



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2009)1896 final

Brussels, 2 December 2009

MINUTES

**of the 1896th meeting of the Commission
held in Strasbourg
(Winston Churchill building)
on Tuesday 24 November 2009
(afternoon)**

PV(2009)1896 final

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Single sitting: Tuesday 24 November 2009 (afternoon)

The sitting opened at 13.07 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

Mr DIMAS

Mr ALMUNIA

Mr BORG

Mr POTOČNIK Item 9 (in part)

Mr REHN

Mr KOVÁCS

Ms KROES

Ms FISCHER BOEL

Ms FERRERO-WALDNER

Mr ŠPIDLA

Mr PIEBALGS

Ms KUNEVA

Mr ORBAN

Ms VASSILIOU

Baroness ASHTON

Mr ŠEMETA

Mr SAMECKI

Mr DE GUCHT

Mr ŠEFČOVIČ

Absent:

Ms REDING

Mr McCREEVY

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

Mr PRONK	Adviser in Ms REDING's office
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The following also sat in:

Mr LAITENBERGER	Chef de cabinet to the PRESIDENT
Mr ROMERO REQUENA	Director-General, Legal Service
Mr SØRENSEN	Director-General, DG Communication
Ms AHRENKILDE HANSEN	Commission Spokeswoman
Mr GASPAR	Acting Director-General, Bureau of European Policy Advisers
Mr CABRAL	Adviser hors classe in the PRESIDENT's office

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

1. AGENDAS

(OJ(2009)1896/4; SEC(2009)1592/2)

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)1896)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 23 November.

3. MINUTES OF 1895th MEETING (19 NOVEMBER)

(PV(2009)1895)

The Commission approved the minutes of its 1895th meeting.

4. INTERINSTITUTIONAL RELATIONS

(SEC(2009)1600 AND /2)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 20 November (SEC(2009)1600 and /2).

It paid particular attention to the following points.

4.1. LEGISLATIVE MATTERS

i) Co-decision procedure

(point 1.2 of the IRG record)

- Framework for the 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 authorised Mr TAJANI to pursue negotiations with Parliament and the Council in order to reach agreement on a common position following the line set out in SPI(2009)91/2.

ii) Preparations for the November 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:

Co-decision – 1st reading

- Adaptation to Council Decision 1999/468/EC of a number of instruments subject to the procedure referred to in Article 251 of the Treaty with regard to the regulatory procedure with scrutiny – Adaptation to the regulatory procedure with scrutiny – Part Five (Regulation) – SZÁJER report – 2009/00048 (COD)

The Commission approved the line set out in SP(2009)4989.

Consultation

- Macro-financial assistance to Georgia (Council Decision) /
Macro-financial assistance to Armenia (Council Decision) /

Macro-financial assistance to Serbia (Council Decision) / Macro-financial assistance to Bosnia and Herzegovina (Council Decision)) – MOREIRA report / RANSDORF report / WINKLER report – 2009/0147 (CNS) / 2009/0150 (CNS) / 2009/0145 (CNS) / 2009/0166 (CNS)

The Commission approved the line set out in SP(2009)5078 and /2.

iii) Preparations for the Council meetings on Education, Youth and Culture (Brussels, 26 and 27 November) and Competitiveness (Brussels, 3 and 4 December)

(points 1.4 and 1.5 of the IRG record)

- *Google Books* – Information note from the Commission

The Commission authorised the circulation of the information note in SI(2009)286/4 at the Council meetings on Education, Youth and Culture (Brussels, 26 and 27 November) and Competitiveness (Brussels, 3 and 4 December).

- Statute for a European Private Company (Council Regulation) – LEHNE report – 2008/0130 (CNS)

The Commission approved the line set out in SI(2009)287/2 with a view to the Council meeting (Competitiveness) on 3 and 4 December.

- Community patent (Council Regulation) – 2000/0177 (CNS)

The Commission approved the line set out in SI(2009)289 with a view to the Council meeting (Competitiveness) on 3 and 4 December.

iv) Preparations for Council meeting (Employment, Social Policy, Health and Consumer Affairs) (Brussels, 30 November and 1 December)

(point 1.6 of the IRG record)

- Application of the principle of equal treatment between men and women

engaged in an activity in a self-employed capacity (Directive) –
LULLING report – 2008/0192 (COD)

The Commission authorised Mr ŠPIDLA to lend political support to a Presidency compromise which might be adopted by qualified majority at the Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 30 November and 1 December, following the line set out in SI(2009)290. Formal support would be reserved for a subsequent decision by the next Commission.

4.2. RELATIONS WITH THE COUNCIL

v) Programming of Council business (SI(2009)294)

The Commission took note of the information in SI(2009)294 on the Council meetings between 26 November and 9 December.

