



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2008)1817 final

Brussels, 13 February 2008

MINUTES

of the 1817th meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 6 February 2008

(morning)

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PV(2008)1817 final

TABLE OF CONTENTS

Attendance list	4-6
1. AGENDAS (OJ(2008)1817/3; SEC(2008)125/2).....	7
2. WEEKLY MEETING OF CHEFS DE CABINET (SEC(2008)1817)	7
3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1816TH MEETING (30 JANUARY) (PV(2008)1816; PV(2008)1816, PART II)	7
4. INTERINSTITUTIONAL RELATIONS.....	8
4.1. LEGISLATIVE MATTERS	8
4.2. RELATIONS WITH THE COUNCIL	8
4.3. RELATIONS WITH PARLIAMENT	8
5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS	9
5.1. WRITTEN PROCEDURES APPROVED (SEC(2008)126 ET SEQ.).....	9
5.2. SENSITIVE WRITTEN PROCEDURES (SEC(2008)127)	9
5.3. EMPOWERMENT (SEC(2008)128 ET SEQ.)	9
5.4. DELEGATION AND SUBDELEGATION OF POWERS	9
6. ADMINISTRATIVE AND BUDGETARY MATTERS (SEC(2008)129/2)	10
6.1. DG EXTERNAL RELATIONS – APPOINTMENT OF AD14/15 DIRECTOR (EU-27) (PERS(2006)179 TO /5)	10
6.2. OFFICE FOR ADMINISTRATION AND PAYMENT OF INDIVIDUAL ENTITLEMENTS – EXTENSION OF TERM OF OFFICE OF DIRECTOR	10
6.3. DG COMPETITION – AMENDMENT OF ORGANISATION CHART	11

6.4. EUROPEAN ANTI-FRAUD OFFICE – AMENDMENT OF ORGANISATION CHART.....	11
6.5. DG INFORMATION SOCIETY AND MEDIA – APPOINTMENT OF INTERIM EXECUTIVE DIRECTOR OF “THE EUROPEAN NANOELECTRONICS INITIATIVE ADVISORY COUNCIL” (ENIAC) JOINT UNDERTAKING	11
6.6. DG INFORMATION SOCIETY AND MEDIA – APPOINTMENT OF INTERIM EXECUTIVE DIRECTOR OF THE “ARTEMIS” JOINT UNDERTAKING FOR IMPLEMENTING A JOINT TECHNOLOGY INITIATIVE ON EMBEDDED COMPUTER SYSTEMS.....	12
6.7. DG RESEARCH – APPOINTMENT OF INTERIM EXECUTIVE DIRECTOR OF THE JOINT UNDERTAKING FOR “THE IMPLEMENTATION OF THE JOINT TECHNOLOGY INITIATIVE ON INNOVATIVE MEDICINES” (IMI).....	13
6.8. DG RESEARCH – APPOINTMENT OF INTERIM EXECUTIVE DIRECTOR OF THE “ CLEAN SKY” JOINT UNDERTAKING.....	13
6.9. AUDIT PROGRESS COMMITTEE - MEETING OF 1 OCTOBER 2007 (SEC(2007)1426; SEC(2008)147).....	14
7. RELATIONS WITH THIRD COUNTRIES.....	14
7.1. STATE OF PLAY IN ACCESSION NEGOTIATIONS WITH CROATIA	14
7.2. RESULTS OF THE PRESIDENTIAL ELECTIONS IN THE REPUBLIC OF SERBIA.....	17
7.3. VISIT TO CHINA (BEIJING, SHENZHEN AND HONG KONG, 28 TO 31 JANUARY) (SEC(2008) 176).....	19
7.4. VISIT TO ALGERIA (ALGIERS, 3 AND 4 FEBRUARY) (SEC(2008)177.....	19

Single sitting: Wednesday 6 February 2008 (morning)

The sitting opened at 10.58 hours with Mr BARROSO, President, in the chair.

