



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

**PV(2015) 2150 final**

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

Brussels, 13 January 2016

# TEXTE EN

## MINUTES

of the 2150<sup>th</sup> meeting of the Commission

held in Strasbourg

(Winston Churchill building)

on Tuesday 15 December 2015

(afternoon)

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**Single sitting: Tuesday 15 December 2015 (afternoon)**

The sitting opened at 13.08 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 ŠEFČOVIČ	Vice-President	
Mr DOMBROVSKIS	Vice-President	Items 7/13 (in part) to 20
Mr KATAINEN	Vice-President	
Mr MIMICA	Member	
Mr ARIAS CAÑETE	Member	
Mr AVRAMOPOULOS	Member	
Ms THYSSEN	Member	
Mr MOSCOVICI	Member	
Mr STYLIANIDES	Member	
Lord HILL	Member	
Ms BULC	Member	
Ms BIENKOWSKA	Member	
Ms JOUROVÁ	Member	
Mr NAVRACSICS	Member	
Ms CREȚU	Member	
Ms VESTAGER	Member	
Mr MOEDAS	Member	

Absent:

Ms MOGHERINI	High Representative / Vice-President
Mr OETTINGER	Member
Mr HAHN	Member
Ms MALMSTRÖM	Member
Mr VELLA	Member
Mr ANDRIUKAITIS	Member
Mr HOGAN	Member



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

Ms PANZETTI	A member of Ms MOGHERINI's staff
Mr LEHMANN	A member of Mr OETTINGER's staff
Mr CEBALLOS BARÓN	Deputy Chef de cabinet to Ms MALMSTRÖM
Mr NEALE	Expert from Mr VELLA's cabinet
Ms PREIKŠIENE	A member of Mr ANDRIUKAITIS's staff

The following also sat in:

Mr SELMAYR	Chef de cabinet to the PRESIDENT	
Mr ROMERO REQUENA	Director-General, Legal Service	
Mr PESONEN	Director-General, DG Communication	
Mr SCHINAS	Head of the Spokesperson's Service and Chief Spokesperson of the Commission	Items 7 to 20
Ms ANDREEVA	Commission Spokesperson's Service	
Mr SWIEBODA	European Political Strategy Centre	
Ms MARTÍNEZ ALBEROLA	Deputy Chef de cabinet to the PRESIDENT	
Ms SUTTON	Deputy Chef de cabinet to Mr TIMMERMANS	Items 1 to 19
Ms SCHMITT	Chef de cabinet to Mr AVRAMOPOULOS	Items 1 to 19
Mr RUETE	Director-General, DG Migration and Home Affairs	Items 1 to 19

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

**1. AGENDAS**

**(OJ(2015) 2150/FINAL; SEC(2015) 488/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(2015) 2150)**

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 14 December.

**3. APPROVAL OF THE MINUTES AND SPECIAL MINUTES OF THE 2149<sup>TH</sup> MEETING (9 DECEMBER)**

**(PV(2015) 2149; PV(2015) 2149, PART II)**

The Commission approved the minutes of its 2149<sup>th</sup> meeting.

**4. INTERINSTITUTIONAL RELATIONS**

**(RCC(2015) 114)**

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 11 December.

It paid particular attention to the following points.

#### **4.1. HORIZONTAL ITEM**

##### **i) Interinstitutional agreement on better law making ('Better Regulation')**

The Commission approved the approach set out in SPI(2015) 38.

#### **4.2. LEGISLATIVE MATTERS**

##### **ii) Trilogue meetings**

(point 3.1 of the IRG record)

- 'Data Protection' Package – Protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data (Directive) – LAURISTIN report – 2012/0010 (COD)

The Commission approved the line set out in SI(2015) 513.

- Measures to ensure a high common level of network and information security across the Union (Directive) – SCHWAB report – 2013/0027 (COD)

The Commission approved the line set out in SI(2015) 518.

- Protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (Directive) – LE GRIP report – 2013/0402 (COD)

The Commission approved the line set out in SI(2015) 500.

- Protective measures against pests of plants (Regulation) – McINTYRE report – 2013/0141 (COD)

The Commission approved the line set out in SI(2015) 519/2.

- Zootechnical and genealogical conditions for trade in and imports into the Union of breeding animals and their germinal products (Regulation)  
– DANTIN report – 2014/0032 (COD)

The Commission approved the line set out in SI(2015) 520/3.

**iii) European Parliament dossier – December II part-session**

(point 3.2 of the IRG record)

Ordinary legislative procedure – First reading

- Amendment of Council Regulation (EC) 1215/2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process and suspending its application with regard to Bosnia and Herzegovina (Regulation) – BETTINI report – 2014/0197 (COD)

The Commission took note of the compromise text in SP(2015) 782, further to note SI(2015) 494, which it had approved on 9 December 2015.

Non-legislative procedure

- Amendment of Regulation (EU, Euratom) 609/2014 on the methods and procedure for making available the traditional, VAT and GNI-based own resources and on the measures to meet cash requirements (Council Regulation) – DEPREZ & LEWANDOWSKI report – 2015/0204 (NLE)

The Commission took note of SP(2015) 762 and /2.

