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SECRETARIAT-GENERAL

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MINUTES
of the 1842nd meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 10 September 2008
(morning)

PV(2008)1842 final

TABLE OF CONTENTS

Attendance list	5-7
1. AGENDAS (OJ(2008)1842/3; SEC(2008)2399/2).....	8
2. WEEKLY MEETING OF CHEFS DE CABINET (SEC(2008)1842)	8
3. MINUTES OF 1841ST MEETING (2 SEPTEMBER) (PV(2008)1841)	8
4. INTERINSTITUTIONAL RELATIONS.....	8
4.1. LEGISLATIVE MATTERS	8
4.2. RELATIONS WITH THE COUNCIL	9
4.3. RELATIONS WITH THE EUROPEAN PARLIAMENT.....	9
5. MONITORING THE APPLICATION OF COMMUNITY LAW	10
5.1. STATE AID – INDIVIDUAL CASES – RECAPITULATIVE LIST (SEC(2008)2415 AND /2).....	10
5.2. INFRINGEMENTS – COMMUNICATION TO THE COMMISSION IN CONNECTION WITH CASE C-457/07 (COMMISSION v PORTUGAL) (SEC(2008)2423).....	10
6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS.....	10
6.1. WRITTEN PROCEDURES APPROVED (SEC(2008)2401 ET SEQ.).....	10
6.2. EMPOWERMENT (SEC(2008)2402 ET SEQ.)	10
6.3. DELEGATION AND SUBDELEGATION OF POWERS SEC(2008)2403 ET SEQ.).....	11
6.4. SENSITIVE WRITTEN PROCEDURES (SEC(2008)2404).....	11
7. ANY OTHER BUSINESS	11
ECONOMIC DATA FOR THE SECOND HALF OF 2008 AND INTERIM FORECASTS (SEC(2008)2398)	11

8.	RELATIONS WITH NON-MEMBER COUNTRIES.....	17
8.1.	VISITS TO RUSSIA AND GEORGIA BY PRESIDENT SARKOZY AND PRESIDENT BARROSO, ACCOMPANIED BY HIGH REPRESENTATIVE SOLANA (MOSCOW AND TBILISI, 8 SEPTEMBER).....	17
8.2.	INFORMAL MEETING OF FOREIGN AFFAIRS MINISTERS – GYMnich (AVIGNON, 5-6 SEPTEMBER).....	17
8.3.	TWELFTH EU-UKRAINE SUMMIT (PARIS, 9 SEPTEMBER).....	17
8.4.	THIRD HIGH-LEVEL FORUM ON AID EFFECTIVENESS (ACCRA, GHANA, 2–4 SEPTEMBER) (SEC(2008)2450).....	22
8.5.	STATE OF PLAY IN UN NEGOTIATIONS ON CLIMATE CHANGE (ACCRA, GHANA, 21–27 AUGUST) (SEC(2008)2451).....	22
9.	ADMINISTRATIVE AND BUDGETARY MATTERS (SEC(2008)2400/3)	23
9.1.	DG EDUCATION AND CULTURE – APPOINTMENT OF AD14/15 DIRECTOR (PERS(2008)27 TO /3)	23
9.2.	DG INFORMATION SOCIETY AND MEDIA – APPOINTMENT OF AD14/15 DIRECTOR (PERS(2008)35 TO /4)	23
9.3.	DG INFORMATION SOCIETY AND MEDIA – APPOINTMENT OF AD14/15 DIRECTOR (PERS(2008)62 TO /3)	24
9.4.	DG INFORMATION SOCIETY AND MEDIA – APPOINTMENT OF AD14/15 DIRECTOR (PERS(2008)63 TO /4)	24
9.5.	DG PERSONNEL AND ADMINISTRATION – APPOINTMENT OF AD14/15 DIRECTOR (PERS(2008)102 TO /4)	25
9.6.	LAUNCHING OF THE 2008 PROMOTION EXERCISE FOR SENIOR MANAGEMENT	26
9.7.	GRADE OF PUBLICATION OF MIDDLE MANAGEMENT AND ADVISER POSTS – CONSEQUENCES OF THE JUDGMENT OF THE COURT OF FIRST INSTANCE IN CASE T-56/07 P PUBLISHED ON 8 JULY 2008 (C(2008)5028 AND /2; C(2008)5029 AND /2; SEC(2008)2452)	26
9.8.	AMENDMENT OF THE COMMISSION DECISION OF 30 NOVEMBER 2007 CONCERNING THE EXERCISE OF THE POWERS CONFERRED BY THE STAFF REGULATIONS ON THE APPOINTING AUTHORITY AND BY THE	

