EUROPEAN COMMISSION

SECRETARIAT-GENERAL

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MINUTES

of the 1918th meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 12 May 2010

(morning)

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Single sitting: Wednesday 12 May 2010 (morning)

The sitting opened at 8.04 with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	President	
Ms REDING	Vice-President	Items 1 to 19
Mr KALLAS	Vice-President	
Ms KROES	Vice-President	Items 1 to 19
Mr TAJANI	Vice-President	Items 1 to 16
Mr ŠEFČOVIČ	Vice-President	
Mr REHN		Points 1 to 20 (in part)
Mr PIEBALGS		
Ms VASSILIOU		
Mr ŠEMETA		
Mr DALLI		
Ms GEOGHEGAN-QUINN		
Mr LEWANDOWSKI		
Ms DAMANAKI		
Ms GEORGIEVA		
Mr OETTINGER		
Mr HAHN		Items 14 (in part) to 20
Mr FÜLE		
Mr ANDOR		
Ms MALMSTRÖM		
Mr CIOLOŞ		

Absent:

Baroness ASHTON	High Representative/ Vice-President
Mr ALMUNIA	Vice-President
Mr POTOČNIK	
Mr BARNIER	
Mr DE GUCHT	
Ms HEDEGAARD	

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

Mr CASTRO ZUZUARREGUI	A member of Baroness ASHTON's staff	
Mr MARTÍNEZ MONGAY	Chef de cabinet to Mr ALMUNIA	
Mr VANDENBERGHE	Chef de cabinet to Mr POTOČNIK	
Mr GUERSENT	Chef de cabinet to Mr BARNIER	
Ms PERESSO	A member of Mr DE GUCHT's staff	Items 16 (in part) to 20
Mr VIS	Chef de cabinet to Ms HEDEGAARD	

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	Items 14 (in part) to 20
Mr DOENS	Head of the European Commission Spokesperson Service	Items 16 (in part) to 20
Ms AHRENKILDE HANSEN	Commission Spokeswoman	
Mr SCHINAS	Bureau of European Policy Advisers	
Mr FRUTUOSO DE MELO	Chef de cabinet to the PRESIDENT	Items 1 to 19
Mr CABRAL	Adviser *hors classe* in the PRESIDENT's office	Items 16 (in part) to 19
Ms SKURATOWICZ	A member of the PRESIDENT's staff	Items 15 to 20
Ms RISO	Deputy Chef de cabinet to Mr REHN	Items 15 to 19
Mr LAHTI	A member of Mr REHN's staff	Items 15 to 19
Mr LEMAÎTRE	Chef de cabinet to Mr LEWANDOWSKI	Items 1 to 14
Mr JOUANJEAN	Director-General, DG Budget	Items 1 to 14

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

1. AGENDAS
(OJ(2010)1918/4; SEC(2010)553/2)

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(2010)1918)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 10 May.

3. APPROVAL OF THE MINUTES AND SPECIAL MINUTES OF THE 1916TH MEETING OF THE COMMISSION (4 MAY) AND THE MINUTES OF THE 1917TH MEETING (9 MAY)

The Commission held over approval of the minutes of its 1916th and 1917th meetings for a later meeting.

4. MONITORING THE APPLICATION OF EUROPEAN UNION LAW

STATE AID – INDIVIDUAL CASES
(SEC(2010)584/2)

The Commission adopted the decisions in SEC(2010)584/2.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED (SEC(2010)555 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 3 and 7 May.

5.2. EMPOWERMENT (SEC(2010)556 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 3 and 7 May.

5.3. DELEGATION AND SUBDELEGATION OF POWERS (SEC(2010)557 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 3 and 7 May, as archived in e-Greffe.

5.4. SENSITIVE WRITTEN PROCEDURES (SEC(2010)558)

The Commission took note of the sensitive written procedures for which the time limit expired between 10 and 12 May.

