



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2009)1870 final

Brussels, 20 April 2009

MINUTES

of the 1870th meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 8 April 2009

(morning)

PV(2009)1870 final

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Single sitting: Wednesday 8 April 2009 (morning)

The sitting opened at 9.09 in the Jean Monnet room with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	President	
Ms WALLSTRÖM	Vice-President	
Mr VERHEUGEN	Vice-President	Items 1 to 13 (in part)
Mr BARROT	Vice-President	Items 1 to 14 (in part)
Mr KALLAS	Vice-President	
Mr TAJANI	Vice-President	
Ms REDING		Items 1 to 13 (in part)
Mr DIMAS		
Mr ALMUNIA		
Ms HÜBNER		
Mr BORG		
Ms GRYBAUSKAITĖ		
Mr POTOČNIK		
Mr FIGEL'		
Mr MICHEL		Items 1 to 13 (in part)
Mr KOVÁCS		
Ms KROES		
Ms FISCHER BOEL		
Mr ŠPIDLA		
Mr ORBAN		

Absent:

Mr REHN

Ms FERRERO-WALDNER

Mr McCREEVY

Mr PIEBALGS

Ms KUNEVA

Ms VASSILIOU

Baroness ASHTON

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

Mr ARTJOKI	A member of Mr REHN's staff	
Mr CHILD	Chef de cabinet to Ms FERRERO-WALDNER	
Ms SAMNADDA	A member of Mr McCREEVY's staff	
Mr KESTERIS	Chef de cabinet to Mr PIEBALGS	Items 1 to 13
Mr BELL	Chef de cabinet to Ms KUNEVA	
Ms SPANOU	Deputy Chef de cabinet to Ms VASSILIOU	Items 1 to 13 (in part)
Mr TOD	A member of Ms VASSILIOU's staff	Items 13 (in part) and 14
Mr HOUBEN	A member of Baroness ASHTON's staff	

The following also sat in:

Mr VALE DE ALMEIDA	Chef de cabinet to the PRESIDENT	
Mr VAN RIJN	Legal Service	
Mr CARVOUNIS	Deputy Director-General, DG Communication	
Mr LAITENBERGER	Commission Spokesman	Items 12 to 14
Mr THEBAULT	Deputy Chef de cabinet to the PRESIDENT	Items 12 (in part) and 13 (in part)
Mr BALDWIN	Adviser in the PRESIDENT's Office	Items 12 and 13 (in part)
Ms MARTÍNEZ ALBEROLA	A member of the PRESIDENT's staff	Items 13 (in part) and 14
Ms ERLER	Chef de cabinet to Mr VERHEUGEN	Items 1 to 10
Mr STROHMEIER	Chef de cabinet to Ms REDING	Items 13 (in part) and 14
Mr KOEHLER	Chef de cabinet to Mr BORG	Point 11
Ms KIRCHNER	A member of Mr BORG's staff	Point 11
Mr DOENS	Chef de cabinet to Mr MICHEL	Items 1 to 13 (in part)

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

At the start of the meeting, the PRESIDENT paid tribute to Ms GRYBAUSKAITĖ and thanked her for the high quality of her contribution since November 2004 to the work of the present Commission and for the management of the particularly difficult budget portfolio.

He wished her every success in the presidential elections in the Republic of Lithuania.

* * *

1. AGENDAS

(OJ(2009)1870/3; SEC(2009)456/2)

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(2009)1870)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 6 April.

3. MINUTES OF 1869TH MEETING (1 APRIL)

(PV(2009)1869)

The Commission approved the minutes of its 1869th meeting.

4. INTERINSTITUTIONAL RELATIONS

(SEC(2009)469)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 3 April (SEC(2009)469).

It paid particular attention to the following points.

4.1. LEGISLATIVE MATTERS

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

(SP(2009)1844)

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(2009)1844, drawn up following the April I part-session of Parliament, the contents of which were noted.

ii) Preparation for the April II part-session of Parliament

(point 1.3 of the IRG record)

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

It considered the following in particular:

Codecision – 2nd reading

- Common rules for the internal market in electricity (Directive) / Common rules for the internal market in natural gas (Directive) / Agency for the Cooperation of Energy Regulators (Regulation) / Conditions for access to the network for cross-border exchanges in electricity (Regulation) / Conditions for access to the natural gas transmission networks

(8 April 2009)

(Regulation) – MORGAN / LA RUSSA / CHICHESTER / VIDAL-QUADRAS / PAPARIZOV reports – 2007/0195 (COD) / 2007/0196 (COD) / 2007/0197 (COD) / 2007/0198 (COD) / 2007/0199 (COD)

The Commission approved the line set out in SP(2009)1817, further to note SPI(2009)39/3 already approved by the Commission at its 1868th meeting on 24 March 2009.

- Common rules for access to the market for coach and bus services (Regulation – recast) / Common rules concerning the conditions to be complied with to pursue the occupation of road transport operator (Regulation) / Common rules for access to the international road haulage market (Regulation) – GROSCH / ȚICĂU reports – 2007/0097 (COD) / 2007/0098 (COD) / 2007/0099 (COD)

The Commission approved the line set out in SP(2009)1818, further to note SPI(2009)43 already approved by the Commission at its 1868th meeting on 24 March 2009.