4.3. RELATIONS WITH PARLIAMENT

vi) Preparation for November II part-session of Parliament – Oral questions (point 3.4 of the IRG record)

H-0361/09, H-0362/09, H-0363/09, H-0366/09, H-0368/09, H-0371/09, H-0372/09, H-0373/09, H-0374/09, H-0376/09, H-0377/09, H-0379/09, H-0380/09, H-0382/09, H-0385/09, H-0386/09, H-0387/09, H-0388/09, H-0390/09, H-0391/09, H-0393/09, H-0397/09, H-0398/09, H-0399/09, H-0401/09, H-0403/09, H-0404/09, H-0405/09, H-0407/09, H-0408/09, H-0410/09, H-0412/09, H-0414/09, H-0416/09, H-0418/09, H-0419/09, H-0421/09, H-0423/09 and H-0424/09

The Commission approved the draft answers set out in SP(2009)4982, /2 and /3, following the agreement reached between the Chefs de cabinet on revisions to some of these draft answers, and certain draft supplementary

answers, revisions to answers and draft answers as set out in SP(2009)4982/4 *et seq.*

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

(point 3.5.2 of the IRG record)

The Commission approved document SP(2009)4689 on the action taken on the non-legislative resolutions adopted by Parliament at its September part-session, for transmission to Parliament.

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

(point 3.5.3 of the IRG record)

The Commission approved document SP(2009)4976 on the action taken on Parliament's legislative opinions and non-legislative resolutions adopted at its October I and II part-sessions, for transmission to Parliament.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED

(SEC(2009)1594 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 16 and 20 November.

5.2. EMPOWERMENT

(SEC(2009)1595 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 16 and 20 November.

5.3. DELEGATION AND SUBDELEGATION OF POWERS
(SEC(2009)1596 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 16 and 20 November, as archived in e-Greffe.

5.4. SENSITIVE WRITTEN PROCEDURES
(SEC(2009)1597 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 23 and 27 November and of the 'finalisation' written procedure initiated following the weekly meeting of Chefs de cabinet on 23 November.

6. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2009)1593/2)

ADMINISTRATIVE MATTERS
(PERS(2009)139/2)

6.1. DG ENVIRONMENT – REINSTATEMENT OF AN AD14 OFFICIAL

The Commission took note of the information in point 1 of PERS(2009)139/2 and, on a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr DIMAS, decided under Article 40 of the Staff Regulations to reinstate Mr Ladislav MIKO, an AD14 official, in the post of Director (Nature) in the Directorate-General for the Environment.

The decision would take effect on 1 December 2009.

**6.2. DG PERSONNEL AND ADMINISTRATION – TEMPORARY POSTINGS
AS DIRECTOR, HEAD OF DELEGATION OR PRINCIPAL LEGAL
ADVISER**

(PERS(2009)136/2)

The Commission took note of the information in point 2 of PERS(2009)139/2 and, acting in accordance with Commission Decision C(2009)7839 of 19 October 2009 laying down implementing rules as regards temporary occupation of management posts, and taking into account the interests of the service and the need to ensure fair treatment of the officials concerned, decided, on a proposal from Mr KALLAS, in agreement with the PRESIDENT, Mr ŠEMETA, Ms KROES, Mr ALMUNIA, Mr REHN, Ms REDING, Mr ORBAN, Ms FERRERO-WALDNER, Mr POTOČNIK and Mr TAJANI:

- in accordance with Article 7(2) of the Staff Regulations, to grant a temporary posting as director to Mr Jean-Pierre BUISSERET, Mr Eric VAN GINDERACHTER, Mr Olivier GUERSENT, Ms Irmfried SCHWIMANN, Mr Peter BASCH, Mr Dirk LANGE, Ms Maria-Helena FIGUEIRA, Mr Gérard COMYN, Mr Dirk BEERNAERT, Mr José COTTA, Mr Christian DUBS, Mr Konstantinos GLINOS, Mr Morten MOLLER, Mr Michel LANGLAIS, Mr Liam BRESLIN, Mr Philippe VANNSON, Mr Alain VANVOSEL and Mr Jean-Eric PAQUET, under the terms set out respectively in points 1 to 14, 16 to 18, and 20 of PERS(2009)136/2;
- in accordance with Article 7(2) of the Staff Regulations, to grant a temporary posting as head of delegation to Mr Marc LITVINE, under the terms set out in point 15 of PERS(2009)136/2;
- in accordance with Article 7(2) of the Staff Regulations, to grant a temporary posting as principal legal adviser to Mr Ulrich WOELKER, under the terms set out in point 19 of PERS(2009)136/2; this decision

cancelled and replaced the decision of 8 April 2009 (see PV(2009)1870, point 7.7).

These decisions would take effect immediately.

**6.3. DG PERSONNEL AND ADMINISTRATION – AMENDMENT OF
COMMISSION DECISION ON THE ENGAGEMENT AND USE OF
TEMPORARY STAFF
(C(2009)9403)**

Having taken note of the information in point 3 of PERS(2009)139/2, the Commission, on a proposal from Mr KALLAS, in agreement with the PRESIDENT, adopted the decision in C(2009)9403 amending its decision C(2004)1597 of 28 April 2004 with regard to temporary staff engaged under Article 2(c) of the Conditions of employment applicable to other servants of the Communities.

The decision would take effect on 1 December 2009.

