



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2008) 1856 final

Prague, 7 January 2009

MINUTES
of the 1856th meeting of the Commission
held in Strasbourg
(Winston Churchill)
on Tuesday 16 December 2008
(afternoon)

PV(2008) 1856 final

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Single sitting: Tuesday 16 December (afternoon)

The sitting opened at 13.50 with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	President	
Ms WALLSTRÖM	Vice-President	Items 16 (in part) to 19
Mr VERHEUGEN	Vice-President	
Mr BARROT	Vice-President	
Mr KALLAS	Vice-President	Items 1 to 17 (in part)
Mr TAJANI	Vice-President	
Ms REDING		
Mr DIMAS		Items 1 to 16 (in part)
Mr ALMUNIA		
Ms HÜBNER		
Mr BORG		
Ms GRYBAUSKAITĖ		
Mr POTOČNIK		
Mr FIGEL'		Items 1 to 16 (in part)
Mr REHN		
Mr MICHEL		Items 1 to 16 (in part)
Mr KOVÁCS		
Ms KROES		
Ms FISCHER BOEL		
Mr McCREEVY		Items 1 to 17 (in part)
Mr ŠPIDLA		Items 1 to 17 (in part)
Mr PIEBALGS		Items 1 to 16 (in part)
Ms KUNEVA		
Mr ORBAN		
Baroness ASHTON		

Absent:

Ms FERRERO-WALDNER

Ms VASSILIOU

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

Ms ARP	Member of Ms FERRERO-WALDNER's staff
Mr SEVERIS	Member of Ms VASSILIOU's staff

The following also sat in:

Mr VALE DE ALMEIDA	Chef de cabinet to the PRESIDENT	
Ms DURAND	Director-General, Legal Service	
Mr JORNA	DG Communication	
Mr LAITENBERGER	Commission Spokesman	
Mr GASPAR	Acting Director-General, Bureau of European Policy Advisers	Items 1 to 17 (in part)
Mr CABRAL	Adviser <i>hors classe</i> in the PRESIDENT's office	Items 1 to 18 (in part)
Mr MORDUE	Deputy Chef de cabinet to Mr VERHEUGEN	Items 1 to 17
Mr KOSSEY	A member of Mr FIGEL's staff	Items 16 (in part) to 19
Mr FRIIS	A member of Ms FISCHER BOEL's staff	
Ms SCHREIBER	Chef de cabinet to Mr ŠPIDLA	

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

1. AGENDAS

(OJ(2008)1856/3; SEC(2008)3035/3)

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)1856)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 15 December.

**3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1855th MEETING
(10 DECEMBER)**

(PV(2008)1855; PV(2008)1855, PART II AND /2)

The Commission approved the minutes of its 1855th meeting.

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

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2008)3037 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 8 and 12 December.

4.2. EMPOWERMENT

(SEC(2008)3038 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 8 and 12 December.

4.3. DELEGATION AND SUBDELEGATION OF POWERS

(SEC(2008)3039 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 8 and 12 December, as archived in e-Greffe.

4.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2008)3040 TO /3)

The Commission took note of the sensitive written procedures for which the time limit expired between 15 and 23 December and of the "finalisation" written procedures initiated following the weekly meeting of Chefs de cabinet on 8 and 15 December.

**4.5. AD HOC EMPOWERMENT CONCERNING MEASURES TO BE
ADOPTED IN THE EVENT OF THE COUNCIL'S FAILING TO ACT,
FIXING FOR 2009 THE FISHING OPPORTUNITIES AND
ASSOCIATED CONDITIONS FOR CERTAIN FISH STOCKS AND
GROUPS OF FISH STOCKS, APPLICABLE IN COMMUNITY WATERS
AND, FOR COMMUNITY VESSELS, IN WATERS WHERE CATCH
LIMITATIONS ARE REQUIRED**

(SEC(2008)3099)

The Commission decided to empower Mr BORG, Commission Member responsible for Fisheries and Maritime Affairs, in agreement with the PRESIDENT, to adopt, on behalf of the Commission and under its responsibility, certain measures concerning the TACs and quotas for 2009

under the common fisheries policy, according to the terms laid down in SEC(2008) 3099.

**4.6. AD HOC EMPOWERMENT CONCERNING THE COMMUNICATION FROM THE COMMISSION ON THE TEMPORARY FRAMEWORK FOR STATE AID MEASURES TO SUPPORT ACCESS TO FINANCE IN THE CURRENT FINANCIAL AND ECONOMIC CRISIS
(SEC(2008)3077/3; SEC(2008)3096)**

The Commission noted that the decision on the Communication from the Commission on the temporary framework for state aid measures to support access to finance in the current financial and economic crisis, available in English, would be taken by "finalisation" written procedure on Wednesday 17 December (PE/2008/9054 – C(2008)8727). It decided to empower Ms KROES, Commission Member responsible for Competition, in agreement with the PRESIDENT, to adopt the communication formally, following revision by the legal revisers, in all the official languages, once the "finalisation" written procedure had been completed.

