



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2017) 2209 final

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

Brussels, 10 May 2017

TEXTE EN

MINUTES

of the 2209th meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 26 April 2017

(morning)

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TABLE OF CONTENTS

Attendance list	6-9
1. AGENDAS (OJ(2017) 2209/FINAL; SEC(2017) 182/FINAL)	10
2. WEEKLY MEETING OF CHEFS DE CABINET (RCC(2017) 2209).....	10
3. APPROVAL OF THE MINUTES OF THE 2207 TH MEETING OF THE COMMISSION (4 APRIL) AND THE MINUTES OF THE 2208 TH MEETING (12 APRIL) (PV(2017) 2207)	10
4. INTERINSTITUTIONAL RELATIONS (RCC(2017) 36)	11
4.1. HORIZONTAL ITEM.....	11
4.2. LEGISLATIVE MATTERS	11
4.3. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL	14
4.4. RELATIONS WITH PARLIAMENT	15
5. MONITORING THE APPLICATION OF EUROPEAN UNION LAW	16
INFRINGEMENTS – URGENT INDIVIDUAL CASE (SEC(2017) 217)	16
6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS.....	16
6.1. WRITTEN PROCEDURES APPROVED (SEC(2017) 183 ET SEQ.; SEC(2017) 194 ET SEQ.).....	16
6.2. EMPOWERMENT (SEC(2017) 184 ET SEQ.; SEC(2017) 195 ET SEQ.).....	17
6.3. DELEGATION / SUBDELEGATION OF POWERS (SEC(2017) 185 ET SEQ.; SEC(2017) 196 ET SEQ.)	17
6.4. SENSITIVE WRITTEN PROCEDURES (SEC(2017) 186 AND /2)	17

7.	ADMINISTRATIVE AND BUDGETARY MATTERS (SEC(2017) 187)	17
7.1.	DG ENVIRONMENT – APPOINTMENT OF AD14/15 DIRECTOR (PERS(2016) 59 TO /3).....	18
7.2.	DG ENVIRONNEMENT – TERMINATION OF THE INTERNAL SELECTION PROCEDURE, AND INTERNAL PUBLICATION AT GRADES AD14/15 OF THE VACANCY NOTICE FOR A POST OF DIRECTOR (PERS(2016) 92 TO /3; PERS(2017) 23).....	18
7.3.	DG ENVIRONNEMENT – AMENDMENT OF THE ORGANISATION CHART AND AUTHORISATION FOR THE INTERNAL PUBLICATION AT GRADES AD14/15 OF THE VACANCY NOTICE FOR A POST OF PRINCIPAL ADVISER (PERS(2017) 24; SEC(2017) 211).....	19
7.4.	DG HUMAN RESOURCES HUMAINES AND SECURITY – APPROVAL OF THE LIST OF CANDIDATES FOR HEAD OF EUROPEAN UNION DELEGATION POSTS OR DEPUTY HEAD OF EUROPEAN UNION DELEGATION POSTS, AND A CHARGE D'AFFAIRES POST IN SYRIA (PERS(2017) 25 TO PERS(2017) 73)	20
8.	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – ESTABLISHING A EUROPEAN PILLAR OF SOCIAL RIGHTS (COM(2017) 250 AND /2; SWD(2017) 200 AND /2; SWD(2017) 201 TO /3; SWD(2017) 206 AND /2; RCC(2017) 38)	21
9.	PROPOSAL FOR AN INTERINSTITUTIONAL PROCLAMATION ON THE EUROPEAN PILLAR OF SOCIAL RIGHTS (COM(2017) 251 TO /3; RCC(2017) 38).....	21
10.	COMMISSION RECOMMENDATION ON THE EUROPEAN PILLAR OF SOCIAL RIGHTS (C(2017) 2600 TO /3; RCC(2017) 38).....	21
11.	CONSULTATION DOCUMENT – FIRST PHASE CONSULTATION OF SOCIAL PARTNERS UNDER ARTICLE 154 TFEU ON A	

POSSIBLE REVISION OF THE WRITTEN STATEMENT DIRECTIVE (DIRECTIVE 91/533/EEC) IN THE FRAMEWORK OF THE EUROPEAN PILLAR OF SOCIAL RIGHTS (C(2017) 2611 AND /2; SWD(2017) 205 AND /2; RCC(2017) 38).....	21
12. CONSULTATION DOCUMENT – FIRST PHASE CONSULTATION OF SOCIAL PARTNERS UNDER ARTICLE 154 TFEU ON A POSSIBLE ACTION ADDRESSING THE CHALLENGES OF ACCESS TO SOCIAL PROTECTION FOR PEOPLE IN ALL FORMS OF EMPLOYMENT IN THE FRAMEWORK OF THE EUROPEAN PILLAR OF SOCIAL RIGHTS (C(2017) 2610 TO /3; RCC(2017) 38).....	22
13. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – INITIATIVE TO SUPPORT WORK-LIFE BALANCE FOR WORKING PARENTS AND CARERS (COM(2017) 252 AND /2; RCC(2017) 38).....	22
14. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON WORK-LIFE BALANCE FOR PARENTS AND CARERS AND REPEALING COUNCIL DIRECTIVE 2010/18/EU (COM(2017) 253 AND /2; SWD(2017) 202; SWD(2017) 203; SEC(2017) 199; RCC(2017) 38).....	22
15. COMMISSION INTERPRETATIVE COMMUNICATION ON DIRECTIVE 2003/88/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 4 NOVEMBER 2003 CONCERNING CERTAIN ASPECTS OF THE ORGANISATION OF WORKING TIME (C(2017) 2601 AND /2; RCC(2017) 38)	22
16. REPORT FROM THE COMMISSION TO THE EUROPEAN	

PARLIAMENT, THE COUNCIL AND THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE ON THE IMPLEMENTATION BY MEMBER STATES OF DIRECTIVE 2003/88/EC CONCERNING CERTAIN ASPECTS OF THE ORGANISATION OF WORKING TIME (COM(2017) 254 AND /2; SWD(2017) 204 AND /2; RCC(2017) 38).....	23
17. REFLECTION PAPER ON THE SOCIAL DIMENSION OF EUROPE (COM(2017) 206 TO /3; RCC(2017) 40)	33
18. OTHER BUSINESS.....	35
18.1. <i>LEGAL AND POLITICAL QUESTIONS CONCERNING RESPECT FOR FUNDAMENTAL EUROPEAN VALUES AND EUROPEAN LAW IN HUNGARY (INFO(2017) 31)</i>	35
18.2. <i>LATEST DEVELOPMENTS IN RELATIONS WITH TURKEY</i>	39

Single sitting: Wednesday 26 April 2017 (morning)

The sitting opened at 9.49 with Mr JUNCKER, President, in the chair.

