



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2009)1882 final

Brussels, 22 July 2009

MINUTES

of the 1882nd meeting of the Commission

held in Strasbourg

(Winston Churchill building)

on Tuesday 14 July 2009

(afternoon)

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PV(2009)1882 final

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Single sitting: Tuesday 14 July 2009 (afternoon)

The sitting opened at 13.08 with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO President

Ms WALLSTRÖM Vice-President

Mr VERHEUGEN Vice-President

Mr BARROT Vice-President

Mr KALLAS Vice-President

Mr TAJANI Vice-President

Ms REDING Items 5 to 10

Mr DIMAS

Mr ALMUNIA

Mr BORG

Mr POTOČNIK

Mr FIGEL'

Mr KOVÁCS

Ms KROES

Ms FISCHER BOEL

Mr McCREEVY

Mr ŠPIDLA

Mr PIEBALGS

Ms KUNEVA Items 5 (in part) to 10

Mr ORBAN

Ms VASSILIOU

Mr ŠEMETA

Mr SAMECKI

Absent:

Mr REHN

Ms FERRERO-WALDNER

Baroness ASHTON

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

Mr KRINGS	A member of Mr REHN's staff
Ms ARP	A member of Ms FERRERO-WALDNER's staff
Mr PETERS	Deputy Chef de cabinet to Baroness ASHTON

The following also sat in:

Mr VALE DE ALMEIDA	Chef de cabinet to the PRESIDENT	
Mr ROMERO REQUENA	Director-General, Legal Service	
Mr SØRENSEN	Director-General, DG Communication	Items 1 to 9 (in part)
Mr CARVOUNIS	Deputy Director-General, DG Communication	Items 9 (in part) and 10
Mr ALTAF AJ TARDIO	DG Communication – Commission Spokesman's Service	
Mr GASPAR	Acting Director-General, Bureau of European Policy Advisers	
Mr THEBAULT	Deputy Chef de cabinet to the PRESIDENT	
Mr KLAUS	A member of the PRESIDENT's staff	
Mr PRETO	Chef de cabinet to Mr TAJANI	Items 6 (in part) to 10
Mr SCHOSER	A member of Mr PIEBALGS's staff	
Ms RIBEIRO DA SILVA	DG Communication – Commission Spokesman's Service	

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

The PRESIDENT welcomed Mr Pawel SAMECKI, the new Commission Member appointed to replace Ms HÜBNER.

He invited Mr SAMECKI to make an effective contribution to achieving the current Commission's objectives and wished him every success in the performance of his new duties.

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1. AGENDAS

(OJ(2009)1882/3; SEC(2009)960/2)

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)1882)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 13 July.

**3. APPROVAL OF THE MINUTES OF THE 1880th AND 1881st
COMMISSION MEETINGS (2 AND 8 JULY)**

(PV(2009)1880; PV(2009)1881)

The Commission approved the minutes of its 1880th and 1881st meetings.

4. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

4.1. *WRITTEN PROCEDURES APPROVED*

(SEC(2009)962 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 6 and 10 July.

4.2. *EMPOWERMENT*

(SEC(2009)963 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 6 and 10 July.

4.3. *DELEGATION AND SUBDELEGATION OF POWERS*

(SEC(2009)964 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 6 and 10 July, as archived in e-Greffe.

4.4. *SENSITIVE WRITTEN PROCEDURES*

(SEC(2009)965 AND /2)

The Commission took note of the sensitive written procedures for which the time limit would expire between 13 and 17 July and of the "finalisation" written procedure initiated following the weekly meeting of Chefs de cabinet on 13 July (see item 5 of these minutes).

5. PROPOSAL FOR A COUNCIL REGULATION AMENDING REGULATION (EC) 539/2001 LISTING THE THIRD COUNTRIES WHOSE NATIONALS MUST BE IN POSSESSION OF VISAS WHEN CROSSING THE EXTERNAL BORDERS AND THOSE WHOSE NATIONALS ARE EXEMPT FROM THAT REQUIREMENT (COM(2009)366 TO /3; SEC(2009)987)

Mr BARROT, in agreement with Mr REHN, presented the proposal for a Council Regulation set out in COM (2009)366/3, which was scheduled to be approved by the Commission via the ‘finalisation’ written procedure on Wednesday 15 July (PE/2009/5318).