**5. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2008)3036)**

**ADMINISTRATIVE MATTERS
(PERS(2008)164)**

**5.1. DG EXTERNAL RELATIONS – APPOINTMENT OF AD14/15 HEAD OF DELEGATION
(PERS(2008)111 TO /7)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Head of the Commission Delegation in Nicaragua in the Directorate-General for External Relations (PERS(2008)111, /2 /3, /5 and /6).

The Commission took note of the opinions of the Consultative Committee on Appointments of 2 and 27 November 2008 (PERS(2008)111/4 and /7).

The Commission proceeded to consider the applicant's qualifications for the post. It also considered the applicant's ability, efficiency and conduct in the service. On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms FERRERO-WALDNER, it then decided to appoint Mr Mendel GOLDSTEIN to the vacant post. In accordance with diplomatic practice, this decision was subject to the agreement of the host country.

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

5.2. *DG EXTERNAL RELATIONS – APPOINTMENT OF AD14 HEAD OF DELEGATION*

On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms FERRERO-WALDNER, the Commission decided, under Article 7 of the Staff Regulations, to fill the post of Head of the Commission Delegation in Norway by transferring in the interest of the service Mr Janos HERMAN, an AD14 official, currently Principal Adviser in the Directorate-General for External Relations. In accordance with diplomatic practice, this decision was subject to the agreement of the host country.

The decision would take effect on 1 August 2009.

5.3. *DG INFORMATION SOCIETY AND MEDIA – APPOINTMENT OF AD14 DIRECTOR (PERS(2008)33 TO /6)*

The Commission had before it applications under Article 29(2) of the Staff Regulations for the post of Director, Information and Communication Technologies (ICT) addressing social challenges, in the Directorate-General for Information Society and Media (PERS(2008)33 to /4).

The Commission took note of the opinions of the Consultative Committee on Appointments of 21 October and 6 November 2008 (PERS(2008)33/5 and /6).

The Commission proceeded to consider the applicant's qualifications for the post. On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms REDING, it then decided to appoint Mr Florin LUPESCU to the vacant post.

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

**5.4. DG ENERGY AND TRANSPORT – APPOINTMENT OF AD14
DIRECTOR OF THE TRANS-EUROPEAN TRANSPORT NETWORK
EXECUTIVE AGENCY
(PERS(2008)120 TO /4)**

The Commission had before it an application for the post of Director of the Trans-European Transport Network Executive Agency (PERS(2008)120 and /2).

The Commission took note of the opinions of the Consultative Committee on Appointments of 7 and 27 November 2008 (PERS(2008)120/3 and /4).

The Commission proceeded to consider the applicant's qualifications for the post. On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr TAJANI, the Commission decided:

- to appoint Mr Dirk BECKERS to the post of Director of the Trans-European Transport Network Executive Agency;
- to extend the secondment in the interests of the service of Mr Dirk BECKERS to the post of Director of the Trans-European Transport Network Executive Agency, as an AD14 temporary staff member, for the duration of his term of office until 31 December 2013.

This decision would take effect from 1 January 2009.

5.5. DG EDUCATION AND CULTURE / DG INFORMATION SOCIETY AND MEDIA / EUROPAID – APPOINTMENT OF AD14 DIRECTOR OF THE EDUCATION, AUDIOVISUAL AND CULTURE EXECUTIVE AGENCY(PERS(2008)108 TO /3)

The Commission had before it an application for the post of Director of the Education, Audiovisual and Culture Executive Agency (EACEA) (PERS(2008)108).

The Commission took note of the opinions of the Consultative Committee on Appointments of 17 October and 6 November 2008 (PERS(2008)108/2 and /3).

The Commission proceeded to consider the applicant's qualifications for the post. On a proposal from Mr KALLAS, in agreement with the PRESIDENT, Mr FIGEL', Ms REDING and Ms FERRERO-WALDNER, the Commission decided:

- to appoint Mr Gilbert GASCARD to the post of Director of the Education, Audiovisual and Culture Executive Agency;
- to extend the secondment in the interests of the service of Mr Gilbert GASCARD to the post of Director of the Education, Audiovisual and Culture Executive Agency as an AD14 temporary staff member, until 31 December 2013.

This decision would take effect from 1 January 2009.

5.6. DG ENLARGEMENT – EXTERNAL PUBLICATION OF A VACANCY NOTICE FOR AN AD15 DEPUTY DIRECTOR-GENERAL (EU-6) (PERS(2008)165)

On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr REHN, the Commission decided to authorise the publication, under Article 29(2) of the Staff Regulations, of the vacancy notice in PERS(2008)165 for the post of Deputy Director-General, DG Enlargement.

This decision would take effect immediately.

**5.7. DG ENLARGEMENT – RECRUITMENT AND CLASSIFICATION OF
TEMPORARY STAFF OF THE "CLOSURE CELL" SET UP TO WIND
UP THE ACTIVITIES OF THE EUROPEAN AGENCY FOR
RECONSTRUCTION
(C(2008)8646; SEC(2008)3089; SEC(2008)3090)**

The Commission took note of the information in point 7 of PERS(2008)164 and, on a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr REHN, decided:

- to authorise the recruitment of five temporary staff members for the "closure cell", according to the terms and conditions set out in C(2008) 8646;
- to authorise the Director-General for Enlargement to sign a service-level agreement with the Office for the Administration and Payment of Individual Entitlements and the Memorandum of Understanding with the European Agency for Reconstruction, set out in SEC(2008)3089 and SEC(2008)3090.

