



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2008)1835 final

Brussels, 25 June 2008

MINUTES

of the 1835th meeting of the Commission

held in Strasbourg

(Winston Churchill)

on Tuesday 17 June 2008

(afternoon)

PV(2008)1835 final

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Single sitting: Tuesday 17 June 2008 (afternoon)

The sitting opened at 13.10 hours with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	President	
Ms WALLSTRÖM	Vice-President	
Mr VERHEUGEN	Vice-President	
Mr BARROT	Vice-President	Items 1 to 10 (in part)
Mr KALLAS	Vice-President	Items 10 (in part) and 11
Mr TAJANI	Vice-President	
Mr DIMAS		
Mr BORG		
Ms GRYBAUSKAITĖ		
Mr POTOČNIK		
Mr FIGEL'		
Mr REHN		
Mr MICHEL		Items 10 (in part) and 11
Mr KOVÁCS		Items 10 (in part) and 11
Ms KROES		
Ms FISCHER BOEL		
Ms FERRERO-WALDNER		Items 10 (in part) and 11
Mr McCREEVY		
Mr ŠPIDLA		
Mr MANDELSON		Items 1 to 10 (in part)
Mr PIEBALGS		Items 1 to 10 (in part)
Ms KUNEVA		
Mr ORBAN		
Ms VASSILIOU		

Absent:

Ms REDING

Mr ALMUNIA

Ms HÜBNER

(17 June 2008)

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

Mr PRONK	Adviser in Ms REDING's office
Mr QUERO MUSSOT	Deputy Chef de cabinet to Mr ALMUNIA

The following also sat in:

Mr VALE DE ALMEIDA	Chef de cabinet to the PRESIDENT	
Mr SANTAOLALLA	Legal Service	
Mr CARVOUNIS	Deputy Director-General, Communication DG	
Mr LAITENBERGER	Commission Spokesman	Items 1 to 10 (in part)
Mr GASPAR	Acting Director-General, Bureau of European Policy Advisers	
Ms WEYAND	Adviser in the PRESIDENT 's Office	
Mr MARQUES DE ALMEIDA	A member of the PRESIDENT 's staff	
Ms SIPALA	A member of Ms WALLSTRÖM's staff	
Ms NIKOLAY	A member of Mr MANDELSON's staff	Items 10 (in part) and 11

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

The PRESIDENT began by congratulating Mr BARROT and Mr TAJANI for their excellent performance before Parliament, the former in connection with his change of portfolio and the latter on his presentation to Parliament.

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1. AGENDAS

(OJ(2008)1835/3; SEC(2008)2039/2)

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)1835)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 16 June.

3. MINUTES OF 1834TH MEETING (11 JUNE)

(PV(2008)1834 AND /2)

The Commission approved the minutes of its 1834th meeting.

4. MONITORING THE APPLICATION OF COMMUNITY LAW

STATE AID – INDIVIDUAL CASES – RECAPITULATIVE LIST

(SEC(2008)2057 AND /2; SEC(2008)2055)

The Commission adopted the decisions in the recapitulative list SEC(2008)2057/2.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED

(SEC(2008)2041 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 9 and 13 June.

5.2. EMPOWERMENT

(SEC(2008)2042 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 9 and 13 June.

5.3. DELEGATION AND SUBDELEGATION OF POWERS

(SEC(2008)2043 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 9 and 13 June, as archived in e-Greffe.

5.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2008)2044)

The Commission took note of the sensitive written procedures for which the time limit expired between 16 and 20 June.

6. ADMINISTRATIVE AND BUDGETARY MATTERS**(SEC(2008)2040/2)****ADMINISTRATIVE MATTERS****(PERS(2008)86/2)****6.1. *HEALTH AND CONSUMERS DG – EXTENSION OF LEAVE ON PERSONAL GROUNDS FOR A DEPUTY DIRECTOR-GENERAL***

The Commission took note of the information in point 1 of PERS(2008)86/2 and, on a proposal from Mr KALLAS, in agreement with the PRESIDENT, Ms KUNEVA and Ms VASSILIOU, decided to approve the request for extension of leave on personal grounds, under Article 40 of the Staff Regulations, made by Ms Jaana HUSU-KALLIO, an AD16 official and formerly Deputy Director-General in the Health and Consumers DG, for the period from 1 August 2008 to 31 July 2009.