- Statistics on plant health products (Regulation) – STAES report – 2006/0258 (COD)

The Commission approved the line set out in SP(2009)1819.

Empowerment

- Common rules for the internal market in electricity (Directive) / Common rules for the internal market in natural gas (Directive) / Agency for the Cooperation of Energy Regulators (Regulation) / Conditions for access to the network for cross-border exchanges in electricity (Regulation) / Conditions for access to the natural gas transmission networks (Regulation) – MORGAN / LA RUSSA / CHICHESTER / VIDAL-QUADRAS / PAPARIZOV reports – 2007/0195 (COD) / 2007/0196 (COD) / 2007/0197 (COD) / 2007/0198 (COD) / 2007/0199 (COD)

The Commission empowered Mr PIEBALGS, under Article 13 of its Rules of

Procedure, in agreement with the PRESIDENT and Ms WALLSTRÖM and any associated Members, to adopt and transmit to the Council its opinion on the amendments, in accordance with Article 251(2)(c) of the Treaty, once Parliament had expressed its position, and if necessary to attach to its opinion an amended proposal, on the basis of the line set out in SP(2009)1817.

- Common rules for access to the market for coach and bus services (Regulation – recast) / Common rules concerning the conditions to be complied with to pursue the occupation of road transport operator (Regulation) / Common rules for access to the international road haulage market (Regulation) – GROSCH / ȚICĂU reports – 2007/0097 (COD) / 2007/0098 (COD) / 2007/0099 (COD)

The Commission empowered Mr TAJANI, under Article 13 of its Rules of Procedure, in agreement with the PRESIDENT and Ms WALLSTRÖM and any associated Members, to adopt and transmit to the Council its opinion on the amendments, in accordance with Article 251(2)(c) of the Treaty, once Parliament had expressed its position, and if necessary to attach to its opinion an amended proposal, on the basis of the line set out in SP(2009)1818.

- Statistics on plant health products (Regulation) – STAES report – 2006/0258 (COD)

The Commission empowered Mr ALMUNIA, under Article 13 of its Rules of Procedure, in agreement with the PRESIDENT and Ms WALLSTRÖM and any associated Members, to adopt and transmit to the Council its opinion on the amendments, in accordance with Article 251(2)(c) of the Treaty, once Parliament had expressed its position, and if necessary to attach to its opinion an amended proposal, on the basis of the line set out in SP(2009)1819.

Codecision – 1st reading

- Banks affiliated to central institutions, certain own funds items, large exposures, supervisory arrangements, and crisis management (Directive) – KARAS report – 2008/0191 (COD)

The Commission approved the line set out in SP(2009)1821.

- Reporting and documentation requirements in the case of merger and divisions (Directive) – WEBER report – 2008/0182 (COD)

The Commission approved the line set out in SP(2009)1822/3.

- Establishing a framework for the setting of ecodesign requirements for energy related products (Directive) – CSIBI report – 2008/0151 (COD)

The Commission approved the line set out in SP(2009)1824 and /2.

- Laying down health rules as regards animal by-products not intended for human consumption (Regulation) – SCHNELHARDT report – 2008/0110 (COD)

The Commission approved the line set out in SP(2009)1825.

- Interoperability solutions for European public administrations (ISA) (Decision) – DAVID report – 2008/0185 (COD)

In order to facilitate an agreement at first reading, the Commission approved the line set out in SP(2009)1826, further to the note SPI(2009)49 already approved by the Commission at its 1869th meeting on 1 April 2009.

- Machinery for pesticide application (Directive) – RUTOWICZ report – 2008/0172 (COD)

The Commission approved the line set out in SP(2009)1827/2 and /3.

- Ship source pollution and the introduction of penalties for infringements – DE GRANDES PASCUAL report – 2008/0055 (COD)

The Commission authorised Mr BARROT and Mr TAJANI to pursue contacts with Parliament and the Council in order to reach agreement at first reading following the line set out in SP(2009)1829.

- Rights of passengers when travelling by sea and inland waterway and cooperation between national authorities responsible for the enforcement of consumer protection laws (Regulation) – TEYCHENNÉ report – 2008/0246 (COD)

The Commission approved the line set out in SP(2009)1830 and /3.

- Rights of passengers in bus and coach transport and cooperation between national authorities responsible for the enforcement of consumer protection laws (Regulation) – ALBERTINI report – 2008/0237 (COD)

The Commission approved the line set out in SP(2009)1831 and /3.

- Deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other transport modes – JENSEN report – 2008/0263 (COD)

The Commission approved the line set out in SP(2009)1832 and /4.

- European rail network for competitive freight (Regulation) – DUCHOŇ report – 2008/0247 (COD)

The Commission approved the line set out in SP(2009)1833 and /2.

- Obligations of operators who place timber and timber products on the market (Regulation) – LUCAS report – 2008/0198 (COD)

The Commission approved the line set out in SP(2009)1835 to /3.

- Taking-up and pursuit of the business of Insurance and Reinsurance – SOLVENCY II (Directive) – SKINNER report – 2007/0143 (COD)

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The Commission approved the line set out in SP(2009)1840, further to the note SPI(2009)52/2 already approved by the Commission at its 1869th meeting on 1 April 2009.