These decisions would take effect immediately.

**5.8. SECRETARIAT-GENERAL / DG COMMUNICATION / DG BUDGET –
AMENDMENT OF ORGANISATION CHARTS
(SEC(2008)3091; SEC(2008)3092; SEC(2008)3093)**

The Commission took note of the information in point 8 of PERS(2008)164 and, on a proposal from Mr KALLAS, in agreement with the PRESIDENT, Ms WALLSTRÖM and Mr GRYBAUSKAITE, decided:

- to transfer Unit SG.C.3 "Publications and General Report" to the Directorate-General for Communication as a new Unit, COMM.C.4;
- to transfer Unit BUDG.B.5 "Evaluation" to the Secretariat-General as a

new Unit, SG.C.3;

- to create a new Unit, SG.01 "Briefings and Information";
- to split Unit SG.B.1 "Administrative modernisation" into a new Unit, SG.B.1 "Activity-based management; financial and administrative programming", and a new temporary unit, SG.B.5 "Documentary policy";
- The new organisation charts of the three services concerned were set out in SEC(2008)3091, SEC(2008)3093 and SEC(2008)3092.

This decision would take effect from 16 January 2009.

5.9. DG PERSONNEL AND ADMINISTRATION – SPECIAL ADVISERS TO COMMISSION MEMBERS – 1 APRIL 2008 TO 31 MARCH 2009 (PERS(2008)166)

The Commission took note of the information at point 9 of PERS(2008)164 and, on a proposal from Mr KALLAS, in agreement with the PRESIDENT, decided:

- to authorise Mr KALLAS to adopt the list of special advisers to Commission Members set out in PERS(2008)166;
- to authorise the Director-General for Personnel and Administration to implement that decision by signing contracts of employment on behalf of the authority empowered to conclude contracts of employment.

This decision would take effect from 1 December 2008.

5.10. PROMOTION OF SENIOR MANAGEMENT OFFICIALS – 2008 ROUND

The Commission noted the procedure followed, as set out at point 10 of PERS(2008)164, and, on a proposal from Mr KALLAS, in agreement with the PRESIDENT, decided:

- to promote Mr Matthias RUETE and Mr Lars HOELGAARD to grade AD16 with effect from 1 September 2008;
- to promote Mr Michel GLAUDE, Mr Stephen HUTCHINS, Mr Francisco MERCHÁN CANTOS, Ms Odile RENAUD-BASSO, Mr Stefano SANNINO and Mr Gabor ZUPKO to grade AD15 with effect from 1 September 2008.

**5.11. 2006-2009 MOBILITY PLAN FOR COMMISSION STAFF IN
BRUSSELS – MID-TERM REPORT
(SEC(2008)3094)**

The Commission took note of the mid-term report in SEC(2008)3094.

**6. COMMISSION REPORT TO THE EUROPEAN PARLIAMENT, THE
COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE
AND THE COMMITTEE OF THE REGIONS ON THE
IMPLEMENTATION OF THE COMMUNITY LISBON PROGRAMME
2008-2010
(COM(2008)881 TO /3; SEC(2008)3051)**

The Commission approved the report in COM(2008)881/3, for transmission to Parliament, the Council, the Economic and Social Committee, the Committee of the Regions, and to the national parliaments.

**7. THE SINGLE MARKET REVIEW: ONE YEAR ON
(SEC(2008)3064 AND /2; SEC(2008)3051)**

**MONITORING OF THE SINGLE MARKET – STATE OF PLAY AND
ENVISAGED FOLLOW-UP
(SEC(2008)3074 AND /2; SEC(2008)3051)**

The Commission took note of staff papers SEC(2008)3064/2 and SEC(2008)3074/2, for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, and to the national parliaments.

**8. REPORT FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND
SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS ON
MARKET ACCESS AND THE SETTING OF A FRAMEWORK FOR MORE
EFFECTIVE INTERNATIONAL REGULATORY COOPERATION –
EXTERNAL DIMENSION OF THE LISBON STRATEGY FOR GROWTH
AND JOBS
(COM(2008)874 TO /4; SEC(2008)3051)**

The Commission approved the report in COM(2008)874/4, for transmission to Parliament, the Council, the Economic and Social Committee, the Committee of the Regions, and to the national parliaments.

**9. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND
SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS –
COHESION POLICY: INVESTING IN THE REAL ECONOMY
(COM(2008)876 TO /3; SEC(2008)3051)**

The Commission approved the communication in COM(2008)876/3 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, and to the national parliaments.

**10. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – AN UPDATED STRATEGIC FRAMEWORK FOR EUROPEAN COOPERATION IN EDUCATION AND TRAINING
(COM(2008)865 TO /4; SEC(2008)3047; SEC(2008)3048, SEC(2008)3049; SEC(2008)3051)**

The Commission approved the communication in COM(2008)865/4 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, and to the national parliaments, together with the impact study and the summary thereof in staff papers SEC(2008)3047 and SEC(2008)3048, 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)3049.