Implementing acts

- Authorisation for placing on the market of products containing, consisting of, or produced from genetically modified maize NK603 x T25 pursuant to Regulation (EC) 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Commission Implementing Decision) – Objection pursuant to Rule 106

The Commission approved the line set out in SP(2015) 783.

- Adoption of a list of invasive alien species of Union concern, pursuant to Regulation (EU) 1143/2014 of the European Parliament and of the Council on the prevention and management of the introduction and spread of invasive alien species (Commission Implementing Decision) – Objection pursuant to Rule 106

The Commission approved the line set out in SP(2015) 784.

**iv) Council dossier**

(point 3.3 of the IRG record)

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

The Commission approved the line set out in SP(2015) 521.

**4.3. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL**

**v) Non-legislative dossiers**

(point 4.1 of the IRG record)

- Non-paper on EU relations with Gulf Cooperation Council countries

The Commission took note of the non-paper annexed to SI(2015) 512/2.

- International Maritime Organisation (IMO) – Joint European Union submission to be submitted to the 69<sup>th</sup> session of the IMO Marine Environment Protection Committee (MEPC 69) concerning a new work programme item in relation to a review of the 2015 Guidelines for Exhaust Gas Cleaning Systems

The Commission approved the line set out in SI(2015) 507.

**vi) Preparation for Council meeting (Foreign Affairs) – ‘Trade’ session (Brussels, 15 December)**

(point 4.2.4 of the IRG record)

- Establishment of the position to be taken on behalf of the European Union within the Ministerial Conference of the World Trade Organization as regards export competition, transparency and development issues (Council Decision) – 2015/0282 (NLE)

The Commission approved the line set out in SI(2015) 477.

**4.4. RELATIONS WITH PARLIAMENT**

**vii) Action taken on legislative opinions and non-legislative resolutions adopted by Parliament at its October I, II and III part-sessions**

(SP(2015) 750)

The Commission approved document SP(2015) 750 on the action taken on the legislative opinions and non-legislative resolutions adopted by Parliament at its October I, II and III part-sessions, for transmission to Parliament.

**viii) Action taken on the non-legislative resolutions adopted by Parliament at its October I part-session**

(SP(2015) 774)

The Commission approved document SP(2015) 774 on the action taken on the non-legislative resolutions adopted by Parliament at its October I part-session, for transmission to Parliament.

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

##### **ix) Relations with national parliaments**

(point 6.1 of the IRG record)

- Question from the French Senate – Interpretation of Article 7 of Directive 2014/40/EU on tobacco products

The Commission approved the line set out in SNP(2015) 58.

## **5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS**

### **5.1. WRITTEN PROCEDURES APPROVED**

*(SEC(2015) 489 ET SEQ.)*

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 7 and 11 December.

### **5.2. EMPOWERMENT**

*(SEC(2015) 490 ET SEQ.)*

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 7 and 11 December.

**5.3. DELEGATION AND SUBDELEGATION OF POWERS****(SEC(2015) 491 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 7 and 11 December, as archived in Decide.

**5.4. SENSITIVE WRITTEN PROCEDURES****(SEC(2015) 492)**

The Commission took note of the sensitive written procedures for which the time limit expired between 14 and 18 December.

**5.5. GENERAL EMPOWERMENT AND DELEGATION OF POWERS RELATING TO THE IMPLEMENTATION OF DIRECTIVE 2003/87/EC REGARDING THE AUCTIONING OF EMISSION ALLOWANCES, ADJUSTMENT TO THE FREE ALLOCATION OF EMISSION ALLOWANCES FOR NEW ENTRANTS AND CLOSURES, NER 300 AND OPERATIONS ON THE UNION REGISTRY****(C(2015) 9362)**

The Commission adopted the decision in C(2015) 9362 and, in particular, decided:

- to empower the Member of the Commission in charge of Climate Action and Energy to adopt, on behalf of the Commission and under its responsibility, the measures set out in Article 2, subject to the conditions laid down in Articles 3 and 4 of the decision;
- to delegate to the Directorate-General of DG Climate Action the adoption, on behalf of the Commission and under its responsibility, of the measures set out in Article 1, subject to the conditions laid down in Article 4 of the decision.



## **6. ADMINISTRATIVE AND BUDGETARY MATTERS**

**(SEC(2015) 493)**

### **ADMINISTRATIVE MATTERS**

**(PERS(2015) 130)**

#### ***6.1. DG JUSTICE AND CONSUMERS – APPOINTMENT OF AD15 DIRECTOR-GENERAL***

***(PERS(2015) 75 TO /4)***

The Commission had before it the list of applications under Article 29(1)(a)(i) and (iii), (1)(b) and (2) of the Staff Regulations for the post of Director-General of the Directorate-General for Justice and Consumers (PERS(2015) 75 and /2).