- Taking-up, pursuit and prudential supervision of the business of electronic money institutions (Directive) – PURVIS report – 2008/0190 (COD)

The Commission approved the line set out in SP(2009)1841.

- Cross-border payments in the Community (Regulation) – STARKEVIČIŪTĖ report – 2008/0194 (COD)

The Commission approved the line set out in SP(2009)1842, further to the note SPI(2009)42 already approved by the Commission at its 1868th meeting on 24 March 2009.

- Roaming on public mobile telephone networks within the Community and a common regulatory framework for electronic communications networks and services (Regulation) – VĂLEAN report – 2008/0187 (COD)

The Commission approved the line set out in SP(2009)1954, further to the note SPI(2009)44 already approved by the Commission at its 1868th meeting on 24 March 2009.

Consultation

- Obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products (Council Directive) – RANSDORF report – 2008/0220 (CNS)

The Commission approved the line set out in SP(2009)1836/2.

- Community framework for nuclear safety (Council Directive) – HÖKMARK report – 2008/0231 (CNS)

The Commission approved the line set out in SP(2009)1837 and /2.

(8 April 2009)

- Taxation of savings income in the form of interest payments (Council Directive) – HAMON report – 2008/0215 (CNS)

The Commission approved the line set out in SP(2009)1838.

- Community control system for ensuring compliance with the rules of the Common Fisheries Policy (Council Regulation) – ROMEVA I RUEDA report – 2008/0216 (CNS)

The Commission approved the line set out in SP(2009)1839 and /2.

iii) Preparation of agreements at first reading

(point 1.4 of the IRG record)

- MEDIA Mundus audiovisual cooperation programme with professionals from third countries (Decision) – HIERONYMI report – 2008/0258 (COD)

The Commission authorised Ms REDING to pursue contacts with Parliament and the Council in order to reach agreement at first reading following the line set out in SPI(2009)55.

- Trade in seal products (Regulation) – WALLIS report – 2008/0160 (COD)

The Commission authorised Mr DIMAS to pursue contacts with Parliament and the Council in order to reach agreement at first reading following the line set out in SPI(2009)56/3.

- Second 'Marco Polo' programme for the granting of Community financial assistance to improve the environmental performance of the freight transport system (Regulation) – STOCKMANN report – 2008/0239 (COD)

The Commission authorised Mr TAJANI to pursue contacts with Parliament and the Council in order to reach agreement at first reading following the line set out in SPI(2009)50/3.

iv) Preparation for the meeting of COREPER on 23 April

(point 1.6 of the IRG record)

- Community regime for the control of exports of dual-use items and technology (Council Regulation) – 2006/0266 (ACC)

The Commission authorised its departments to support the Presidency compromise in the Council bodies, following the line set out in SI(2009)84.

4.2. RELATIONS WITH THE COUNCIL

v) Programming of Council business

(SI(2009)89)

The Commission took note of the information in SI(2009)89 on the Council meetings between 9 and 22 April.

4.3. RELATIONS WITH THE EUROPEAN PARLIAMENT

vi) Results of the April I part-session of Parliament

(SP(2009)1847)

The Commission took note of the information on Parliament's part-session held on 1 and 2 April in Brussels, set out in SP(2009)1847.

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

(point 3.3.2 of the IRG record)

The Commission approved documents SP(2009)1843 and /2 on the action taken on Parliament's non-legislative resolutions adopted at its February I part-session, for transmission to Parliament.

5. MONITORING THE APPLICATION OF COMMUNITY LAW

5.1. STATE AID – INDIVIDUAL CASES – RECAPITULATIVE LIST (SEC(2009)484 AND /2)

The Commission adopted the decisions in SEC(2009)484/2.

5.2. STATE AID – HORIZONTAL DOSSIER

State aid scoreboard – Spring 2009 update – Special edition on state aid interventions in the current financial and economic crisis
(COM(2009)164 to /4)

The Commission approved the scoreboard in the document distributed as COM(2009)164/4 for transmission, for information purposes, to Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, and to the national parliaments.

5.3. INFRINGEMENTS – INDIVIDUAL CASE

Case ESP 1999/2212 – Designation of bird protection areas – Directive 79/409

The Commission decided to defer the decision on this case until May.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

6.1. WRITTEN PROCEDURES APPROVED (SEC(2009)458 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 30 March and 3 April.

6.2. EMPOWERMENT
(SEC(2009)459 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 30 March and 3 April.

6.3. DELEGATION AND SUBDELEGATION OF POWERS
(SEC(2009)460 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 30 March and 3 April, as archived in e-Greffe.

**6.4. GENERAL EMPOWERMENT AND DELEGATION OF POWERS IN
THE FIELD OF TRANS-EUROPEAN TRANSPORT NETWORKS**
(SEC(2009)481 TO /3)

The Commission:

- granted a general empowerment, as specified in SEC(2009)481/3, to the Member of the Commission responsible for transport to adopt certain decisions in the field of trans-European transport networks (TEN-T);
- delegated power to the Director-General with responsibility for transport to adopt, on behalf of and under the responsibility of the Commission, certain decisions in the field of trans-European transport networks (TEN-T) under the terms set out in SEC(2009)481/3.