<i>CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS ON THE AUTHORITY RESPONSIBLE FOR CONCLUDING CONTRACTS OF EMPLOYMENT (C(2008)5085)</i>	<i>27</i>
<i>9.9. AMENDING LETTER No 1 TO THE PRELIMINARY DRAFT BUDGET OF THE EUROPEAN COMMUNITIES FOR 2009 (SEC(2008)2435 AND /2.....</i>	<i>27</i>

Single sitting: Wednesday 10 September 2008 (morning)

The sitting opened at 9.07 hours with Mr Barroso, President, in the chair.

Present:

M. BARROSO	President	
Ms WALLSTRÖM	Vice-President	
Mr VERHEUGEN	Vice-President	
Mr BARROT	Vice-President	
Mr KALLAS	Vice-President	
M. TAJANI	Vice-President	
Ms REDING		Items 1 to 7, 8 (in part) and 9
Mr DIMAS		
Mr ALMUNIA		
Ms HÜBNER		Items 1 to 9 (in part)
Ms GRYBAUSKAITĖ		
Mr POTOČNIK		
Mr FIGEL'		Items 1 to 9 (in part)
Mr REHN		
Mr KOVÁCS		
Ms KROES		
Ms FERRERO-WALDNER		
Mr McCREEVY		Items 1 to 8 (in part)
Mr ŠPIDLA		Items 7 (in part) to 9
Mr MANDELSON		
Ms KUNEVA		
Mr ORBAN		

Absent:

Mr BORG

Mr MICHEL

Ms FISCHER BOEL

Mr PIEBALGS

Ms VASSILIOU

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

Ms DARMANIN	Acting Chef de cabinet to Mr BORG	Items 1 to 8
Ms NAESAGER	A member of Ms FISCHER BOEL's staff	Items 1 to 8
Mr KESTERIS	Chef de cabinet to Mr PIEBALGS	Items 1 to 7 (in part)
Ms SPANOU	Deputy Chef de cabinet to Ms VASSILIOU	Items 7 (in part) and 8

The following also sat in:

Mr VALE DE ALMEIDA	Chef de cabinet to the PRESIDENT	
Ms DURAND	Acting Director-General, Legal Service	
Mr SØRENSEN	Director-General, DG Communication	Items 1 to 8
Mr LAITENBERGER	Commission Spokesman	Items 1 to 8
Mr GASPAR	Acting Director-General, Bureau of European Policy Advisers	Items 7 (in part) and 8
Mr THEBAULT	Deputy Chef de cabinet to the PRESIDENT	Items 1 to 7
Ms MARTINHO	Chief adviser in the PRESIDENT's Office	Items 7 (in part) and 8 (in part)
Mr ANDRESEN GUIMARÃES	A member of the President's staff	Item 7 (in part)
Mr THOMAS	Chef de cabinet to Mr ALMUNIA	Item 7
Mr CHILD	Chef de cabinet to Ms FERRERO- WALDNER	Item 8

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

1. AGENDAS

(OJ(2008)1842/3; SEC(2008)2399/2)

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)1842)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 8 September.

3. MINUTES OF 1841st MEETING (2 SEPTEMBER)

(PV(2008)1841)

The Commission approved the minutes of its 1841st meeting.

4. INTERINSTITUTIONAL RELATIONS

4.1. LEGISLATIVE MATTERS

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

(SP(2008)5076)

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(2007)5076, drawn up following the September I part-session of Parliament, the contents of which were noted.