Under the proposal nationals of the former Yugoslav Republic of Macedonia, Montenegro and Serbia would be exempt from the visa requirement for stays not exceeding three months.

He recalled the EU’s political commitment under the Thessaloniki agenda, in particular the aim of establishing visa-free travel for all countries in the Western Balkans, while stressing that visa liberalisation depended on the various countries concerned meeting the benchmarks set out in the respective roadmaps.

Mr BARROT said that the Commission would continue to pay particular attention to internal security issues in the countries concerned, citing as an example the importance of continuing the fight against crime in Montenegro. He stressed that the liberalisation of visas for Serbia was without prejudice to the status of Kosovo, which had not been recognised as a state by a number of Member States. He also confirmed that the Commission would continue its dialogue on visa liberalisation with Albania and Bosnia and Herzegovina.

Mr BARROT saw the initiative as an important step in opening up the European Union to the Western Balkans with a view to gradually integrating these countries which undoubtedly belonged to Europe and had a European vocation.

The Commission took note of these points and held a brief exchange of views during which it expressed its support for the proposal for a Regulation. It also

highlighted the positive signal sent out by this initiative and in particular the importance attached to visa liberalisation by civil society in the countries concerned, by the political and business world and also by the younger generation.

6. INTERINSTITUTIONAL RELATIONS

(SEC(2009)982)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 10 July (SEC(2009)982).

It paid particular attention to the following points:

6.1. LEGISLATIVE MATTERS

i) Results of Parliament's May II part-session

(point 1.3 of the IRG record)

Codecision – 2nd reading

- Common regulatory framework for electronic communications networks and services, access to and interconnection and authorisation of such networks and services (Directive) / Universal service, users' rights relating to networks and services, processing of personal data, protection of privacy, consumer protection cooperation (Directive) / Creation of the European Electronic Communications Market Authority (Regulation) – TRAUTMANN / HARBOUR / DEL CASTILLO VERA reports – 2007/0247 (COD) / 2007/0248 (COD) / 2007/0249 (COD).

The Commission approved the line set out in SP(2009)2135/6, further to documents SP(2009)2135, approved by the Commission at its 1871st meeting on 21 April, and SP(2009)2135/2 and /3, approved by the Commission at its 1873rd meeting on 5 May.

Empowerment

- Common regulatory framework for electronic communications networks and services, access to and interconnection and authorisation of such networks and services (Directive) / Universal service, users' rights relating to networks and services, processing of personal data, protection of privacy, consumer protection cooperation (Directive) / Creation of the European Electronic Communications Market Authority (Regulation) – TRAUTMANN / HARBOUR / DEL CASTILLO VERA reports – 2007/0247 (COD) / 2007/0248 (COD) / 2007/0249 (COD).

Further to the empowerment granted on 21 April (see PV(2009)1871, item 4.1.ii, pages 11 and 12), the Commission empowered Ms REDING, under Article 13 of its Rules of Procedure, in agreement with the PRESIDENT and Ms WALLSTRÖM and any other Members associated, to adopt and transmit to the Council in accordance with Article 251(2)(c) of the EC Treaty its opinion on amendment 138 adopted by the European Parliament on the basis of the line set out in SP(2009)2135/6.

- ii) Community control system for ensuring compliance with the rules of the Common Fisheries Policy (Council Regulation) – ROMEVA I RUEDA report – 2008/0216 (CNS)**
(point 1.4 of the IRG record)

The Commission took note of note SI(2009)177/2 with a view to future discussions to be held in the Council.

6.2. RELATIONS WITH THE COUNCIL

- iii) Programming of Council business**
(SI(2009)188)

The Commission took note of the information in SI(2009)188 on the Council meetings between 16 and 29 July.

iv) Results of the informal meeting of Employment and Social Policy Ministers (Jönköping, 8 and 9 July)
(SEC(2009)1044)

The Commission took note of the information note from Mr ŠPIDLA, distributed as SEC(2009)1044.