Present:

Mr JUNCKER	President	
Mr TIMMERMANS	First Vice-President	
Mr ANSIP	Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Mr DOMBROVSKIS	Vice-President	
Mr KATAINEN	Vice-President	
Mr OETTINGER	Member	
Mr HAHN	Member	
Mr MIMICA	Member	
Mr ANDRIUKAITIS	Member	
Mr AVRAMOPOULOS	Member	
Ms THYSSEN	Member	
Mr MOSCOVICI	Member	
Mr STYLIANIDES	Member	
Mr HOGAN	Member	
Ms BULC	Member	
Ms BIENKOWSKA	Member	
Ms JOUROVÁ	Member	
Mr NAVRACSICS	Member	
Ms CREȚU	Member	Items 1 to 18 (in part)
Ms VESTAGER	Member	
Mr MOEDAS	Member	
Sir Julian KING	Member	

Absent:

Ms MOGHERINI

High Representative /
Vice-President

Ms MALMSTRÖM

Member

Mr ARIAS CAÑETE

Member

Mr VELLA

Member

(26 April 2017)

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

Ms PANZETTI	Chef de cabinet to Ms MOGHERINI
Ms ÅSENIUS	Chef de cabinet to Ms MALMSTRÖM
Ms LOBILLO BORRERO	Chef de cabinet to Mr ARIAS CAÑETE
Mr MÜLLER	Chef de cabinet to Mr VELLA

The following also sat in:

Mr SELMAYR	Chef de cabinet to the PRESIDENT	
Ms BANKS	Deputy 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 SHOTTER	Chief adviser in the PRESIDENT's Office	Item 18 (in part)
Mr THOLONIAT	Adviser in the PRESIDENT's Office	Items 1 to 17
Mr SZOSTAK	Adviser in the PRESIDENT's Office	Item 18 (in part)
Mr DELVAUX	Adviser in the PRESIDENT's Office	Item 18 (in part)
Ms ARKI	PRESIDENT's Office	
Mr ZERDICK	A member of Mr TIMMERMANS's staff	Item 18 (in part)
Ms NELEN	A member of Mr TIMMERMANS's staff	Items 1 to 17
Ms BALTA	A member of Mr TIMMERMANS's staff	Item 18 (in part)
Mr SUARDI	Deputy Chef de cabinet to Mr DOMBROVSKIS	Items 1 to 17
Ms PASERMAN	Deputy Chef de cabinet to Ms THYSEN	Items 1 to 17

(26 April 2017)

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Ms NIKOLAY

Chef de cabinet to Ms JOUROVÁ

Items 1 to 17

Ms ANDREEVA

Commission Spokesperson's Service

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

1. AGENDAS

(OJ(2017) 2209/FINAL; SEC(2017) 182/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(2017) 2209)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Tuesday 25 April.

3. APPROVAL OF THE MINUTES OF THE 2207TH MEETING OF THE COMMISSION (4 APRIL) AND THE MINUTES OF THE 2208TH MEETING (12 APRIL)

(PV(2017) 2207)

The Commission approved the minutes of its 2207th meeting and decided to hold over approval of the minutes of its 2208th meeting for the following week.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2017) 36)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 21 April (RCC(2017) 36).

It paid particular attention to the following points.

4.1. HORIZONTAL ITEM

i) Commission Work Programme 2017 – Withdrawals of pending proposals – Publication of the list of withdrawals in the Official Journal of the European Union

(point 1.1 of the IRG record)

As stated in the Work Programme for 2017 it adopted on 25 October 2016, the Commission decided to withdraw the 17 pending proposals and publish the list in the Official Journal of the European Union, in accordance with the line set out in SI(2017) 149. Furthermore, the Commission took note of the fact that proposal COM(2014) 364 was finally not withdrawn, since it had become obsolete.

4.2. LEGISLATIVE MATTERS

ii) Trilogues

(point 3.1 of the IRG record)

- Amendment of Regulation (EC) 1920/2006 as regards information exchange, early warning system and risk assessment procedure on new psychoactive substances (Regulation) – BONI report – 2016/0261 (COD)
/ Amendment of Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug

trafficking, in order to include new psychoactive substances into the definition of drugs (Directive) – JIMÉNEZ-BECERRIL BARRIO report – 2013/0304 (COD)

The Commission approved the line set out in SI(2017) 150.

- Common rules in the field of civil aviation and establishment of a European Union Aviation Safety Agency, and repeal of Regulation (EC) 216/2008 (Regulation) – MARINESCU report – 2015/0277 (COD)

The Commission approved the line set out in SI(2017) 151/2.

- Measures to safeguard the security of gas supply and repeal of Regulation (EU) 994/2010 (Regulation) – BUZEK report – 2016/0030 (COD)

The Commission approved the line set out in SI(2017) 162/2.

iii) European Parliament dossiers – April II part-session

(point 3.2 of the IRG record)

Ordinary legislative procedure – First reading

- Establishment of the Structural Reform Support Programme for the period 2017 to 2020 and amendment of Regulations (EU) 1303/2013 and (EU) 1305/2013 (Regulation) – VAN NISTELROOIJ & KREHL report – 2015/0263 (COD)

The Commission took note of the information in SP(2017) 257, further to note SI(2017) 23, which it had already approved on 1 February.

- European Year of Cultural Heritage 2018 (Decision) – DIACONU report – 2016/0259 (COD)

The Commission took note of the information in SP(2017) 258, further to note SI(2017) 18/2, which it had already approved on 8 February.