- ii) Sustainability criteria for biofuels – specifications for petrol, diesel and gas-oil, and promotion of the use of energy produced from renewable sources (Directives) – CORBEY and TURMES reports - 2007/0019 (COD) and 2008/0016 (COD)**
(SI(2008)1288 and /2; SEC(2008)2434)

The Commission approved the line set out in SI(2008)1288/2 and authorised its services to intervene in the Council bodies following that line.

4.2. RELATIONS WITH THE COUNCIL

- iii) Programming of Council business**
(SI(2008)1282)

The Commission took note of the information in SI(2008)1282 on the Council meetings between 4 and 17 September.

- iv) Results of the informal meeting of Ministers responsible for space affairs (Kourou, 21-22 July)**
(SEC(2008)2442)

The Commission took note of the information note from Mr VERHEUGEN distributed as SEC(2008)2442.

4.3. RELATIONS WITH THE EUROPEAN PARLIAMENT

- v) Results of Parliament's September I part-session**
(SP(2008)5108 to /3)

The Commission took note of the information in SP(2008)5108 to /3 on Parliament's part-session held in Brussels from 1 to 4 September.

5. MONITORING THE APPLICATION OF COMMUNITY LAW

**5.1. STATE AID – INDIVIDUAL CASES – RECAPITULATIVE LIST
(SEC(2008)2415 AND /2)**

The Commission adopted the decisions in the recapitulative list SEC(2008)2415/2.

**5.2. INFRINGEMENTS – COMMUNICATION TO THE COMMISSION IN
CONNECTION WITH CASE C-457/07 (COMMISSION v PORTUGAL)
(SEC(2008)2423)**

The Commission took note of the information note from Mr VERHEUGEN distributed as SEC(2008)2423.

**6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF
POWERS**

**6.1. WRITTEN PROCEDURES APPROVED
(SEC(2008)2401 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 1 and 5 September.

**6.2. EMPOWERMENT
(SEC(2008)2402 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 1 and 5 September.

6.3. DELEGATION AND SUBDELEGATION OF POWERS
SEC(2008)2403 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 1 and 5 September, as archived in e-Greffe.

6.4. SENSITIVE WRITTEN PROCEDURES
(SEC(2008)2404)

The Commission took note of the sensitive written procedures for which the time limit expired between 8 and 12 September.

7. ANY OTHER BUSINESS

ECONOMIC DATA FOR THE SECOND HALF OF 2008 AND INTERIM FORECASTS
(SEC(2008)2398)

Mr ALMUNIA presented the economic data for the second quarter of 2008 and the line to be followed at the informal meeting of Finance Ministers in Nice on 12 and 13 September, particularly with an eye to the European Council on 15 October. He also circulated the report on the EU's interim forecasts, which had been published that day.

He began by describing the general economic situation, referring in particular to the figures published by Eurostat for the second quarter of 2008, which were lower than the forecasts for the European economy made back in April. He ran through the main factors for the slowdown: the continuing crisis in the financial markets, in particular the difficulties in recapitalising the banking sector in the United States which were having a knock-on effect on certain segments of the financial markets, the tightening of lending conditions for households and companies, and significant adjustments in the property market, affecting certain Member States in particular.

He then came to the last of these factors – rising energy and commodity prices which, although still high, had recently exhibited a downward trend, following a slowdown in demand that also extended to the emerging countries.

The situation was volatile with markets reacting erratically to climatic or political events. He noted a moderate rise in the predicted inflation rate as and warned of the dangers arising from inflation predictions and the possible ramifications for the labour market. Finally, he observed that the European economy was now tied to the US economy and was currently feeling the effects of the slowdown in the United States. But there was also a time-lag compared with US forecasts, which were already predicting an upturn in the second half of the year.

