



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2009)1881 final

Brussels, 10 July 2009

MINUTES

of the 1881st meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 8 July 2009

(morning)

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TABLE OF CONTENTS

Attendance list	5-7
1. AGENDAS (OJ(2009)1881/3; SEC(2009)925/2).....	8
2. WEEKLY MEETING OF CHEFS DE CABINET (SEC(2009)1881)	8
3. MINUTES OF 1880TH MEETING (2 JULY) (PV(2009)1880).....	8
4. INTERINSTITUTIONAL RELATIONS.....	8
<i>RELATIONS WITH THE COUNCIL</i>	8
5. MONITORING THE APPLICATION OF COMMUNITY LAW	9
<i>STATE AID – INDIVIDUAL CASE (C(2009)4511/5)</i>	9
6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS.....	9
6.1. <i>WRITTEN PROCEDURES APPROVED (SEC(2009)927 ET SEQ.)</i>	9
6.2. <i>EMPOWERMENT (SEC(2009)928 ET SEQ.)</i>	9
6.3. <i>DELEGATION AND SUBDELEGATION OF POWERS (SEC(2009)930 ET SEQ.)</i>	9
6.4. <i>SENSITIVE WRITTEN PROCEDURES (SEC(2009)931)</i>	10
7. ADMINISTRATIVE AND BUDGETARY MATTERS (SEC(2009)926/2)	10
7.1. <i>EUROPEAN ANTI-FRAUD OFFICE – APPOINTMENT OF AD/14 PRINCIPAL ADVISER (EU-12) (PERS(2008)81 TO /5)</i>	10
7.2. <i>JOINT RESEARCH CENTRE – EXTERNAL PUBLICATION OF VACANCY NOTICE FOR AN AD/14 DIRECTOR POST (EU-8) (PERS(2009)88)</i>	11
7.3. <i>DG RESEARCH – AMENDMENT OF ORGANISATION CHART (SEC(2009)969/2; SEC(2009)970)</i>	11
7.4. <i>DG EXTERNAL RELATIONS – AMENDMENT OF ORGANISATION CHART</i>	

(SEC(2009)969/2).....	12
7.5. AMENDMENT OF ORGANISATION CHARTS – 2009 SUMMER PACKAGE	
(SEC(2009)969/2).....	12
8. DECISION BY THE COMMISSION PRESIDENT ON THE ORGANISATION OF RESPONSIBILITIES OF THE MEMBERS OF THE COMMISSION (C(2009)5577).....	12
9. PROPOSAL FOR A COUNCIL FRAMEWORK DECISION ON THE RIGHT TO INTERPRETATION AND TO TRANSLATION IN CRIMINAL PROCEEDINGS (COM(2009)338 TO /4; SEC(2009)915; SEC(2009)916/2; SEC(2009)917; SEC(2009)942)	13
10. PROPOSAL FOR A COUNCIL DECISION AMENDING THE COUNCIL DECISION OF 20 JANUARY 2009 PROVIDING COMMUNITY MEDIUM-TERM FINANCIAL ASSISTANCE FOR LATVIA (COM(2009)365 AND /2).....	13
11. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS ON THE RESULTS OF THE PHARMACEUTICAL SECTOR INQUIRY (COM(2009)351 TO /4; SEC(2009)952; SEC(2009)947).....	14
12. DRAFT COMMISSION REGULATION ON THE APPLICATION OF ARTICLE 81(3) OF THE EC TREATY TO CATEGORIES OF VERTICAL AGREEMENTS AND CONCERTED PRACTICES (C(2009)5365 TO /3; SEC(2009)945; SEC(2009)948) DRAFT GUIDELINES ON VERTICAL RESTRAINTS (SEC(2009)946/3; SEC(2009)945; SEC(2009)948).....	14
13. COMMISSION DECISION ON A PROCEEDING UNDER ARTICLE 81 OF THE EC TREATY (CASE COMP/39.401 – E.ON / GAZ DE	