- Amendment of Regulation (EU) 258/2014 establishing a Union Programme to support specific activities in the field of financial reporting and auditing for the period of 2014-2020 (Regulation) – STOLOJAN report – 2016/0110 (COD)

The Commission approved the line set out in SP(2017) 259, further to note SI(2017) 25/2, which it had already approved on 8 February.

- Establishment of a Union programme to support specific activities enhancing the involvement of consumers and other financial services end-users in Union policy making in the area of financial services for the period of 2017-2020 (Regulation) – LAMBERTS report – 2016/0182 (COD)

The Commission took note of the information in SP(2017) 260, further to note SI(2017) 65/3, which it had already approved on 28 February and 1 March.

Special legislative procedure

- Amendment of Directive (EU) 2016/1164 as regards hybrid mismatches with third countries (Council Directive) – LUDVIGSSON report – 2016/0339 (CNS)

The Commission approved the line set out in SP(2017) 261.

- Europol Agreements – Cooperation with Denmark (Council Implementing Decision) / Agreement on operational and strategic cooperation between Denmark and the European Police Office (Council Implementing Decision) – DÍAZ DE MERA GARCÍA CONSUEGRA reports – 2016/0823 (CNS) / 2017/0803 (CNS)

The Commission approved the line set out in SP(2017) 262/3.

iv) Council dossier

(point 3.3 of the IRG record)

- Amendment of Directive 2006/112/EC, as regards rates of value added tax applied to books, newspapers and periodicals (Directive) – VANDENKENDELAERE report – 2016/0374 (CNS)

The Commission approved the line set out in SI(2017) 158.

4.3. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

v) Programming of Council business

(SI(2017) 163)

The Commission took note of the information in SI(2017) 163 on the Council meetings between 27 April and 10 May.

vi) Non-legislative dossiers

(point 4.1 of the IRG record)

- Signing, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence ‘Istanbul Convention’ (Council Decision) – REVAULT D'ALLONES BONNEFOY / CORAZZA BILDT report – 2016/0063 (NLE)

The Commission approved the line set out in SI(2017) 152/2.

- New European Consensus on Development – ‘Our World, our Dignity, our Future’ – NEUSER & WENTA report – COM(2016) 740 final/2

The Commission took note of the information in SI(2017) 153/2.

- Ministerial Conference on Strengthening Euro-Mediterranean Cooperation through Research and Innovation (Malta, 3 and 4 May)

The Commission approved the line set out in SI(2017) 154.

- International Maritime Organisation (IMO) – Commission Staff Working Document for the Council Shipping Working Party – Joint European Union submissions – SWD(2017) 133

The Commission approved the line set out in SI(2017) 157.

vii) Preparation of the General Affairs Council (Luxembourg, 25 April)

(point 4.2.1 of the IRG record)

- ‘Making the results of Cohesion Policy more visible to our citizens’

The Commission approved the line set out in SI(2017) 155 and /3.

viii) Preparation of the Special European Council – Article 50 TEU (Brussels, 29 April)

(point 4.2.6 of the IRG record)

- Non-paper on key elements likely to feature in the draft Negotiating Directives under Article 50 of the Treaty on European Union, and revised draft European Council Guidelines following the United Kingdom's notification under Article 50 of the Treaty on European Union

The Commission took note of the information in SI(2017) 159 and SI(2017) 160.

4.4. RELATIONS WITH PARLIAMENT

ix) Non-legislative dossier

(point 5.1 of the IRG record)

- 2015 Discharge Resolutions (52 reports) – ZELLER, DE JONG, STAES, JÁVOR, OMARJEE, AYALA SENDER, POCHÉ reports

The Commission approved the line set out in SP(2017) 263.

x) Action taken on the non-legislative resolutions adopted by Parliament at its December 2016 part-session

(point 5.6.2 of the IRG record)

The Commission approved, for transmission to Parliament, documents SP(2017) 243 and /2 on the action taken on the non-legislative resolutions adopted by Parliament at its December 2016 part-session.

5. MONITORING THE APPLICATION OF EUROPEAN UNION LAW

INFRINGEMENTS – URGENT INDIVIDUAL CASE

(SEC(2017) 217)

The Commission adopted the decision set out in SEC(2017) 217 (see also item 18.1 of these minutes).

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

6.1. WRITTEN PROCEDURES APPROVED

(SEC(2017) 183 ET SEQ.; SEC(2017) 194 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 10 and 21 April.

6.2. EMPOWERMENT

(SEC(2017) 184 ET SEQ.; SEC(2017) 195 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 10 and 21 April.

6.3. DELEGATION / SUBDELEGATION OF POWERS

(SEC(2017) 185 ET SEQ.; SEC(2017) 196 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 10 and 21 April, as archived in Decide.

6.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2017) 186 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 24 and 28 April and of the finalisation written procedures initiated following the weekly meeting of Chefs de cabinet on Tuesday 25 April.

7. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2017) 187)

ADMINISTRATIVE MATTERS

(PERS(2017) 22)

**7.1. DG ENVIRONMENT – APPOINTMENT OF AD14/15 DIRECTOR
(PERS(2016) 59 TO /3)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director of the ‘Policy’ Directorate in DG Environment (PERS(2016) 59).

It took note of the opinions of the Consultative Committee on Appointments of 27 October, 17 November and 8 December 2016 (PERS(2016) 59/2 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 Mr OETTINGER, in agreement with the PRESIDENT and after consulting Mr VELLA and also Mr ŠEFČOVIČ and Mr KATAINEN, it decided to appoint Mr Gilles GANTELET to the post.

This decision would take effect on 1 May 2017.

**7.2. DG ENVIRONNEMENT – TERMINATION OF THE INTERNAL
SELECTION PROCEDURE, AND INTERNAL PUBLICATION AT
GRADES AD14/15 OF THE VACANCY NOTICE FOR A POST OF
DIRECTOR
(PERS(2016) 92 TO /3; PERS(2017) 23)**

On a proposal from Mr OETTINGER, in agreement with the PRESIDENT, and after consulting Mr VELLA and also Mr ŠEFČOVIČ and Mr KATAINEN, the Commission decided:

- to terminate internal selection procedure COM/2016/878 for the post of Director of the ‘Quality of Life’ Directorate in DG Environment, without making an appointment;

- to authorise the internal publication of the vacancy notice for the post of Director of the ‘Quality of Life’ Directorate in DG Environment, as set out in PERS(2017) 23, in accordance with Article 29(1)(a)(i) and (iii) of the Staff Regulations.