**11. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS - NEW SKILLS FOR NEW JOBS: ANTICIPATING AND MATCHING LABOUR MARKET AND SKILLS NEEDS
(COM(2008)868 TO /3; SEC(2008)3058 AND /2; SEC(2008)3051)**

The Commission approved the communication in COM(2008)868/3, for transmission to Parliament, the Council, the Economic and Social Committee and

the Committee of the Regions, and to national parliaments, together with staff paper SEC(2008)3058/2, the contents of which were noted.

12. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EC) NO 1927/2006 ON ESTABLISHING THE EUROPEAN GLOBALISATION ADJUSTMENT FUND

(COM(2008)867 TO /4; SEC(2008)3055; SEC(2008)3056; SEC(2008)3057; SEC(2008)3051)

The Commission adopted the proposal for a Regulation in COM(2008)867/4 for transmission to 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)3055 and SEC(2008)3056, the contents of which were noted.

It also took note of the opinion of the Impact Assessment Board on the above proposal for a Regulation, as set out in SEC(2008)3057.

13. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COURT OF AUDITORS - TOWARDS A COMMON UNDERSTANDING OF THE CONCEPT OF TOLERABLE RISK OF ERROR

(COM(2008)866 TO /4; SEC(2008)3054 AND /2; SEC(2008)3081)

The Commission:

- approved the communication in COM(2008)866/4 for transmission to Parliament, the Council and the Court of Auditors, and to the national parliaments, together with working paper SEC(2008)3054/2, the contents of which were noted;

- encouraged its departments to pursue the interinstitutional discussions on tolerable risk with a view to preparing the ground for a formal Commission proposal on the tolerable risk levels for policy areas for which this approach was deemed appropriate.

**14. COMMUNICATION TO THE COMMISSION ON THE ALLOCATION OF HUMAN RESOURCES AND DECENTRALISED ADMINISTRATIVE APPROPRIATIONS FOR 2009
(SEC(2008)3053 TO /3; SEC(2008)3052)**

The Commission adopted the communication in SEC(2008)3053/3.

**15. TRENDS IN THE MEMBER STATES
(SEC(2008)3085)**

The Commission took note of the information from Ms WALLSTRÖM in SEC(2008)3085.

**16. INTERINSTITUTIONAL RELATIONS
(SEC(2008)3061)**

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 12 December (SEC(2008)3061).

It paid particular attention to the following points.

16.1. LEGISLATIVE MATTERS

- i) Codecision procedure**
(Item 1.2 of the IRG record)

Dossiers at first reading

- Improving and extending the Community's greenhouse gas emission allowance trading scheme (Directive) / Efforts to be made by Member States to reduce their greenhouse gas emissions to meet the Community's commitments to reduce these emissions up to 2020 (Decision) / Geological storage of carbon dioxide (Directive) / Promotion of the use of energy from renewable sources – DOYLE / HASSI / DAVIES / TURMES reports – 2008/0013 (COD) / 2008/0014 (COD) / 2008/0015 (COD) / 2008/0016 (COD)
- Emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO₂ emissions from light-duty vehicles (Directive) – SACCONI report – 2007/0297 (COD)
- Specifications of petrol, diesel and gas-oil and introduction of a mechanism and reduce greenhouse gas emissions from the use of road transport fuels, and specifications of fuel used by inland waterway vessels (Directive) – CORBEY report – 2007/0019 (COD)

The Commission approved the lines set out in SP(2008)7438, SP(2008)7437, SP(2008)7436, SP(2008)7435, SP(2008)7439 and SP(2008)7440.

ii) Preparation for December II 2008 part-session of Parliament

(Item 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 considered the following in particular:

Codecision – 2nd reading

- Organisation of working time (Directive) – CERCAS report – 2004/0209 (COD)

The Commission approved the line set out in SP(2008)7287.

Codecision – 1st reading

- Amendment of Directive 94/19/EC on Deposit Guarantee Schemes as regards the coverage level and the payout delay (Directive) – EHLER report – 2008/0199 (COD)

The Commission approved the line set out in SP(2008)7097/2.

- Safety of toys (Directive) – THYSSEN report – 2008/0018 (COD)

Further to document SPI(2008)122, approved at its meeting on 10 December, the Commission approved the line set out in document SP(2008)7386.

- Securities transactions and financial collateral arrangements (Directive) – KAUPPI report – 2008/0082 (COD)

The Commission approved the line set out in SP(2008)7096/4.

iii) Preparation of agreements at second reading

(Item 1.4 of the IRG record)

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

The Commission approved the line set out in SPI(2008)128/2 and /3.

- Framework for Community action to achieve a sustainable use of pesticides (Directive) – KLASS report – 2006/0132 (COD)

The Commission authorised Mr DIMAS to pursue contacts with Parliament and the Council in order to reach agreement at second reading following the

line set out in SPI(2008)129 and /2.

iv) Preparation of agreement at first reading

(Item 1.5 of the IRG record)

- Coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) (Directive – recast) – KLINZ report – 2008/0153 (COD)

The Commission authorised Mr McCREEVY to support the final compromise in order to reach agreement at first reading following the line set out in SPI(2008)130.