Present

Mr BARROSO	President	
Ms WALLSTRÖM		Item 7
Mr VERHEUGEN		
Mr BARROT		
Mr DIMAS		
Mr ALMUNIA		
Mr BORG		
Ms GRYBAUSKAITĖ		
Mr POTOČNIK		
Mr FIGEL'		
Mr KYPRIANOU		
Mr REHN		
Mr KOVÁCS		
Ms KROES		Items 1 to 7 (in part)
Ms FISCHER BOEL		
Mr McCREEVY		Item 7
Mr MANDELSON		Items 1 to 7 (in part)
Mr PIEBALGS		Item 7 (in part)
Ms KUNEVA		
Mr ORBAN		

Absent

Mr KALLAS

Mr FRATTINI

Ms REDING

Mme HÜBNER

Mr MICHEL

Ms FERRERO-WALDNER

Mr ŠPIDLA

(6 February 2008)

The following sat in to represent absent Members of the Commission

Ms SCHMITT	Deputy Chef de cabinet to Mr FRATTINI	
Mr PRONK	Adviser in Ms REDING's office	
Mr LEMAITRE	Chef de cabinet to Ms HÜBNER	Item 7 (in part)
Mr STUCKENS	A member of Mr MICHEL's staff	
Mr CHILD	Chef de cabinet to Ms FERRERO-WALDNER	
Ms SCHREIBER	Chef de cabinet to Mr ŠPIDLA	

The following also sat in

Mr VALE DE ALMEIDA	Chef de cabinet to the President	
Ms DURAND	Acting Director-General, Legal Service	
M. VANDERSTEEN	Communication DG	
Mr LAITENBERGER	Commission Spokesman	
Ms CARVALHO	Bureau of European Policy Advisers	Item 7 (in part)
Ms MARTINHO	Chief adviser in the PRESIDENT's Office	
Mr PETERS	Deputy Chef de cabinet to Mr MANDELSON	Item 7 (in part)

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

1. AGENDAS

(OJ(2008)1817/3; SEC(2008)125/2)

The Commission took note of that day's agenda and of the tentative agendas for forthcoming meetings.

2. WEEKLY MEETING OF CHEFS DE CABINET

(SEC(2008)1817)

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

**3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1816TH MEETING
(30 JANUARY)**

(PV(2008)1816; PV(2008)1816, PART II)

The Commission approved the minutes of its 1816th meeting.

4. INTERINSTITUTIONAL RELATIONS

4.1. *LEGISLATIVE MATTERS*

i) Action to be taken on Parliament's legislative opinions

(SP(2008)635)

The Commission decided to empower the Commission Members responsible for the sectors in question, in agreement with the PRESIDENT and Ms WALLSTRÖM and, if necessary, with the other Members concerned, to adopt the amended proposals for transmission to Parliament and the Council, as set out in SP(2008)635, drawn up following the January II part-session of Parliament, the contents of which were noted.

4.2. *RELATIONS WITH THE COUNCIL*

ii) Programming of Council business

(SI(2008)61)

The Commission took note of the information in SI(2008)61 on the Council meetings between 31 January and 13 February.

4.3. *RELATIONS WITH PARLIAMENT*

iii) Results of January II part-session

(SP(2008)606)

The Commission took note of the information in SP(2008)606 on Parliament's part-session held on 30 and 31 January in Brussels.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED

(SEC(2008)126 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 28 January and 1 February.

5.2. SENSITIVE WRITTEN PROCEDURES

(SEC(2008)127)

The Commission took note of the sensitive written procedures for which the time limit expired between 4 and 8 February.

5.3. EMPOWERMENT

(SEC(2008)128 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 28 January and 1 February.

5.4. DELEGATION AND SUBDELEGATION OF POWERS

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation procedure between 28 January and 1 February, as archived in "Grefte 2000" (Registry).

6. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2008)129/2)

ADMINISTRATIVE MATTERS
(PERS(2008)8/2)

**6.1. DG EXTERNAL RELATIONS – APPOINTMENT OF AD14/15
DIRECTOR (EU-27)**
(PERS(2006)179 TO /5)

The Commission had before it applications under Article 29(2) of the Staff Regulations for the post of Director, Strategy, Coordination and Analysis in the Directorate-General for External Relations (PERS(2006)179 to /3).

The Commission took note of the opinions of the Consultative Committee on Appointments of 26 October and 13 December 2007 (PERS(2006)179/4 and /5).

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms FERRERO-WALDNER, it then decided to appoint Mr Gerhard SABATHIL to the post in question.