<i>FRANCE</i>) (C(2009)5355 TO /8; SEC(2009)997).....	15
14. PROPOSAL FOR A COUNCIL RECOMMENDATION ON SEASONAL INFLUENZA VACCINATION (COM(2009)353 TO /4; SEC(2009)955).....	16
15. RELATIONS WITH NON-MEMBER COUNTRIES.....	16
<i>13th SUMMIT OF HEADS OF STATE AND GOVERNMENT OF THE AFRICAN UNION</i>	
<i>(SIRTE, 1 – 3 JULY 2009 (SEC(2009)1001 AND /2).....</i>	<i>16</i>
16. OTHER BUSINESS.....	16
<i>16.1. SIGNATURE OF THE INTERGOVERNMENTAL AGREEMENT ON THE</i>	
<i>NABUCCO GAS PIPELINE (ANKARA, 13 JULY) (SEC(2009)985/2)</i>	<i>16</i>
<i>16.2. FIRST EUROPEAN WEEK FOR SMALL AND MEDIUM-SIZED ENTERPRISES (6</i>	
<i>- 14 MAY 2009) (SEC(2009)996)</i>	<i>17</i>
17. GREEN PAPER - PROMOTING THE LEARNING MOBILITY OF YOUNG PEOPLE (COM(2009)329 TO /4; SEC(2009)912).....	17

Single sitting: Wednesday 8 July 2009 (morning)

The sitting opened at 9.05 in the Jean Monnet room with Mr VERHEUGEN in the chair in the PRESIDENT's absence.

Present:

Mr VERHEUGEN	Vice-President	
Mr BARROT	Vice-President	Item 17
Mr KALLAS	Vice-President	
Mr TAJANI	Vice-President	
Ms REDING		
Mr ALMUNIA		
Mr BORG		
Mr POTOČNIK		
Mr FIGEL'		
Mr KOVÁCS		
Ms KROES		Item 17 (in part)
Ms FERRERO-WALDNER		
Mr McCREEVY		
Mr PIEBALGS		Item 17 (in part)
Mr ORBAN		
Ms VASSILIOU		
Baroness ASHTON		
Mr ŠEMETA		

Absent:

Mr BARROSO

President

Ms WALLSTRÖM

Vice-President

Mr DIMAS

Mr REHN

Mr MICHEL

Ms FISCHER BOEL

Mr ŠPIDLA

Ms KUNEVA

Mr SAMECKI

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

Mr LEFFLER	Chef de cabinet to Ms WALLSTRÖM
Ms KONTOU	Chef de cabinet to Mr DIMAS
Mr PESONEN	Chef de cabinet to Mr REHN
Mr BORCHARDT	Chef de cabinet to Ms FISCHER-BOEL
Mr OUAKI	Deputy Chef de cabinet to Mr ŠPIDLA
Mr BELL	Chef de cabinet to Ms KUNEVA
Mr LEMAÎTRE	Chef de cabinet to Mr SAMECKI

The following also sat in:

Mr THEBAULT	Deputy Chef de cabinet to the PRESIDENT	
Mr ROMERO REQUENA	Director-General, Legal Service	
Mr SØRENSEN	Director-General, DG Communication	Item 17
Mr ENGLISH	DG Communication – Commission Spokesman's Service	
Mr GASPAR	Acting Director-General, Bureau of European Policy Advisers	

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

1. AGENDAS

(OJ(2009)1881/3; SEC(2009)925/2)

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)1881)

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

3. MINUTES OF 1880TH MEETING (2 JULY)

(PV(2009)1880)

The Commission held over approval of the minutes of its 1880th meeting for the following week.

4. INTERINSTITUTIONAL RELATIONS

RELATIONS WITH THE COUNCIL

Programming of Council business

(SI(2009)180)

The Commission took note of the information in SI(2009)180 on the Council meetings between 9 and 22 July.

5. MONITORING THE APPLICATION OF COMMUNITY LAW

STATE AID – INDIVIDUAL CASE

(C(2009)4511/5)

C 4/2007

NETHERLANDS

Group Interest Deduction (Groepsrentebox)

The Commission adopted the decision in C(2009)4511/5.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

6.1. WRITTEN PROCEDURES APPROVED

(SEC(2009)927 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 29 June and 3 July.

6.2. EMPOWERMENT

(SEC(2009)928 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 29 June and 3 July.

6.3. DELEGATION AND SUBDELEGATION OF POWERS

(SEC(2009)930 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 29 June and 3 July, as archived in e-Greffe.