This decision would take effect on 1 August 2008.

6.2. *PERSONNEL AND ADMINISTRATION DG – DEPUTISING FOR DIRECTOR-GENERAL*

On a proposal from Mr KALLAS, in agreement with the PRESIDENT, the Commission decided, in accordance with Article 27(1) of its Rules of Procedure, to designate the following officials, in the order indicated, to deputise for the Director-General for Personnel and Administration if he should be prevented from performing his duties and if the Deputy Director-General should be absent:

- Mr Bernhard JANSEN, Director (Staff Regulations: policy, management and advice);

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- Mr Alain SCRIBAN, Director (Resources, coordination and communication. Relations with the Offices);
- Mr Steve HUTCHINS, Director (Security).

This decision would take effect immediately.

7. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – A COMMON IMMIGRATION POLICY FOR EUROPE – PRINCIPLES, ACTIONS AND TOOLS

(COM(2008)359 TO /4; SEC(2008)2026 AND /2; SEC(2008)2027; SEC(2008)2028 AND /2; SEC(2008)2033)

The Commission approved the communication in COM(2008)359/4 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, and to the national parliaments, accompanied by the impact assessment and its summary in staff papers distributed as SEC(2008)2026/2 and SEC(2008)2027 respectively, the contents of which were noted.

It also took note of the opinion of the Impact Assessment Board on the above communication, as set out in SEC(2008)2028/2.

**8. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – POLICY PLAN ON ASYLUM – AN INTEGRATED APPROACH TO PROTECTION ACROSS THE EUROPEAN UNION
(COM(2008)360 TO /3; SEC(2008)2029 AND /2; SEC(2008)2030 AND /2; SEC(2008)2031; SEC(2008)2033)**

The Commission approved the communication in COM(2008)360/3 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, and to the national parliaments, accompanied by the impact assessment and its summary in staff papers distributed as SEC(2008)2029/2 and SEC(2008)2030/2 respectively, the contents of which were noted.

It also took note of the opinion of the Impact Assessment Board on the above communication, as set out in SEC(2008)2031.

9. RELATIONS WITH THIRD COUNTRIES

***9.1. MEETINGS OF THE G8 FINANCE MINISTERS (OSAKA, JAPAN, 13 AND 14 JUNE) AND EIGHTH MEETING OF ASEM FINANCE MINISTERS (JEJU, KOREA, 16 JUNE)
(SEC(2008)2081)***

The Commission took note of the information note from Mr ALMUNIA in SEC(2008)2081.

***9.2. VISIT TO THE UNITED STATES (WASHINGTON, 27 AND 28 MAY)
(SEC(2008)2078)***

The Commission took note of the information note from Mr FIGEL' in SEC(2008)2078.

9.3. VISIT TO CHINA (BEIJING AND SICHUAN, 10-14 JUNE)
(SEC(2008)2089)

The Commission took note of the information note from Ms KUNEVA in SEC(2008)2089.

10. INTERINSTITUTIONAL RELATIONS
(SEC(2008)2035 AND /2)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 13 June (SEC(2008)2035 and /2).

It paid particular attention to the following:

10.1. LEGISLATIVE MATTERS

i) Codecision procedure
(point 1.2 of the IRG record)

1st reading – Progress report

- Classification, labelling and packaging of substances and mixtures (Global Harmonised System) (two Regulations and one Decision) – SARTORI report – 2007/0121 (COD) / 2007/0213 (COD) / 2007/0212 (COD)

The Commission authorised Mr VERHERUGEN and Mr DIMAS to pursue contacts with Parliament and the Council in order to reach agreement at first reading following the line set out in SI(2008)1145.

- Approximation of the laws of the Member States relating to units of measurement (Directive) – McCARTHY report – 2007/0187 (COD)

The Commission authorised Mr VERHEUGEN to pursue contacts with Parliament and the Council in order to reach agreement at first reading following the line set out in SI(2008)1150.

ii) Preparation for the June II part-session of Parliament
(point 1.3 of the IRG record)

In accordance with the rules in force, the Commission authorised the Commission Members responsible, in agreement with the PRESIDENT and Ms WALLSTRÖM and any other Members associated, to take a position on Parliament's amendments to its proposals.