The Commission took note of the opinions of the Consultative Committee on Appointments of 4 and 10 December 2015 (PERS(2015) 75/3 and /4).

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT and after consulting Ms JOUROVÁ and Mr TIMMERMANS, the Commission decided to appoint Ms Tiina ASTOLA to the post.

This decision would take effect on 1 February 2016.

#### ***6.2. DG COMMUNICATION NETWORKS, CONTENT AND TECHNOLOGY – APPOINTMENT OF AD15/16 DEPUTY DIRECTOR-GENERAL***

***(PERS(2015) 84 TO /3)***

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Deputy Director-General

(CNECT.DGA2) in the Directorate-General for Communication Networks, Content and Technology (PERS(2015) 84).

The Commission took note of the opinions of the Consultative Committee on Appointments of 17 and 26 November 2015 (PERS(2015) 84/2 and /3).

The Commission proceeded to compare the applicants' qualifications for the post. It also considered their ability, efficiency and conduct in the service. On a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT and after consulting Mr OETTINGER and also Mr ANSIP and Mr KATAINEN, it decided to appoint Ms Claire BURY to the post.

This decision would take effect on 1 January 2016.

**6.3. DG COMMUNICATION – APPOINTMENT OF AD15/16 DEPUTY DIRECTOR-GENERAL  
(PERS(2015) 82 TO /3)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Deputy Director-General (COMM.DGA1) in the Directorate-General for Communication (PERS(2015) 82).

It took note of the opinions of the Consultative Committee on Appointments of 30 October and 7 November 2015 (PERS(2015) 82/2 and /3).

The Commission proceeded to compare the applicants' qualifications for the post. It also considered their ability, efficiency and conduct in the service. On a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT, it then decided to appoint Ms Sixtine BOUYGUES to the post.

This decision would take effect on 16 December 2015.

**6.4. DG COMMUNICATION – APPOINTMENT OF AD15/16 DEPUTY DIRECTOR-GENERAL  
(PERS(2015) 91 TO /3)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Deputy Director-General (COMM.DGA2) in the Directorate-General for Communication (PERS(2015) 91).

It took note of the opinions of the Consultative Committee on Appointments of 30 October and 7 November 2015 (PERS(2015) 91/2 and /3).

The Commission proceeded to compare the applicants' qualifications for the post. It also considered their ability, efficiency and conduct in the service. On a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT, it then decided to appoint Mr Margaritis SCHINAS to the post.

This decision would take effect on 16 December 2015.

**6.5. DG MIGRATION AND HOME AFFAIRS – APPOINTMENT OF AN AD14/15 DIRECTOR  
(PERS(2015) 98 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, 'Migration and Security Funds', in the Directorate-General for Migration and Home Affairs (PERS(2015) 98).

The Commission took note of the opinions of the Consultative Committee on Appointments of 1 and 3 December 2015 (PERS(2015) 98/2 and /3).

The Commission proceeded to compare the applicants' qualifications for the post. It also considered their ability, efficiency and conduct in the service. On

a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT and after consulting Mr AVRAMOPOULOS and also Mr TIMMERMANS, it decided to appoint Mr Matthias OEL to the post.

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

**6.6. DG INFORMATICS – AMENDMENT OF THE ORGANISATION CHART AND APPOINTMENT OF A DIRECTOR (SEC(2015) 511)**

The Commission, on a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT and after consulting Mr OETTINGER and also Mr ANSIP and Mr KATAINEN, decided:

- to create a new Directorate DIGIT.S 'IT security' and to transfer, in the interest of the service, under Article 7 of the Staff Regulations, Mr Ken DUCATEL, currently Principal Adviser – Chief Information Security Officer (CISO), to the post of Director of this new Directorate in the Directorate-General for Informatics;
- to abolish the post of Principal Adviser – Chief Information Security Officer (CISO);
- to create a new unit 'DIGIT S.2 – IT Security Operations' the staff of which would be appointed by means of internal redeployment from other units in the Directorate-General for Informatics;
- to extend the activities of the two task forces established at unit level, 'Logistic' and 'Technology Trends and Foresight', until 31 December 2016 at the latest;
- to adopt the new organisation chart set out in SEC(2015) 511.

These decisions would take effect on 1 January 2016.

This decision would be implemented in accordance with the provisions, including the timetable for implementation, of the agreement between the European Community and the Luxembourg authorities on the Commission's presence in Luxembourg.

Following the reorganisation, the number of Directorates in the Directorate-General for Informatics would increase from 4 to 5 and the number of units would decrease, in the fullness of time, from 22 to 21.

**6.7. SECRETARIAT-GENERAL / STRUCTURAL REFORM SUPPORT SERVICE (SRSS) – AMENDMENT OF THE ORGANISATION CHART**

The Commission, on a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT and after consulting Mr DOMBROVSKIS, decided to amend as follows the provision concerning the adjustment of members of the staff of the Structural Reform Support Service (SRSS) in the Secretariat-General:

'The overall staffing level and the ceilings for the different staff categories, as well as the mechanism for the subsequent revision of these ceilings, shall be decided by the PRESIDENT in agreement with Ms GEORGIEVA and after consulting Mr DOMBROVSKIS.'