6.3. RELATIONS WITH PARLIAMENT

v) Action taken on Parliament's non-legislative resolutions
(point 3.2.1 of the IRG record)

The Commission approved document SP(2009)3508/5 on the action taken on the non-legislative resolutions adopted by Parliament at its April I part-session, further to documents SP(2009)3508 and /3, already approved by the Commission at its 1880th meeting on 2 July, for transmission to Parliament.

vi) Action taken on Parliament's non-legislative resolutions
(point 3.2.2 of the IRG record)

The Commission approved documents SP(2009)3615 to /3 on the action taken on the non-legislative resolutions adopted by Parliament at its April II part-session, for transmission to Parliament.

vii) Action taken on Parliament's non-legislative resolutions
(point 3.2.3 of the IRG record)

The Commission approved documents SP(2009)3564 and /2 on the action taken on the non-legislative resolutions adopted by Parliament at its May part-session, for transmission to Parliament.

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

(point 3.2.4 of the IRG record)

The Commission approved document SP(2009)3616 on the action taken on the legislative opinions and non-legislative resolutions adopted by Parliament at its May part-session, for transmission to Parliament.

ix) Seventh legislature – Inaugural part-session of Parliament

Ms WALLSTRÖM reported to the Commission on the preparatory work for Parliament's inaugural part-session, on the election of the President and Vice-Presidents of Parliament on Tuesday 14 July and on the vote regarding the composition of parliamentary committees.

She stressed the importance of continuing and intensifying contacts with the new Parliament, in particular with the newly elected MEPs and the parliamentary committees, and drew attention to the meeting of Parliament's Conference of Presidents on 16 July and the presentation of the new Members of the Commission to Parliament in the autumn.

There was a need to study the implications of the possible entry into force of the Lisbon Treaty for the framework agreement between the Commission and Parliament. Ms WALLSTRÖM stressed the interinstitutional dimension of the Lisbon Treaty and hoped that the Commission would hold detailed discussions with Parliament and the Council in the coming months on all matters relating to implementation of the Treaty at interinstitutional level.

The PRESIDENT highlighted the excellent cooperation between Parliament and the Commission in recent years. He was sure that the Commission would continue to work closely with the newly elected Parliament and asked Members to keep up contacts with MEPs and parliamentary committees.

He stressed that the Commission would continue to step up cooperation with Parliament and the Council and forge a closer partnership between the three

institutions, while at the same time defending the respective powers conferred on them by the Treaties and preserving their institutional independence.

The Commission took note of this information.

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

x) Action taken on opinions of the European Economic and Social Committee – Fourth quarter of 2008

(point 4.1 of the IRG record)

The Commission approved the replies to the opinions adopted by the Economic and Social Committee during the fourth quarter of 2008 as set out in SC(2009)22/2, for transmission to the Economic and Social Committee.

xi) Action taken on opinions of the European Economic and Social Committee – First quarter of 2009

(point 4.2 of the IRG record)

The Commission approved the replies to the opinions adopted by the Economic and Social Committee during the first quarter of 2009 as set out in SC(2009)24/2, for transmission to the Economic and Social Committee.

- 7. PROPOSAL FOR A COUNCIL REGULATION CONCERNING THE COMMUNICATION TO THE COMMISSION OF INVESTMENT PROJECTS IN ENERGY INFRASTRUCTURE WITHIN THE EUROPEAN COMMUNITY AND REPEALING REGULATION (EC) 736/96 (COM(2009)361 TO /3; SEC(2009)971; SEC(2009)972; SEC(2009)973; SEC(2009)984/2)**

- 8. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL CONCERNING MEASURES TO SAFEGUARD SECURITY OF GAS SUPPLY AND REPEALING DIRECTIVE 2004/67/EC (COM(2009)363 TO /4; SEC(2009)977 AND /2; SEC(2009)978; SEC(2009)979 TO /3; SEC(2009)980; SEC(2009)981; SEC(2009)984/2)**

Mr PIEBALGS presented the proposal for a Regulation of the European Parliament and of the Council concerning measures to safeguard security of gas supply.

He prefaced his remarks by warning that the possibility of another crisis in the gas sector could not be ruled out, so the European Union could not afford any lack of transparency. He welcomed the signature of the intergovernmental agreement on the Nabucco project on Monday 13 July, which showed that it was possible to make progress in safeguarding energy supplies.

Mr PIEBALGS said that the crisis the previous winter (and in other years too) had clearly shown that, despite existing regulations, the EU was unable to respond effectively to a disruption of its gas supplies. The proposals for the internal market in energy and the European economic recovery plan were the first responses at Community level, but further instruments were needed in the gas sector as regards both responsibilities and organisation.