6.5. SENSITIVE WRITTEN PROCEDURES
(SEC(2009)461 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 6 and 17 April and the finalisation written procedure launched after the weekly meeting of Chefs de cabinet held on 6 April.

7. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2009)457/3)

ADMINISTRATIVE MATTERS

(PERS(2009)48/3)

7.1. DG BUDGET – APPOINTMENT TO THE AD 15/16 POST OF DEPUTY DIRECTOR-GENERAL AND ACCOUNTING OFFICER OF THE COMMISSION AND OF THE EUROPEAN DEVELOPMENT FUND (PERS(2009)8 TO /4)

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Deputy Director-General and Accounting Officer of the Commission and of the European Development Fund in DG Budget (PERS(2009)8 and /2).

The Commission took note of the opinions of the Consultative Committee on Appointments of 10 and 25 March 2009 (PERS(2009)8/3 and /4).

The Commission proceeded to examine the applicants' qualifications for the post. On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms GRYBAUSKAITĖ, the Commission decided to appoint Mr Philippe TAVERNE to the vacant post in question.

The decision would take effect on 1 June 2009.

The budgetary and discharge authority and the Court of Auditors would be informed of this decision immediately.

7.2. DG EXTERNAL RELATIONS – CHANGE TO THE ORGANISATION CHART AND APPOINTMENT TO AN AD 15 HEAD OF DELEGATION POST

On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms FERRERO-WALDNER, the Commission decided:

(8 April 2009)

- to raise the grade of the post of Head of Delegation in Côte d'Ivoire to director level (AD14/15);
- to fill that post, in accordance with Article 7 of the Staff Regulations, by transferring in the interest of the service Mr Thierry DE SAINT MAURICE, an AD15 official currently Director of the External Service Directorate in DG External Relations; in accordance with diplomatic practice, this decision was subject to the agreement of the host country;
- to return the post to the initial grade on the departure of the jobholder.

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

7.3. *EUROPEAID – CHANGE TO THE ORGANISATION CHART*

On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms FERRERO-WALDNER, the Commission decided to create a post of principal adviser in the EuropeAid Cooperation Office.

This decision would take effect immediately.

7.4. *EUROPEAID – INTERNAL AND INTERINSTITUTIONAL (GRADE AD14/15) AND EXTERNAL (GRADE AD14 – EU-27) PUBLICATION OF A VACANCY NOTICE FOR A PRINCIPAL ADVISER (PERS(2009)49)*

On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms FERRERO-WALDNER, the Commission decided to authorise the publication, under Articles 29(1)(a)(i) and (iii), 29(1)(b) and 29(2) of the Staff Regulations, of the vacancy notice in PERS(2009)49 for the post of Principal Adviser in the EuropeAid Cooperation Office.

This decision would take effect immediately.

7.5. *DG PERSONNEL AND ADMINISTRATION – SPECIAL ADVISERS TO COMMISSION MEMBERS – 1 APRIL TO 31 OCTOBER 2009*
(PERS(2009)50)

The Commission noted the information at point 5 of PERS(2009)48/3 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(2009)50;
- 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.

The decision was backdated to take effect on 1 April 2009.

7.6. *DG TAXATION AND CUSTOMS UNION – CHANGE OF DATE ON WHICH APPOINTMENT TO A DIRECTOR POST TOOK EFFECT*

Having taken note of the information in point 6 of PERS(2009)48/3, the Commission, on a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr KOVÁCS, decided to change the date on which the appointment of Mr Philip KERMODE to the post of Director, Analyses and Tax Policies Directorate, DG Taxation and Customs Union, took effect to 1 December 2008.

This decision would take effect immediately.

7.7. *DG PERSONNEL AND ADMINISTRATION – TEMPORARY POSTINGS AS DEPUTY DIRECTOR-GENERAL, DIRECTOR OR PRINCIPAL LEGAL ADVISER*
(PERS(2009)51)

Having noted the information in point 7 of PERS(2009)48/3, the Commission, on a proposal from Mr KALLAS, in agreement with the PRESIDENT:

(8 April 2009)

- decided, in accordance with Article 7(2) of the Staff Regulations, to grant a temporary posting as Deputy Director-General to Mr Hugues MINGARELLI, under the terms set out in point 13 of PERS(2009)51;
- decided, in accordance with Article 7(2) of the Staff Regulations, to grant a temporary posting as Director to Mr Giovanni FRACCHIA, Mr Jean-François HULOT, Mr Eugène LEGUEN DE LACROIX, Mr Jesús ZORRILLA TORRAS, Ms Lieve FRANSEN, Mr Svend BECH, Ms Inga ROTH, Mr Sergio CORTI, Ms Colette COTTER, Mr Jean-Noël DURVY, Mr Bernhard FRIESS, Mr Mario NAVA, Mr Matthias MORS and Mr Anders JESSEN, under the terms set out in points 1 to 12, 16 and 17, respectively, of PERS(2009)51;
- decided, in accordance with Article 7(2) of the Staff Regulations, to grant a temporary posting as principal legal adviser to Mr Eric WHITE and Mr Ulrich WOELKER, under the terms set out in points 14 and 15, respectively, of PERS(2009)51;

These decisions would take effect immediately.