It paid particular attention to the following:

Codecision – 1st reading

- Common rules for the internal market for electricity (Directive) / Conditions for access to the network for cross-border exchanges in electricity (Regulation) / Creation of the Agency for the Cooperation of Energy Regulators (Regulation) – MORGAN / VIDAL-QUADRAS / CHICHESTER reports – 2007/0195 (COD) / 2007/0198 (COD) / 2007/0197 (COD)

The Commission approved the line set out in SP(2008)3397 to /3.

- Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin (Regulation) – DOYLE report – 2007/0064 (COD)

The Commission approved the line set out in SP(2008)3402.

**iii) Preparation of the Council meeting (Agriculture and Fisheries)
(Luxembourg, 23 and 24 June)**

(point 1.4 of the IRG record)

- Placing of plant protection products on the market (Regulation) – BREYER report – 2006/0136 (COD) – Preparation of political agreement

The Commission authorised Ms VASSILIOU to support a Council Presidency compromise on the proposal for a Regulation at the Council meeting (Agriculture and Fisheries) on 23 and 24 June, following the line set out in SI(2008)1127.

- Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (Council Regulation) – AUBERT report – 2007/0223 (CNS)

The Commission authorised Mr BORG to support a Council Presidency compromise on the proposal for a Regulation at the Council meeting (Agriculture and Fisheries) on 23 and 24 June, following the line set out in SI(2008)1140/2.

10.2. RELATIONS WITH THE COUNCIL

iv) Programming of Council business

(SI(2008)1130)

The Commission took note of the information in SI(2008)1130 on the Council meetings between 12 and 25 June.

v) Preparation for European Council (Brussels, 19 and 20 June)

The PRESIDENT reviewed the results of the referendum held in Ireland on 12 June as part of the Lisbon Treaty ratification process.

He noted that the victory of the "no" vote had caused disappointment, given that the Lisbon Treaty represented progress in terms of making the European

institutions operate more effectively and democratically. He stressed the importance of pursuing the EU's political programme and highlighted the key role of the Commission, which would have to maintain the right balance during this difficult period and help find a solution.

As regards the balance to be maintained, the PRESIDENT discussed four aspects in particular.

First, he mentioned the attitude to be adopted towards Ireland. While acknowledging the difficult situation created by the referendum result and that the onus was now on Ireland to try to come up with a solution, he also underlined the importance of not isolating Ireland or forcing its hand, as this would only increase tension and jeopardise the chances of resolving the problem; he pointed out that suggested scenarios whereby the EU might operate under a "variable-geometry" system were counter-productive.

While it was relatively urgent to take decisions on what to do next, it was important in the present circumstances to avoid any haste, but instead to take the time to reach a genuine consensus and examine the options open to Ireland. It would be advisable, however, to find a solution before the European elections in 2009. He believed this would be possible – although difficult – if a consensus on how to proceed were to emerge at the European Council meeting in October.

Third, he insisted that due respect be paid to both the decision taken by the Irish and the ratification processes under way in the Member States. In its work, the Commission would continue to cite implementation of the Lisbon Treaty as a goal to strive towards.

Although there was no question of circumventing the ratification process by implementing the Treaty by other means (no partial anticipation), the cautious preparations that had been under way up to now should continue; the detailed arrangements for this would have to be defined following that week's European Council.

On an internal level, the PRESIDENT felt that the Commission should in the meantime explore carefully the possibilities for the future, without prejudicing any of them.

Referring to comments – prompted by the referendum – on the state of the Union in general, he said it was important to stress that the 27 Member States that were signatories to the Lisbon Treaty were jointly responsible for now finding a way forward.

He intended to reject firmly any criticism aimed at placing responsibility for the "no" vote on the EU or on the Commission; such allegations were unfounded and reflected the familiar practice of finding a scapegoat. In response to certain comments to that effect in some Member States, he pointed to the results of recent opinion polls demonstrating the public popularity enjoyed by the European institutions.

It was therefore important not to call into question the operation of the institutions, which in recent years had made progress and produced policies centred on matters of interest to European citizens. There could be no question of abandoning that path, particularly now, when surging food and oil prices were creating strong expectations of a European response. He welcomed the decision by the Slovenian Prime Minister, Mr Janez Janša, to devote the dinner planned for Thursday night to a discussion on the referendum, with the rest of the European Council meeting focusing on pursuing the political programme, i.e. the issues of immigration, climate change, energy and rising prices.