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

**6.2. OFFICE FOR ADMINISTRATION AND PAYMENT OF INDIVIDUAL
ENTITLEMENTS – EXTENSION OF TERM OF OFFICE OF
DIRECTOR**

The Commission took note of the information in point 2 of PERS(2008)8/2 and, on a proposal from Mr KALLAS, in agreement with the PRESIDENT, decided to extend to 15 February 2010 the term of office of Ms Dominique DESHAYES as Director of the Office for Administration and Payment of Individual Entitlements.

This decision would take effect immediately.

6.3. DG COMPETITION – AMENDMENT OF ORGANISATION CHART

The Commission took note of the information in point 3 of PERS(2008)8/2 and, on a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms KROES, decided to downgrade the function of Hearing Officer from AD14/15 to AD13/14, equivalent to that of head of unit.

This decision would take effect on 1 February 2008.

6.4. EUROPEAN ANTI-FRAUD OFFICE – AMENDMENT OF ORGANISATION CHART

On the basis of a proposal from the Director-General of the European Anti-Fraud Office, in agreement with the PRESIDENT and Mr KALLAS, the Commission endorsed the creation of a function of Chief Adviser in the European Anti-Fraud Office.

This decision would take effect immediately.

6.5. DG INFORMATION SOCIETY AND MEDIA – APPOINTMENT OF INTERIM EXECUTIVE DIRECTOR OF “THE EUROPEAN NANO-ELECTRONICS INITIATIVE ADVISORY COUNCIL” (ENIAC) JOINT UNDERTAKING

The Commission took note of the information in point 5 of PERS(2008)8/2 and, on a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms REDING:

- authorised Mr Dirk BEERNAERT, an AD12 official currently Head of the “Nanoelectronics” Unit, to perform the function of interim Executive Director of “the European Nanoelectronics Initiative Advisory Council” (ENIAC) joint undertaking, in addition to his current functions, until the Executive Director took up office;

- instructed the Director-General for the Information Society and Media to assign staff, for the same duration, to support the interim Executive Director in establishing the ENIAC joint undertaking.

These decisions would take effect upon entry into force of the Council Regulation on the ENIAC joint undertaking.

6.6. *DG INFORMATION SOCIETY AND MEDIA – APPOINTMENT OF INTERIM EXECUTIVE DIRECTOR OF THE “ARTEMIS” JOINT UNDERTAKING FOR IMPLEMENTING A JOINT TECHNOLOGY INITIATIVE ON EMBEDDED COMPUTER SYSTEMS*

The Commission took note of the information in point 6 of PERS(2008)8/2 and, on a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms REDING:

- authorised Mr Konstantinos GLINOS, an AD12 official currently Head of the Embedded Systems and Control Unit, to perform the function of interim Executive Director of the “ARTEMIS” joint undertaking in addition to his current functions, until the Executive Director took up office;
- instructed the Director-General for the Information Society and Media to assign staff, for the same duration, to support the interim Executive Director in establishing the “ARTEMIS” joint undertaking.

These decisions would take effect upon entry into force of the Council Regulation on the “ARTEMIS” joint undertaking.

6.7. DG RESEARCH – APPOINTMENT OF INTERIM EXECUTIVE DIRECTOR OF THE JOINT UNDERTAKING FOR “THE IMPLEMENTATION OF THE JOINT TECHNOLOGY INITIATIVE ON INNOVATIVE MEDICINES” (IMI)

The Commission took note of the information in point 7 of PERS(2008)8/2 and, on a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr POTOČNIK,

- authorised Mr Alain VANVOSEL, an AD13 official currently Head of the Coordination of national research programmes – Relations with European research organisations Unit to perform the function of interim Executive Director of the Joint Undertaking for “the implementation of the Joint Technology Initiative on Innovative Medicines” (IMI) in addition to his current functions, until the Executive Director took up office;
- instructed the Director-General for Research to assign staff, for the same duration, to support the interim Executive Director in establishing the IMI joint undertaking.

These decisions would take effect upon entry into force of the Council Regulation on the IMI joint undertaking.