This decision would take effect immediately.

**6.8. DG HUMAN RESOURCES AND SECURITY – RECRUITMENT OF MEMBERS OF THE CONTRACT STAFF FOR AUXILIARY TASKS (CA 3B) – EXTENSION OF COMMISSION DECISION C(2013) 4459 OF 25 JULY 2013 UNTIL THE ENTRY INTO FORCE OF A NEW DECISION IMPLEMENTING ARTICLE 79(2) OF THE CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS OF THE EUROPEAN UNION AND REPEALING COMMISSION DECISION C(2011) 1264 (SEC(2015) 513)**

The Commission took note of the information in point 8 of PERS(2015) 130 and of the 2015 report in SEC(2015) 513 and, on a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT, decided to suspend the obligation set out in Article 3(1) of Commission Decision C(2011) 1264 of 2 March 2011 on the general provisions for implementing Article 79(2) of the Conditions of Employment of Other Servants of the European Union (CEOS) governing the conditions of employment of contract staff employed by the Commission under the terms of Articles 3a and 3b of the said Conditions as regards the recruitment of contract staff for auxiliary tasks (CA 3b) until the entry into force of new provisions implementing Article 79(2) CEOS and repealing Commission Decision C(2011) 1264.

This decision would take effect immediately.

**6.9. DG HUMAN RESOURCES AND SECURITY – EXTENSION OF THE CONTRACTS OF MEMBERS OF THE TEMPORARY STAFF WITHIN THE MEANING OF ARTICLE 2(B) OF THE CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS OF THE EUROPEAN UNION – SUSPENSION OF THE OBLIGATION SET OUT IN THE THIRD SUBPARAGRAPH OF ARTICLE 3(2)(A) OF COMMISSION DECISION**

***C(2013) 9049 OF 16 DECEMBER 2013 ON POLICIES FOR THE ENGAGEMENT AND USE OF TEMPORARY AGENTS***

The Commission took note of the information in point 9 of PERS(2015) 130 and, on a proposal from Ms GEORGIEVA, in agreement with the PRESIDENT, decided to suspend until 31 December 2016 the obligation to organise a selection procedure set out in the third subparagraph of Article 3(2)(a) of Commission Decision C(2013) 9049 of 16 December 2013 on policies for the engagement and use of temporary agents if there was a proposal to extend the contracts of members of the temporary staff within the meaning of Article 2(b) of the Conditions of Employment for Other Servants of the European Union beyond a period of three years.

This decision would take effect immediately.

**7. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL – A EUROPEAN BORDER AND COAST GUARD AND EFFECTIVE MANAGEMENT OF EUROPE'S EXTERNAL BORDERS**

**(COM(2015) 673 TO /3; RCC(2015) 115)**

**8. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE EUROPEAN BORDER AND COAST GUARD AND REPEALING REGULATION (EC) 2007/2004, REGULATION (EC) NO 863/2007 AND COUNCIL DECISION 2005/267/EC**

**(COM(2015) 671 TO /3; RCC(2015) 115)**

- 9. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON A EUROPEAN TRAVEL DOCUMENT FOR THE RETURN OF ILLEGALLY STAYING THIRD-COUNTRY NATIONALS**  
(COM(2015) 668 AND /2; RCC(2015) 115)
- 10. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EC) 562/2006 AS REGARDS THE REINFORCEMENT OF CHECKS AGAINST RELEVANT DATABASES AT EXTERNAL BORDERS**  
(COM(2015) 670 AND /2; RCC(2015) 115)
- 11. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EC) 1406/2002 ESTABLISHING A EUROPEAN MARITIME SAFETY AGENCY**  
(COM(2015) 667 AND /2; RCC(2015) 115)
- 12. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING COUNCIL REGULATION (EC) 768/2005 ESTABLISHING A COMMUNITY FISHERIES CONTROL AGENCY**  
(COM(2015) 669 AND /2; RCC(2015) 115)
- 13. COMMISSION RECOMMENDATION ADOPTING THE PRACTICAL HANDBOOK FOR IMPLEMENTING AND MANAGING THE EUROPEAN BORDER SURVEILLANCE SYSTEM (EUROSUR HANDBOOK)**  
(C(2015) 9206; RCC(2015) 115)

Mr TIMMERMANS opened the debate on the package of initiatives proposed for adoption that day with a view to creating a European Border and Coast Guard to protect the Union's external borders more effectively, which he described as ambitious and necessary. The number of illegal migrants entering the Union had



reached 1.5 million in 2015, which was almost twice as many as in the past five years put together. This unprecedented figure showed the weaknesses in the management and protection of Europe's external borders, but also had serious repercussions throughout the Union because it had led several Member States temporarily to reintroduce checks at the internal borders, to the point of throwing into question the viability of the Schengen area.