These decisions would take effect immediately.

**7.3. DG ENVIRONNEMENT – AMENDMENT OF THE ORGANISATION CHART AND AUTHORISATION FOR THE INTERNAL PUBLICATION AT GRADES AD14/15 OF THE VACANCY NOTICE FOR A POST OF PRINCIPAL ADVISER
(PERS(2017) 24; SEC(2017) 211)**

On a proposal from Mr OETTINGER, and after consulting Mr VELLA and also Mr ŠEFČOVIČ and Mr KATAINEN, the Commission decided:

- to approve the creation of a temporary principal adviser post in DG Environment;
- to authorise the internal publication of the vacancy notice set out in PERS(2017) 24 under Article 29(1)(a)(i) and (iii) of the Staff Regulations;
- to adopt the new organisation chart set out in SEC(2017) 211.

These decisions would take effect immediately.

7.4. DG HUMAN RESOURCES HUMAINES AND SECURITY – APPROVAL OF THE LIST OF CANDIDATES FOR HEAD OF EUROPEAN UNION DELEGATION POSTS OR DEPUTY HEAD OF EUROPEAN UNION DELEGATION POSTS, AND A CHARGE D'AFFAIRES POST IN SYRIA (PERS(2017) 25 TO PERS(2017) 73)

The Commission took note of the information in point 4 of PERS(2017) 22 and, on a proposal from Mr OETTINGER, in agreement with the PRESIDENT, decided to approve:

- the lists of candidates for the Head of European Union Delegation posts in Benin, Cameroon, Cape Verde, Central African Republic, Eritrea, Ethiopia, Lesotho, Liberia, Mauritania (at grades AD9-14/AD12), Nigeria (at grades AD13-14/AD13), Rwanda, Sierra Leone, Swaziland, Togo, Uganda (at grades AD9-14/AD12), Canada (at grades AD13-14/AD13), Cuba, Dominican Republic, El Salvador, Honduras (at grades AD9-14/AD12), Mexico (at grades AD13-14/AD13), Paraguay, Peru, Uruguay, Venezuela (at grades AD9-AD14/AD12), Afghanistan (at grades AD14-15/AD14), Australia, Bangladesh, Fiji/Pacific Islands, Myanmar, Nepal, Singapore (at grades AD9-14/AD12), Thailand (at grades AD13-14/AD13), Azerbaijan, Iceland, Kyrgyzstan, Moldavia, Norway (at grades AD9-14/AD12), Russia (at grades AD15-16/AD15), Serbia (at grades AD14-15/AD14), Iraq (at grades AD9-14/AD12), Israel (at grades AD13-14/AD13) and Morocco (at grades AD14-15/AD14), as set out in PERS(2017) 26 to 58, PERS(2017) 60 to 66, and PERS(2017) 68 to 70;
- the list of candidates for the Deputy Head of Delegation posts in India, Serbia, Egypt and Morocco (at grades AD9-14/AD12), as set out in PERS(2017) 59, 67, 71 and 72;

- the lists of candidates, outside the 2016 and 2017 rotation exercises, for the posts of Head of European Union Delegation in Argentina (at grades AD9-14/AD12), and of Chargé d’Affaires in Syria (at grades AD9-14/AD12), as set out in PERS(2017) 73 and 25.

The competent authority of the European External Action Service would make the final appointments on the basis of these lists, as set out in PERS(2017) 25 to PERS(2017) 73.

This decision would take effect immediately.

- 8. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – ESTABLISHING A EUROPEAN PILLAR OF SOCIAL RIGHTS
(COM(2017) 250 AND /2; SWD(2017) 200 AND /2; SWD(2017) 201 TO /3; SWD(2017) 206 AND /2; RCC(2017) 38)**
- 9. PROPOSAL FOR AN INTERINSTITUTIONAL PROCLAMATION ON THE EUROPEAN PILLAR OF SOCIAL RIGHTS
(COM(2017) 251 TO /3; RCC(2017) 38)**
- 10. COMMISSION RECOMMENDATION ON THE EUROPEAN PILLAR OF SOCIAL RIGHTS
(C(2017) 2600 TO /3; RCC(2017) 38)**
- 11. CONSULTATION DOCUMENT – FIRST PHASE CONSULTATION OF SOCIAL PARTNERS UNDER ARTICLE 154 TFEU ON A POSSIBLE REVISION OF THE WRITTEN STATEMENT DIRECTIVE**

**(DIRECTIVE 91/533/EEC) IN THE FRAMEWORK OF THE EUROPEAN
PILLAR OF SOCIAL RIGHTS**

(C(2017) 2611 AND /2; SWD(2017) 205 AND /2; RCC(2017) 38)

- 12. CONSULTATION DOCUMENT – FIRST PHASE CONSULTATION OF
SOCIAL PARTNERS UNDER ARTICLE 154 TFEU ON A POSSIBLE
ACTION ADDRESSING THE CHALLENGES OF ACCESS TO SOCIAL
PROTECTION FOR PEOPLE IN ALL FORMS OF EMPLOYMENT IN THE
FRAMEWORK OF THE EUROPEAN PILLAR OF SOCIAL RIGHTS
(C(2017) 2610 TO /3; RCC(2017) 38)**

- 13. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND
SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS –
INITIATIVE TO SUPPORT WORK-LIFE BALANCE FOR WORKING
PARENTS AND CARERS
(COM(2017) 252 AND /2; RCC(2017) 38)**

- 14. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND
OF THE COUNCIL ON WORK-LIFE BALANCE FOR PARENTS AND
CARERS AND REPEALING COUNCIL DIRECTIVE 2010/18/EU
(COM(2017) 253 AND /2; SWD(2017) 202; SWD(2017) 203; SEC(2017) 199;
RCC(2017) 38)**

- 15. COMMISSION INTERPRETATIVE COMMUNICATION ON
DIRECTIVE 2003/88/EC OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL OF 4 NOVEMBER 2003 CONCERNING CERTAIN ASPECTS OF
THE ORGANISATION OF WORKING TIME
(C(2017) 2601 AND /2; RCC(2017) 38)**