As regards the forecasts for the rest of 2008, Mr ALMUNIA noted the continued tensions on the financial markets and the danger that the crisis might spill over from those markets to the real economy. However, he pointed to the potential consequences of the positive trend in commodity prices and in exchange rates both within and outside the euro area. He ended his presentation of the economic outlook by confirming that both the EU as a whole and the euro area would experience a slowdown in 2008, although he believed that an upturn was possible at the end of 2009. He warned that these forecasts, which were based on data from the first two quarters and on models for the subsequent periods, were still particularly uncertain and hoped that the results would be more positive in terms of both growth and inflation.

Looking ahead to the informal meeting of Finance Ministers, Mr ALMUNIA then referred to the measures to be taken in future, stressing in particular the need to maintain financial discipline and budgetary restraint, to build consensus around the stability and growth pact in all Member States, to coordinate - both at EU level and in the euro area - implementation of the objectives of the Lisbon strategy for growth and employment and national structural reform programmes, and to implement the various Community initiatives on the security and transparency of financial markets. He noted that a response would also have to be found to the international factors

behind the shocks affecting the European economy and stressed the need to coordinate the EU's position in international bodies.

After this presentation, the Commission held an in-depth discussion during which the following aspects in particular were raised:

Regarding the report on the interim forecasts

- the relevance of the analysis put forward and the need to put in place the necessary long-term responses in order to clarify the situation, guarantee stability and avoid reactions of internal protectionism within the Union;
- the importance of a macroeconomic analysis that also took account of trends in the competitiveness of the European economy and the forthcoming publication of the 2008 report on Europe's competitiveness;
- the need to exercise caution over forecasts of energy prices, and oil prices in particular, and the importance of taking a long-term view and having regular information on the state of fossil-fuel energy stocks;
- the need to put in perspective some assessments of the economic situation;
- a question about the effects of the economic situation on the labour market and the desire to avoid a decline in jobs in the EU;
- the impact of the economic slowdown on the political climate in the run-up to the elections to Parliament and the danger of the emergence of protectionist tendencies and hostility to the integration of new Member States;
- a question about the effects of the measures taken by the US authorities in the financial sector and their potential impact on the EU;
- the economic situation of Russia and Georgia, and the consequences for the EU economy;

Regarding the measures to be proposed

- the relevance of existing policies and the importance of building on the efforts already made in order to ensure the stability of the European economy and help boost the EU's overall capacity to respond;
- the need to confirm the long-term policy responses, which favoured structural reforms, research and innovation, in line with the priorities of the Lisbon strategy for growth and employment and the energy and climate change package;
- the importance of ensuring compliance with the rules of the stability and growth pact in the various Member States, in particular the rules on budgetary discipline, and to improve the coordination of European monetary policy;
- the need to restore confidence among consumers and businesses and to develop a clear policy to achieve that goal;
- the importance of maintaining investment efforts and in particular to improve instruments to support investment in small and medium-sized enterprises, especially in sectors such as new technologies and new energies;
- the case for developing measures to boost the competitiveness of businesses and improve their regulatory environment;
- the need to strengthen the flexicurity;
- the need to introduce rules on the supervision and transparency of financial markets, especially in the banking sector;
- the importance of keeping the European economy open in the context of globalisation and of acknowledging the role of the emerging economies in sustaining world growth and integrating them into international economic structures.

The PRESIDENT felt that the analysis presented was relevant and objective, and he recognised the value of holding regular debates on this subject within the Commission. He was convinced that the Commission should contribute to the discussions at the next European Council in October and had suggested to the President-in-Office of the Council, Mr Nicolas Sarkozy, that the Commission and the Council Presidency present a joint document on that occasion. He asked Mr ALMUNIA to work on this in conjunction with the French Minister for Economic Affairs, Industry and Employment, Ms Christine Lagarde.

He recalled that the two main policy directions to be pursued in the long term were the reform process under the Lisbon strategy for growth and employment and the energy and climate change package. Restoring consumer and business confidence was one of the biggest challenges at present, and action should be taken on this so as to dissuade Member States and businesses from adopting defensive and protectionist positions. There was also a need to ensure compliance with the rules on financial stability and budgetary discipline in the current difficult climate.