6.4. SENSITIVE WRITTEN PROCEDURES
(SEC(2009)931)

The Commission took note of the sensitive written procedures for which the time limit expired between 6 and 10 July.

7. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2009)926/2)

ADMINISTRATIVE MATTERS
(PERS(2009)87/2)

7.1. EUROPEAN ANTI-FRAUD OFFICE – APPOINTMENT OF AD/14
PRINCIPAL ADVISER (EU-12)
(PERS(2008)81 TO /5)

The Commission had before it the list of applications under Article 29(2) of the Staff Regulations for the post of Principal Adviser in the European Anti-Fraud Office (PERS(2008)81 to /3).

The Commission took note of the opinions of the Consultative Committee on Appointments of 26 February and 28 May (PERS(2008)81/4 and /5).

It proceeded to compare the applicants' qualifications for the post. On a proposal from Mr KALLAS, in agreement with the PRESIDENT, it then decided to appoint Mr Florin POSTICA to the vacant post.

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

(8 July 2009)

7.2. JOINT RESEARCH CENTRE – EXTERNAL PUBLICATION OF VACANCY NOTICE FOR AN AD/14 DIRECTOR POST (EU-8) (PERS(2009)88)

On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr POTOČNIK, the Commission decided to authorise the publication, under Article 29(2) of the Staff Regulations, of the vacancy notice in PERS(2009)88 for the post of Director of the Ispra Site Directorate in the Joint Research Centre, which was reserved for nationals of Bulgaria, the Czech Republic, Latvia, Lithuania, Malta, Poland, Romania and Slovakia.

This decision would take effect immediately.

7.3. DG RESEARCH – AMENDMENT OF ORGANISATION CHART (SEC(2009)969/2; SEC(2009)970)

The Commission took note of the information in point 1 of SEC(2009)969/2 and, on a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr POTOČNIK, decided:

- to disband Directorate RTD.S (Implementation of the ‘Ideas’ programme) in DG Research as from 1 January 2010;
- to disband Directorate RTD.T (Implementation of activities to outsource) in DG Research as from 1 January 2011;
- to disband Units RTD.S.2 (Management of the ‘Ideas’ programme) and RTD.S.3 (Administration and finance) in DG Research as from 16 July 2009;
- to disband Unit RTD.S.1 (Strategic matters and relations with the Scientific Council) in DG Research as from 1 January 2010;
- to entrust Unit RTD.T.1 (Implementation of outsourcing) with the task of coordination with the European Research Council Executive Agency (ERCEA);

(8 July 2009)

- to create a post of principal adviser responsible for preparing the RTD Strategic Alignment Programme as from 1 December 2009, with the intention of authorising the internal, interinstitutional and external publication of a vacancy notice (EU-27) to fill that post;
- to endorse other changes to the organisation chart at unit and sub-unit level;
- to adopt the new organisation chart set out in SEC(2009)970.

These decisions would take effect on 16 July 2009.

7.4. DG EXTERNAL RELATIONS – AMENDMENT OF ORGANISATION CHART
(SEC(2009)969/2)

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 Commission Delegation in Washington.

This decision would take effect on 16 September 2009.

7.5. AMENDMENT OF ORGANISATION CHARTS – 2009 SUMMER PACKAGE
(SEC(2009)969/2)

The Commission took note of document SEC(2009)969/2.

8. DECISION BY THE COMMISSION PRESIDENT ON THE ORGANISATION OF RESPONSIBILITIES OF THE MEMBERS OF THE COMMISSION
(C(2009)5577)

Following the departure of Ms HÜBNER and the arrival of Mr SAMECKI, the Commission took note of the change in portfolio allocation decided on by the

PRESIDENT and the order of precedence among the Members of the Commission established by the PRESIDENT, as set out in C(2009)5577.

9. PROPOSAL FOR A COUNCIL FRAMEWORK DECISION ON THE RIGHT TO INTERPRETATION AND TO TRANSLATION IN CRIMINAL PROCEEDINGS

(COM(2009)338 TO /4; SEC(2009)915; SEC(2009)916/2; SEC(2009)917; SEC(2009)942)

The Commission adopted the proposal for a Council Framework Decision set out in COM(2009)338/4, for transmission to the European Parliament and the Council, and to national parliaments, together with the impact study and the summary thereof in staff papers distributed as SEC(2009)915 and SEC(2009)916/2, the contents of which were noted.

