



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2008)1854 final

Brussels, 10 December 2008

MINUTES
of the 1854th meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 3 December 2008
(morning)

PV(2008)1854 final

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Single sitting: Wednesday 3 December 2008 (morning)

The sitting opened at 9.14 in the Jean Monnet room 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 16 (in part)
Mr KALLAS	Vice-President	
Mr TAJANI	Vice-President	
Ms REDING		
Mr DIMAS		
Mr ALMUNIA		
Ms HÜBNER		Items 1 to 16 (in part)
Mr BORG		
Ms GRYBAUSKAITĖ		
Mr FIGEL'		
Mr REHN		
Mr MICHEL		
Mr KOVÁCS		
Ms KROES		Items 1 to 13/14/15 (in part), 16 (in part) and 17
Ms FISCHER BOEL		
Ms FERRERO-WALDNER		
Mr McCREEVY		Items 1 to 16 (in part)
Mr ŠPIDLA		
Mr PIEBALGS		
Ms KUNEVA		
Mr ORBAN		
Ms VASSILIOU		
Baroness ASHTON		

Absent:

Mr POTOČNIK

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

Mr KÜTT	Deputy Chef de cabinet to Mr POTOČNIK	Items 1 to 11, and 13 to 17
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The following also sat in:

Mr VALE DE ALMEIDA	Chef de cabinet to the PRESIDENT	Items 1 to 12, 16 (in part) and 17
Mr THEBAULT	Deputy Chef de cabinet to the PRESIDENT	Items 13 to 17
Ms DURAND	Acting Director-General, Legal Service	Items 1 to 11, and 13 to 17
Mr CARVOUNIS	Deputy Director-General, Communication DG	Items 1 to 11, and 13 to 17
Mr LAITENBERGER	Commission Spokesman	Items 13 to 16 (in part)
Ms AHRENKILDE	DG Communication – Commission Spokesman's Service	Items 16 (in part) and 17
Mr GASPAR	Acting Director-General, Bureau of European Policy Advisers	Items 1 to 11, 13 to 16 (in part) and 17
Ms MARTÍNEZ ALBEROLA	A member of the PRESIDENT's staff	Items 13 to 15
Mr ANDRESEN GUIMARÃES	A member of the PRESIDENT's staff	Item 16
Ms JORNA	Chef de cabinet to Mr BARROT	Items 13 to 15
Mr HOLOLEI	Chef de cabinet to Mr KALLAS	Items 1 to 12
Mr RAHUOJA	A member of Mr KALLAS' staff	Items 1 to 12
Mr LEMAÎTRE	Chef de cabinet to Ms HÜBNER	Items 16 (in part) and 17
Mr CHILD	Chef de cabinet to Ms FERRERO- WALDNER	Item 16
Ms UDWIN	A member of Ms FERRERO- WALDNER's staff	Item 16

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

1. AGENDAS

(OJ(2008)1854/3; SEC(2008)2917/2)

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)1854)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 1 December.

3. MINUTES OF 1853rd MEETING (26 NOVEMBER)

(PV(2008)1853 AND /2)

The Commission approved the minutes of its 1853rd meeting.

4. MONITORING THE APPLICATION OF COMMUNITY LAW

STATE AID – INDIVIDUAL CASE

(SEC(2008)2989; SEC(2008)2990/2)

The Commission adopted in principle the decision in SEC(2008)2989 and empowered Ms KROES, in agreement with the PRESIDENT, to finalise and formally adopt the decision in all the authentic language versions.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. *WRITTEN PROCEDURES APPROVED*

(SEC(2008)2919 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 24 and 28 November.

5.2. *EMPOWERMENT*

(SEC(2008)2920 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 24 and 28 November.

5.3. *DELEGATION AND SUBDELEGATION OF POWERS*

(SEC(2008)2921 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 24 and 28 November, as archived in e-Greffe.