The question of gas supplies was highly sensitive because of the benefits and risks associated with this type of energy. The advantages included the low level of CO₂ emissions, the existence of well-developed infrastructure and years of experience with using gas, the relatively low cost of constructing gas-fired power stations and the plentiful supplies of gas in the regions on or near the EU's borders. The risks

included the volatility of gas prices, the problems of dependence on third countries, questions about the reliability of external supplies and the political sensitivity of the issue in certain countries.

He illustrated this point with a number of significant statistics on the EU's dependence on gas and emphasised the need to increase each Member State's security of supply and to define clearly the scope for EU action in the event of any disruption to supplies.

Mr PIEBALGS then explained the philosophy behind his proposal, which was based on the rules applying in the electricity sector. In particular he mentioned the choice of the "N-1 standard", whereby instead of building up large and expensive gas stocks it was possible to ensure that if the supply to one of the infrastructures was interrupted the unaffected infrastructures would still be able to provide the volume needed to satisfy the total demand for gas. This total was calculated on the basis of the 60-day period of exceptional demand for gas corresponding to the coldest period, statistically occurring every 20 years.

Implementing his proposal would entail the designation of a competent authority in each Member State and the preparation of national preventive action plans to mitigate the risks of supply disruptions and emergency plans to minimise the consequences. The Commission would have the power to coordinate action through the Gas Coordination Group and by issuing opinions on the plans produced by the Member States.

He also referred to the measures to be taken in various areas regarding supplies of and demand for gas and the question of reverse flows, and felt that the N-1 standard could be met through efforts on both the supply and the demand side, bearing in mind that particular attention would have to be paid to the position of certain protected customers, such as hospitals and schools. He also mentioned his proposals for the Community response in the event of an emergency and the Commission's coordinating role.

Finally, Mr PIEBALGS turned to the question of the estimated costs of the proposed

system over a three-year period, which he considered to be relatively modest and which he believed could be borne by private companies and consumers without the Member States having to resort to higher taxes, thanks in part to the support available from the Community funds.

He wound up his presentation by mentioning the intergovernmental agreements signed by the Member States with third countries and the need to establish a clear mechanism enabling the Commission to assess their compatibility with the legislation on the internal market at the earliest possible stage. The Nabucco project was exemplary in this respect, having been discussed with all the parties in a very transparent way.

The Commission then held an in-depth discussion, in which unanimous support was expressed for the two proposals and their aims and the following points were raised regarding the gas supply proposal:

- this was an ambitious text, of benefit to all, and particularly timely;
- the financial costs of the proposal should be quantified more precisely; in the context of the current economic and financial crisis the specific situation of the most vulnerable Member States should be taken into account if they were unable to comply with the provisions of the text within the prescribed time limits;
- the importance of a procedure for informing the Commission as regards intergovernmental agreements, without going further than was strictly necessary for the proper implementation of the proposed measures;
- the value of a mechanism for solidarity between Member States in the event of an emergency, as provided for in the proposal.

Mr PIEBALGS replied to these comments, saying that it was difficult at this stage to give a precise estimate of the costs of the proposed measures but that they were very reasonable. He also pointed out that it was up to the Member States to shoulder their responsibilities, to assess the risks and to do everything possible to mitigate

them, while allowing the market to do its job. He was willing to clarify the provisions on the exchange of information between the Member States and the Commission, where transparency should be the watchword.

The PRESIDENT thanked Mr PIEBALGS for this valuable work and reiterated that on the crucial question of the security of gas supplies the Member States, which wanted the European Union to speak with a single voice, had to be clearly reminded of their responsibilities. It was essential that the Commission provide clear leadership, and transparent procedures were needed to ensure that it was consulted and informed by the Member States. He said that the Commission would examine in detail the financial solutions for helping the weakest Member States, noting in conclusion that a secure energy supply was an essential element in the life of every European citizen.

Finally the PRESIDENT noted that in the proposal distributed as COM(2009)363/4 the word "consult" would be replaced by the word "inform" in subparagraph (a) of Article 12(6) on page 19 of the English version.