**16. REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE ON THE IMPLEMENTATION BY MEMBER STATES OF DIRECTIVE 2003/88/EC CONCERNING CERTAIN ASPECTS OF THE ORGANISATION OF WORKING TIME
(COM(2017) 254 AND /2; SWD(2017) 204 AND /2; RCC(2017) 38)**

Mr DOMBROVSKIS presented the European pillar of social rights, which delivered on one of the commitments made by the PRESIDENT in July 2014 in his political guidelines, namely to put the social dimension back at the heart of European politics, in the interest of citizens (items 8, 9 and 10 of these minutes). Mr DOMBROVSKIS was pleased that with this initiative, the result of intense consultation and preparation, the Commission was giving a positive impetus to the Rome Declaration adopted on 25 March, in which the Member States and EU institutions called for a social Europe based on sustainable growth and the promotion of economic and social progress, cohesion and convergence. The task today was to initiate a new phase by calling for the support not just of the Member States and the EU institutions but also of the social partners and civil society.

He stressed the Commission's wish to obtain political consent at the highest level through a joint proclamation by the European Parliament and the participating Member States in the second half of this year. He referred also to the participation of the social partners in the consultation process, highlighting the central role they had been given in the process. Europe would have need of them in order to implement the pillar of social rights at both European and national level.

Mr DOMBROVSKIS regretted, however, that the social partners had not reached an agreement to negotiate the initiative on work-life balance, or to amend the framework agreement on parental leave, in the absence of a convergence of views on the need for and objective of such legislation (items 13 and 14 of these minutes).

Everything should be done to encourage negotiation between the social partners, particularly since the Commission was today launching two new consultations addressed to them, on the means of improving access to social protection and on the possibility of revising the written statement directive, in other words on the modernisation of the EU rules on the provisions that should be included in an employment contract (points 11 and 12 of these minutes).

Ms THYSSEN welcomed the fact that the European pillar of social rights was the result of collective work following extensive internal and external consultation, and that it translated into action the undertaking made by the PRESIDENT, in July 2014, and by the College in March 2016 when it first outlined this initiative.

She referred to the 20 principles and rights enshrined in this pillar, which were structured in three main chapters. These were, firstly, **equal opportunities and access to the labour market** – (i) *education, training and life-long learning*; (ii) *gender equality*; (iii) *equal opportunities*; (iv) *active support to employment* –, secondly, **fair working conditions** – (v) *secure and adaptable employment*; (vi) *wages*; (vii) *information about employment conditions and protection in case of dismissals*; (viii) *social dialogue and involvement of workers*; (ix) *work-life balance*; (x) *healthy, safe and well-adapted work environment and data protection* – and, thirdly, **social protection and inclusion** – (xi) *childcare and support to children*; (xii) *social protection*; (xiii) *unemployment benefits*; (xiv) *minimum income*; (xv) *old age income and pensions*; (xvi) *healthcare*; (xvii) *inclusion of people with disabilities*; (xviii) *long-term care*; (xix) *housing and assistance for the homeless*; (xx) *access to essential services*. She noted that these points focused on how to achieve the objective of a highly competitive social market economy aimed at full employment and social progress, as indicated by the Treaties.

This European pillar of social rights did not confer rights in itself but rather proposed a reference framework for analysing policies at European and national level, carrying out a process of reform and encouraging upward convergence

between Member States. It took the form of a Commission recommendation and a draft interinstitutional proclamation.

She added that the European pillar of social rights had been initially conceived for the euro area, which needed specific convergence, but that it was also open to all the Member States.

Ms THYSSEN saw the European Pillar of Social Rights as expressing a collective vision of what a strong social Europe could be and a common commitment to achieve that objective. She listed the tangible measures adopted on that day and which accompanied it, mainly at national level, but also at EU level. These were (i) a legislative proposal on work-life balance, into which the Commission wished to incorporate new components in addition to maternity and childcare, (ii) the launch of a consultation with the social partners on the possible revision of the Written Statement Directive with a view to considering how to respond to new situations, e.g. social models to adequately protect people working in organisations such as platforms, (iii) Commission guidelines on the *acquis* to improve its application on the ground, in particular with the Communication concerning certain aspects of the organisation of working time and initiatives relating to information for workers, access to social protection and working time, and, lastly, (iv) monitoring of the Member States' progress towards a 'social triple A' rating to be carried out by the Commission using a social scoreboard, analysis of which would contribute to the European semester for economic and budgetary policy coordination.

Ms THYSSEN wound up by saying that she was proud of the ambitious nature of the package of measures proposed in the context of the European Pillar of Social Rights which, she hoped, would give rise to an interinstitutional proclamation by the end of 2017.

Before launching the discussion, the PRESIDENT invited the First Vice-President and Ms JOUROVÁ to make their contributions to the presentation of the proposals on work-life balance (items 13 and 14 of the minutes).

Mr TIMMERMANS said that the EU should adopt a vision of the life and work of women and men which was appropriate to the 21st century, because the reference models had changed. While acknowledging that there was no such thing as a universal balance and that this was a matter of choice, he felt it was high time to give all citizens a real choice in how they lived their lives, brought up their children, pursued their careers and cared for their elders.

He regarded the work-life balance proposals being presented today as a way of supporting families, creating fairer conditions for women and ending a lack of balance in society. Women were increasingly qualified but still under-represented on the labour market because they had to stop working to discharge their parental duties or care for relatives, while men wanted to play a greater part than previously in bringing up their children. In his view, promoting fairer sharing of family responsibilities, removing obstacles to women moving up the career ladder and helping to reduce inequality of opportunity was a democratic and societal challenge that the EU could not fail to respond to, and a social as much as an economic imperative. The gender pay gap, employment gap and pension gap currently stood at 16.3 %, 11.6 % and 40 % respectively, and women continued to face a higher risk of poverty and social exclusion.