The PRESIDENT also referred to the Commission's measures to monitor fossil-fuel resources and improve energy efficiency, which would have to be discussed at the October European Council and were designed to help Member States in their efforts to achieve the objectives set in that field.

As regards the financial aspect, he acknowledged that the Commission's scope for action was still limited, although it could take measures on the security and supervision of financial markets. He asked the Members responsible to keep the Commission informed of progress in this area, in particular following the forthcoming informal meeting of Finance Ministers.

In conclusion the PRESIDENT highlighted the need to develop a long-term policy to relaunch the European economy, based on the principles of the Lisbon strategy for growth and employment and on budgetary stability and economic reforms, while also noting the importance of conveying an optimistic message on the outlook for 2009 in order to restore consumer and business confidence.

In response to the various comments made, Mr ALMUNIA emphasised the importance of sticking to the strategic priorities of the Lisbon agenda, in particular labour market reform in the Member States, of reaffirming the priorities on energy and climate change, which would be one of the driving forces for growth in the near future, and of building up the external dimension of EU policies to head off the risk of growing protectionist tendencies in the present difficult climate. He also stressed the need for stable guidelines in order to rebuild a climate of economic confidence. He was convinced that European monetary policy and its structures should not be called into question, but supplemented, at Member State level, with structural and sectoral policies aimed at curbing inflationary. He emphasised the importance of guarantying the independent role of the Central European Bank.

In reply to a specific question, Mr ALMUNIA explained there were plans for cooperation with the European Investment Bank to increase the effectiveness of aid to small and medium-sized enterprises. As regards the labour market, he confirmed that, although the figures were still positive at this stage, a downturn was possible in the coming months. Lastly, concerning the impact of the situation in Russia, certain economic risks had been identified for countries that had direct political or economic ties with Russia, including a number of Member States. He also stressed the importance of stepping up transatlantic coordination on the security of financial markets.

Winding up the discussion, the PRESIDENT confirmed the willingness to produce a joint Commission and Council Presidency document for the October European Council in order to present a common vision that could restore business confidence in the prospects for future growth.

The Commission took note of the information note from Mr ALMUNIA in SEC(2008)2398.

8. RELATIONS WITH NON-MEMBER COUNTRIES

8.1. VISITS TO RUSSIA AND GEORGIA BY PRESIDENT SARKOZY AND PRESIDENT BARROSO, ACCOMPANIED BY HIGH REPRESENTATIVE SOLANA (MOSCOW AND TBILISI, 8 SEPTEMBER)

8.2. INFORMAL MEETING OF FOREIGN AFFAIRS MINISTERS – GYMnich (AVIGNON, 5-6 SEPTEMBER)

8.3. TWELFTH EU-UKRAINE SUMMIT (PARIS, 9 SEPTEMBER)

The PRESIDENT reported on his trip to Moscow and Tbilisi on Monday 8 September with the President-in-Office of the Council and the High Representative for the Common Foreign and Security Policy in order to ensure the full implementation of the six-point plan of 12 August, including the complete withdrawal of Russian troops, and send a clear signal of the European Union's support for Georgia's independence, sovereignty and territorial integrity.

The President welcomed the fact that the results of these visits had been positive and that the Union, under the decisive and efficient leadership of the French presidency of the Council, had not only achieved its objectives but had also succeeded in positioning itself as a key player in terms of policy and security in the region. He pointed out that the Commission's close involvement in the process had been duly noted by observers as constituting a strong precedent and expressed his gratitude to Nicolas Sarkozy for the efforts continually made to emphasise to Russia the European nature of the initiative.

The PRESIDENT went on to outline the main results of the mission: (i) the complete withdrawal of Russian forces, by 10 October, to the positions occupied prior to 7 August, subject to the deployment of international observers, including 200 Europeans, by 1 October; (ii) the continuation of the UN observer mission in Georgia (UNOMIG) and of the observation mission

of the Organisation for Security and Cooperation in Europe under their current mandates; (iii) the confirmation given by the European Union of Georgia's pledge not to resort to force; and (iv) the launch on 15 October in Geneva of international discussions on security and stability in the region, including the issue of refugees and displaced persons.

