKEY)**
(COM(2016) 279 AND /2)
- 9. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EC) 539/2001 LISTING THE THIRD COUNTRIES WHOSE NATIONALS MUST BE IN POSSESSION OF VISAS WHEN CROSSING THE EXTERNAL BORDERS OF MEMBER STATES AND THOSE WHOSE NATIONALS ARE EXEMPT FROM THAT REQUIREMENT (REVISION OF THE SUSPENSION MECHANISM)**
(COM(2016) 290)

Mr TIMMERMANS opened the debate on the proposal for visa liberalisation for Turkey in the light of the progress it had made in fulfilling the requirements of the associated roadmap, based on the terms of the EU-Turkey joint statement on migration of 18 March 2016.

Before presenting the proposal, he explained that the joint statement and all ensuing initiatives represented the culmination of an intense and constant collective effort at the Commission by the PRESIDENT, Mr AVRAMOPOULOS, Mr HAHN and their teams, whom he thanked sincerely for their dedication and relentless commitment.

He went on to note that the implementation of the joint statement of 18 March was bearing fruit, as shown by the sharp fall in the number of migrants arriving in the EU in recent weeks. He put the issue into context by reiterating that, before the agreement had been reached, Greece had threatened to become a vast refugee camp, migrants had been drowning by the hundred in the Mediterranean Sea and the Balkan route had been subject to unbearable migratory pressure.

Mr TIMMERMANS explained that the specific proposal for visa liberalisation for Turkey was set out in the joint statement of 18 March and was conditional on Turkey following a roadmap to fulfil specific benchmarks by the end of June.

Turkey had made considerable progress towards fulfilling these benchmarks in just a few weeks, which had required somewhat remarkable political courage, even if it had still not fully met five key criteria. He felt that the Commission now had two options. The first would consist of waiting until Turkey fully met all the criteria, at the risk of weakening the country's resolve to make advances in duly implementing the joint statement and, moreover, missing the end-of-June deadline, given the time frame of eight weeks needed for the consultation of national parliaments as part of the inter-institutional adoption process. The second, which he preferred, consisted of presenting a proposal and sending it to the co-legislators that day, clearly indicating that Turkey must fully meet the remaining criteria by the end of June. Although he admitted that neither of these solutions was ideal, he believed that the second offered more advantages for both parties and was more in line with the joint statement of 18 March. This was therefore the approach he submitted to the Commission.

He also referred to the horizontal proposal aimed at strengthening the suspension

clause in the visa liberalisation agreement, which would apply to all agreements concluded between the EU and third countries (item 9 of these minutes).

Mr AVRAMOPOULOS emphasised the need for the migration agreement with Turkey to function smoothly, not only because the management of the migration issue was a long-term project, but also because Turkey was a key neighbour of the EU with which enhanced cooperation would help bolster Europe's internal and external security. This was why, despite the severe tensions felt within Turkey that were complicating talks with the Turkish authorities, he called for a closer relationship without changing the ground rules – i.e. the terms of an agreement – or lowering requirements on factors the EU deemed important.

Turning to the Commission's report on completion of the roadmap – the conclusions of which were clear, as explained by Mr TIMMERMANS – and the proposal on visa liberalisation for Turkey, Mr AVRAMOPOULOS pointed out that the EU's negotiators were making every effort to obtain commitments at the highest political level in Turkey to fulfil the final benchmarks by the end of June. These benchmarks related to data protection and the fight against terrorism, the political and operational importance of which were made very clear by the negotiators – for example with regard to cooperation with Europol – without prejudice to Turkey's democratic process.

He felt that the EU should clarify the added value, for both parties, of aligning the EU and Turkish legal and political systems in order to ensure better cooperation. He added that the EU must also reassure Turkey of its intentions through encouraging messages, while remaining firm on its values and principles.