Mr TIMMERMANS noted that in 2015 the current Commission had clearly stated its intention to withdraw its proposal to revise the 1992 Maternity Leave Directive and to modernise the *acquis* instead. For that reason it was now putting forward an initiative designed to improve the lives of working parents and carers more generally; hence the provisions on leave arrangements for fathers. The proposal for a Directive maintained existing rights, including the length of parental leave, but introduced greater flexibility by raising the maximum age of the child entitling one of the parents to claim leave from 8 to 12, and by ensuring that four months of this leave would not be transferable between the parents, which would have a major impact on the sharing of family responsibilities between men and women.

He made two remarks on these provisions. First, the Member States could delegate the task of defining how these provisions should be implemented to the social partners. Second, converting four months of parental leave into non-transferable leave reflected the desire for a fairer and more balanced society. Statistics clearly showed that in practice, transferable parental leave arrangements always worked to the detriment of women.

Mr TIMMERMANS concluded by welcoming this ambitious package of proposals, which contributed to social Europe and could, in his view, be a legitimate source of pride to the current Commission.

Ms JOUROVÁ returned to the sound economic reasoning which justified action at Union level to promote a better work-life balance. The loss of resources at EU level resulting from under-representation of women on the labour market amounted to EUR 370 billion per annum, or 2.8 % of the Union's gross domestic product. In addition, the birth rate was declining, the population ageing and the world of work changing, partly as a result of digitalisation. This was why the Commission was proposing a comprehensive, modern, legislative and non-legislative approach to support careers and help working parents. For her part, she was sending a message to encourage social investment in childcare facilities and services for the elderly.

Ms JOUROVÁ noted that the approach being followed was to define good incentives and to offer families a better choice by proposing more flexible schemes. In her view the objective would be met through a combination of modern leave arrangements, better access to high-quality care and removal of the economic disincentives discouraging second-earners in the household from working.

The Commission then held an in-depth discussion of the various initiatives, during which it raised the following main points:

General considerations

- the very strong support from the College for the package as a whole, the analysis behind it, the scope of its ambition, its structure, and the strategy of tackling the euro area first because of the specific constraints of economic and social convergence, while leaving the door open to the other Member States; the collective nature of the drafting process and the prior consultations;
- the need for the Union to demonstrate clearly that it was seeking to improve people's everyday lives through practical action; the political dimension of this approach as a means of combating the anti-European and social frustration that fed populism; the ambition of establishing Europe as an area of protection;
- the desire to make the social dimension a key part of the current Commission's political legacy at the end of its term of office;

The European pillar of social rights

- the fact that the European pillar of social rights constituted a first important step, and the progress that it represented; the special place of education in this pillar;
- the role that it was expected to play in combating social disparities in Europe, which often had a territorial dimension and constituted one of the main challenges facing the Union;
- a reminder of the fact that the pillar itself did not, however, confer rights, and a call to avoid raising misplaced expectations in this respect;
- the value of the social scoreboard, which would provide a picture of the social situation across the Union and a means of tracking future developments, and would be available on line;

Initiatives to promote work-life balance

- the innovative and welcome nature of the proposals on work-life balance, which were a step in the right direction towards promoting gender equality, focusing on social determinants;
- in this context, the importance of the new proposals on non-transferable parental leave in order to open up more employment opportunities to women, guarantee their rights to equality and encourage parity;
- arguments from some Members that parental leave lasting several months had no impact on a career, unlike several years' absence from the labour market;
- a call to include certain very important points in the Commission's communication measures, for example mention of day care arrangements, but also taxation of households, which often did not encourage the parent with the lowest income to return to employment while the children were young; the necessary conditions for more women to participate in the labour market, starting with childcare arrangements;
- specifically as regards the provisions on paternity leave and non-transferable parental leave, the need, from a communications perspective, to highlight the justification for action at Union level and for taking a legislative measure rather than leaving the matter up to the Member States and the social partners; the need for the Union to engage in dialogue with national stakeholders on these issues;
- the need to answer the potential question regarding the extent to which fathers would actually take parental leave and the risk that, as a result, children might at the end of the day see less of one of their parents.

Ms THYSSEN replied to these comments by first of all thanking the Members of the Commission for their support for this set of initiatives, which bore the hallmark of social Europe. She hoped that, by helping to shape the future and enabling female and male citizens alike to realise their aspirations, Europe would regain their trust.

On the issue of non-transferable parental leave, she made it clear that it was up to families themselves to decide, but that they must be offered a real, free choice, to correct the gender inequality factors in careers. She mentioned the factors likely to affect this choice, namely pay - an issue she wanted the Commission to look into - and the possibility of splitting parental leave. The proposal to increase the non-transferability period to four months had been the subject of long discussions, and had drawn on the analysis of a large volume of data indicating that the option of non-transferability had certain consequences. She emphasised that, although this proposal might to some extent affect the way in which citizens organised their lives, it was proportionate, and aimed to ensure greater gender equality, an area in which Europe had always been a pioneer.

Mr TIMMERMANS reiterated that the proposals on paternity leave and parental leave did not fall outside the EU's competences in terms of social policy, since there was already a European Directive on maternity leave, and the Commission naturally sought to focus its initiatives on areas in which it had competences.

With regard to the proposal to increase the non-transferable period of parental leave to four months, he pointed out that existing legislation already stipulated that one of the four months of leave was non-transferable. In practice, with regard to the other three months which were transferable, this entitlement was almost always transferred to women. He cited the example of one Member State that had made a portion of parental leave non-transferable before reinstating a transferable entitlement, and where it had been noted that the number of women staying on parental leave for longer had increased. He fully endorsed the choice that had been made to emphasise the principle of non-transferable leave, to send the message that parental responsibility should be shared in order to ensure a better work-life balance.

The PRESIDENT concluded the debate by returning to the Proposal for a Directive on work-life balance. Small and medium-sized enterprises would find it more

difficult than large companies to implement some of the provisions, and they might make themselves heard on this issue. However, the implementing arrangements for these provisions would be defined by national law.

Contrary to certain claims, social dialogue at European level had worked, and there had even been four rounds of consultation with European social partners ahead of the Commission's proposals, under the European Pillar of Social Rights. He added that social dialogue did not mean social agreement. It was a means, rather than an end in itself, and therefore no social partner had a veto.