He noted that this package of measures fulfilled the undertaking given by the PRESIDENT in his State of the Union speech to the European Parliament in September 2015 to take steps to secure the borders and improve controls before the end of the year. He also pointed out that the co-legislators had called for greater protection of the Union's external borders, which was one of the pillars of the European Agenda on Migration.

He explained that a European Border and Coast Guard would facilitate integrated management of the Union's external borders, in line with the objective laid down in Article 77 of the Treaty on the Functioning of the European Union (TFEU), and that the proposals were based on the principle of shared responsibility.

He was aware of the arguments that would probably be raised concerning the question of Member States' sovereignty, given the possibility that, in a really exceptional and urgent situation, the European Border and Coast Guard could be deployed without a prior request by the Member State concerned. However, he considered this concern to be unfounded and urged Commission Members to contribute to efforts to explain this point to the public and the media.

Mr TIMMERMANS stressed that the proposed initiatives did not do away with national border and coast guard services, which would retain the primary role in managing the borders, but would work in a reinforced European framework involving higher standards, integrated risk management, effective exchange of information and a system of early intervention to remedy any potential weaknesses. In other words, national border and coast guard services would receive help, where

necessary, from the European Border and Coast Guard Agency, which could deploy a reserve force of 1 500 border guards drawn from the Member States, rather than depending on voluntary contributions.

He emphasised that this integrated structure for border management aimed above all at preventing situations that were out of control and at reinforcing the Union's collective capacity to manage a crisis in which part of its external border would come under severe pressure. However, he could not rule out exceptional situations arising in which a Member State was no longer able to secure its borders alone. In these rare and exceptional cases the Agency would have to be able to intervene rapidly to take over the management of this shared part of the external border. Ideally this mechanism, like any other safety net, would not have to be used, but it would be an essential element for restoring the credibility of the system for managing the Union's external borders.

He spoke of the first encouraging signs in the management of flows of migrants following the agreements with Turkey, although the situation remained delicate. He believed that the public's disenchantment with the Union stemmed from the feeling that the EU was failing to control the mass influx of migrants into its territory, hence the importance, in his view, of acting to protect the frontiers more effectively and of the Member States joining forces to achieve this common goal.

Mr TIMMERMANS wound up his presentation by calling on the Commission Members to stress that these proposals were a high priority in order to preserve the integrity and viability of the Schengen area, but without restricting national sovereignty any more than was absolutely necessary. He thanked the Commission departments, and in particular DG Migration and Home Affairs, the Secretariat-General and the Legal Service, for their excellent work and commitment, which had enabled this ambitious package to be prepared at such short notice.

Mr AVRAMOPOULOS stressed the ambitious and far-reaching nature of the Commission's proposals, which would be presented to the European Council on

17 and 18 December. These proposals were prompted by a crisis and reflected the lessons learned from these events. They were designed to enable a stronger and more united Europe to move forward, and to prevent the strain on the Union's external borders from having further dramatic repercussions, given that the phenomenon of migration was likely to continue.

The proposal to create a European Border and Coast Guard was part of the general strategy based on the European Agenda on Migration, which had given rise to specific measures such as the mechanism for relocating refugees within the Union and would lead to further measures on legal migration.

Without going into the details of the various proposals, which he had already presented to the College the previous week, he highlighted the fact that the tendency of the package as a whole was towards 'more Europe', which would no doubt raise questions about Member States' sovereignty. However, he stressed that although the new Border and Coast Guard Agency would certainly have greater powers than the present Frontex Agency, it would not usurp the responsibility of the Member States, let alone their sovereignty.

Mr AVRAMOPOULOS explained that if failings persisted and a Member State failed to act, the Commission would be able to take an implementing decision establishing that the situation at a particular point on its external borders required urgent intervention and instructing the Agency to take appropriate operational measures. The Agency's Executive Director would then have to present an operational plan, to be formulated in conjunction with the Member State concerned within two working days. The State in question, for its part, would facilitate the implementation of the measures provided for in this operational plan, which would have been agreed by common accord with the Executive Director. In the event of persistent refusal by the Member State in question, the Commission could bring infringement proceedings before the Court of Justice. But in any case he explained that it would not be possible to send coastguards to the territory of a Member State

without its cooperation. The ultimate aim of this new European agency was not to intervene but to improve the collective management of the Union's external borders.

He also highlighted the significant provision for prevention in the proposal for a Regulation and the far broader support which all the Member States with an external border would receive specifically to avoid emergency situations that made intervention necessary.

In conclusion, Mr AVRAMOPOULOS referred to the reactions and debates which this unusually ambitious proposal was bound to trigger, but noted that the Commission had made the political choice to safeguard a Schengen area threatened by the current realities. He therefore believed that the management of Europe's borders should become a European responsibility in the true sense of the term. Lastly, he urged the Members of the Commission to contribute to communicating these proposals.