- Placing on the market and use of feed – GRAEFE ZU BARINGDORF report – 2008/0050 (COD)

The Commission authorised Mr VASSILIOU to pursue contacts with Parliament and the Council in order to reach agreement at first reading following the line set out in SPI(2008)133.

**v) Preparation for Council meeting (Agriculture and Fisheries)
(Brussels, 18 and 19 December)**

(Item 1.6 of the IRG record)

- TACs and quotas for 2009 – fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required (Council Regulation)

The Commission authorised Mr BORG to accept at the Council meeting (Agriculture and Fisheries) on 18 and 19 December a Presidency compromise which might be adopted by qualified majority, along the lines set out in SI(2008)1411/2.

- Multiannual plan for the stock of herring distributed to the West of Scotland and the fisheries exploiting that stock (Council Regulation) – STEVENSON report – 2008/0091 (CNS)

The Commission authorised Mr BORG to accept at the Council meeting (Agriculture and Fisheries) on 18 and 19 December a Presidency compromise which might be adopted by qualified majority, along the lines set out in SI(2008)1412.

vi) Interinstitutional Agreement on budgetary discipline and sound financial management, and the multiannual financial framework

The Commission authorised Ms GRYBAUSKAITĖ to sign, on behalf of the Commission, the revised Interinstitutional Agreement, and to endeavour to facilitate an agreement between the two arms of the budgetary authority on the revision of the multiannual financial framework at the next dialogue.

16.2. RELATIONS WITH THE COUNCIL

vii) Programming of Council business
(SI(2008)1413)

The Commission took note of the information in SI(2008)1413 on the Council meetings between 11 and 19 December.

viii) Results of the meeting of the European Council (Brussels, 11 and 12 December 2008)

The PRESIDENT reported on the European Council meeting on 11 and 12 December in Brussels. He considered that the results of this meeting had been excellent given the three major objectives achieved with regard to energy and the fight against climate change, the Treaty of Lisbon and the recovery plan to address the difficulties caused by the financial and economic crisis.

He pointed out in particular that this outcome marked an important success for the Commission, since the decisions taken were in line with the gist of its proposals. Indeed, the European Council's conclusions in some cases marked the successful conclusion of several years' work on the part of the Commission and its departments, and in others endorsed recent initiatives adopted in response to the changing economic situation.

However, referring more specifically to the discussions at the working dinner of the Heads of State or Government on 11 December, the PRESIDENT noted the tendency of the Member States, in the context of the economic crisis, to become somewhat inward-looking, prioritising their own national interests.

The Member States had emphasised their determination to speed up investment projects, whether financed out of the Community budget or national budgets, but had at the same time expressed concerns regarding the time that might be taken by the Commission's decision-making procedures in this context, whether in the field of State aid, assessment of environmental effects, public procurement rules or the Structural Funds. In this regard, proposals for certain changes in the de minimis rules and the rules on public procurement had been agreed upon at the European Council, the final wording having been proposed by the Commission.

While reiterating the Commission's determination to safeguard the internal market and Community competition policy, the PRESIDENT accordingly stressed the need to minimise the time needed to handle dossiers and called on the Commission Members to set up crisis task forces in their departments which would be responsible for speeding up procedures in order to respond to the exceptional current circumstances; for reporting, at an early stage, any difficulties arising with regard to measures adopted by Member States; and for supplying all the necessary explanations. In any event he called on the Commission Members to report as quickly as possible on any procedural problems or delays arising as a result of action by the Member States.

The PRESIDENT acknowledged that 2009 looked set to be a difficult one, owing to the approach of the European elections and to the economic crisis, and said that the Commission seminar planned for January would among other things provide an opportunity to discuss the best strategy to address these issues. He asked the Commission Members to keep him closely informed in the coming months of the follow-up of the main dossiers so that the handling of these issues could be discussed by the whole Commission with maximum coordination.

He ended by reiterating his concern that some Member States questioned the need to preserve the rules of the internal market and the stability and growth pact, since the perception of the depth of the crisis and the need to respond to it urgently could lead them to focus on purely national and short-term solutions. He himself had made the point strongly that the Community's areas of competence and the internal market must be preserved.

With regard to the concrete results of the European Council and the follow-up to be given to these results, the PRESIDENT referred first to the economic recovery plan and the need for action to be taken in order to speed up disbursement of funds from the Community budget in 2009, in particular by developing projects to use unspent appropriations. He stressed that the European Council's conclusions were clear in this regard and that it was time to draw up a detailed list of projects to be financed.

He spoke also of the means to be employed to facilitate investments by Member States, and the need to assess the national recovery plans and their conformity with the coordinated Community framework. This was a political exercise and the agreement reached at the European Council had validated the proposed approach of a partnership with the Member States. The Commission must act constructively and support recovery efforts provided that they were in line with the fundamental rules set out in the Treaty.