5.4. *SENSITIVE WRITTEN PROCEDURES*

(SEC(2008)2922 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 1 and 5 December and of the "finalisation" written procedures initiated following the weekly meeting of Chefs de cabinet on Monday 1 December.

6. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE RESTRICTION OF THE USE OF CERTAIN HAZARDOUS SUBSTANCES IN ELECTRICAL AND ELECTRONIC EQUIPMENT (RECAST)

(COM(2008)809 TO /4; SEC(2008)2930; SEC(2008)2931; SEC(2008)2932; SEC(2008)2941)

The Commission adopted the proposal for a Directive in COM(2008)809/4 for transmission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, and to the national parliaments, together with the impact assessment and the summary thereof in staff papers SEC(2008)2930 and SEC(2008)2931, the contents of which were noted.

It also took note of the opinion of the Impact Assessment Board on the above proposal for a Directive, as set out in SEC(2008)2932.

7. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT (WEEE) (RECAST)

(COM(2008)810 TO /4; SEC(2008)2933; SEC(2008)2934; SEC(2008)2935; SEC(2008)2941)

The Commission adopted the proposal for a Directive in COM(2008)810/4 for transmission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, and to the national parliaments, together with the impact assessment and the summary thereof in staff papers SEC(2008)2933 and SEC(2008)2934, the contents of which were noted.

It also took note of the opinion of the Impact Assessment Board on the above proposal for a Directive, as set out in SEC(2008)2935.

8. GREEN PAPER ON THE MANAGEMENT OF BIO-WASTE IN THE EUROPEAN UNION

(COM(2008)811 TO /3; SEC(2008)2936 AND /2; SEC(2008)2941)

The Commission approved the Green Paper in COM(2008)811/3, for transmission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, and to the national parliaments, together with the staff paper distributed as SEC(2008)2936/2, the contents of which were noted.

9. COMMUNICATION FROM THE COMMISSION: GUIDANCE ON THE COMMISSION'S ENFORCEMENT PRIORITIES IN APPLYING ARTICLE 82 OF THE EC TREATY TO ABUSIVE EXCLUSIONARY CONDUCT BY DOMINANT UNDERTAKINGS

(COM(2008)832 TO /3; SEC(2008)2987)

The Commission adopted in principle the communication set out in COM(2008)832/3 and empowered Ms KROES, in agreement with the PRESIDENT, to finalise and formally adopt the communication in all the official languages, to have it published in the Official Journal of the European Union and on the Internet and to send it, for information, to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions, the European Ombudsman and the EFTA Surveillance Authority, and to the national parliaments.

**10. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EC) 1080/2006 ON THE EUROPEAN REGIONAL DEVELOPMENT FUND AS REGARDS THE ELIGIBILITY OF ENERGY EFFICIENCY AND RENEWABLE ENERGY INVESTMENTS IN HOUSING
(COM(2008)838 TO /3)**

The Commission approved the proposal for a Regulation in COM(2008)838/3 for transmission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, and to the national parliaments.

11. RELATIONS WITH NON-MEMBER COUNTRIES

***11.1. VISIT TO EAST TIMOR (DILI, 24-25 NOVEMBER) AND PAPUA NEW GUINEA (PORT MORESBY, 26-27 NOVEMBER)
(SEC(2008)3009)***

The Commission took note of the information note from Mr MICHEL in SEC(2008)3009.

***11.2. VISIT TO CHINA (CHONGQING, 19-22 NOVEMBER)
(SEC(2008)3013)***

The Commission took note of the information note from Ms HÜBNER in SEC(2008)3013.

12. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2008)2918/2)

ADMINISTRATIVE MATTERS

(PERS(2008)156/2)

12.1. DG HEALTH AND CONSUMERS – APPOINTMENT OF AN AD14/15 DIRECTOR

(PERS(2008)42 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, Safety of the Food Chain, in the Directorate-General for Health and Consumers (PERS(2008)42).

The Commission took note of the opinions of the Consultative Committee on Appointments of 13 June and 11 September 2008 (PERS(2008)42/2 and /3).