Finally, he stressed the importance of following this line and not giving in to the pessimism of those who thought that Europe was paralysed. The role of the Commission and the European institutions was precisely to help resolve problems, although the particularly difficult global environment had recently made the task even more arduous across the board.

The Commission then held an exchange of views in which the following aspects in particular were raised:

- general support for the line set out by the PRESIDENT for the future, i.e. to respect the choice of the Irish electors, not to isolate or blame Ireland, to pursue European integration and the ratification process, not to accept the role of scapegoat or the scenario of a two-speed Europe, to continue to draft proposals; and to wait for the Irish authorities themselves to suggest a way out;
- the calm atmosphere that had prevailed at the General Affairs and External Relations Council on 16 and 17 June in Luxembourg, where participants had expressed respect for the referendum result and solidarity with Ireland and stressed the need to give Ireland time to assess the result; the wish expressed by most of the Member States at that Council meeting to continue the ratification process, but also the uncertainties in a few countries; the consensus in the General Affairs and External Relations Council on the need to pursue the policy agenda;
- the lessons provided by the first opinion polls regarding the reasons for the abstentions and the "no" vote and the fact that the negative outcome did not call into question the fundamental satisfaction of the Irish at belonging to the EU;
- the relatively high turnout in the Irish referendum; the intensity of the campaign preceding the vote; the striking incongruity between the support for a "yes" vote from much of the media, employers, farmers' federations and other trade unions and the final result; the vibrancy and financial strength of the "no" campaign and the issues it had concentrated on, which evinced the need for efforts to explain to and communicate with the public;
- the question of the Commission's degree of involvement in the campaign and the case for shifting from a stance agreed on with the respective

national authorities to a more active, ongoing approach focused on rebutting criticisms and false arguments; the benefits for the future of enlisting the support of all stakeholders in civil society to help supply the public with explanations and information;

- the more general problems of communicating with public opinion in the Member States, where there was insufficient awareness of Europe's added value in spite of the tangible results; the case here for studying the relevance of the communication channels used, developing new channels in the longer term and fostering debate within the Union; the need for information to be relayed more effectively in the Member States;
- the economic reasons for the "no" vote, linked to discontent and fears fuelled by the economic slowdown; the possibility of responding to this in the long term by demonstrating the Union's capacity to maintain the Member States' prosperity in the face of fierce global competition;
- the question of the repercussions of the "no" vote in Ireland on the number of Members of the next Commission, given that the provisions of the Nice Treaty would remain in force;
- the question of how long it would take to overcome this situation; the importance of reaching a consensus by the autumn on how to proceed; the expected repercussions in the debate leading up to the forthcoming European elections and the importance of a European Council response taking into account those timeframes;
- the knock-on effect to be feared in a few Member States;
- the problems of the legibility of the Treaty for the public, although this also applied to any other complex legal text;
- the importance of pursuing work on enlargement policy, which was in Europe's fundamental interests, and in particular continuing the

negotiations under way, which had been launched on the basis of unanimous decisions;

- concerns arising from trends in the media and the spread across Europe of a certain type of press.

The PRESIDENT thanked the Members of the Commission for their contributions to the debate – the first one it had held since the results of the Irish referendum just a few days before. He said he understood the various sentiments that had been expressed.

However, he stressed that the European project was still as necessary as ever and that, in this context, the Commission, as the symbol of Europe, must continue to provide wisdom, balance and direction, and was responsible for continuing to deliver a credible message.

The PRESIDENT noted that a consensus had emerged within the Commission on the next steps to be taken: first to listen to the Irish authorities regarding the reasons for the vote, to give them enough time to make their own suggestions on how to move forward and, on that basis, to draw up a roadmap; second, not to engage in unfair and sterile criticism, whether it be directed towards Ireland or towards the European institutions.

He insisted that a number of points needed to be put in perspective. First, the prime responsibility rested with the governments of the Member States which, having signed the Treaty, had to ensure its ratification and commit themselves to promote Europe among their people. Second, all the Member States wanted to move forward while allowing Ireland time. Finally, Europe had experienced difficult situations in the past and had always been able to overcome them; so what mattered now was for the Commission to project an image not only of responsibility, but also of hope and confidence in the future, by continuing to work on its policy agenda.