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

- the broad scope of the proposed initiatives, which were among the most significant in the current Commission's political agenda; the overall balance of the measures making up the package;
- the importance of the communication actions that would accompany the package's adoption in order to win the support of both public opinion and the Member States, and to address concerns related to matters of national sovereignty;
- consequently, the need to explain that the European Border Guard Corps was not a military force, but a deployment of experts tasked with managing and protecting the EU's external borders where appropriate; the need to emphasise that the Agency's right to intervene, set out in particular in Articles 16 and 18 of

the proposal for a Regulation, was intended to be used only in exceptional circumstances and in close coordination with the Council;

- the unifying nature of a European Border Guard Corps to allow the Member States to address the many difficulties encountered in managing migration flows;
- the high value EU citizens attach to free movement and its practical importance in their everyday lives; the priority to be given to securing the EU's external borders in order to protect the Schengen area, which was also an economic growth factor and a powerful factor in terms of integration; the close link between this area of freedom of movement and the Economic and Monetary Union;
- a readjustment of national prerogatives in the context of an integrated approach to the control of external borders; the importance of ensuring that the Member States honoured their commitments and contributed to the management of the EU's external borders;
- the need to invest still further in the development of a European Border and Coast Guard, despite the budgetary constraints, in order to achieve the critical mass needed to coordinate the Member States' actions, while at the same time providing an operational force that could be mobilised on the ground;
- the close cooperation between the various EU agencies that had contributed to developing the Commission's initiatives, and the adaptation of their mandates to the new tasks that would be asked of them;
- the use of the latest technologies in the multiple control activities for which the various EU agencies were responsible.

Mr TIMMERMANS noted that the proposed package's real innovation was the collective assessment it enabled of the situation in a Member State with regard to

protecting the common external border. He emphasised the current lack of any common assessment by the Member States as a whole that would give them control over a crisis situation, and the fact that the Commission's proposals were therefore aimed, inter alia, at developing these missing tools for assessment and prevention. He added that the terrorist threat increased the need for an integrated approach to protecting the external border that made it possible to control entry and exit to and from the territory of the Union. He also explained that, as in the case of banking union, the collective approach applied to a Member State that was unable effectively to manage a crisis situation meant, on the one hand, that it would benefit from intervention at European level, and, on the other, that it would implement the measures identified as necessary or face the prospect of the Commission launching infringement proceedings against it.

Mr AVRAMOPOULOS did not see the Commission's initiatives as intruding in the internal affairs of the Member States or as transferring sovereignty, since the Member States retained control of their borders within the reinforced framework provided for by the package, which in practice allowed States to exercise their sovereignty effectively.

Winding up the discussion, the PRESIDENT said that it should be explained that the Commission's initiatives were designed specifically to protect the sovereignty of the Member States against those who did not exercise sovereignty. He thanked the Members of the Commission who had contributed to this ambitious package and relevant departments for the quality of their work and their commitment, particularly over the previous weekend.

The Commission:

- approved the Communication in COM(2015) 673/3 for transmission to Parliament and the Council and, for information, to the European Economic and Social Committee, the Committee of the Regions and the national parliaments;

- adopted the proposal for a Regulation set out in COM(2015) 671/3 for transmission to Parliament, the Council, the Economic and Social Committee, the Committee of the Regions and the national parliaments;
- adopted the proposal for a Regulation in COM(2015) 668/2 for transmission to Parliament, the Council and the national parliaments;
- adopted the proposal for a Regulation in COM(2015) 670/2 for transmission to Parliament, the Council and the national parliaments;
- adopted the proposal for a Regulation set out in COM(2015) 667/2 for transmission to Parliament, the Council, the Economic and Social Committee, the Committee of the Regions and the national parliaments;
- adopted the proposal for a Regulation set out in COM(2015) 669/2 for transmission to Parliament, the Council and the Economic and Social Committee and, for information, to the Committee of the Regions and the national parliaments;
- adopted the recommendation set out in C(2015) 9206, adopting the Practical Handbook for the implementation and management of the European Border Surveillance System (EUROSUR), for notification to the Member States and transmission, for information, to Parliament, the Council and the national parliaments.

**14. COMMISSION RECOMMENDATION FOR A VOLUNTARY HUMANITARIAN ADMISSION SCHEME WITH TURKEY  
(C(2015) 9490 AND /2; SEC(2015) 520; RCC(2015) 116)**

Mr TIMMERMANS explained the approach taken in the Commission Recommendation for a voluntary humanitarian admission scheme with Turkey to be submitted to the European Council on 17 and 18 December. This would complete

the set of initiatives concerning management of the Union's external borders set out in items 7 to 13 of these Minutes.

The aim of this Recommendation, which accompanied the joint action plan for refugees agreed ad referendum on 29 November by the Union and Turkey, was to offer temporary protection to persons fleeing the war in Syria who were currently in Turkey. He emphasised the voluntary nature of the proposed mechanism, which was open to both EU Member States and Schengen Associated Countries, and described the practical arrangements for its implementation. These arrangements would allow faster processing and would be established in close cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR), the European Asylum Support Office (EASO) and the International Organisation for Migration (IOM).