It 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 VASSILIOU, it then decided to appoint Mr Eric POUDELET to the vacant post.

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

12.2. MOBILITY OF SENIOR MANAGEMENT STAFF (DIRECTORS- GENERAL, DEPUTY DIRECTORS-GENERAL, HEADS OF DELEGATION AND HORS CLASSE ADVISERS AT GRADES AD16 AND AD 15)

(SEC(2008)3016)

The PRESIDENT briefly introduced the item on the mobility of senior management staff at the Commission (Directors-General, Deputy Directors-General, *Hors Classe* Advisers and Heads of Delegation at grades AD16 and AD15).

Mr KALLAS reminded the meeting that merit was the key criterion in decisions on the appointment of senior managers and that dialogue with all the persons concerned was at the heart of the process. The Commission also ensured that a certain geographical balance was maintained. He then presented in detail the various proposals for decisions on the mobility of senior management staff which were being laid before the Commission.

The discussion that followed his presentation focused mainly on the methodology for preparing decisions on the mobility of senior management staff, with particular emphasis on the need to promote a better balance between women and men in this context and the situation regarding the appointment to senior management posts of nationals of countries that joined the EU in 2004.

The PRESIDENT mentioned the wish expressed by Mr Eneko LANDABURU to be appointed Head of Delegation, and praised the performance of Mr Jos DELBEKE in his duties as acting Director-General for Environment.

Following the discussion, the Commission, on a proposal from Mr KALLAS, in agreement with the PRESIDENT, adopted the following decisions on mobility and related matters as set out in SEC(2008)3016, including the general and transitional provisions in point 6 of that document concerning Director-General, Deputy Director-General, *Hors Classe* Adviser and Head of Delegation posts at grades AD 16 and AD 15:

– Amendment of organisation charts

1. Creation of a new Directorate-General for Energy with effect from 1 November 2009 at the latest.
2. Creation of two Chief Adviser posts in the Directorate-General for External Relations with effect from 1 August 2009. These two posts would be abolished on the departure of the new appointees.

3. The post of Head of Delegation in Morocco, currently classified at Director level, was upgraded to Director-General level with effect from 1 August 2009.
 4. The post of Head of Delegation in Egypt, currently classified at Director level, was upgraded to Director-General level with effect from 1 August 2009.
 5. Creation of an *Hors Classe* Adviser post in the Legal Service with effect from 1 June 2009. This post would be abolished on the retirement of the new appointee on 1 August 2009.
- Transfer of Directors-General in the interest of the service
1. Mr Luis ROMERO REQUENA, currently Director-General, Budget, was transferred to the post of Director-General, Legal Service, with effect from 1 June 2009, following the transfer of Ms Claire-Françoise DURAND.
 2. Mr Philip LOWE, currently Director-General, Competition, who would reach seven years in his current post in 2009, would be transferred to another Director-General post with effect from 1 November 2009 at the latest.
 3. Mr Walter DEFFAA, currently Commission Internal Auditor and Director-General, Internal Audit Service, was transferred to the post of Director-General, Taxation and Customs Union, with effect from 1 June 2009, following the transfer of Mr Robert VERRUE. The budgetary authority would be informed of this transfer in accordance with the detailed rules for the implementation of the Financial Regulation.
 4. Mr Eneko LANDABURU, currently Director-General, External Relations, was transferred to the post – classified at Director-General level – of Head of Delegation in Morocco with effect from

1 August 2009, subject to the agreement of the host country, following the transfer of Mr Bruno DETHOMAS.

5. Mr Robert VERRUE, currently Director-General, Taxation and Customs Union, was transferred to the post of Director-General, Employment, Social Affairs and Equal Opportunities, with effect from 1 June 2009, following the retirement of Mr Nikolaus VAN DER PAS on 31 May 2009.