The PRESIDENT hoped to see the Commission present a Directive on written employment contracts by the end of the year, and to launch a consultation to that end. The situation of self-employed and 'bogus self-employed' people also needed to be addressed in that Directive, in order to safeguard their rights. Although he did not underestimate the difficulties the Commission would encounter along the way, he wanted it to present a new version of the Proposal for a Directive on employment contracts with or without an agreement between the social partners, and recalled that the previous version had caused a great deal of controversy.

Following this discussion the Commission:

- approved the communication on the establishment of a European Pillar of Social Rights in COM(2017) 250/2, for transmission to Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions and, for information, to the national parliaments, together with the Commission staff working documents distributed as SWD(2017) 200/2, SWD(2017) 201/3 and SWD(2017) 206/2, the contents of which were noted;
- adopted the Proposal for an Interinstitutional Proclamation on the European Pillar of Social Rights in COM(2017) 251/3, for transmission to Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, and, for information, to the national parliaments;

- adopted the Recommendation on the European Pillar of Social Rights in C(2017) 2600/3, for publication in the Official Journal of the European Union;
- approved the consultation documents C(2017) 2611/2 and C(2017) 2610/3 and took note of the Commission staff working document SWD(2017)205/2;
- approved the communication to support work-life balance for working parents and carers in COM(2017) 252/2, for transmission to Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, and, for information, to the national parliaments;
- adopted the Proposal for a Directive on work-life balance for parents and carers in COM(2017) 253/3, for transmission to Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the national parliaments, together with the impact assessment and the summary thereof in staff working documents SWD(2017) 202 and SWD(2017) 203, the contents of which were noted;
- also took note of the opinion of the Regulatory Scrutiny Board, distributed as SEC(2017) 199;
- approved the Interpretative Communication concerning certain aspects of the organisation of working time in C(2017) 2601/2, for publication in the Official Journal of the European Union;
- approved the report on certain aspects of the organisation of working time in COM(2017) 254/2, for transmission to Parliament, the Council, the European Economic and Social Committee and, for information, to the Committee of the Regions and the national parliaments, together with the Commission staff working document distributed as SWD(2017) 204/2, the contents of which were noted;

17. REFLECTION PAPER ON THE SOCIAL DIMENSION OF EUROPE (COM(2017) 206 TO /3; RCC(2017) 40)

The PRESIDENT asked Mr DOMBROVSKIS and Ms THYSEN to present the reflection paper on the social dimension of Europe, which was a follow-up to the White Paper on the Future of Europe published on 1 March. It was primarily intended to generate a broad public debate about the challenges and opportunities over the coming decade and ultimately to help the Member States shape the Union looking ahead to 2025.

Mr DOMBROVSKIS thanked the Members of the Commission who had contributed to this reflection paper, which was written in a concise and lively style. This was the first of five reflection papers planned by the Commission as a contribution towards the debate on the future of Europe. This working document dealt with the social dimension in the broad sense, in other words from the point of view of the wider society, not just jobs, social affairs and inclusion. It launched a debate that would last several months and should bridge the gap between what the public wanted from the European Union and what the European Union was capable of delivering.

He outlined the three options presented for discussion, following the same approach as the White Paper. These options were (i) to limit the social dimension to free movement, (ii) for those Member States who wished to do so (possibly the members of the euro area, or other groups of Member States) to do more in the social field, and (iii) for all of the 27 Member States to deepen the social dimension together. He explained that all of these options were practicable under the current Treaties and could be combined with one another. As in the case of the White Paper, the Commission would not indicate which option it preferred at this stage, so as to allow for a wide public debate.

Ms THYSEN, for her part, pointed out that the discussion of the social dimension of Europe up to the year 2025 was not starting from scratch, in that the European

Union had always had a social dimension, which had been strengthened by the single market and European citizenship. Nevertheless, the reflection paper set out several options, including that of limiting the European social dimension, and explored ways in which Member States that so wished could do more in the social field, for example by introducing a single social security number or systems for the joint management of common public health risks.

She focused in particular on the option of deepening the social dimension of the Union of 27 in order to tackle the common challenges posed by the ageing population, ways of thinking about a future in an increasingly digitalised and computerised environment, and issues of urbanisation and globalisation. According to Ms THYSSEN, this option required a resurgence of political will at all levels, which would not emerge of its own accord but would have to be encouraged by the Commission.

During the ensuing discussion, Commission Members raised the following points:

- the positive impetus which the Commission’s reflection paper would give to the debate on the social dimension of the Union;
- the fact that this document reflected the importance which the present Commission attached to the social dimension, with its desire to ensure the Union had what the PRESIDENT had referred to as a triple A social rating;
- the fundamental message that there was no place for social dumping in Europe, that the Union also had a protective role and looked after its citizens;
- approval of the decision to launch a very broad debate on the future of the Union in the wake of the White Paper and to include in this debate the subjects of the forthcoming reflection papers, for example on how to harness globalisation;

- support for the idea of strengthening the social dimension in all Union policies, such as energy, health and the environment, for example using the resources deployed for combating energy poverty;
- more generally, the desire expressed by people at the grassroots, particularly during citizens' dialogues, to influence the measures taken at EU level, to have their say and to receive feedback on their views and proposals; the public's doubts about the means available to the Commission to assess the impact of measures taken at European level.

The PRESIDENT wound up the discussion, expressing support for the idea of thinking about how the citizens' dialogues were taken into account in the Commission's work and ways of providing feedback. He thanked Members for the fruitful debate on social issues that day and congratulated all those who had contributed.

Following this discussion, the Commission approved the reflection paper in COM(2017) 206/3 for transmission to the European Parliament, the European Council, the Council, the Court of Justice, the Court of Auditors, the European Economic and Social Committee and the Committee of the Regions, and, for information, to the national parliaments.

18. OTHER BUSINESS

18.1. LEGAL AND POLITICAL QUESTIONS CONCERNING RESPECT FOR FUNDAMENTAL EUROPEAN VALUES AND EUROPEAN LAW IN HUNGARY (INFO(2017) 31)

Mr TIMMERMANS informed the Members of the Commission of the

findings of the Commission departments' examination of the legal and political issues raised by the laws recently adopted or planned in Hungary. After the Commission's first discussion of these matters on 12 April, a legal examination of the new Hungarian law on higher education had confirmed the concerns regarding its compatibility with the freedoms inherent in the single market, the Union's obligations resulting from the General Agreement on Trade in Services (GATS) and the Charter of Fundamental Rights. He therefore proposed that the Commission should decide that day to initiate infringement proceedings against Hungary by means of a letter of formal notice (see also item 5 of these Minutes).