5.5. AD HOC EMPOWERMENT CONCERNING THE PROPOSAL FOR A COMMISSION REGULATION PROHIBITING FISHING FOR BLUEFIN TUNA IN THE ATLANTIC OCEAN, EAST OF LONGITUDE 45°W, AND IN THE MEDITERRANEAN SEA, BY PURSE SEINERS FLYING THE FLAG OF […] […][…] OR REGISTERED IN […][…][…] (SEC(2010)594 AND /2)

The Commission:

– adopted in principle the Commission Regulation prohibiting the bluefin tuna fishery for purse seiners of certain Member States, as set out in SEC(2010)594;

– decided to empower Ms DAMANAKI, Member of the Commission responsible for fisheries, in agreement with the PRESIDENT, to determine the Member States concerned and to set the final date(s) of entry into force of the ban, on behalf of the Commission and under its responsibility, on the basis of the available information indicating the definitive trends in quota consumption and taking into account the measures taken by the Member States in response to these; the empowerment could be exercised by the adoption of a regulation or a series of regulations, as required;

– agreed that, given the need to adopt a decision as soon as possible, data available to Ms DAMANAKI confirming the probable exhaustion of quotas would be sent to the Legal Service, the Secretariat-General and the Directorate-General for the Environment two days before the empowerment was exercised.

6. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2010)554)

ADMINISTRATIVE MATTERS
(PERS(2010)56)

6.1. EUROPEAN ANTI-FRAUD OFFICE – SELECTION PROCEDURE FOR THE POST OF DIRECTOR-GENERAL
(PERS(2010)24 AND /2)

The Commission took note of the information set out at point 1 of PERS(2010)56 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr ŠEMETA, decided to approve the selection

procedure set out in PERS(2010)24/2 and to appoint the following as members of the preselection board:

– Mr Claude CHÊNE, Chairman;

– Mr Jan O. KARLSSON;

– Mr David O'SULLIVAN.

6.2. EUROPEAN ANTI-FRAUD OFFICE – PROCEDURE FOR APPOINTING MEMBERS OF THE SUPERVISORY COMMITTEE (SEC(2010)600)

The Commission took note of the information at point 2 of PERS(2010)56 and, on a proposal from Mr ŠEFČOVIČ and Mr ŠEMETA, in agreement with the PRESIDENT, decided:

– to endorse the communication set out in SEC(2010)600;

– to empower, under Article 13 of the Rules of Procedure, Mr ŠEMETA, Commission Member responsible for the fight against fraud, in agreement with the PRESIDENT, to give the Commission's agreement on a joint proposal from Parliament, the Council and the Commission concerning the reappointment of four current members of the Supervisory Committee and the appointment of alternate members, in accordance with the terms set out in SEC(2010)600;

– to ask Mr ŠEMETA to inform the Commission of the new composition of the Supervisory Committee of the European Anti-Fraud Office once the procedure had been completed.

These decisions would take effect immediately.

6.3. DG ECONOMIC AND FINANCIAL AFFAIRS – INTERNAL (GRADE AD14/15) AND EXTERNAL (GRADE AD14, EU-27) PUBLICATION OF VACANCY NOTICE FOR A DIRECTOR
(PERS(2010)57)

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr REHN, the Commission decided to authorise the publication, under Articles 29(1)(a)(i) and (iii) and 29(2) of the Staff Regulations, of the vacancy notice in PERS(2010)57 for the post of Director, Secretary of the Economic and Financial Committee and of the Economic Policy Committee, in the Directorate-General for Economic and Financial Affairs.

This decision would take effect immediately.

6.4. DG CLIMATE ACTION – INTERNAL (GRADE AD14/15) AND EXTERNAL (GRADE AD14, EU-27) PUBLICATION OF VACANCY NOTICE FOR A PRINCIPAL ADVISER
(PERS(2010)58)

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms HEDEGAARD, the Commission decided to authorise the publication, under Articles 29(1)(a)(i) and (iii) and 29(2) of the Staff Regulations, of the vacancy notice in PERS(2010)58 for the post of Principal Adviser in the Directorate-General for Climate Action.

This decision would take effect immediately.

6.5. DG AGRICULTURE AND RURAL DEVELOPMENT - APPLICATION OF THE ARTICLE 50 PROCEDURE (SECOND STAGE) WITH RESPECT TO AN AD15 OFFICIAL
(PERS(2010)27)

The Commission continued its discussions on this matter begun on 24 March 2010 (PV(2010)1911).

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr CIOLOŞ, the Commission adopted the decision in PERS(2010)27 applying the second stage of the procedure laid down in Article 50 of the Staff Regulations with respect to Mr Prosper DE WINNE, an AD15 official, currently Deputy Director-General with responsibility for management of resources, audit of agricultural expenditure and relations with other institutions, communication and documentation, in the Directorate-General for Agriculture and Rural Development.

This decision would take effect on 1 February 2011.