– Transfer of Heads of Delegation in the interest of the service

1. Mr Marc FRANCO, currently Head of Delegation in Russia, was transferred to the post – classified at Director-General level – of Head of Delegation in Egypt with effect from 1 August 2009, subject to the agreement of the host country, following the transfer of Mr Klaus-Dieter EBERMANN.
2. Mr Fernando VALENZUELA MARZO, currently Head of the Delegation to international organisations, New York, was transferred to the post of Head of Delegation in Russia with effect from 1 August 2009, subject to the agreement of the host country, following the transfer of Mr Marc FRANCO.

– Transfer of Deputy Directors-General in the interest of the service

1. Mr Alexander ITALIANER, currently Deputy Secretary-General in the Secretariat-General, was transferred to the post of Director-General, Competition, with effect from 1 November 2009 at the latest, following the transfer of Mr Philip LOWE.
2. Mr Brian GRAY, currently Commission Accounting Officer and Deputy Director-General, Budget, was transferred to the post of Commission Internal Auditor and Director-General, Internal Audit Service, with effect from 1 June 2009, following the transfer of Mr Walter DEFFAA. The budgetary authority would be informed of

this transfer in accordance with the detailed rules for the implementation of the Financial Regulation.

3. Mr Marco BUTI, currently Deputy Director-General, Economic and Financial Affairs, was transferred to the vacant post of Director-General, Economic and Financial Affairs, with immediate effect.
 4. Mr Jan TRUSZCZYNSKI, currently Deputy Director-General, Enlargement, was transferred to the vacant post of Deputy Director-General, Education and Culture, with effect from 1 July 2009.
 5. Mr João AGUIAR MACHADO, currently Deputy Director-General, External Relations, was transferred to the post of Deputy Director-General, Trade, with effect from 1 January 2009, following the transfer of Mr Karl-Friedrich FALKENBERG.
 6. Ms Claire-Françoise DURAND, currently Deputy Director-General, Legal Service, was transferred to the vacant post of Director-General, Legal Service, with immediate effect. Ms DURAND would then be transferred to the new post of *Hors Classe* Adviser in the Legal Service with effect from 1 June 2009.
 7. Mr Karl-Friedrich FALKENBERG, currently Deputy Director-General, Trade, was transferred to the vacant post of Director-General, Environment, with effect from 1 January 2009.
- Internal publication of the following posts
1. Director-General, External Relations, which would become vacant on the transfer of Mr Eneko LANDABURU to the post of Head of Delegation in Morocco with effect from 1 August 2009.
 2. Commission Accounting Officer and Deputy Director-General, Budget, which would become vacant on the transfer of Mr Brian GRAY to the post of Commission Internal Auditor and

Director-General, Internal Audit Service, with effect from 1 June 2009.

3. Deputy Director-General, Information Society and Media.
 4. Deputy Director-General, External Relations, which would become vacant on the transfer of Mr João AGUIAR MACHADO to the post of Deputy Director-General, Trade, with effect from 1 January 2009.
- External publication of the following posts, reserved for nationals of Estonia, Lithuania, Latvia, Malta, Bulgaria and Romania

Deputy Director-General, Enlargement, which would become vacant on the transfer of Mr Jan TRUSZCZYNSKI to the post of Deputy Director-General, Education and Culture, with effect from 1 July 2009.

- Other decisions
1. Mr Bruno DETHOMAS, currently Head of Delegation in Morocco, was transferred to a new post of Chief Adviser in the Directorate-General for External Relations, with effect from 1 August 2009.
 2. Mr Klaus EBERMANN, currently Head of Delegation in Egypt, was transferred to a new post of Chief Adviser in the Directorate-General for External Relations with effect from 1 August 2009.
 3. The Commission took note of the request by Ms Claire-Françoise DURAND, currently Deputy Director-General, Legal Service, to retire with effect from 31 July 2009.
 6. Mr Claude CHENE, Director-General, Personnel and Administration, would chair a *task force* with the task of submitting proposals to the PRESIDENT and Mr KALLAS by no later than 1 May 2009 on the scope, structure and most suitable date for creating the new Directorate-General for Energy.

13. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING THE CRITERIA AND MECHANISMS FOR DETERMINING THE MEMBER STATE RESPONSIBLE FOR EXAMINING AN APPLICATION FOR INTERNATIONAL PROTECTION LODGED IN ONE OF THE MEMBER STATES BY A THIRD-COUNTRY NATIONAL OR A STATELESS PERSON (RECAST)

(COM(2008)820 TO /4; SEC(2008)2962; SEC(2008)2963; SEC(2008)2964; SEC(2008)2984)

14. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL CONCERNING THE ESTABLISHMENT OF THE 'EURODAC' SYSTEM FOR THE COMPARISON OF FINGERPRINTS

(COM(2008)825 TO /4; SEC(2008)2981; SEC(2008)2982; SEC(2008)2983; SEC(2008)2984)

15. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL LAYING DOWN MINIMUM STANDARDS FOR THE RECEPTION OF ASYLUM SEEKERS (RECAST)

(COM(2008)815 TO /4; SEC(2008)2944; SEC(2008)2945; SEC(2008)2946; SEC(2008)2984)

Mr BARROT presented the three legislative proposals in items 13 to 15 of the minutes, which he described as complementary and forming an initial package of measures on these subjects.

The proposal for a Regulation on determining the Member State responsible for examining an application for international protection, under the "Dublin" regulations, should help to improve the current procedures, making them more flexible and humane and generating solidarity between Member States, for example by temporarily suspending the procedures for transferring applicants to another

Member State. He also referred to the financial resources available under the European Refugee Fund.

Turning to the proposal for a Regulation on the Eurodac system for the comparison of fingerprints, he stressed the need to improve the current mechanism by speeding up data transmission and ensuring better data protection.

Finally, as regards the proposed Directive on reception conditions for asylum-seekers, he said that detention, which should remain the exception, should be subject to strict rules, fully respect the fundamental rights of the individual and be imposed and reviewed by the judicial authority. He added that the proposal also provided for asylum-seekers to be given access to the labour market after six months, instead of the present twelve, without prejudice to the rights of the Member States to decide the detailed rules, and for special treatment to be given to the most vulnerable individuals, to ensure that they were identified and helped more effectively.

Mr BARROT concluded his presentation by mentioning that a proposal would shortly be made to create an office to manage the data collected under the Eurodac system and to help Member States to cope with the various constraints under which they had to operate. Finally he said that the three proposals, which placed the applicant at the centre of the procedure, sent out a positive and humane signal from the European Union to the people concerned, but without being lax towards asylum-seekers.

The PRESIDENT supported the proposals presented by Mr BARROT and particularly stressed the importance of the balance that had been struck between the humanity of the proposals and the need to maintain rules that guaranteed security within the European Union.

The Commission then held an exchange of views in which general support was expressed for the proposals and the following specific aspects were mentioned:

- the distinction that had to be drawn between immigration on the one hand and applications for asylum or international protection on the other;

- the unequal burden placed on the Member States by the growing number of asylum-seekers, and the need for maximum solidarity between the Member States, not least in connection with the future creation of an office specialising in these issues;
- the importance of giving asylum-seekers access to the labour market more quickly, and the need to take into account the particularly fragile situation of certain Member States in this regard;
- the need to delete Article 15(4) of the proposal for a directive in COM(2008)815/4, allowing Member States to give priority to nationals of other Member States in the context of access to their labour market, because it was legally superfluous;
- satisfaction with the new provisions of Article 31 of the proposal for the "Dublin" Regulation in COM(2008)820/4, which allowed for the temporary suspension of transfers of asylum-seekers to a Member State under certain specific conditions; these provisions were regarded as a first demonstration of solidarity between Member States;
- satisfaction with the proposed improvement in the reception and treatment of the most vulnerable individuals;
- the importance of good communication on these matters, given their political sensitivity and the strength of public opinion.