As regards the draft law on the financing of non-governmental organisations operating in Hungary, he stated that the legal examination by the Commission's departments had concluded that, if the legislative act were adopted as it stood, it would be clearly incompatible with EU legislation on the single market, in particular the free movement of capital, and with the Charter of Fundamental Rights, in particular as regards freedom of assembly and freedom of association. He therefore confirmed that the Commission would have to continue to monitor the drafting of this proposed law closely and express its reservations and concerns as part of its political dialogue with the Hungarian authorities.

Mr TIMMERMANS also referred to the reply prepared by the Commission's departments to the public consultation organised by the Hungarian Government, and called on the College to support it. He explained that this reply was intended to set the record straight and to dispel the misunderstandings as to the role and position of the EU which the consultation risked creating among the people of Hungary. He also recommended including in the text of the reply a reference to the fact that the Commission had proposed, in response to the exceptional migratory pressure on Hungary in 2015, that 54 000 asylum seekers should be relocated from

Hungary to other Member States, but that the Hungarian government had not accepted this proposal.

Lastly, Mr TIMMERMANS reminded the meeting that the College had concluded in its discussions of 12 April that there was a need to engage in a political dialogue with the Hungarian Government and with the other Member States, the European Parliament and the Commission, and he noted that the discussion that afternoon in the plenary session of the European Parliament, in which the Hungarian Prime Minister, Viktor Orbán, would also take part, would provide the Commission with a first opportunity to set out its position.

Mr NAVRACSICS felt it was important to establish a political dialogue between the Commission and the Hungarian authorities and said that he was continuing to act as mediator between the various parties concerned. He saw encouraging signs from the Hungarian Government which suggested that a satisfactory solution might be possible.

Ms BIENKOWSKA returned to the question of the content of the letter of formal notice to be sent to the Hungarian Government. She explained that the Hungarian law on higher education was in breach of the rules of the internal market in that universities performed an economic activity which benefited in full from the freedoms inherent in the single market.

Mr AVRAMOPOULOS noted that the present dialogue with the Hungarian authorities was being conducted in a relatively positive atmosphere but that the progress made was fairly small. He pointed out that the new Hungarian law on asylum was also incompatible with EU law on the subject, leading to discussions in a technical group with a view to adapting this legislation. However, these discussions were having little effect for the moment and the Commission might before long be forced to initiate infringement proceedings with regard to Hungarian asylum legislation.

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

- the full and unqualified support of the Members of the Commission for the initiation of the infringement proceeding in relation to the new Hungarian law on higher education, considered to be incompatible with Union law, and the continuation of the political dialogue with the Hungarian authorities, the other Member States, the European Parliament and the Commission;
- the importance of ensuring that fundamental values could not be undermined by any EU Member State; the expectations of those in the Hungarian population who were counting on action by the EU to protect these fundamental values;
- the political nature and pedagogical scope of the Commission's response to the public consultation in Hungary;
- an expression of support for Mr NAVRACSICS' efforts at mediation between the Hungarian Government and the Central European University.

Mr TIMMERMANS thanked the Members of the Commission for their support and indicated that he would be factual and dispassionate when presenting the Commission's positions to the European Parliament on the legal and political issues concerning Hungary. He suggested that the Hungarian Government should only be given one month in which to reply to the Commission's letter of formal notice concerning the Higher Education Law, in order to prevent any short-term threat to the existence and activities of the university most directly affected by the new law.

The PRESIDENT urged Mr TIMMERMANS to mount a firm defence of the Commission's positions as guardian of the Treaties and fundamental rights,

while avoiding unnecessary political controversies that might detract from its political message.

The Commission agreed to open infringement proceedings against the Hungarian authorities concerning the Higher Education Law, with a period of one month for Hungary's reply (in accordance with item 5 of these Minutes). It also took note of these conclusions and of the briefing distributed as INFO(2017) 31. It also approved the reply, amended during the meeting, to the public consultation organised by the Hungarian Government.

18.2. LATEST DEVELOPMENTS IN RELATIONS WITH TURKEY

At the PRESIDENT's request, Mr TIMMERMANS took stock of relations between the EU and Turkey. He referred to the concerns triggered by the policy of the Turkish President, Mr Recep Tayyip Erdoğan, which was moving the country further each day from a prospect of joining the European Union. He hoped that Turkey would clearly show its intentions with regard to its European partner. He felt that Turkey's geographical location, its history and the many interests it had in common with the Union were all reasons for continuing the bilateral relationship, despite the political climate in Turkey. He felt it important therefore that the Commission should continue a constructive dialogue with the Turkish authorities as far as possible in order to avoid jeopardising relations further in future, while remaining firm on the need to uphold the rule of law and the Union's fundamental values.

Mr HAHN endorsed Mr TIMMERMANS' comments and expressed alarm at the serious worsening of relations between the Union and the Turkish authorities as well as the ensuing danger to regional stability in the Eastern Mediterranean. He explained that beyond other economic factors, it was the sharp fall in revenue from tourism in Turkey, in particular, that ultimately risked undermining the country's stability, especially when the time came for it to honour its debts to international creditors. In this context, he suggested

considering a reassessment of relations between the Union and Turkey.

He also drew attention to the fact that a Member State government was about to officially ask the Commission for a formal assessment of Turkey's accession process in light of the Copenhagen criteria. He indicated that in its reply, by the beginning of 2018 as part of the regular report, the Commission would confine itself exclusively to the criteria laid down and the objective facts currently established in the country.

In his concluding remarks the PRESIDENT emphasised that Turkey itself would determine its accession prospects by deciding whether or not to uphold the rule of law and the Union's fundamental values, in accordance with a process followed by all the candidate countries that had gone on to become Member States. He stressed that the Turkish Government should take responsibility for any breakdown in accession negotiations; the Commission ensured compliance with the Union's legal framework and its fundamental values, which were the main foundations of EU membership.

The Commission took note of this information.

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The meeting closed at 12.04.