**7.8. DG PERSONNEL AND ADMINISTRATION – COMMISSION
DECISION ON THE CODE OF CONDUCT FOR OFFICIALS AND
OTHER SERVANTS OF THE EUROPEAN COMMUNITIES FOR THE
ELECTIONS TO THE EUROPEAN PARLIAMENT IN JUNE 2009
(C(2009)2753)**

Having taken note of the information in point 8 of PERS(2009)48/3, the Commission, on a proposal from Mr KALLAS, in agreement with the PRESIDENT, adopted the decision on the code of conduct for officials and other servants of the European Communities for the elections to the European Parliament in June 2009 in the document distributed as C(2009)2753.

This decision would take effect on the day following its adoption.

**7.9. CCA – 2008 ACTIVITY REPORT OF THE CONSULTATIVE
COMMITTEE ON APPOINTMENTS
(SEC(2009)497)**

The Commission took note of the 2008 activity report of the Consultative Committee on Appointments distributed as SEC(2009)497.

**8. PROPOSAL FOR A COUNCIL REGULATION AMENDING REGULATION
(EC) 332/2002, ESTABLISHING A FACILITY PROVIDING MEDIUM-
TERM FINANCIAL ASSISTANCE FOR MEMBER STATES' BALANCES
OF PAYMENTS
(COM(2009)169 AND /2)**

The Commission adopted the proposal for a Council Regulation in COM(2009)169, for transmission to Parliament, the Council and the European Central Bank, and to the national parliaments.

**9. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND
OF THE COUNCIL ON COMBATING LATE PAYMENT IN COMMERCIAL
TRANSACTIONS (RECAST) – IMPLEMENTING THE SMALL BUSINESS
ACT
(COM(2009)126 TO /4; SEC(2009)315 AND /2; SEC(2009)316 AND /2;
SEC(2009)317; SEC(2009)319)**

Mr VERHEUGEN presented the proposal for a Directive to combat late payment which he was tabling for adoption. This initiative, which was particularly relevant to small and medium-sized businesses, should contribute to economic recovery and was part of the drive for simplification. He thanked the Members of the Commission, the Legal Service and the other departments concerned for their cooperation during the preparatory work on this difficult subject, which raised a

number of legal questions.

He referred to the particularly harmful effects of late payments on businesses and their cash flow and the high number of bankruptcies caused by this practice, which particularly affected small and medium-sized businesses.

Mr VERHEUGEN felt that the high proportion of late payments attributable to public administrations should no longer be tolerated, particularly in the current economic downturn, and underlined the economic responsibility of these public operators and their duty to the taxpayer. Late payments by public entities were higher than those by private companies.

He then described the key points of the proposal, which included measures to enable creditors to assert their rights in the event of late payment, and in particular the possibility of charging interest on payments made after the legal or contractual deadline and the removal of grossly unfair clauses in contracts. He pointed out that in the case of public administrations, unlike private companies, there was no danger of funds being unavailable, and this therefore justified treating public entities differently and subjecting them to stricter rules. He also spoke of the different attitudes to late payment among the Member States and stressed that the Commission initiative aimed to set minimum standards while still allowing Member States to introduce or retain stricter rules on late payment, particularly in the area of public procurement.

After this presentation the Commission adopted the proposal for a Directive in COM(2009)126/4 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(2009)315/2 and SEC(2009)316/2 respectively, 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(2009)317.

10. COMMUNICATION TO THE COMMISSION – STREAMLINING FINANCIAL RULES AND ACCELERATING BUDGET IMPLEMENTATION TO HELP ECONOMIC RECOVERY (SEC(2009)477 TO /5; SEC(2009)478)

Ms GRYBAUSKAITĖ presented the communication on accelerating implementation of the Community budget to help economic recovery, which she was tabling for adoption. She emphasised the direct link between this initiative and the proposal for a Directive to combat late payment in commercial transactions (see item 9 of the minutes), stressing that this communication even went further in certain respects.

She explained first that the proposed measures aimed to accelerate the payments made by the Commission not only in commercial transactions but also in its other financial transactions under direct management, such as grants. Secondly, she mentioned the more ambitious goal of reducing the time it took to make the first pre-financing payments to less than 20 days.

Ms GRYBAUSKAITĖ also informed the Commission of the completion of the dossier on mobilising €5 billion of the budget as part of the European economic recovery plan and, in particular, the positive outcome of the budget triologue of 2 April.

Finally she took the opportunity, before her departure on electoral leave, to thank the PRESIDENT, the Members of the Commission and the departments for their contribution to the preparation of this initiative and, more generally, for the excellent cooperation she had received in her area of activity.

There followed a brief exchange of views in which the following points were mentioned in particular:

- the signal the Commission wanted to send at this time of economic recession and the importance, as regards payment deadlines, of a commitment by the Commission to apply the same conditions to its own transactions under direct

management as those it sought to impose on commercial transactions by other public administrations;

- the special requirements of certain areas of activity and the need to maintain stringent checks;
- the link between this communication and the review of the Financial Regulation in 2010;
- the importance of monitoring and applying the measures proposed in the communication within the Commission departments;
- the responsibility of all public administrations at national and Community level for sound financial management and for the economic situation.

The PRESIDENT concluded by noting the Commission's support for the communication. He said that the measures would have to be applied by the Commission departments from 1 October 2009, which should allow time for proper preparation. He stressed the importance of the measures to reduce late payments, particularly for small and medium-sized businesses, a point which had also been made at the recent meeting between the Commission and representatives of the social partners at European level.