In reply to certain comments, Mr BARROT confirmed that a proposal to create a European Support Office to assist Member States' efforts on asylum procedures was envisaged for spring 2009. He also felt that, on the evidence of the available figures and current practices in the Member States, giving asylum-seekers access to the labour market after six months should not cause any particular problems. Finally he was willing to amend the proposal relating to the reception conditions for asylum-seekers by deleting Article 15(4).

The PRESIDENT wound up the discussion by noting the Commission's very broad support for the three proposals being tabled. He concluded by emphasising the need for a serious communication effort on these issues, particularly as regards solidarity between Member States in the face of the influx of asylum-seekers. Finally, he noted the Commission's approval for the following amendment to the English-language version of COM(2008)815/4:

- deletion of the fourth and final paragraph of Article 15 ("*Employment*"), on page 26.

Subject to the inclusion of this amendment, the Commission:

- adopted the proposal for a Regulation in COM(2008)820/4, for transmission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the European Data Protection Supervisor, and to the national parliaments, together with the impact assessment and the summary thereof in staff papers SEC(2008)2962 and SEC(2008)2963, the contents of which were noted;
- took note of the opinion of the Impact Assessment Board on the above proposal for a Regulation, as set out in SEC(2008)2964;
- adopted the proposal for a Regulation in COM(2008)825/4, for transmission to the European Parliament, the Council and the European Data Protection Supervisor, and to the national parliaments, together with the impact assessment and the summary thereof in staff papers SEC(2008)2981 and SEC(2008)2982, the contents of which were noted;
- took note of the opinion of the Impact Assessment Board on the above proposal for a Regulation, as set out in SEC(2008)2983;
- adopted the proposal for a Directive in COM(2008)815/4 for transmission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, and to the national parliaments,

together with the impact assessment and the summary thereof in staff papers SEC(2008)2944 and SEC(2008)2945, the contents of which were noted;

- took note of the opinion of the Impact Assessment Board on the above proposal for a Directive, as set out in SEC(2008)2946.

16. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS ON THE "EASTERN PARTNERSHIP"

(COM(2008)823 TO /4 ; SEC(2008)2974 TO /3 ; SEC(2008)2978)

The PRESIDENT introduced the communication which Ms FERRERO-WALDNER was tabling for approval by reminding the meeting of the importance of relations with the European Union's neighbours, given the direct impact on it of developments in the countries on its southern and, in particular, eastern borders. The Community's contribution to smooth political and economic progress in these countries must therefore be a strategic priority.

Against this backdrop, he emphasised the substantial achievements of the European neighbourhood policy, which had enabled individualised action plans to be drawn up with the partners concerned with a view to far-reaching reforms. However, certain expectations had not been met and adjustments were therefore necessary.

He noted that with respect to the south, the Union for the Mediterranean initiative had given new momentum to relations with the Mediterranean countries.

With regard to the Union's eastern neighbours, a partnership should be established in order to meet realistically the ambitions of the countries which wished for closer relations with the Union but for which accession was not a possibility. It was important to have a credible alternative taking into account both the European character of these countries and the impossibility of including them in the Union.

He also placed the initiative in the context of the events that had occurred in Georgia in the summer, pointing out that the European Council had already called for a proposal for an eastern partnership before the crisis. He stressed the importance of supporting the political and economic development of the countries in the region in order to contribute to long-term stability and security while at the same time reconciling this process with relations with Russia.

He concluded by thanking Ms FERRERO-WALDNER and her departments for the work performed and for meeting the European Council's expectations.

Ms FERRERO-WALDNER then presented the communication. She began by underlining its strategic nature, ambitious scope and the decisive change it represented in the European Union's relations with six of its eastern neighbours. She referred to the initial momentum given to the project by Poland, Sweden and the Czech Republic, but also the new perspective resulting from events in Georgia and the importance of offering the countries concerned concrete proof of the Union's commitment to them.

Ms FERRERO-WALDNER pointed out that since it was not possible to give an affirmative response to the wish expressed by several of these countries to join the European Union, a suitable approach had to be proposed, which must not however appear to be directed in any way against Russia.