6.6. DG EXTERNAL RELATIONS – AMENDMENT OF THE ORGANISATION CHART OF THE COMMISSION DELEGATION IN SARAJEVO

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Baroness ASHTON, the Commission:

- decided to raise the grade of the post of Head of Commission Delegation in Sarajevo to the rank of director or equivalent (AD14/15), in the light of the likely increase in responsibilities of that post;

- authorised the PRESIDENT, Baroness ASHTON and Mr ŠEFČOVIČ to have the post published internally and among the institutions, along with a call for expressions of interest, to finalise the text of the vacancy notice and to determine the composition of the selection boards;

- took note of the cancellation of the selection procedure currently under way for the post of Head of Delegation.

These decisions would take effect immediately.

6.7. DG HUMAN RESOURCES AND SECURITY – TEMPORARY POSTINGS AS DIRECTOR

Having noted the information at points 7, 8, 9 and 10 of PERS(2010)56 and in

accordance with Commission decision C(2009) 7839 of 19 October 2009 laying down implementing rules as regards temporary occupation of management posts, the Commission, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, Mr CIOLOŞ, Mr PIEBALGS, Mr DALLI and Mr DE GUCHT, decided:

– in accordance with Article 7(2) of the Staff Regulations, to grant a temporary posting as Director, Relations with other institutions, communication and documentation, in the Directorate-General for Agriculture and Rural Development to Mr Gérard KIELY, an AD14 official and Head of Unit in the Directorate-General for Agriculture and Rural Development, from 1 July 2008 to 30 April 2009;

– in accordance with Article 7(2) of the Staff Regulations, to grant a temporary posting as Director, EU Development policy: horizontal issues, in the Directorate-General for Development to Ms Françoise MOREAU, an AD13 official and Head of Unit in the Directorate-General for Development, from 1 September 2009 until such time as that post were filled, but in principle without exceeding the maximum duration of one year laid down in the Staff Regulations;

– in accordance with Article 7(2) of the Staff Regulations, to grant a temporary posting as Director, General affairs, in the Directorate-General for Health and Consumers, to Mr Matthew HUDSON, at that time an AD13 official and Adviser in the Directorate-General for Health and Consumers, from 16 March 2009 to 31 March 2010, in order to take into account the interest of the service and to ensure fair treatment of the official concerned;

– in accordance with Article 7(2) of the Staff Regulations, to grant a temporary posting as Director, Market access and industry, in the Directorate-General for Trade, to Mr Peter KLEIN, an AD13 official and Head of Unit in the Directorate-General for Trade, from 1 November 2008 to 14 January 2010, in order to take into account the

interest of the service and to ensure fair treatment of the official concerned.

These decisions would take effect immediately.

7. MEMORANDUM TO THE COMMISSION ON THE PREPARATION OF THE G20 SUMMIT (TORONTO, 26 AND 27 JUNE)
(SEC(2010)609 TO /4; SEC(2010)601)

The Commission approved the memorandum on the preparation of the forthcoming G20 summit drawn up by the PRESIDENT in agreement with Mr REHN and set out in SEC(2010)609/4.

8. REPORT BY THE COMMISSION UNDER ARTICLE 126(3) OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION CONCERNING THE DEVELOPMENT OF THE BUDGETARY SITUATION AND OF THE STOCK OF GOVERNMENT DEBT IN BULGARIA
(SEC(2010)587; SEC(2010)586; SEC(2010)591)

9. REPORT BY THE COMMISSION UNDER ARTICLE 126(3) OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION CONCERNING THE DEVELOPMENT OF THE BUDGETARY SITUATION AND OF THE STOCK OF GOVERNMENT DEBT IN CYPRUS
(SEC(2010)590 AND /2; SEC(2010)586; SEC(2010)591)

10. REPORT BY THE COMMISSION UNDER ARTICLE 126(3) OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION CONCERNING THE DEVELOPMENT OF THE BUDGETARY SITUATION

AND OF THE STOCK OF GOVERNMENT DEBT IN DENMARK
(SEC(2010)585 AND /2; SEC(2010)586; SEC(2010)591)

11. REPORT BY THE COMMISSION UNDER ARTICLE 126(3) OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION CONCERNING THE DEVELOPMENT OF THE BUDGETARY SITUATION AND OF THE STOCK OF GOVERNMENT DEBT IN FINLAND
(SEC(2010)589; SEC(2010)586; SEC(2010)591)