Following this exchange, the Commission adopted the communication in SEC(2009)477/5 for transmission, for information purposes, to Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions, the Court of Auditors and the European Ombudsman, and to the national parliaments.

11. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – BUILDING A SUSTAINABLE FUTURE FOR AQUACULTURE – A NEW IMPETUS FOR

THE STRATEGY FOR THE SUSTAINABLE DEVELOPMENT OF EUROPEAN AQUACULTURE**(COM(2009)162 TO /3; SEC(2009)453; SEC(2009)454; SEC(2009)455; SEC(2009)462)**

Mr BORG presented the Communication on sustainable development of European aquaculture that he was tabling for approval. He highlighted the diversity of aquaculture, in particular in terms of species produced, and its socio-economic importance for the European Union; the aquaculture sector produced about 1.3 million tonnes of fish, shellfish and crustaceans annually, a source of healthy food worth some €3 billion (compared to €2.8 billion of imported aquaculture products), and employed approximately 65,000 people. He also underlined the global importance of the sector's production, which provided about half of the world fish supply for human consumption, and its very rapid growth, some 6-8% a year. However, he noted that such growth rates were not evident in Europe, where output was stagnating or even declining in certain areas of activity.

He then raised the opportunities and challenges facing the European aquaculture sector and how the Commission could contribute to its development. He noted in particular that the Union was at the cutting edge of progress in research, innovation and technology in this sector, especially with regard to farming new species, fish feed, and environmental protection. There was growing demand from consumers in Europe, the amount of imports having more than doubled in 2007, which demonstrated the growth potential of European aquaculture production. He also stressed the importance of the sector against the background of particular attention paid to food safety.

With regard to the challenges facing the sector that limit its growth, he pinpointed the increased competition between various activities for available space in coastal areas and for freshwater fish-farming. The sector was subject to a heavy administrative burden, in particular concerning procedures for issuing licences and environmental protection rules; the Member States and local authorities were accordingly encouraged to create a more favourable legislative and administrative environment.

He added that the initiative on the table consequently sought to give new impetus to the sustainable development of European aquaculture by proposing practical measures to strengthen the sector's competitiveness, in particular by support for research and technological development and ensuring adequate access to the space and waters needed for production. The initiative also sought to ensure sustainable growth by promoting ecological production methods, by guaranteeing animal health and welfare conditions and the health and safety of food products for the consumer, and by promoting recognition of the health benefits of aquaculture food products. Lastly, the initiative sought to improve the image and governance of the sector by ensuring participation by stakeholders and good public information, and by reducing the administrative burden. He concluded by thanking all the Members of the Commission and their cabinets for their support.

The PRESIDENT wound up by stressing the importance of this initiative for the development of the European aquaculture sector.

Following this presentation, the Commission approved the communication in COM(2009)162/3, 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 assessment and the summary thereof contained in the staff working documents distributed as SEC(2009)453 and SEC(2009)454, 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(2009)455.

12. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – SUPPORTING DEVELOPING COUNTRIES IN COPING WITH THE CRISIS

(COM(2009)160 TO /4; SEC(2009)442 AND /2; SEC(2009)443 AND /2; SEC(2009)444 AND /2; SEC(2009)445 AND /2; SEC(2009)446; SEC(2009)494)

Mr MICHEL presented the Communication on supporting developing countries during the current economic crisis that he was tabling with the agreement of Ms FERRERO-WALDNER. He thanked the different departments that had helped to prepare the communication and highlighted the invaluable support provided by the European Investment Bank. The communication was particularly relevant following the recent G20 Summit in London, whose outcome he welcomed. He also thanked the PRESIDENT for his action during the summit in favour of aid to developing countries so that they were better able to cope with the global economic crisis.

Mr MICHEL felt that there was a duty to take into account those who bore little or no responsibility for the crisis but who were suffering the very direct and severe consequences. The crisis was causing unemployment in developed countries, but in developing countries it led to hunger, conflict and instability. He added that if no action were taken, there was a great risk of negating the progress made over the last few years, and thought that the European Union would suffer the consequences to the extent that, in an interdependent world, global solutions were needed to major challenges such as migrations and the fight against climate change. He therefore felt that the European Union, which was at the forefront of development policy, had a duty to go further than the G20 Summit.

Mr MICHEL then went through the measures proposed in the communication, which were intended to strengthen and enhance European action in several areas.

First, he noted that Official Development Assistance (ODA) was essential, that Europe as a whole was the leading global donor, and that an additional €20 billion would be needed for the Union to honour its commitment to reach the collective target of 0.56% ODA/GNI in 2010.

Second, he proposed that a larger proportion of ODA should be used to generate non-ODA. He cited the example of the Infrastructure Trust Fund, which exerted a

considerable leverage effect, and for which the Commission would soon provide an additional €200 million. He felt that the same leverage effect could be obtained with public and private investors, for example, for transfers of technology.