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

- an emphasis on the widely-praised negotiation efforts made by the Commission at all levels to ensure that the migration agreement between the EU and Turkey functioned effectively;
- the key importance of this agreement for alleviating the migration crisis and ensuring stability across the whole region; the fact that the first effects of the agreement had been seen in a sharp decrease in the number of migrants arriving in the EU;
- the overwhelming support for the approach proposed by Mr TIMMERMANS and Mr AVRAMOPOULOS in the proposal on visa liberalisation for Turkey;
- a reference, firstly, to the remarkable efforts made by the Turkish authorities to fulfil their roadmap benchmarks to allow the EU to introduce visa liberalisation; and, secondly, to the guarantees given to the EU;
- at all events, the need to protect the credibility of the EU as regards compliance with all prerequisite benchmarks for visa liberalisation and the means of ensuring the effective implementation of relevant legislation adopted in Turkey to comply with it;
- some requests for clarification on the procedure that would be followed if Turkey met the benchmarks at the end of June, on the assessment of compliance with the benchmarks and the timetable for the possible opening of Chapters 23 (Judiciary and fundamental rights) and 24 (Justice, freedom and security) of the accession negotiations;
- the political importance of the last benchmarks Turkey still needed to comply with in the area of data protection and combating terrorism;
- the positive impact that the liberalisation of visa arrangements, as indeed the European perspective, could have on democratic reforms in Turkey and on the

country's rapprochement with Europe; also, the impact it could have on the Cyprus issue;

- mention nonetheless of the divisions in public opinion across Europe that visa liberalisation for Turkey would certainly provoke;
- the need, therefore, for the Union to send a message that struck a balance between openness and firmness, between willingness to reach a good agreement and being demanding in terms of values and respect for freedom of expression and freedom of the press in particular;
- the value of explaining the visa liberalisation proposal and pointing out that the final decision was a matter for the European Parliament and the Member States; the importance of distinguishing it from the accession process and presenting its advantages objectively, for example by pointing out that a visa had a time limit and that a biometric passport, which was also a condition to be put in place by Turkey, reinforced border control measures;
- also, a reminder to the Member States of their obligation to continue to move towards sharing responsibility for taking in refugees;
- the positive sign that the proposed visa liberalisation would send to Turkish citizens living in the Union.

Mr TIMMERMANS first thanked the Members of the Commission for their support for the approach that had been presented to them that day.

He then responded to a number of statements, clarifying that if the Commission was proposing that day to ask the European Parliament and the Council for their views on visa liberalisation for Turkish citizens, it was to allow them time to complete their own consultation and adoption procedures. Until then, the Commission would monitor developments in Turkey with regard to compliance with the remaining benchmarks and report to the European Parliament and the Council, which would

make their decision on that basis. If they felt that Turkey did not fully meet all the conditions, there would be no liberalisation of the visa arrangements. Also, any liberalisation would apply only to biometric passports with fingerprints, which were more secure and reliable.

He also highlighted the misguided connection that was sometimes made between the benchmarks for visa liberalisation and fundamental rights. Although the benchmarks contained elements related to fundamental rights, visa policy followed its own rules. As for fundamental rights, he pointed out that repeated EU criticism of Turkey over many years had not improved the situation, quite the contrary. He felt that reaching out and opening Chapters 23 and 24 of the negotiations was the only way to achieve real results in that respect.

On the question of communication, he suggested that emphasis be placed on the horizontal proposal for a stronger suspension clause that would apply to all visa liberalisation agreements (item 9 of these minutes).

Mr AVRAMOPOULOS added that, beyond strategic objectives and principles, there was also the question of being pragmatic, since Turkey and the Union needed each other. He therefore wanted the Union to give due recognition to the immense progress Turkey had made over the past few weeks in relation to the joint statement on migration of 18 March. He also pointed out that Turkey had great hopes of visa liberalisation and that the proposal before the Commission that day was a positive sign for its citizens in that respect. Finally, on a more general note, he felt it was very important to support reforms in Turkey, for the future of the continent and its neighbours.

The PRESIDENT thanked Mr TIMMERMANS and Mr AVRAMOPOULOS warmly for their dedication to this complex dossier and the difficult discussions. He noted the support of the Members of the Commission for the proposal for liberalisation of the visa arrangements that would be submitted to the European Parliament and to the Council. He closed by informing the meeting of his intensive

contacts with senior Turkish authorities.

At the end of this discussion, the Commission:

- approved, subject to a final revision, the report set out in COM(2016) 278/2, for transmission to Parliament and the Council and, for information, to national parliaments, together with the staff working document distributed as SWD(2016) 161, the contents of which were noted;
- adopted the proposal for a Regulation set out in COM(2016) 279/2 for transmission to Parliament and the Council and, for information, to the national parliaments;
- adopted the proposal for a Regulation in COM(2016) 290, for transmission to Parliament, the Council and the national parliaments.

10. REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL – FOURTH REPORT ON PROGRESS BY KOSOVO² IN FULFILLING THE REQUIREMENTS OF THE VISA LIBERALISATION ROADMAP

(COM(2016) 276 AND /2; SWD(2016) 160 AND /2)

11. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EC) 539/2001 LISTING THE THIRD COUNTRIES WHOSE NATIONALS MUST BE IN POSSESSION OF VISAS WHEN CROSSING THE EXTERNAL BORDERS OF

² This designation is without prejudice to positions on status, and is in line with UN Security Council Resolution 1244/1999 and the International Court of Justice Opinion on the Kosovo declaration of independence.

**MEMBER STATES AND THOSE WHOSE NATIONALS ARE EXEMPT
FROM THAT REQUIREMENT (KOSOVO²)
(COM(2016) 277 AND /2)**

The Commission:

- approved the report in COM(2016) 276/2, for transmission to Parliament and the Council and, for information, to the national parliaments, together with the staff working document distributed as SWD(2016) 160/2, the contents of which were noted;
- adopted the proposal for a Regulation set out in COM(2016) 277/2 for transmission to Parliament and the Council and, for information, to the national parliaments;

**12. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL ESTABLISHING THE CRITERIA AND
MECHANISMS FOR DETERMINING THE MEMBER STATE
RESPONSIBLE FOR EXAMINING AN APPLICATION FOR
INTERNATIONAL PROTECTION LODGED IN ONE OF THE
MEMBER STATES BY A THIRD-COUNTRY NATIONAL OR A
STATELESS PERSON (RECAST)
(COM(2016) 270 TO /3; RCC(2016) 56)**

Mr TIMMERMANS reminded the Commissioners that, at the meeting of 6 April, two options had been envisaged to achieve a sustainable and fair system for distributing asylum seekers among the Member States. The first option had been to add a burden-sharing dimension to the ‘Dublin Regulation’ in force, and the second had been to fundamentally review the rules for assigning responsibility for asylum requests. Both options would involve thorough harmonisation of asylum procedures or rules at European level in order to create uniform conditions throughout the

Union and reduce irregular secondary movements within the EU. He explained that the need to obtain the support of the European Parliament and the Council, whose views on the two options differed somewhat, had prompted the Commission to propose a reform of the Dublin system that came somewhere between the two options proposed.

Thanks to a corrective allocation mechanism – to ensure fairness – the new system would take full account of the efforts made by each Member State, automatically flagging up any instance where a Member State was handling a disproportionate number of asylum requests in relation to its population and wealth. In such cases, i.e. if the number of asylum requests exceeded 150 % of the reference value, new applicants registered in that country, irrespective of their nationality, and following verification of the admissibility of their application, would be relocated throughout the Union until the number in the Member State in question came back down below 150 % of the reference value. He added that Member States could opt out of the mechanism, on a temporary basis, by paying a solidarity levy of EUR 250 000 to the Member State of relocation for each asylum seeker that they would otherwise have had to take in under the fairness mechanism.

Mr TIMMERMANS stressed that the proposed reform was also intended to bring about a more efficient asylum system by shortening the deadlines for sending transfer requests, receiving responses and handling transfers of asylum seekers between Member States, while respecting their fundamental rights.

The system proposed would also discourage abusive practices and secondary movements by clarifying the legal obligations of asylum seekers, including the obligation to remain in the Member State responsible for examining their application.

The reform of the Dublin system would be in the best interests of asylum seekers thanks to stronger guarantees for unaccompanied minors and a broadening of the definition of family members to facilitate family reunification.

Finally, Mr TIMMERMANS noted that Member States not bound by the provisions would be free to determine the extent of their participation, and if they chose to ‘opt out’, the rules in force would continue to apply, in accordance with the protocols annexed to the Treaties.

He concluded his presentation by remarking that the set of measures proposed for reforming the common asylum system constituted a balanced approach which was likely to garner a majority both in the European Parliament and the Council, ultimately paving the way for a more sustainable and equitable European asylum system.

Mr AVRAMOPOULOS pointed out that the reform was necessary, but would undoubtedly cause divisions between the co-legislators – the European Parliament and the Council – and between the Member States. Nevertheless, he saw in the migration crisis an opportunity to put forward ambitious proposals. The proposed reform met the main objectives set by the Commission at its meeting of 6 April to implement a sustainable and fair system for redistributing asylum applications which could also help prevent secondary movements of asylum seekers within the Union.

He emphasised that one of the key principles of the reform was to introduce an automatic mechanism for redistributing asylum seekers where a Member State was faced with a disproportionate number of asylum requests.

He recalled, however, that Member States were still very reluctant to accept a distribution key for asylum seekers, which was why the Commission proposal gave countries the option of making a financial contribution as an alternative to relocating asylum seekers.