12. REPORT BY THE COMMISSION UNDER ARTICLE 126(3) OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION CONCERNING THE DEVELOPMENT OF THE BUDGETARY SITUATION AND OF THE STOCK OF GOVERNMENT DEBT IN LUXEMBOURG
(SEC(2010)588 AND /2; SEC(2010)586; SEC(2010)591)

The Commission adopted the reports on the development of the budgetary situation and the stock of government debt in Bulgaria, Cyprus, Denmark, Finland and Luxembourg, set out respectively in SEC(2010)587, SEC(2010)590/2, SEC(2010)585/2, SEC(2010)589 and SEC(2010)588/2, and decided to send them to the Council for examination by the Economic and Financial Committee.

13. COMMISSION RECOMMENDATION FOR A COUNCIL OPINION UNDER ARTICLE 5(3) OF COUNCIL REGULATION (EC) NO 1466/97 ON THE UPDATED STABILITY PROGRAMME OF CYPRUS (2009-2013)
(SEC(2010)595 TO /3; SEC(2010)591)

The Commission adopted the recommendation for a Council opinion on the updated stability programme of Cyprus (2009-2013), as set out in SEC(2010)595/3, for transmission to the Council.

14. POLICY DEBATE ON THE BUDGET REVIEW AND THE NEXT MULTIANNUAL FINANCIAL FRAMEWORK (SEC(2010)599; SEC(2010)559)

The PRESIDENT opened the debate, welcoming the fact that it would allow the Commission to discuss the focus and impetus to be given to the European budget and to the preparation of the next multiannual financial framework. This matter would be one of the most important issues during the present Commission's term of office. The European Union budget was one of the Commission's main tools for achieving the objectives set out in the Treaty and in the Europe 2020 strategy, and had long-term implications for the future of Europe.

The aim of this first policy debate was to embark on a discussion of the key principles underlying the budget review and to prepare the Commission's proposal for the next multiannual financial framework.

Essentially, the Commission Members must reach agreement on the principles that would steer the budget review: (i) European added value, (ii) concentration on key priorities, in line with the Europe 2020 strategy, (iii) introduction of greater flexibility and capacity to respond to unexpected developments, (iv) simplification, transparency and innovation, particularly in relation to own resources, (v) complementarity with national budgets, and (vi) more efficiency in terms of results.

The PRESIDENT recalled the two information notes disseminated jointly with Mr LEWANDOWSKI on the main issues for discussion, the organisation of the preparatory work and the deadlines for this. Once agreement had been reached on the key points of the budget review, the Commission could then turn to the most important matters referred to the Members for discussion at this meeting.

Mr LEWANDOWSKI underlined the fact that it was important for the Commission to put forward an ambitious proposal that was also realistic. Based on past experience, it was necessary for the Commission to table its proposals in good time, taking account of the different positions of the Council and Parliament during the negotiations with the budgetary authority.

During the ensuing debate, the Commission expressed widespread support for the proposed methods and the timetable for the budget review and for tabling measures with a view to the forthcoming multiannual financial framework. It was also broadly in favour of the general objectives and principles put forward for the budget review. These discussions would have to take account of the background, namely (i) the importance of the principles of solidarity, proportionality and subsidiarity, (ii) the new political priorities, powers and tasks granted to the European Union by the Lisbon Treaty, and (iii) the need to deal with the challenges posed by the current crisis, boost economic recovery, contribute to the consolidation of public finances and take account of the limited resources available. Opportunities had been thrown up by the discussion process just started, in particular in the interinstitutional context. The lessons drawn from previous budget exercises were mentioned, for instance in relation to budgetary discharge and the importance in this respect of defining more precise objectives.

At the end of the debate, Mr LEWANDOWSKI pointed out that the European Union budget accounted for approximately 1% of European gross national income, but the actual amounts represented by this percentage varied considerably depending on whether there was an economic crisis or boom. Should the negotiations with the budgetary authority fail, the ceilings for the final year of the current financial framework would be maintained until the next framework were adopted.

The PRESIDENT ended the policy debate by thanking the Commission Members for the quality of their contributions. The current economic situation was very serious and the Commission had to develop good budgetary practices, given that it was asking the same of Member States.

The PRESIDENT reminded the meeting that an initial meeting of the group of Commissioners responsible for these matters was scheduled for 20 May. Submissions by any other Commissioners would be welcome.