He referred again to the flexibility of the mechanism. There would be regular monitoring and Member States would be able to participate at any time in accordance with their capacities, thus enabling them to respond proportionately to Turkey's efforts to reduce the flow of irregular migrants to the EU. He stressed that the burden of hosting refugees must be shared more fairly between Turkey and the EU by establishing an official, transparent and secure framework.

He also confirmed that the need for a swift and proven reduction of irregular flows from Turkey was necessarily linked to relieving the current migratory pressure along the Balkan route in particular. He was confident that the countries concerned were willing to offer places to vulnerable persons under this official mechanism, according to their means.

Ms GEORGIEVA reported on the negotiations in the Council concerning the refugee facility for Turkey proposed by the Commission on 24 November. She briefed the Commission on the discussions, which had focused mainly on budgetary allocation. In the light of these exchanges and given the exceptional urgency of the situation, she proposed that €1 billion be made available from the EU general



budget for 2016-2017 instead of the €500 million initially envisaged. She pointed out that the Member States would be providing €2 billion on top of that amount, bringing the total up to €3 billion. She referred in general terms to the constructive nature of the discussions. The Member States had agreed on the merits of the proposed approach and the need to implement it urgently. On this basis, she was confident that the operational launch of the facility could be announced at the European Council on 17 and 18 December.

The Commission adopted in principle the recommendation for a voluntary humanitarian admission scheme with Turkey set out in C(2015) 9490/2, and, pursuant to Article 13 of its Rules of Procedure, empowered Mr AVRAMOPOULOS, the Member of the Commission responsible for Migration, Home Affairs and Citizenship, acting in agreement with the PRESIDENT, formally to adopt the recommendation in all the official languages of the European Union as soon as the texts became available, for notification to the Member States.

**15. EIGHTH BIENNIAL REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL ON THE FUNCTIONING OF THE SCHENGEN AREA (1 MAY – 30 NOVEMBER 2015)**

**(COM(2015) 675)**

**16. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL – PROGRESS REPORT ON THE IMPLEMENTATION OF THE HOTSPOTS IN GREECE**

**(COM(2015) 678 TO /3)**

**17. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL – PROGRESS REPORT ON THE IMPLEMENTATION OF THE HOTSPOTS IN ITALY**

**(COM(2015) 679 TO /3)**

**18. REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL ON THE FOLLOW-UP TO THE LEADERS' MEETING ON REFUGEE FLOWS ALONG THE WESTERN BALKANS ROUTE  
(COM(2015) 676 AND /2)**

Mr AVRAMOPOULOS briefly presented the various progress reports being submitted to the Commission for approval.

He referred first to the report on refugee flows along the Western Balkans route, which covered the 17 action points agreed on by the Heads of State and Government meeting at the invitation of the PRESIDENT on 25 October in Brussels. Although some of the agreed measures had been effectively implemented and/or strengthened, others had not, according to the report. The governments concerned were therefore being asked to step up their efforts to correct this. In addition, in the light of the inconclusive discussions at the ministerial meeting on 7 December, he suggested convening a further consultation meeting in the near future on the priority efforts to be implemented in a coordinated manner.

He went on to review the communications on the progress made in implementing the hotspots in Greece and Italy. Some progress had been made thanks to the efforts of the authorities of those two Member States, in close cooperation with the Commission teams on the ground, but a lot of work remained to be done to ensure the establishment and smooth running of the hotspots according to schedule.

Where Greece was concerned, a first hotspot was operational, with two more to follow shortly. He also referred to the Greek government's request at the beginning of December and the measures taken since then as regards (i) the activation of the EU Civil Protection Mechanism, (ii) the establishment of a new Frontex Agency operation to provide support for registration of refugees on the border with the former Yugoslav Republic of Macedonia, and (iii) the deployment of a Rapid Border Intervention Team (RABIT) in the border region of the Aegean Islands.

Although the report confirmed that things had started to move more quickly on the ground in recent weeks, Mr AVRAMOPOULOS stressed the need to keep up this momentum and reiterated the EU's willingness to do everything in its power to continue to support the Greek authorities. As regards the support measures deployed by the other Member States, although some had pulled their weight, for example by providing equipment, others had not yet turned words into deeds, including with regard to relocation.

In the case of Italy too, enhanced cooperation had recently started between the Italian authorities and the EU. The authorities had designated six regions as hotspots but to date only one of these was operational, with two others about to be opened.

Mr TIMMERMANS spoke of the need to be objective when assessing the state of play of the measures deployed by Greece and Italy in setting up hotspots. Despite the progress made, there were still significant delays in the two countries' fulfilment of their commitments, including also with regard to relocation.

During a brief discussion, Members referred to (i) the fact that, despite a very slow start, progress was now being made on implementation of the relocation mechanism and the momentum must be kept up, (ii) the need to offer tailor-made assistance to provide the most effective support to the Member States most exposed to the effects of the refugee crisis, and (iii) the desirability, for example, of stepping up the Commission's technical support on the spot in order to assist the authorities concerned in accessing the various EU funding possibilities.