The PRESIDENT pointed to the need for the Union to demonstrate from the outset its capacity to lend firm support to stability in the Caucasus region, in particular through the rapid financing and deployment of a civil mission as part of the European security and defence policy.

He also highlighted the importance of the initiative for European stability and referred to the possibility of supporting the deployment of this mission through the temporary secondment of qualified Commission staff, as had been done in other conflict areas.

The PRESIDENT recognised the risks attached to these new commitments, coming on top of the significant contribution by the Commission to stabilisation already agreed on by the Council and which consisted of humanitarian aid, aid for reconstruction and economic recovery, the preparation of negotiation of a full and extensive agreement on free trade, and the preparation of visa liberalisation and readmission agreements. He also referred to the work to be done in the wider context of the "Eastern Partnership" and with a view to developing the internal energy market, and highlighted the need to ensure that all these tasks were implemented rapidly.

Should satisfactory progress be made in implementing the points agreed on with Russia, the policy of constructive engagement with Russia could be resumed by mid-October, including the negotiations for a new agreement. However, should satisfactory progress not be made, the current review of EU-Russian relations could be high on the agenda of the decisions to be adopted at the General Affairs and External Relations Council in October.

The PRESIDENT went on to report on his visit to Tbilisi and on the information received from the Georgian government both on events leading up to the armed conflict and on the reports of ethnic cleansing and violations of the cease-fire, the plight of refugees and displaced persons, the human losses suffered and the consequences of the conflict for the educational system, the environment and the energy infrastructure.

He ended by noting that while there had been improvements in the situation in the region, largely owing to the capacity demonstrated by the Union to speak with one voice at the highest level and at the right time, nevertheless it was fragile and a high level of vigilance and commitment would have to be maintained.

Ms FERRERO-WALDNER followed up the PRESIDENT's presentation by reporting on the results of the informal meeting of Foreign Affairs Ministers in Avignon on 5-6 September.

With regard to Georgia, she emphasised that, while she considered that the visits to Moscow and Tbilisi had been extremely positive, there remained significant challenges for the European Union, in particular as regards the practical arrangements for deploying observers in the region by 15 October. She also mentioned the German proposal for an international investigation in order to clarify responsibilities in the outbreak of the conflict in Georgia.

She reminded the meeting of the difficult economic situation in Georgia, which required rapid economic and financial assistance. She confirmed that a donors' conference would be held in a location still to be decided, and also referred to Georgia's proposal to hold an additional conference for heads of state and government. She felt that the EU should make provision for a significant financial commitment to Georgia within a specific framework, independently of the Phoenix trust fund set up by Georgia and the World Bank.

She underlined the need to press ahead rapidly with the financial and budgetary aspects, which had also been discussed at the Avignon meeting, and said she was preparing a letter on this matter for the attention of the European Parliament and the Council.

Ms FERRERO-WALDNER also touched briefly on the EU-Ukraine summit in Paris on Tuesday 9 September. The proposed association agreement represented an important step forward in bilateral cooperation and it was significant that for the first time the joint declaration referred to Ukraine as a "European country" and underlined the history and values it had in common with the Union. She noted that the political situation in the country was still favourable to the strengthening of EU-Ukraine relations in the context of the association agreement, and that the EU should respond positively to these expectations.