With regard to the actual content of the proposed partnership, she said that it came under the European neighbourhood policy and was based on a differentiated approach for each partner whereby each of them could progress at its own pace. She considered that while the neighbourhood policy had attained some positive results, it had not achieved its full potential, and the eastern partnership would give it new momentum.

She went on to summarise the various aspects of the partnership: political aspects, with association agreements offered to countries meeting certain democratic criteria; aspects relating to trade, mobility and energy, with the prospect of free-trade areas that could develop into an Economic Community in the long term, possibilities of

progressive visa liberalisation, and in-depth cooperation to enhance the energy security of the partners and of the EU; intensive support for reform, for example through the introduction of a complete institutional strengthening programme with each partner and a multilateral approach designed to encourage convergence with EU standards; flagship initiatives in five areas of common interest – border management, small and medium sized enterprises, electricity markets, energy efficiency and renewable energy, the Southern corridor and response to disasters; and, lastly, increased support for social and economic development.

Ms FERRERO-WALDNER expressed her gratitude for the efforts of the relevant departments and cabinets to reach agreement on the political messages and the substance of the proposal. Referring to the last of the key aspects still to be discussed following the meetings to prepare the dossier, namely the question of financing, she stated that the additional allocation initially envisaged for 2010-2013 might be reduced to an amount that would leave a sufficient margin under heading 4 (External Relations) for other priorities that might arise in the coming years.

The ensuing exchange of views highlighted the following points:

On the substance of the proposal

- a consensus concerning the importance of the proposal and the need to provide support to the countries concerned;
- the need for full involvement of the partners in the process for the partnership to function properly;
- the need for this strengthening of relations with the partners concerned to be perceived as forming part of the implementation of a pro-European policy rather than of a policy directed against Russian interests;
- the balance that must be maintained between the various components of the European neighbourhood policy, the importance of the proposed approach in the wake of the establishment of the Union for the Mediterranean, but also the need for an equitable financial commitment on both sides;

- the importance of developing people-to-people contacts and initiatives in the field of education and research;
- the fact that this partnership offered a satisfactory alternative to the possibility of accession;
- certain questions nevertheless remained concerning how it tied in with the enlargement process and with the European neighbourhood policy and other regional processes, as well as concerning overall foreign policy aims;
- the particular importance of economic and trade development and of the gradual integration of the markets concerned into the European economy, while recognising that there was still a long way to go before this goal would be attained;
- the need for care concerning the name used for the Republic of Moldova;
- the limitations on the prospects of regional integration posed by continuing cold wars in the countries concerned.

On financing and human resources

- the difficulties raised by the question of financing, given the diversity of the needs to be covered with the margin of heading 4, which was capped and was designed to cover external relations priorities which might arise over the next five years; the importance of not taking on commitments which would tie the next Commission's hands too much;
- in addition, the need to review the aspect of the proposal relating to human resources;
- at the same time, the need for the financial commitment to remain credible and reach a certain critical mass to ensure the effectiveness of the partnership; in particular, the need to reserve sufficient funds for economic and social development and for strengthening administrative capacities.

Once Ms FERRERO-WALDNER had replied to the queries raised, the PRESIDENT concluded by thanking the Commission Members for their support for the proposed partnership. He underlined once again the importance of helping to reinforce stability at the European Union's borders, and the response which the proposal provided to the requests made by the European Council in this regard.

He agreed with those who were in favour of adjusting the financing while keeping a sufficient margin to cover all kinds of eventualities in the coming years, and noted the Commission's agreement to fix the additional allocation to be made to the Eastern Partnership at €350 million for 2010-2013. He pointed out that the text and the financial statement would have to be adjusted accordingly.

Subject to the amount of the additional allocation referred to above being taken into account and to final revision, the Commission approved the communication in COM(2008)823/4 for transmission to Parliament, the Council, the Economic and Social Committee, the Committee of the Regions and the national parliaments, together with the staff paper distributed as SEC(2008)2974/3, the contents of which were noted.