Concerning the set of measures aimed at fighting climate change, progress needed to be made on two fronts: on the one hand at Community level, by

translating the political agreement into legal instruments, and on the other on the international front. The European Union had a key role to play in this context on the international stage, having led the way with its targets and legal instruments, which should put it in a favourable position in the negotiations. He reminded the meeting that a policy debate was to be held in January on the approach to be taken in the run-up to the Copenhagen conference.

Turning to the Eastern Partnership, he highlighted the Council's support for the Commission's proposals, which he expected to be formally approved at the March European Council. He also highlighted the important implications of this project in areas such as energy security policy and relations with Russia.

Turning, lastly, to the Treaty of Lisbon, he acknowledged that the discussions with a view to reaching agreement on this issue had been very difficult and that caution was still necessary pending the results of the second Irish referendum. He therefore proposed returning to this subject at the beginning of 2009 in order to consider ways of contributing to a favourable outcome.

He ended by emphasising the intensity of discussions at this Council and the exceptionally far-reaching nature of its conclusions, but also the risks that remained for the coming period.

The Commission applauded the exceptional quality of the work done by the Commission departments on all the topics dealt with in the European Council's conclusions, and especially those concerned with the financial and economic crisis, and also mentioned the following aspects:

General matters

- the successes achieved by this European Council and the momentum thus given for 2009 to three key issues;
- the role played by the French Presidency and its close and constructive collaboration with the Commission and its President;

- at the same time, the challenges for the European dimension posed by the current crisis and the difficulty of predicting how events would develop in 2009;
- the trends perceived in favour of an intergovernmental approach, and the Commission's responsibility to preserve the cohesion of the Community system and solidarity between the Member States;
- the regrettable tendency to try to lay the blame for certain difficulties at the door of the Commission;
- in this context, the importance of positive communication of the results achieved and the need to consider as quickly as possible what further means could be employed to this end;
- how each Commission Member could contribute to this communication drive in his or her country of origin;
- the role that could be played by the Commission in stimulating the public debate in the lead-up to the 2009 European elections;

Concerning the energy/climate package

- the historic nature of the agreement reached on the set of energy/climate change measures, the exceptionally ambitious scope of these measures and the need for effective external communication on the crucial milestone which had thereby been passed;
- the potential benefits to Member States of switching to a low-carbon economy, particularly in terms of research and employment, but also because of the contribution it would make, through the Clean Development Mechanism, to reducing world greenhouse gas emissions;
- the new possibilities of reaching international agreement, particularly given the change in the American administration; the confirmation by all

the governments represented at Poznań of their determination to reach agreement at Copenhagen;

Concerning the recovery plan

- the high-level political commitment secured to release 5 billion euros of unused appropriations, but also the nature of the conclusions on this point, the uncertainty concerning the time needed to examine the proposal, and the fact that the agreement was subject to presentation of a list of specific projects;

Concerning the need to ensure consistency between the efforts to be made by the Member States and those at Community level

- the need for efforts to reduce the administrative burden in the Member States to be accompanied by a similar effort within the Commission itself;
- the need for the Commission to show flexibility in applying Community rules, particularly in the field of public procurement, but at the same time for Member States to respect the Community framework so as not to jeopardise the future of this framework.

The PRESIDENT closed the discussion by stressing once again that the conclusions of this European Council constituted a great success, while also recognising the political difficulties ahead. He considered that attention should be focused on the results obtained, emphasising in particular the exceptionally ambitious scope of the energy and climate change package endorsed by the European Council. He also pointed out that such impressive results would almost certainly not have been possible without the high quality and coherence of the Commission's proposals and the dynamism of the French Presidency and stressed the added value of good coordination between the work of the Council and that of the Commission.

As regards the political agreement which had been reached with difficulty on the principle of releasing 5 billion euros of unused appropriations, he relied on

all the Commission members to prepare and promote high-quality projects capable of winning support.

He concluded with a reminder that the January seminar would provide the opportunity to discuss the strategic positions to be adopted for 2009, as well as the Commission's record for the period 2004-2009.

The Commission took note of this information and these conclusions.

16.3. RELATIONS WITH PARLIAMENT

ix) Preparations for the December II part-session of Parliament – Oral questions

(point 3.4 of the IRG record)

H-0880/08, H-0882/08, H-0884/08, H-0886/08, H-0887/08, H-0889/08, H-0890/08, H-0891/08, H-0892/08, H-0894/08, H-0896/08, H-0898/08, H-0900/08, H-0902/08, H-0904/08, H-0905/08, H-0907/08, H-0909/08, H-0911/08, H-0913/08, H-0914/08, H-0915/08, H-0917/08, H-0918/08, H-0919/08, H-0922/08, H-0923/08, H-0924/08, H-0926/08, H-0927/08, H-0928/08, H-0929/08, H-0930/08, H-0932/08, H-0933/08, H-0934/08, H-0935/08, H-0937/08, H-0938/08, H-0939/08, H-0941/08, H-0942/08, H-0943/08, H-0944/08, H-0948/08, H-0950/08, H-0951/08, H-0952/08 (jointly with H-0955/08), H-0953/08, H-0954/08, H-0957/08, H-0960/08, H-0962/08, H-0964/08, H-0966/08, H-0967/08

The Commission approved the draft answers set out in SP(2008)7297 and /2, 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)7297/3 *et seq.*

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

(point 3.5.2 of the IRG record)

The Commission approved the documents SP(2008)7292 and /2 on the action taken on the non-legislative resolutions adopted by Parliament at its October II part-session, for transmission to Parliament.