In the discussion that followed the following points were raised:

Concerning the visits to Moscow and Tbilisi and the crisis in Georgia

- recognition of the constructive contribution made by the European Union as a mediator in this crisis, the excellent handling of the crisis by the Council Presidency and the close coordination within the institutions and between the Member States in preparing the trip to Moscow and Tbilisi;
- the unprecedented nature of the mission, since for the first time the EU had demonstrated its desire and capacity to speak with one voice, and the relevance of these negotiations for the Union's positioning on the international scene;
- the important challenges which the European Union might face in the next stages of the Georgian peace process, and the importance of maintaining the Union's unity during the process;
- the relevant provisions and instruments provided for in the Lisbon Treaty to this end;

- the Union's experience in the field of reconstruction, in particular the European Agency for Reconstruction, whose mandate was coming to an end;
- the advisability for the EU to develop its bilateral relations with Georgia and its neighbouring countries, but also to contribute to the development of multilateral cooperation between the countries in the region and the importance, in this connection, of the commitment of other non-member countries, in particular Turkey;
- the need for the Commission to present a strategy for reconstruction aid for Georgia, but for the assessment of the financial commitments to be based on an in-depth analysis of the economic situation and of the damage caused by the fighting;
- at the same time, the need to comply with the budgetary procedures in force and to ensure that Community budget funds were available before making any aid commitment;
- the role to be played by the Member States as well in financing aid for the reconstruction of Georgia;

Concerning EU-Ukraine relations

- recognition of the substantial progress made in bilateral relations with Ukraine;
- the closer and more open relationship with Ukraine symbolised by the future EU-Ukraine association agreement;
- the benefits of developing relations with Ukraine.

Following the discussion, in her response to the comments made, Ms FERRERO-WALDNER pointed out the potential of the regional dimension that needed to be developed in the region, reminding members that, since the activities of the European Agency for Reconstruction would be

wound up at the end of December 2008, they would not be able to cover the issue of Georgia.

The PRESIDENT concluded by emphasising the importance of the EU's contribution to a peaceful resolution of the Georgian crisis. Referring to the unity demonstrated by the Union, he pointed out that only this unity could enable it to maintain and develop its influence in the international arena. He also highlighted the importance of the USA as an essential partner of the EU in the search for solutions to the conflicts in the region concerned and in other regions around the world. He ended by pointing to the need to ensure a strong European presence in Ukraine in the future.

The Commission took note of this information.

8.4. *THIRD HIGH-LEVEL FORUM ON AID EFFECTIVENESS (ACCRA, GHANA, 2–4 SEPTEMBER)*
(SEC(2008)2450)

The Commission took note of the information note from Mr MICHEL, distributed as SEC(2008)2450.

8.5. *STATE OF PLAY IN UNITED NATIONS NEGOTIATIONS ON CLIMATE CHANGE (ACCRA, GHANA, 21–27 AUGUST)*
(SEC(2008)2451)

The Commission took note of the information note from Mr DIMAS, distributed as SEC(2008)2451.

9. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2008)2400/3)

ADMINISTRATIVE MATTERS
(PERS(2008)109/3)

**9.1. DG EDUCATION AND CULTURE – APPOINTMENT OF AD14/15
DIRECTOR**
(PERS(2008)27 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, Lifelong Learning – Policies and Programme, Directorate-General for Education and Culture (PERS(2008)27).

The Commission took note of the opinions of the Consultative Committee on Appointments of 20 May and 3 July 2008 (PERS(2008)27/2 and /3).

The Commission proceeded to compare the applicants' qualifications for the post. It also considered the applicants' ability, efficiency and conduct in the service. On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr FIGEL', it then decided to appoint Ms Hélène CLARK to the vacant post.

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

**9.2. DG INFORMATION SOCIETY AND MEDIA – APPOINTMENT OF
AD14/15 DIRECTOR**
(PERS(2008)35 TO /4)

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director, Resources, Directorate-General for Information Society and Media (PERS(2008)35 and /3).

The Commission took note of the opinions of the Consultative Committee on Appointments of 20 February and 10 April 2008 (PERS(2008)35/2 and /4).

The Commission proceeded to compare the applicants' qualifications for the post. It also considered the applicants' ability, efficiency and conduct in the service. On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms REDING, it then decided to appoint Ms Anne BUCHER to the vacant post.

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

**9.3. DG INFORMATION SOCIETY AND MEDIA – APPOINTMENT OF
AD14/15 DIRECTOR
(PERS(2008)62 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, Emerging Technologies and Infrastructures, Directorate-General for Information Society and Media (PERS(2008)62).