6.8. DG RESEARCH – APPOINTMENT OF INTERIM EXECUTIVE DIRECTOR OF THE “CLEAN SKY” JOINT UNDERTAKING

The Commission took note of the information in point 8 of PERS(2008)8/2 and, on a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr POTOČNIK,

- authorised M. Liam BRESLIN, an AD13 official currently Head of the Aeronautics Unit to perform the function of interim Executive Director of the “CLEAN SKY” Joint Undertaking in addition to his current functions, until the Executive Director took up office;

- instructed the Director-General for Research to assign staff, for the same duration, to support the interim Executive Director in establishing the “CLEAN SKY” joint undertaking.

These decisions would take effect upon entry into force of the Council Regulation on the “CLEAN SKY” joint undertaking.

OTHER MATTERS

6.9. *AUDIT PROGRESS COMMITTEE - MEETING OF 1 OCTOBER 2007* *(SEC(2007)1426; SEC(2008)147)*

The Commission took note of the information note from Mr KALLAS, in agreement with Ms WALLSTRÖM, Ms GRYBAUSKAITĖ, Ms FISCHER BOEL, Ms FERRERO-WALDNER, Ms HÜBNER and M. PIEBALGS, distributed as SEC(2007)1426, and of the note of the Director-General for External Relations to the Director-General for the Internal Audit Service, distributed as SEC(2008)147.

7. RELATIONS WITH THIRD COUNTRIES

7.1. *STATE OF PLAY IN ACCESSION NEGOTIATIONS WITH CROATIA*

Mr REHN reported on the progress of the negotiations for the accession of Croatia to the EU, stressing that by and large they were going ahead well, with 16 out of 35 thematic chapters open, and two temporarily closed. He placed this finding against the backdrop of the elections in Croatia in November and the installation of the new Government in January 2008. He felt that if the results of the planned reforms were conclusive, Croatia could make significant progress in 2008 towards the objective of concluding the negotiations in 2009.

In this generally encouraging picture, Mr REHN did, however, draw attention to the problems posed by the entry into force for the EU countries, since 1 January 2008, of the Protected Ecological Fishery Zone (ZERP), created in the Adriatic by the Croatian authorities in 2004, and which was not intended in practice, under the commitment made at the time by Croatia, to apply to the Member States. Despite the call made in 2007 to the three countries concerned by this zone - Croatia, Slovenia and Italy - to find an understanding, it had not proved possible to reach agreement, particularly because of the run-up to the elections in Croatia. But even now that the elections were over and the new Government installed, no progress was being made towards resolving the issue, notably as a result of the profile given to the matter by one of the Government coalition parties and of its impact on public opinion in Croatia and Slovenia.

Mr REHN regretted that this situation was adversely affecting the progress of the negotiations for the accession of Croatia and was one of the factors blocking the opening of certain chapters.

He said that the Slovenian Presidency of the Council was considering putting the matter on the agenda of the Council meeting (General Affairs and External Relations) on 18 February, which might express the Union's regret that Croatia was not honouring its 2004 commitments and should give the Member States the opportunity to state their positions. He also mentioned the possibility that the Council would ask the Commission to draw up a practical proposal for its meeting in March.

As regards the search for a political solution, Mr REHN was working closely with Mr BORG, in view of the "fisheries" aspects of the question. He mentioned the possibility of organising a high-level meeting in Brussels with the aim of moving towards a solution that would combine a statement by Croatia suspending implementation of its Protected Ecological Fishery Zone, the unblocking of certain chapters of the negotiations and the mapping of a fishing zone that would in part be common to the three countries concerned.

In conclusion he indicated that practical proposals might therefore be put forward in the coming weeks.

Mr BORG in turn mentioned the blocking of the accession negotiations on fisheries and the deterioration of the situation since the application on 1 January 2008 of the Protected Ecological Fishery Zone to the EU Member States, contrary to the commitments made in 2004.

He reminded the meeting that this specific problem was part of the ongoing wider border dispute between Croatia and Slovenia, the fisheries dimension being only one aspect. He felt that if the border demarcation issue had to be settled by an international court, it should then be possible to find a quick solution to that of the fisheries zone, and for this the authorities of the three countries concerned should be brought together. He regarded the solution presented by Mr REHN as the best way of breaking the present deadlock, taking account both of the sensitivity of the question for the Member State currently holding the Council Presidency, the fishing rights of another Member State and the desire of the candidate country to join the Union.