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

(point 3.5.3 of the IRG record)

The Commission approved document SP(2008)7295 on the action taken on Parliament's legislative opinions and non-legislative resolutions adopted at its November part-session, for transmission to Parliament.

**17. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN COUNCIL, THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS ON THE IMPLEMENTATION OF THE LISBON STRATEGY FOR GROWTH AND JOBS IN THE CONTEXT OF THE EUROPEAN ECONOMIC RECOVERY PLAN
(COM(2008)900 AND /2)**

The PRESIDENT introduced the package of texts on the implementation of the Lisbon strategy for growth and jobs (see also items 6 to 12 of these minutes). This contained several initiatives relating to essential policy areas, such as employment and skills and cohesion policy. He noted with satisfaction the positive results recorded in the report on the implementation of the Community Lisbon programme. He also mentioned the first annual report on market access, an initiative aimed at reinforcing the external dimension of the Lisbon strategy which had been welcomed by the spring European Council. Finally, he referred to the proposal to facilitate the use of the European Globalisation Adjustment Fund, the main purpose of which was

to provide additional help to workers laid off as a result of the economic crisis. He thanked all the Members of the Commission involved in the preparation of these initiatives, in particular Mr VERHEUGEN, Mr ALMUNIA, Ms HÜBNER, Baroness ASHTON, Mr ŠPIDLA and Mr FIGEL', as well as their respective departments. As all of these documents had been approved by the whole Commission, he suggested that the debate focus on the annual assessment of progress by the Member States in implementing the Lisbon strategy for growth and jobs.

The PRESIDENT noted that at the moment the main challenge for the European economic recovery plan was to ensure the necessary coordination, particularly between Member States. This needed to be done using two main instruments: the Stability and Growth Pact and the Lisbon strategy for growth and jobs. For this reason, the individual reports containing strategic recommendations for each Member State consisted of two parts: (i) a structural part which linked the measures proposed in the short term to the medium-term structural reforms under the Lisbon strategy, and (ii) an update of the Member States' convergence and stability programmes to reflect the political commitment of the Heads of State and Government to the European economic recovery plan.

The PRESIDENT considered two possible approaches to the second of these components: the first would be to ask the Member States to update their programmes by including the measures already undertaken to counteract the economic slowdown, but without at this stage passing judgment on the progress made or the merits of the measures; the second would be to include an assessment of the packages of measures proposed by the Member States already at this stage, and to make recommendations based on this assessment. He felt that such an approach would be inappropriate at the present time, given the vital importance of preserving the consensus and unity among the Heads of State and Government on the European economic recovery plan proposed by the Commission at the last European Council. However, he did recommend starting to lay the basis for effective coordination in a spirit of partnership at the beginning of next year.

He was consequently in favour of maintaining the country reports in their current

form if they had to be published immediately, but suggested that their adoption be postponed for a few weeks pending the publication of the revised stability and convergence programmes in the Member States. He put this proposal to the Commission for discussion.

The PRESIDENT mentioned two other subjects on which the Commission needed to decide: the legal form of the communication and whether or not the integrated guidelines on growth and jobs needed to be amended in the light of the current exceptional circumstances. He also asked the Members of the Commission to comment on the contents of the country reports, handing the floor first to Mr ŠPIDLA, Mr VERHEUGEN and Mr ALMUNIA.

Mr ŠPIDLA began by welcoming the document, which he felt was balanced and clearly set out the long-term strategy needed to weather the crisis. As regards the country reports, he recommended maintaining the legal form that applied during the previous round in order both to stimulate debate with the Member States and to underline the Commission's leading role in this time of crisis. He maintained an open mind on the timing of the decision, but pointed out that some Member States had indicated that they were awaiting the country reports with interest, so the communication should be adopted in the course of January at the latest. He would agree to amending the integrated guidelines if that was the majority view.

Mr VERHEUGEN agreed that the communication sent out a clear political message, highlighting the relevance of the Lisbon strategy for growth and jobs despite the economic crisis, and successfully combined the short-term measures of the economic recovery plan with the structural reforms of the Lisbon strategy. Referring to the report on the implementation of the Community Lisbon programme, he welcomed the fact that the actions it proposed had been launched and implemented and, in many cases, completed. He pointed to the success of the partnership method, which had proved its worth in the context of structural reforms. He also mentioned the first report on market access and thanked Baroness ASHTON and the PRESIDENT for their efforts.

Mr VERHEUGEN agreed on the need to postpone adoption of the country reports,

which were likely to become obsolete in the near future, and suggested the next European Council meeting in spring 2009 as a suitable deadline. However, he favoured using the same partnership approach for the country reports as that adopted for the entire Lisbon strategy. Finally, he felt that the integrated guidelines, as they stood, contained all of the requisite provisions, and the progress achieved here should not be jeopardised.