He also noted that the criterion whereby the first country of arrival was responsible for handling the asylum application remained unchanged and that it would no longer be possible to transfer this responsibility to another Member State, except for the

sake of family reunification.

Mr AVRAMOPOULOS also explained that the Dublin Regulation reform should be seen in the context of an overall package which also included the European Asylum Support Office (EASO) (see item 13 of these minutes) and the EU asylum fingerprint database (Eurodac) (see item 14 of these minutes).

He underlined that the transformation of EASO into a fully-fledged European asylum agency was another important part of the package insofar as the new Agency would bring about the convergence of national asylum systems and help Member States implement EU law when confronted with a disproportionate number of asylum requests.

He also noted that the amendment of the EURODAC Regulation would give the national authorities more clout in implementing the Dublin Regulation and fighting illegal immigration, and would help identify and protect unaccompanied minors by lowering the age for taking fingerprints from 14 to 6 years.

Finally, Mr AVRAMOPOULOS stressed that the package had achieved the balance sought between solidarity and responsibility.

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

- each Member State had to take its share of responsibility in the management of the migration crisis, whatever form that responsibility took, so that the Member States most affected could benefit from EU solidarity;
- it was vital to guarantee internal EU security when relocating asylum seekers;
- a long-term integration policy was needed for asylum seekers that took into account the fact that, despite the global scale of migration, it was local authorities that dealt directly with integrating refugees;

- Member States that had hitherto had less experience with cultural diversity faced particular difficulties when managing and integrating refugees;
- if certain Member States opted to contribute financial support rather than taking in refugees, this might cause controversy;
- one Member of the Commission raised the possibility that some Member States could increase their contribution towards protecting the EU's external borders as an alternative expression of solidarity in the management of the migration crisis;
- others recalled how the post-war European Community had risen from the ashes of a continent destroyed by global conflict, in which there were still huge flows of millions of refugees displaced by that conflict;
- questions were asked about the emergency measures that could be put in place if secondary movements of refugees increased in future;
- there was a danger that the EU's solidarity towards Member States that were net beneficiaries of cohesion funds would be called into question if there were no reciprocal solidarity in the management of refugees;
- if the allocation of cohesion funds were to be called into question, this would have a considerable impact both on the EU's internal affairs and on its fundamental values, particularly with regard to solidarity between Member States.

Mr TIMMERMANS pointed out that, when the Dublin Regulation was adopted, the EU could not have foreseen the massive arrival of refugees it was facing today. He added that, without the support and solidarity of all EU Member States, those in the front line would not be able to handle the influx of migrants on their own, and the situation would become unmanageable; this was something that had to be avoided, in line with the EU's values and interests.

He also stressed that if some Member States were to refuse to show solidarity in the management of refugees, this would have negative repercussions on all other EU policies based on the principle of solidarity and on the European ideal itself.

As regards the possibility of considering the control of external borders as an expression of solidarity in the management of refugees, he pointed out that funding had already been provided for this in the proposal on the creation of a European Border and Coast Guard, and it was unlikely at this stage that the Member States at the front line of taking in refugees would support such a solution.

Mr AVRAMOPOULOS also considered that the control of the EU's external borders should be reinforced on the basis of the Commission's previous proposals. He criticised the attitude of certain Member States as falling short of the European ideal and pointed out that the EU was faced with an influx of desperate people. Moreover, he stressed that solidarity was a legal principle enshrined in the Treaties and that the Commission was responsible for applying it and devising a European response to the major challenges faced by the EU.

He also pointed out that the Commission would be putting forward an action plan for integration of third-country nationals in June and, on the question of radicalisation, that the most radical terrorists were most often EU nationals.

The PRESIDENT brought the discussion to a close by referring to the real risk that the principle of solidarity could be called into question in all EU policy areas if it were not also applied in the reception of asylum seekers. He reiterated that solidarity could not be an exercise in variable geometry; nor was it a one-way street.

The Commission adopted the proposal for a Regulation set out in COM(2016) 270/3 for transmission to the European Parliament, the Council, the Economic and Social Committee, the Committee of the Regions and national parliaments, and, for information, to the European Data Protection Supervisor.

13. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE EUROPEAN UNION AGENCY FOR ASYLUM AND REPEALING REGULATION (EC) 439/2010 (COM(2016) 271 TO /3; RCC(2016) 56)

The Commission adopted the proposal for a Regulation set out in COM(2016) 271/3 for transmission to the European Parliament, the Council and national parliaments, and, for information, to the Economic and Social Committee, the Committee of the Regions and the European Data Protection Supervisor.

14. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE ESTABLISHMENT OF ‘EURODAC’ FOR THE COMPARISON OF FINGERPRINTS FOR THE EFFECTIVE APPLICATION OF REGULATION (EU) 604/2013 ESTABLISHING THE CRITERIA AND MECHANISMS FOR DETERMINING THE MEMBER STATE RESPONSIBLE FOR EXAMINING AN APPLICATION FOR INTERNATIONAL PROTECTION LODGED IN ONE OF THE MEMBER STATES BY A THIRD-COUNTRY NATIONAL OR A STATELESS PERSON, FOR IDENTIFYING AN ILLEGALLY STAYING THIRD-COUNTRY NATIONAL OR STATELESS PERSON AND ON REQUESTS FOR THE COMPARISON WITH EURODAC DATA BY MEMBER STATES’ LAW ENFORCEMENT AUTHORITIES AND EUROPOL FOR LAW ENFORCEMENT PURPOSES (RECAST) (COM(2016) 272 TO /3; RCC(2016) 56)

The Commission approved the proposal for a Regulation in COM(2016) 272/3 for transmission to the European Parliament, the Council, the European Data Protection Supervisor and national parliaments, and, for information, to the Economic and Social Committee and the Committee of the Regions.

15. PROPOSAL FOR A COUNCIL IMPLEMENTING DECISION SETTING OUT A RECOMMENDATION FOR THE TEMPORARY REINTRODUCTION OF INTERNAL BORDER CONTROL IN THE EVENT OF EXCEPTIONAL CIRCUMSTANCES PUTTING THE OVERALL FUNCTIONING OF THE SCHENGEN AREA AT RISK (COM(2016) 275)

The Commission adopted the proposal for a Decision set out in COM(2016) 275 for transmission to the Council and, for information, to Parliament and the national parliaments.

16. OTHER BUSINESS

16.1. TRANSATLANTIC TRADE AND INVESTMENT PARTNERSHIP (TTIP)

Ms MALMSTRÖM described the state of play following the 13th round of Transatlantic Trade and Investment Partnership (TTIP) negotiations between the EU and the United States, and the impact of the recent worldwide disclosure in the press of some 200 pages of consolidated negotiating documents and US negotiation positions, the leaking of which was orchestrated by a non-governmental organisation based in the Netherlands.

She reported that the negotiations were progressing, although, as she had stated the previous week, there was still much to be done. She also pointed to the level of transparency to which the Commission was committed in relation to the negotiations.

As regards the leaked information, the problem was that US positions had been disclosed and that the Partnership's opponents had used the leak as an

opportunity to express their opposition vocally. From the EU's perspective, she did however note that the leaks in question did not contain any new information and that they simply confirmed that the Commission was following the negotiating line that it had announced publicly.

Nevertheless, the leaks were unfortunate in terms of their impact on the negotiations with the United States, which were already very complicated. She noted that the issue would probably be discussed at the meeting of EU Trade Ministers the following week.

A brief exchange of views followed, during which the Commission raised the following main points:

- the excellent work done by Ms MALMSTRÖM and the European negotiators;
- the value and benefits of an agreement, which should be explained and defended more assertively, particularly as regards the future prospects for the single market; the need for negotiations to continue, despite the difficulties, in order to achieve a win-win partnership for both sides; the growing interest that the United States appeared to be showing in a transatlantic partnership;
- the difficulties linked to the timetable and the process of ratifying an agreement;
- the desire for the 28 Member States to be asked clearly, for example at the next European Council meeting, about their support for a transatlantic partnership, particularly in view of the fact that this type of international agreement could potentially be put to a referendum vote under the constitutions of certain Member States, and considering that, in this

instance, the Commission was negotiating on behalf of the Member States;

- the obstacles that the US government would also have to overcome to ratify a transatlantic partnership;
- the fact that opponents of TTIP were exploiting, and would continue to exploit, all of these difficulties for political purposes, particularly by spreading unfounded rumours.

The Commission took note of this information.

16.2. EU-TURKEY HIGH LEVEL ECONOMIC DIALOGUE (INFO(2016) 43)

The Commission took note of document INFO(2016) 43, distributed under the authority of Mr KATAINEN, Mr HAHN, Mr VELLA and Mr MOSCOVICI.

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The meeting closed at 12.14.