After hearing these reports, the Commission held an exchange of views during which the following main points were raised:

- the arguments in favour of the approach proposed;
- the shared past and the excellent historical relations between Slovenia and Croatia, but also certain geopolitical issues remaining unresolved after the break-up of Yugoslavia, particularly that of the Bay of Piran;
- the role of the media in the crystallisation of public opinion in the two countries on these questions in recent years;
- the different aspects of the fishing zone question for the two Member States concerned, one of them seeking to protect its economic interests and the other eyeing the repercussions on border demarcation;

- the unresolved issue of the international court competent to settle the border dispute;
- the role that might be played by the upcoming general elections in Slovenia in October 2008;
- the active part that the Commission should take in working out a solution along the lines set out by Mr REHN;
- the fact that the halt in the negotiations was in any case attributable to the slow pace of the reforms in Croatia;
- the importance of demonstrating, within the Union, unwavering solidarity with Member States encountering difficulties with a non-member country;
- doubts about the time still required to cover all the chapters and conclude the negotiations with Croatia;
- the interest shown by another State and an autonomous region in possible accession to the Union, and the contacts they could make with the Commission on this subject.

After this exchange of views, the PRESIDENT noted that the Commission endorsed and supported the line proposed by Mr REHN, and that developments would be watched closely.

The Commission took note of this information.

7.2. RESULTS OF THE PRESIDENTIAL ELECTIONS IN THE REPUBLIC OF SERBIA

Mr REHN reported on the results of the presidential elections in the Republic of Serbia, which had seen the re-election of Mr Boris Tadic; he stressed the high turnout, due in particular to the mobilisation of young people. He was pleased at the moderate tone adopted by the candidates during the campaign

and after the proclamation of the results, and observed that the outcome of the poll was testimony to the country's pro-European line.

He noted, however, that the recent pronouncements of the Serbian Prime Minister, Mr Vojislav Kostunica, would mean that the signing of the interim political cooperation agreement between the EU and the Republic of Serbia, originally planned for 7 February, would be postponed. He also noted in this connection that there was a very strong likelihood of early parliamentary elections.

Mr REHN considered therefore that the situation remained sensitive, even though these elections had given a clear mandate for the pro-European line. He noted with regret that the postponement of the signing of the political agreement would delay development of the country's relations with the Union and, hence, progress towards its accession. He emphasised the importance of making it clear to Serbia that the Union, for its part, was prepared to sign the agreement and was disappointed that there was a delay at political level despite the support shown by the Serbian voters for the European project.

After hearing this information, the Commission also mentioned the positive reactions of the stock markets to this re-election, and referred to the sensitivity of the internal political situation and the prospects of early parliamentary elections.

The PRESIDENT pointed to the positive features of this election result, which was a clear illustration of the pro-European leanings of the Republic of Serbia, and in particular of the youth. He also noted the moderate tone of the statements on the EU made during the election campaign by the opposition candidate, Mr Tomislav Nikolic.

He highlighted the importance of this victory of the pro-European forces for the future of the EU enlargement process in the western Balkans, and also referred to the high turnout. He commented on the role played by the

Commission, which had sought consistently to remind Serbians that they belong to Europe, notably through its commitments on visa liberalisation.

He was convinced that Serbia's future lay within Europe, although there were still some difficulties to overcome, and he stressed the importance of keeping this long-term objective in mind, as it was part of the general balance of EU enlargement in the western Balkans.

Mr REHN wound up the discussion, urging the Commission to now develop its relations with all the political forces representing Serbian society, and to encourage Serbia over the coming months to continue along the road to accession to the EU.

The Commission took note of this information.

7.3. VISIT TO CHINA (BEIJING, SHENZHEN AND HONG KONG, 28 TO 31 JANUARY)
(SEC(2008)176)

The Commission took note of the information note from Mr KOVÁCS in SEC(2008)176.

7.4. VISIT TO ALGERIA (ALGIERS, 3 AND 4 FEBRUARY)
(SEC(2008)177)

The Commission took note of the information from Mr MANDELSON in SEC(2008)177.

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The meeting closed at 11.44 hours.