The Commission also empowered the PRESIDENT, Ms FERRERO-WALDNER and Ms GRYBAUSKAITĖ to make the necessary adjustments to the financial statement contained in the Annex to COM(2008)823/4.

17. INTERINSTITUTIONAL RELATIONS

(SEC(2008)2914)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 28 November (SEC(2008)2914).

It paid particular attention to the following points.

17.1. LEGISLATIVE MATTERS

i) Preparation for December I 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

- Establishment of a facility for rapid response to soaring food prices in developing countries – MITCHELL report – 2008/0149 (COD)

The Commission approved the line set out in SP(2008)6934 and /2.

ii) Preparation for Conciliation Committee meeting (Brussels, 8 December)

(point 1.4 of the IRG record)

- Amendment of Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system (Directive) / Fundamental principles governing the investigation of accidents in the maritime transport sector and amending Directives 1999/35/EC and 2002/59/EC (Directive) / Liability of carriers of passengers by sea and inland waterways in the event of accidents (Regulation) / Port State control (recast – Directive) / Common rules and standards for ship inspection and survey organisations and the relevant activities of maritime administrations (recast - Directive) – STERCKX / KOHLÍČEK / COSTA / VLASTO / DE GRANDES PASCUAL reports – 2005/0239 (COD) / 2005/0240 (COD) / 2005/0241 (COD) / 2005/0238 (COD) / 2005/0237 (COD)

The Commission authorised Mr TAJANI to pursue contacts with Parliament and the Council in order to reach agreement on a joint draft at the Conciliation Committee meeting on 8 December, following the line set out in SPI(2008) 107.

iii) Preparation for the meeting of the Permanent Representatives Committee I (COREPER I) (Brussels, 3 December)

(point 1.5 of the IRG record)

- Adaptation of a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC, as amended by Decision 2006/512/EC, with regard to the regulatory procedure with scrutiny - Part Four (Regulation) – SZAJER report – 2008/0032 (COD)

The Commission approved the line set out in SPI(2008)114.

17.2. RELATIONS WITH THE COUNCIL

iv) Programming of Council business

(SI(2008)1387)

The Commission took note of the information in SI(2008)1387 on the Council meetings between 27 November and 10 December.

v) Results of the Economic and Financial Affairs Council (Brussels, 2 December)

The PRESIDENT reported that the European economic recovery plan proposed by the Commission had been favourably received at the recent Economic and Financial Affairs Council. Mr ALMUNIA would shortly be circulating an information note on that meeting. The PRESIDENT noted that there was no credible alternative to what was an ambitious proposal and that the Member States needed to act within the European framework. In this context he told the Commission Members that they should not hesitate to communicate on this initiative.

Mr VERHEUGEN agreed with this analysis and reported on the agreement that had been reached at the last Competitiveness Council meeting on the objectives and measures proposed by the Commission.

17.3. RELATIONS WITH PARLIAMENT

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

(point 3.5.2 of the IRG record)

The Commission approved document SP(2008)6975 on the action taken on Parliament's non-legislative resolutions adopted at its October I part-session, for transmission to Parliament.

17.4. RELATIONS WITH THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, THE COMMITTEE OF THE REGIONS, THE EUROPEAN OMBUDSMAN AND NATIONAL PARLIAMENTS

vii) Action taken on opinions of the European Economic and Social Committee – Second quarter 2008

(point 4.1 of the IRG record)

The Commission approved the replies to the opinions adopted by the Economic and Social Committee during the second quarter of 2008 as set out in SC(2008)43/2, for transmission to the Economic and Social Committee.

17.5. OTHER BUSINESS

viii) Hedge funds and private equity - RASMUSSEN report – 2007/2238 (INI)

(SEC(2008)3012)

The Commission took note of the information note from Mr McCREEVY in SEC(2008)3012.

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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 12.18.