It also took note of the opinion of the Impact Assessment Board on the above proposal for a Framework Decision, as set out in SEC(2009)917.

**10. PROPOSAL FOR A COUNCIL DECISION AMENDING THE COUNCIL DECISION OF 20 JANUARY 2009 PROVIDING COMMUNITY MEDIUM-TERM FINANCIAL ASSISTANCE FOR LATVIA
(COM(2009)365 AND /2)**

The Commission adopted the proposal for a Council Decision amending the Council Decision of 20 January 2009 providing Community medium-term financial assistance for Latvia, set out in COM(2009)365/2, for transmission to the Council.

**11. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS ON THE RESULTS OF THE PHARMACEUTICAL SECTOR INQUIRY
(COM(2009)351 TO /4; SEC(2009)952; SEC(2009)947)**

The Commission adopted the communication in COM(2009)351/4, for transmission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the EFTA Surveillance Authority, and to national parliaments, together with the staff paper distributed as SEC(2009)952, the contents of which were noted.

**12. DRAFT COMMISSION REGULATION ON THE APPLICATION OF ARTICLE 81(3) OF THE EC TREATY TO CATEGORIES OF VERTICAL AGREEMENTS AND CONCERTED PRACTICES
(C(2009)5365 TO /3; SEC(2009)945; SEC(2009)948)**

**DRAFT GUIDELINES ON VERTICAL RESTRAINTS
(SEC(2009)946/3; SEC(2009)945; SEC(2009)948)**

The Commission:

- approved the draft Commission Regulation and the accompanying draft guidelines, distributed respectively as C(2009)5365/3 and SEC(2009)946/3;
- empowered Ms KROES, the Commission Member responsible for competition, in agreement with the PRESIDENT, to carry out the procedural steps provided for in Articles 5 and 6 of Council Regulation (EEC) No 19/65, and in particular:
 - to transmit to the Advisory Committee for Restrictive Practices and Dominant Positions, for initial consultation, the draft Block Exemption Regulation on the application of Article 81(3) of the EC Treaty to categories of vertical agreements and concerted practices, and the draft

notice containing guidelines on vertical restraints;

- subsequently, and taking into account the observations of the Advisory Committee, to publish the texts as drafts for public consultation;
- to consult the Advisory Committee once again on the texts, taking into account the results of the public consultation.

Subject to the outcome of the steps set out above, the Member responsible for competition would then submit the final texts to the Commission for adoption.

13. COMMISSION DECISION ON A PROCEEDING UNDER ARTICLE 81 OF THE EC TREATY (CASE COMP/39.401 – E.ON / GAZ DE FRANCE) (C(2009)5355 TO /8; SEC(2009)997)

The Commission:

- took note of the opinions of the Advisory Committee on Restrictive Practices and Dominant Positions of 26 June and 3 July in C(2009)5355/3 and /6;
- took note of the final report of the Hearing Officer of 29 June in C(2009)5355/4;
- adopted, in the authentic languages (French and German), the decision in C(2009)5355/7 finding that the companies to which the decision was addressed had infringed Article 81 of the EC Treaty by taking part in an agreement and in concerted practices in the natural gas sector, and imposing fines on these companies totalling € 1 106 000 000;
- decided that the decision in C(2009)5355/8 would be notified to the companies concerned, together with the final report of the Hearing Officer;
- decided that the key parts of the Decision, together with the Advisory Committee's opinions and the Hearing Officer's final report, would be published

in the official languages of the Union in the *Official Journal of the European Union* (with business secrets and other confidential information removed);

- decided also to publish the decision on the internet (with business secrets and other confidential information removed).

14. PROPOSAL FOR A COUNCIL RECOMMENDATION ON SEASONAL INFLUENZA VACCINATION (COM(2009)353 TO /4; SEC(2009)955)

The Commission adopted the proposal for a Council recommendation in COM(2009)353/4 for transmission to Parliament and the Council, and to the national parliaments.

15. RELATIONS WITH NON-MEMBER COUNTRIES

13th SUMMIT OF HEADS OF STATE AND GOVERNMENT OF THE AFRICAN UNION (SIRTE, 1 – 3 JULY 2009 (SEC(2009)1001 AND /2)

The Commission took note of the information note from Mr MICHEL and Ms FERRERO-WALDNER in SEC(2009)1001/2.