Third, he announced that commitment of appropriations would be frontloaded and gave three examples: (1) commitment in 2008 and 2009 of 72% of all budget support programmed for 2008-13, under an accelerated procedure; (2) commitment in 2009 of €500 million from the 10th European Development Fund (EDF) to support the mechanism that allows financing of social protection safety nets in countries that were becoming vulnerable because of the crisis; and (3) with regard to the Food Facility, €800 million of the additional €1 billion agreed in 2008 would be committed in 2009, thereby accelerating aid, in particular for agriculture.

Fourthly and lastly, he stressed that the communication was also a plea for more Europe. He referred to the preliminary findings of a study that he had commissioned, which put the cost of "non Europe" in development at €7 billion a year, and regretted in particular that aid was fragmented and inadequately coordinated. He also noted the slow implementation of the EU Code of Conduct on Complementarity and Division of Labour in Development adopted by the Council in May 2007, and wanted this point to be addressed at a future meeting of the Council dealing with development.

Mr MICHEL ended his presentation by deploring the fact that the political weight of the Union was not commensurate with its substantial financial effort in favour of development aid.

The PRESIDENT confirmed that development issues had been among the priorities at the G20 Summit, in particular because of the growing impact of the crisis in developing countries. He felt that the Commission had to help find solutions and therefore welcomed the communication, which was especially timely.

He stressed that, despite the very limited scope for new finance, it was important for the European Union to reaffirm the need to honour its commitments on Official Development Assistance and to help to boost the lending capacity of the

International Monetary Fund, but also for the Commission to frontload commitment appropriations, in particular as part of measures to help the most vulnerable, and lastly that resources could be made available thanks to improved efficiency and coordination.

The PRESIDENT noted that development also had an ethical dimension, and that any increase in Official Development Assistance required substantial support from public opinion, which could be better guaranteed by highlighting the link between development aid and the fight against climate change, in particular ahead of the Copenhagen Conference.

These comments were followed by a brief exchange of views during which the following points in particular were raised:

- the essential role of the Commission in development policy;
- the attention that had to be given to good governance and political stability in developing countries, and to management of migration flows;
- the importance of aid effectiveness;
- the usefulness for the Commission of a dynamic analysis of "tolerable risk";
- reiteration of the conclusions of the G20 Summit, in particular concerning increased resources for the International Monetary Fund, and the need for thorough examination of the new opportunities that the resources allow;
- the importance of the link between development and the fight against climate change, in particular ahead of the Copenhagen Conference;
- the essential dimension of equality between men and women in the context of development policy.

The PRESIDENT thought that the question of illegal immigration should be reviewed again in detail and proposed that the Commission should discuss the issue at a future meeting. He also highlighted gender issues and the lot of women in

developing countries. He ended the discussion by underlining the importance of the G20 Summit conclusions on development

At the end of the discussion, the Commission approved the communication in COM(2009)160/4, 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 staff working documents distributed as SEC(2009)442/2, SEC(2009)443/2, SEC(2009)444/2 and SEC(2009)445/2, the contents of which were noted.

13. RELATIONS WITH NON-EU COUNTRIES

13.1. G20 SUMMIT (LONDON, 2 APRIL 2009)

13.2. INFORMAL SUMMIT OF HEADS OF STATE OR GOVERNMENT OF THE EUROPEAN UNION WITH THE PRESIDENT OF THE UNITED STATES (PRAGUE, 5 APRIL 2009) (SEC(2009)506)

The PRESIDENT reported on the outcome of the G20 Summit held in London on 2 April, which had been a success for the European Union and for the Commission, thanks in particular to the preparatory work carried out by various Members including Mr ALMUNIA, Mr McCREEVY, Baroness ASHTON and Ms KROES. The final press release of the Summit reiterated a large number of the conclusions of the Spring European Council and many of the points in the Commission's Communication of 4 March. The European proposals had contributed significantly to the direction taken by the G20 debates.

In the discussions it had been possible, despite more pessimistic expectations, to achieve a broad consensus, which was the result of full awareness of the importance of the issues at stake. The PRESIDENT referred to the crucial contribution by the various participants in the Summit, in particular the united

front presented by the European Union, the effective and solid chairing of the meeting by British Prime Minister Gordon Brown, the will to build bridges demonstrated by the United States President, Barack Obama, and the constructive role played by emerging markets, in particular China, India and Brazil.

The PRESIDENT reviewed some of the main advances made, set out in the Summit conclusions: (1) convergence of views regarding fiscal incentives; (2) agreement also on the regulation and supervision of financial markets, on turning the Financial Stability Forum into a fully-fledged organisation with a strengthened mandate, and on measures concerning credit rating agencies and hedge funds; (3) the determination shown in relation to trade matters, in particular by reaffirming the commitment to refrain from introducing barriers to free trade and to conclude the Doha round negotiations promptly; (4) long-term measures concerning in particular the sustainability of public finance, a low carbon growth path and the human dimension of the crisis; and (5) provisions relating to tax havens and the reference to lists published by the Organisation for Economic Cooperation and Development (OECD).

It was vital to follow through with these commitments, for instance by preparing proposals on financial regulation and supervision. With a view to the major international meetings on the horizon, notably the next G8 Summit in La Maddalena in July and a forthcoming G20 Summit, the Commission Members most concerned by these matters should pursue their efforts to find practical solutions in terms of recovery plans, financial regulation and supervision, the reform of international financial institutions and the rejection of protection, not to mention the development goals and the fight against climate change.