The Commission:

- approved the communication in COM(2015) 675, for transmission to the European Parliament and the Council and, for information, to the national parliaments;
- approved the communication in COM(2015) 678/3, for transmission to the European Parliament and the Council and, for information, to the national

parliaments;

- approved the communication in COM(2015) 679/3, for transmission to the European Parliament and the Council and, for information, to the national parliaments;
- adopted the report set out in COM(2015) 676/2 for transmission to the European Parliament and the Council and, for information, to the national parliaments.

**19. PROPOSAL FOR A COUNCIL DECISION ESTABLISHING PROVISIONAL MEASURES IN THE AREA OF INTERNATIONAL PROTECTION FOR THE BENEFIT OF SWEDEN IN ACCORDANCE WITH ARTICLE 9 OF COUNCIL DECISION (EU) 2015/1523 AND ARTICLE 9 OF COUNCIL DECISION (EU) 2015/1601 ESTABLISHING PROVISIONAL MEASURES IN THE AREA OF INTERNATIONAL PROTECTION FOR THE BENEFIT OF ITALY AND GREECE (COM(2015) 677)**

Mr AVRAMOPOULOS briefly outlined the background and scope of the proposed Council Decision establishing provisional measures in the area of international protection for Sweden.

The PRESIDENT wound up the discussion by stressing the importance of these proposals (points 7 to 19 of these minutes) both for the Union's external borders and for the additional measures to manage the refugee crisis which the Commission would be presenting to the European Council on 17 and 18 December, at a difficult and sensitive time. He warmly thanked all those who had contributed to their preparation with such commitment and hard work.

The Commission adopted the proposal for a Council Decision set out in COM(2015) 677 for transmission to Parliament and the Council and, for information, to the national parliaments.

## **20. OTHER BUSINESS**

### ***RESULTS OF THE 21<sup>ST</sup> CONFERENCE OF THE PARTIES TO THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE (COP21) (INFO(2015) 118)***

Mr ARIAS CAÑETE reported on the outcome of the 21<sup>st</sup> Conference of the Parties to the United Nations Framework Convention on Climate Change (COP21) which, following intense negotiations, had ended with an ambitious agreement in Paris on 12 December.

He highlighted the importance of this first major multilateral agreement of the 21<sup>st</sup> century on climate protection. It sent a clear message to investors, businesses and policy-makers that the global transition towards clean energy remained an objective for the coming decades and that fossil fuels must therefore be phased out. The final compromise incorporated most of the Union's priorities.

He summarised the agreement reached. He explained that, for the first time in an agreement, the parties had reiterated their long-term objective of preventing the harmful effects of climate change. They had also agreed on a stocktake every five years in order to review the latest scientific findings and adjust their commitments accordingly. They had decided to establish a transparent system that would facilitate the adoption of measures, monitor the progress of their implementation and achieve tangible results. At the same time, the industrialised countries would step up their support for vulnerable countries to help them adapt to climate change and deal with its consequences, with a first threshold of USD 100 billion.

He considered that the EU negotiating strategy, which had been in preparation for a long time and preceded by intense diplomacy, had been decisive in the historical Paris agreement, thanks in particular to the impetus given to the negotiations in the final days by the backing of a group of 79 African, Caribbean and Pacific countries for the compromise supported by the EU, followed by that of the US and of other major powers, including Brazil. He welcomed the fact that this 'high ambition coalition' led by Europe had been a gamechanger. The positive outcome of these events was also attributable to the fact that throughout the conference the Union had demonstrated great political cohesion and had spoken with one voice.

Mr ARIAS CAÑETE stressed that it was now up to the signatories to shoulder their responsibilities under the agreement. The EU was well-placed to do this thanks to its comprehensive legislation on climate action, even if some aspects of this needed to be updated. In this respect, he welcomed the fact that the College had adopted the proposal to revise the greenhouse gas emissions trading scheme in order to achieve the European climate target set for 2030. He then referred to a number of proposals in the area of climate and energy action in both the international and the European context that would soon be submitted to the Commission for approval.

He concluded his presentation by warmly thanking the PRESIDENT and all the Commission Members for their support before and during COP21 and their participation in events on the margins of the summit, which had demonstrated the College's spirit of cooperation. He also praised the determination and efficiency of the French Presidency of the conference in securing the final agreement.

During the brief discussion which followed, the Commission referred in particular to (i) the leading role the EU had been able to play throughout the negotiations, particularly through dialogue with all the parties, which had ultimately enabled an agreement to be reached, (ii) the excellent coordination between the Member States and the Union, on the basis of common positions, whether these positions came from national ministries or from the European External Action Service, and (iii) the

essential contribution that must be made by science and innovation to cutting energy costs and the need to foster, in particular, technological development in distribution and storage.

The PRESIDENT thanked Mr ARIAS CAÑETE, his team and the Commission services involved for their excellent work. He hailed the fact that thanks to them, the EU had played a key role in drafting an agreement that marked a watershed in the fight against global warming and had restored hopes of preserving the planet for future generations.

The Commission took note of this information.

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

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The meeting closed at 14.45.