Mr ALMUNIA noted that the measures concerned the three pillars of the Lisbon strategy for growth and jobs: the macroeconomic and microeconomic aspects and the social dimension, particularly employment. The European Union was facing major changes in the medium and long term in these three dimensions, which called for a revision of the strategy to include the economic recovery plans in the country reports and for the updated stability and convergence programmes to be taken into account, all of which suggested the need for a postponement of the adoption of the country reports. He also stressed the need for a differentiated approach to budgetary policy aspects at Member State level, while still ensuring coordination and coherence in the context of the European economic recovery plan. On the question of the integrated guidelines, he agreed on the importance of taking into account the major developments, particularly in the macroeconomic area and employment. Parliament had also recommended as much, and the matter would, in any case, ultimately be for the Council to decide.

After these statements, the Commission held a brief exchange of views during which the following points were raised:

- the need to postpone the adoption of the country reports in order to have a comprehensive overview of the macroeconomic, microeconomic and social situation, and, if necessary, to reinforce the recommendations to the Member States;
- the need to base the adoption of the country reports on Article 99 of the Treaty, which did not rule out different policy choices, but ensured the closer coordination necessary in times of crisis and a leading role for the Commission in encouraging Member States to introduce the desired structural reforms;

- the need to amend the integrated guidelines in order to take account of the realities of the economic crisis, but without compromising the goal of structural reforms in the long term.

The PRESIDENT concluded by noting the Commission's support for postponing the adoption of the country reports. He therefore recommended that the issue of the legal form and any changes to the integrated guidelines on growth and jobs be re-examined in January 2009, once all of the updated elements were available.

The Commission therefore decided to postpone the adoption of the communication in COM(2008)900/2, and the accompanying document distributed as COM(2008)900/2 (volume II), until a later date.

18. RELATIONS WITH NON-MEMBER COUNTRIES

18.1. VISIT TO THE AFRICAN GREAT LAKES REGION (10-12 DECEMBER) (SEC(2008)3100)

The Commission took note of the information note from Mr MICHEL in SEC(2008)3100.

18.2. DOHA DEVELOPMENT AGENDA – STATE OF PLAY IN NEGOTIATIONS

Baroness ASHTON reported on the latest developments in the Doha Round negotiations under the auspices of the World Trade Organisation. She highlighted in particular the probable decision by Mr Pascal Lamy not to convene before the end of the year the ministerial meeting to finalise the detailed arrangements on agriculture and market access for non-agricultural products. Two subjects of negotiations were still outstanding – sectoral action and the details of the Special Safeguard Mechanism. Following the consultations she had had with authorities and stakeholders in the United

States, she felt that account should also be taken of the fact that the US administration was in transition. However, she assured the meeting that the delay should last no more than a few months.

Ms FISCHER BOEL agreed that the ministerial meeting should be postponed, given the positions of the various parties at this stage. She stressed, however, that certain important issues would have to be addressed sooner, for example the arrangements applicable to the import, sale and distribution of bananas.

The Commission took note of this information.

18.3. *STRATEGY FOR ENLARGEMENT – MONTENEGRO*

Mr REHN informed the Commission that Montenegro had submitted a formal application to join the European Union. The President-in-Office of the Council had taken the opportunity to highlight the stabilising role of the European perspective in the western Balkans. Mr REHN noted that, if the Council gave a favourable response, the Commission was prepared to set the procedure in motion and draw up a recommendation, working in coordination with the forthcoming Council Presidency.

The Commission took note of this information.

19. OTHER BUSINESS

ECONOMIC SITUATION IN LATVIA

Mr ALMUNIA spoke about the preparations for a package of financial assistance to Latvia from the European Union, in coordination with the International Monetary Fund and various bilateral and multilateral donors, including in particular the Nordic countries. Latvia was experiencing major and pressing macroeconomic problems and its banking sector was under severe pressure because of the economic crisis. Stressing the extreme urgency of responding to Latvia's macroeconomic difficulties, Mr ALMUNIA noted that the EU assistance would be granted subject to certain

conditions, which would be closely monitored by the Commission in the months ahead: Latvia would have to make major commitments in terms of economic policy. He also referred to the need to have adequate resources to manage this type of intervention.

Following this presentation, the Commission held a brief exchange of views on, among other things, the economic outlook in other EU countries in the context of the crisis and the risk that certain other Member States might also have to resort to financial assistance mechanisms.

Winding up, the PRESIDENT highlighted the importance of delivering this EU financial assistance to Latvia, noting the significant amounts involved.

Having taken note of this information, the Commission authorised Mr ALMUNIA to:

- negotiate a programme of medium-term financial assistance for Latvia, in coordination with other bilateral or multilateral bodies;
- make the outcome of these negotiations public;
- inform EU Finance Ministers at their next meeting.

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The PRESIDENT extended seasonal greetings to the Commissioners, all members of staff and their families.

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The meeting closed at 16.32.