16. OTHER BUSINESS

16.1. SIGNATURE OF THE INTERGOVERNMENTAL AGREEMENT ON THE NABUCCO GAS PIPELINE (ANKARA, 13 JULY) (SEC(2009)985/2)

The Commission took note of the information note from the PRESIDENT,

Mr REHN and Mr PIEBALGS in SEC(2009)985/2.

16.2. FIRST EUROPEAN WEEK FOR SMALL AND MEDIUM-SIZED ENTERPRISES (6 - 14 MAY 2009)
(SEC(2009)996)

The Commission took note of the information note from Mr VERHEUGEN in SEC(2009)996.

17. GREEN PAPER - PROMOTING THE LEARNING MOBILITY OF YOUNG PEOPLE
(COM(2009)329 TO /4; SEC(2009)912)

Mr FIGEL' presented the Green Paper on promoting the learning mobility of young people which he was tabling for approval.

He thanked the Commission members and their departments for the excellent cooperation shown in preparing the dossier. He pointed out that this was a horizontal initiative aimed not only at exploring the means of encouraging young people to take more advantage of the opportunities available to them for spending a period abroad but also at identifying the barriers to youth mobility and making proposals with a view to reinforcing programmes and setting up partnerships for youth mobility both inside and outside the EU.

The initiative covered all aspects of education and training: school, university studies, work placements, apprenticeships, youth exchanges, volunteer work, vocational training and mobility for young entrepreneurs. It also covered all areas – technology, science, arts and sport.

He referred to the meeting held on 28-29 April at Leuven and Louvain-la-Neuve of ministers or representatives in charge of higher education in the 46 countries participating in the Bologna Process. The ministers had formulated the goal that by 2020 at least 20% of those graduating in the European Higher Education Area

should have had a study or training period abroad.

He spoke of the benefits of mobility, not only for enabling people to improve their knowledge of languages and intercultural skills and to develop their sense of European citizenship but also for increasing the international outlook and competitiveness of schools, universities and other educational establishments and businesses. He also pointed out the significant benefits for the European economy of a better qualified, more flexible workforce better equipped for the challenges posed by the economic crisis. The initiative would also have positive effects on European society as a whole, since youth exchanges would help not only to combat xenophobia, racism and the risks of isolationism but also to develop European awareness among young people. He emphasised that the medium and long-term goal was to create a single area of education, learning and training in Europe.

With reference to Community initiatives and programmes, he told the meeting that in 2006 around 310 000 young people had participated in a Community exchange programme. He cited as an example the highly positive results of the launching of the Erasmus programme in 1987 and reminded the meeting that on 1 July the Commission had announced that around 10 000 projects would be financed by the Erasmus Mundus programme for the academic year 2009-2010.

However, certain issues needed to be looked at in depth. These were how to increase the number of young people able to participate in the exchange programmes, how to further reinforce and systematise the programmes, particularly in areas other than university studies, how to cover additional dimensions such as culture, how to improve organisation of the financing of the programmes and how to reinforce volunteer programmes, bearing in mind that the Commission had declared 2011 the European Year of Volunteering.

The Commission then held an exchange of views, covering the following points in particular:

- the contributions the initiative could make to overcoming "mental barriers", enhancing mutual understanding, increasing contacts between people in

different Member States and developing the European awareness of the citizens of tomorrow;

- the need to strengthen the communication strategy in order to make youth mobility programmes and initiatives more widely known to the general public as well as providing more targeted information to young people;
- the importance of the contribution to be made by the Member States, since Community initiatives could only supplement efforts at national level, for example in the area of foreign language learning;
- the importance the Commission attached to mutual recognition of diplomas and to simplifying recognition procedures and removing barriers in this area.
- the importance of significantly increasing the percentage of researchers who had acquired professional experience in another Member State.

Mr VERHEUGEN closed the exchange of views by expressing the Commission's full support for the Green Paper.

The Commission approved the Green Paper in COM(2009)329/4, for transmission to the European Parliament, the Council, the Economic and Social Committee, the Committee of the Regions, and to the national parliaments.

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The meeting closed at 9.27.