Winding up, the PRESIDENT highlighted the benefits of the Lisbon Treaty, particularly in terms of decision-making mechanisms, and the need to explain them properly to the European public.

The Commission took note of this information and of the results of this exchange of views.

10.3. RELATIONS WITH PARLIAMENT

vi) Preparation for the June II part-session of Parliament – Oral questions

(point 3.4 of the IRG record)

H-0341/08, H-0343/08, H-0344/08, H-0345/08, H-0347/08, H-0348/08, H-0349/08, H-0351/08, H-0353/08, H-0354/08, H-0355/08, H-0360/08, H-0362/08, H-0363/08, H-0364/08, H-0366/08, H-0367/08, H-0369/08, H-0371/08, H-0374/08, H-0376/08, H-0377/08, H-0379/08, H-0380/08, H-0381/08, H-0382/08, H-0383/08, H-0384/08, H-0385/08, H-0386/08 and H-0399/08, H-0387/08, H-0388/08, H-0389/08, H-0391/08, H-0392/08, H-0393/08, H-0394/08, H-0395/08, H-0396/08, H-0397/08, H-0400/08, H-0401/08, H-0402/08, H-0403/08, H-0404/08, H-0406/08, H-0407/08, H-0408/08 and H-0412/08, H-0409/08, H-0411/08, H-0414/08, H-0416/08, H-0418/08, H-0420/08, H-0421/08, H-0424/08, H-0425/08

The Commission approved the draft answers set out in documents SP(2008)3496 to /3, following the agreement reached between the Chefs de cabinet on revisions to some of these draft answers, and certain draft supplementary answers, revisions to answers and draft answers as set out in SP(2008)3496/4 *et seq.*

vii) Action taken on Parliament's non-legislative resolutions

(point 3.5.2 of the IRG record)

The Commission approved SP(2008)3407 and /2 on the action taken on the non-legislative resolutions adopted by Parliament at its April II part-session, for transmission to Parliament.

viii) Action taken on Parliament's legislative opinions and non-legislative resolutions

(point 3.5.3 of the IRG record)

The Commission approved SP(2008)3593 and /2 on the action taken on Parliament's opinions and resolutions adopted at its May I and II part-sessions, for transmission to Parliament.

11. ANY OTHER BUSINESS

***11.1. BUDGET IMPLEMENTATION – STATE OF PLAY IN SPRING 2008
(SEC(2008)2059 AND /2; SEC(2008)2060)***

The Commission took note of the information note from Ms GRYBAUSKAITĖ in SEC(2008)2059/2.

***11.2. EU SECURITY STRATEGY
(SEC(2008)2070 AND /2)***

The Commission took note of the information note from Ms FERRERO-WALDNER in SEC(2008)2070 and /2.

***11.3. COMMUNITY MEASURES TO TACKLE RISING FUEL PRICES IN
THE FISHERIES SECTOR
(SEC(2008)2079 TO /3; SEC(2008)2080)***

The Commission took note of the information note from Mr BORG, distributed as SEC(2008)2079/3, and decided to empower Mr BORG, in agreement with the PRESIDENT, to present the guidelines contained in that note at the Council meeting (Agriculture and Fisheries) on 23 and 24 June.

***11.4. INTERNATIONAL LABOUR ORGANISATION DECLARATION ON
SOCIAL JUSTICE FOR A FAIR GLOBALIZATION
(SEC(2008)2090)***

The Commission took note of the information note from Mr ŠPIDLA in SEC(2008)2090.

***11.5. IMPLEMENTATION OF A COMMISSION DECISION CONCERNING
THE APPLICATION OF ARTICLES 86 AND 82 OF THE EC TREATY
IN AN INDIVIDUAL CASE***

Ms KROES expressed her regret that a recent Commission decision concerning an infringement of Community law – and the content of that decision – had not been kept confidential.

The PRESIDENT reminded those present of the importance of maintaining the right balance between the need for transparency in the Commission's debates and the confidential nature of certain decisions taken by the Commission.

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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 16.05 hours.