The Commission took note of the opinions of the Consultative Committee on Appointments of 9 June and 17 July 2008 (PERS(2008)62/2 and /3).

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

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

**9.4. DG INFORMATION SOCIETY AND MEDIA – APPOINTMENT OF
AD14/15 DIRECTOR
(PERS(2008)63 TO /4)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director, Components and Systems,

Directorate-General for Information Society and Media (PERS(2008)63 and /2).

The Commission took note of the opinions of the Consultative Committee on Appointments of 9 June and 17 July 2008 (PERS(2008)63/3 and /4).

The Commission proceeded to compare the applicants' qualifications for the post. It also considered the applicants' ability, efficiency and conduct in the service. On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms REDING, it then decided to appoint Mr Thierry VAN DER PYL to the vacant post.

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

**9.5. DG PERSONNEL AND ADMINISTRATION – APPOINTMENT OF
AD14/15 DIRECTOR
(PERS(2008)102 TO /4)**

The Commission had before it the list of applications under Article 29(1a)(i) and (iii) of the Staff Regulations for the post of Director, Investigation and Disciplinary Office of the Commission, Directorate-General for Personnel and Administration (PERS(2008)102 and /2).

The Commission took note of the opinions of the Consultative Committee on Appointments of 30 June and 18 July 2008 (PERS(2008)102/3 and /4).

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

This decision would take effect on 16 September 2008.

9.6. *LAUNCHING OF THE 2008 PROMOTION EXERCISE FOR SENIOR MANAGEMENT*

The Commission took note of the information set out under point 6 of document PERS(2008)109/3.

9.7. *GRADE OF PUBLICATION OF MIDDLE MANAGEMENT AND ADVISER POSTS – CONSEQUENCES OF THE JUDGMENT OF THE COURT OF FIRST INSTANCE IN CASE T-56/07 P PUBLISHED ON 8 JULY 2008*

(C(2008)5028 AND /2; C(2008)5029 AND /2; SEC(2008)2452)

Having noted the information set out under point 7 of document PERS(2008)109/3 and in SEC(2008)2452, the Commission, on a proposal from Mr KALLAS, in agreement with the PRESIDENT, decided:

- to cancel its decision of 24 January 2007 concerning the publication of middle management and adviser posts;
- to publish, without prejudice to the vacancy notices already published, middle management and adviser posts at grades AD9-AD14 and AD13-AD14;
- to amend decision C(2005)504 concerning middle management staff by replacing all references to grade AD9-AD12 posts by references to grade AD9-AD14 posts, as set out in C(2008)5028/2;
- to amend decision C(2004)3623 concerning the function of adviser by replacing all references to grade AD9-AD12 posts by references to grade AD9-AD14 posts, as set out in C(2008)5029/2.

These decisions would take effect immediately.

**9.8. AMENDMENT OF THE COMMISSION DECISION OF 30 NOVEMBER 2007 CONCERNING THE EXERCISE OF THE POWERS CONFERRED BY THE STAFF REGULATIONS ON THE APPOINTING AUTHORITY AND BY THE CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS ON THE AUTHORITY RESPONSIBLE FOR CONCLUDING CONTRACTS OF EMPLOYMENT
(C(2008)5085)**

Following the presentation by Mr KALLAS and a brief discussion, the Commission decided to amend decision C(2007)5730 of 30 November 2007 on the exercise of the powers conferred by the Staff Regulations on the appointing authority and by the Conditions of Employment of Other Servants on the authority responsible for concluding contracts of employment, as set out in C(2008)5085.

This decision would take effect immediately.

BUDGETARY MATTERS

**9.9. AMENDING LETTER No 1 TO THE PRELIMINARY DRAFT BUDGET OF THE EUROPEAN COMMUNITIES FOR 2009
(SEC(2008)2435 AND /2**

The Commission adopted Amending Letter No 1 to the preliminary draft budget for 2009 as set out in SEC(2008)2435, for transmission to Parliament and the Council.

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The meeting closed at 12.29.