On a proposal from the PRESIDENT, and subject to the amendment referred to above, the Commission agreed that the decisions in COM(2009)361/3 and COM(2009)363/4 would be adopted by "finalisation" written procedures, the time limit for which had been set at Thursday 16 July 2009 (PE/2009/5142 and PE/2009/5262).

9. OTHER BUSINESS

9.1. *ELEVENTH UPDATE OF THE LIST OF AIR CARRIERS SUBJECT TO AN OPERATING BAN IN THE COMMUNITY* **(SEC(2009)1036)**

The Commission took note of the information note from Mr TAJANI, distributed as SEC(2009)1036.

**9.2. SEMINAR ON THE FUTURE OF THE EUROPEAN INTEGRATED MARITIME POLICY ORGANISED BY THE CONFERENCE OF THE PERIPHERAL MARITIME REGIONS OF EUROPE (CPMR) (FAIAL, AZORES, 6 JULY)
(SEC(2009)1037)**

The Commission took note of the information note from Mr BORG, distributed as SEC(2009)1037.

9.3. VISIT TO IRELAND (DUBLIN AND LIMERICK, 2-3 JULY 2009)

Mr ŠPIDLA reported on his recent visit to Ireland during which he had met representatives of the Irish Government and trade unions in Dublin. He also spoke of his visit to Limerick, a town affected by major job losses, and of the meetings he had there concerning the request for financial aid from the Globalisation Adjustment Fund.

Finally, he noted that his visit had been well received and he stressed the importance, in the context of economic recovery, of exchanging more information with Member States on action taken by the EU and on ways of improving coordination between measures taken at national and Community level.

The Commission took note of this information.

10. RELATIONS WITH NON-MEMBER COUNTRIES

**RESULTS OF G8 SUMMIT (L'AQUILA, 8-10 JULY)
(SEC(2009)1035)**

The PRESIDENT reported on the outcome of the recent G8 summit held in L'Aquila, Italy, from 8 to 10 July which, he felt, had been a success and an opportunity to engage in closer dialogue with the various global players. There had been an excellent atmosphere at the summit, which he attributed largely to the

impetus generated by the Italian Prime Minister Silvio Berlusconi. A debate had been launched on the various formats and configurations of world summits; the next G8 would be held in Canada in June 2010.

The PRESIDENT then turned to more specific aspects of the summit, beginning with the economic and financial issues. Discussion on these topics had been of a high standard, and he was pleased to report that positive signs had been observed in terms of stabilisation of the financial sector and renewed confidence. He also underlined the importance of the exchange of views on the next cycle of economic growth and new sources of growth, which constituted an excellent preparation for the G20 summit to be held in Pittsburgh, USA, in September. The L'Aquila summit had also culminated in the signature of a joint declaration by the members of the G8 and the G5 with a view to concluding negotiations on the Doha Development Round in 2010.

On climate change, the PRESIDENT welcomed the conclusions of the G8, which accepted for the first time a commitment to limit the temperature rise to 2°C and quantified targets for reducing greenhouse gas emissions by 2050. However, further discussions would be needed with emerging countries and a great deal of work would still have to be done with the United States and others if an agreement was to be reached at the Copenhagen Climate Change Conference in December. The PRESIDENT would meet UN Secretary-General Mr Ban Ki-Moon in September to examine how best to prepare for that conference.

Lastly the PRESIDENT outlined the commitments made in the joint statement on food security with a view to mobilising USD 20 billion over three years to combat hunger in the world. He stressed the importance of the shift from the concept of food aid to food security and welcomed the significant financial and conceptual contributions from the EU.

He concluded his report by saying that the summit had generated positive momentum, but there was still a great deal to be achieved, particularly on climate change and in connection with the forthcoming G20 summit in Pittsburgh in September.

Following this presentation, the Commission held a brief discussion during which the following points were raised:

- the importance of the baselines used in combating climate change, particularly those of the United States, which differed from the ones set by the EU;
- a reminder of certain environmental issues that remained unresolved, in particular the protection of biodiversity;
- the need to work more on the presentation of various aspects of climate change vis-à-vis the United States and other countries in order to highlight the benefits in terms of energy and security;
- a reminder of the difference in approach between the EU and the United States to coordination in the scientific field.

The Commission took note of these points and of the PRESIDENT's note in SEC(2009)1035.

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The meeting closed at 14.39.