The PRESIDENT then reported on the informal summit between the Heads of State or Government of the EU and the United States President held in Prague on 5 April. He welcomed the American President's grasp of the challenges facing the European Union and the role of the Commission which became evident during the various discussions and bilateral meetings held in the

context of the summit. It would be useful to pursue these efforts with the American administration.

He referred to the various matters tackled in the bilateral meeting between Mr Barack Obama, accompanied by Secretary of State Hillary Clinton, and himself, accompanied by Ms FERRERO-WALDNER, namely climate change, energy, trade, transatlantic economic relations, the situation in Afghanistan and Pakistan, and the closure of the Guantánamo detention centre.

The PRESIDENT also referred to the plenary meeting attended by the European Council, the President of the European Parliament and the American President, which focused on the economic and financial crisis, energy and climate change, and external relations. The outcome of the meeting had been productive, in his view, mainly due to the very constructive approach by Mr Barack Obama. The ensuing press conference had also been attended by the forthcoming Swedish Presidency of the Council, and a joint statement had been issued by the EU and the United States on the firing by North Korea of a long-range missile.

The PRESIDENT concluded by underlining the importance of future efforts to implement practical measures and develop close cooperation with the American administration, especially in relation to trade, energy and climate change, taking account of bodies such as the Transatlantic Economic Council.

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

- the success of the G20 Summit and the importance of the preparatory work carried out by the Commission and the current Presidency of the Council, and the need to ensure that the commitments on fiscal incentives, financial regulation and supervision, and increased resources for international financial institutions were followed through to ensure the long-term viability of the European economy;

- the constructive role that the European Union could play in the process of redefining globalisation, ensuring at the same time that the principles of freedom, responsibility and solidarity were respected;
- the importance of strengthening the Financial Stability Forum and the need to contribute actively to the regulation of financial markets, given the substantial experience of the EU and the Commission as the main regulator in this field;
- the recognition of the efforts already made to restore confidence in the European banking system, and the need to continue drafting practical proposals, notably in relation to the arrangements for restructuring banks which had already received aid;
- the importance of the OECD tax measures marking the end of banking secrecy, and of the cooperation between the EU and the OECD on tax governance and the exchange of information and assistance, in particular with regard to non-EU countries;
- the need to pursue the efforts to find a uniform and credible solution to non-cooperative jurisdictions (tax havens), which would probably be based on Mr Jacques de Larosi re's report on financial supervision;
- the active part to be played by the EU in the discussions on the follow-up to increasing the resources of the International Monetary Fund and, consequently, the question of European representation within this international institution; the question of the impact which these measures would have on European markets;
- the good cooperation established with the new American administration and the positive outlook as regards the future work of the Transatlantic Economic Council.

In reply to these comments, the PRESIDENT said that a lot remained to be done to fully restore confidence in the EU financial system. The Commission

had already acted as a driving force in drafting the proposals on impaired assets, which had laid the groundwork for the G20 Summit conclusions.

Referring to the political situation in the Czech Republic, the PRESIDENT underlined the main points on which progress had been achieved by the current Presidency of the Council, in particular in relation to the internal market in energy and road transport, the global "Open Sky" agreement, the rules on solvency, the adoption of the proposal on the reallocation of the unspent €5 billion in the European budget, and the telecommunications agreement to be concluded in the coming weeks. However, it was necessary to ensure stable representation of the European Union, and the Commission must guarantee its continuity and coherence. The American President's visit to Prague was proof of confidence in the European integration process, and cooperation must be pursued in relation to economic matters, energy, the climate and trade. It was important to convey a positive, constructive image of the European Union, especially in the run-up to the European Parliament elections.

The Commission took note of this information and of the note from the PRESIDENT and Ms FERRERO-WALDNER set out in SEC(2009)506.

***13.3. VISIT TO CHINA (BEIJING AND SHANGHAI, 25 MARCH TO
1 APRIL 2009)
(SEC(2009)505)***

The Commission took note of the information note from Mr ORBAN set out in SEC(2009)505.

14. OTHER BUSINESS***SITUATION IN ITALY FOLLOWING THE ABRUZZI EARTHQUAKE
DURING THE NIGHT OF 5 TO 6 APRIL 2009***

Mr TAJANI recounted the events, pointing out that after-shocks had still been felt recently. He reported on the situation, underlining the extent of the disaster and the considerable human and material loss. He praised the efficiency of the Italian civil protection services, and thanked Mr DIMAS and Ms HÜBNER, and their departments, for their immediate mobilisation and the support offered to the Italian authorities.

Mr DIMAS informed the meeting of contacts established between his department and the Italian authorities directly after the earthquake, and confirmed that all requests for assistance from the Italian government would be looked into immediately.

Ms HÜBNER said that she had sent a letter to the President of the Abruzzi region setting out in detail the possibilities for European Union financial aid.

The PRESIDENT concluded by thanking the Commission departments, in particular those of Mr DIMAS and Ms HÜBNER, for their immediate mobilisation and readiness to help. He asked Mr TAJANI to represent the Commission at the funerals of the victims in Italy the following Friday, and to convey the Commission's solidarity and deepest sympathy to the victims' families, the authorities and the Italian people.

The Commission took note of this information.

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The meeting closed at 11.46.