**7. COMMISSION WORKING DOCUMENT – CONSULTATION ON THE
FUTURE ‘EU 2020’ STRATEGY
(COM(2009)647 TO /3; SEC(2009)1613)**

The Commission approved the working document in COM(2009)647/3 for transmission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions, the European Central Bank and the European Investment Bank, and to the national parliaments.

8. RELATIONS WITH NON-MEMBER COUNTRIES

VISIT TO EGYPT (CAIRO, 12-16 NOVEMBER)

(SEC(2009)1636)

The Commission took note of the information note from Mr ŠPIDLA in SEC(2009)1636.

9. OTHER BUSINESS

RESULTS OF THE EXTRAORDINARY EUROPEAN COUNCIL (BRUSSELS, 19 NOVEMBER)

The PRESIDENT reviewed the appointment decisions taken at the extraordinary European Council in Brussels on 19 November. He began by warmly congratulating Baroness ASHTON on her appointment to the post of High Representative of the Union for Foreign Affairs and Security Policy, and hence Commission Vice-President. He welcomed this decision both in a personal capacity and from the point of view of the institutions. The High Representative was one of the main new institutional features introduced by the Lisbon Treaty, and he regarded the choice of one of the Members of the Commission to fill that post as an extremely positive development. He was deeply satisfied with this outcome and wished Baroness ASHTON every success.

The PRESIDENT had also sent very warm and sincere congratulations to Mr Herman Van Rompuy on his appointment as President of the European Council. He believed that Mr Van Rompuy would bring to this post the qualities that Europe required at its highest level: the European outlook that was particular to Belgium, his commitment to the Community method and his spirit of consensus. What Europe needed in this post was a leading figure who could get the Member States to work together; in this respect Mr Van Rompuy was the best choice. Moreover, Mr Van Rompuy had a thorough knowledge of the role of the institutions and the PRESIDENT looked forward to working with the President of the European

Council as an effective team; for the sake of Europe it was important that the two of them displayed a united front.

The PRESIDENT felt that the decisions taken on 19 November had created a good working environment for the next five years, with due regard being paid to the respective powers of each institution.

Congratulating Baroness ASHTON once again, he said he was sure that she would do a remarkable job, forge good relations, find the necessary compromises and build consensus.

He also reported on the tributes which had been paid at the extraordinary European Council to the work of Mr Javier Solana, who had been attending his last European summit. Mr Solana had been thanked for his commitment to the European project.

The PRESIDENT then praised the excellent work of Ms FERRERO-WALDNER as Member of the Commission responsible for external relations, which had enabled the institution to expand its role in that field.

Ms FERRERO-WALDNER in turn expressed her personal satisfaction at the appointment of Baroness ASHTON. Drawing particular attention to Baroness ASHTON's political skills, Ms FERRERO-WALDNER said she firmly believed that she would do an excellent job and gain the trust of all the institutions. External relations was a key portfolio but one that brought with it difficulties and frustration, for example at the inability to find a solution to the Middle East question.

Baroness ASHTON thanked the PRESIDENT for the support he had shown her. She assured Ms FERRERO-WALDNER that she would do her utmost to be a worthy successor in managing this portfolio. Taking part in the work of this Commission had been an extraordinary experience, for which she thanked her colleagues.

Ms WALLSTRÖM took the floor to congratulate Baroness ASHTON on her appointment. She noted how little time she had to prepare for her new duties, but was sure that she would succeed. She too paid tribute to the work done by

Ms FERRERO-WALDNER.

The PRESIDENT also expressed his satisfaction with the gender balance; this was another reason why he had supported Baroness ASHTON's appointment from the outset. He expected that there would be nine women in the next Commission and thanked in particular Ms WALLSTRÖM and Ms KROES for their efforts to promote gender issues during their term of office.

He then spoke in detail about the decisions on the reorganisation of portfolios that would be required following the extraordinary European Council and in accordance with the Treaties:

- Baroness ASHTON would become High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the Commission with responsibility for external relations as of 1 December 2009;
- Ms FERRERO-WALDNER, hitherto Member of the Commission responsible for external relations, would, in agreement with Baroness ASHTON, continue to supervise the European Neighbourhood Policy and the activities of the Europol Cooperation Office (AIDCO), and would take charge temporarily of the trade portfolio left vacant by Baroness ASHTON until the next Commission took office.

The PRESIDENT said that Baroness ASHTON had already agreed to appear before Parliament's Foreign Affairs Committee on the morning of 2 December. He added that he would soon be announcing the composition of the new Commission; the Members-designate would be heard by the European Parliament in January, following which Parliament would hold a vote of approval on the new Commission as a whole, including Baroness ASHTON. The PRESIDENT acknowledged the sensitive nature of this transitional period and stressed the importance of continuing the work in hand so that dossiers were left in good order for the next Commission.

Finally, as regards the end-of-year timetable, he announced that the Commission meeting scheduled for 23 December would be postponed, but a seminar to be attended by all the Members-designate of the future Commission would still be held

on 21 December only. He reminded the meeting that the Commission would be holding a Christmas dinner in Strasbourg on 15 December.

The Commission took note of this information.

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The meeting closed at 13.32.