The Commission took note of the conclusions of the policy debate and of the information notes distributed by the PRESIDENT and Mr LEWANDOWSKI in

SEC(2010)559 and SEC(2010)599.

15. INTERINSTITUTIONAL RELATIONS (SEC(2010)541)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 7 May (SEC(2010)541).

It paid particular attention to the following points.

15.1. LEGISLATIVE MATTERS

i) Action to be taken on Parliament's legislative opinions
(SP(2010)2259)

The Commission decided to empower the Commission Members responsible for the sectors in question, in agreement with the PRESIDENT and Mr ŠEFČOVIČ 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(2010)2259, drawn up following the May I part-session of Parliament, the contents of which were noted.

ii) Ordinary legislative procedure
(point 1.2 of the IRG record)

Preparation of agreement at first reading

– Prospectus to be published when securities are offered to the public or admitted to trading, and harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market (Directive) – KLINZ report – 2009/0132 (COD)

The Commission authorised Mr BARNIER to pursue contacts with Parliament and the Council in order to reach agreement at first reading following the line set out in SPI(2010)24.

iii) Preparation for the May II part-session of Parliament
(point 1.3 of the IRG record)

Ordinary legislative procedure – Codecision – 2nd reading

– 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 approved the line set out in SP(2010)2734.

Ordinary legislative procedure – Codecision – 1st reading

– Textile names and related labelling of textile products (Regulation) – MANDERS report – 2009/0006 (COD)

The Commission approved the line set out in SP(2010)2735.

– Financing instrument for cooperation with industrialised countries and other high-income countries and territories (Regulation) – SCHOLZ report – 2009/0059 (COD)

The Commission approved the line set out in SP(2010)2737.

– Financing instrument for the promotion of democracy and human rights worldwide (Regulation) – LOCHBIHLER and GÁL report – 2009/0060B (COD)

The Commission approved the line set out in SP(2010)2738.

– Instrument for Stability (Regulation) – BRANTNER report – 2009/0058 (COD)

The Commission approved the line set out in SP(2010)2739.

– Financing instrument for development cooperation (Regulation) – MITCHELL report – 2009/0060A (COD)

The Commission approved the line set out in SP(2010)2741.

– Standards of quality and safety of human organs intended for transplantation (Directive) – MIKOLÁŠIK report – 2008/0238 (COD)

The Commission approved the line set out in SP(2010)2743.

– European Refugee Fund for the period 2008 to 2013 as part of the general programme, Solidarity and Management of Migration Flows (Decision) – TAVARES report – 2009/0127 (COD)

The Commission approved the line set out in SP(2010)2745.

Non-legislative procedure

– Community financial assistance with respect to the decommissioning of Units 1 to 4 of the Kozloduy Nuclear Power Plant in Bulgaria – Kozloduy Programme (Council Regulation) – HARMS report – 2009/0172 (NLE)

The Commission approved the line set out in SP(2010)2746.

– Migration from the Schengen Information System (SIS 1+) to the second-generation Schengen Information System (SIS II) (Council Regulation) – COELHO report – 2009/0136 (NLE) / 2010/0006 (NLE)

The Commission approved the line set out in SP(2010)2755.

15.2. RELATIONS WITH THE COUNCIL

iv) Programming of Council business
(SI(2010)130)

The Commission took note of the information in SI(2010)130 on the Council meetings between 13 and 26 May.

v) Results of the extraordinary Council meeting (Economic and Financial Affairs) (Brussels, 9 May)

Mr REHN reported on the in-depth discussions at the extraordinary Economic and Financial Affairs Council held on Sunday 9 May following the meeting of euro-area Heads of State or Government on Friday 7 May.

He stressed the importance of the decision taken on Sunday to set up a European financial stabilisation mechanism comprising a guarantee of up to EUR 60 billion from the Community budget and additional guarantees from the Member States.

Following the negotiations at the meeting, the Council had taken up part of the Commission's proposal, i.e. the provision of a guarantee from the Community budget based on Article 122(2) of the Treaty on the Functioning of the European Union. For the national contributions to the mechanism, however, it had preferred a different approach, creating a special purpose vehicle offering guarantees of EUR 440 billion from the euro-area Member States based pro rata on their share in the capital of the European Central Bank.

Mr REHN noted that the solution adopted by the Council incorporated both components of the Commission proposal, while in a separate decision the euro-area Member States had tasked the Commission with managing the special purpose vehicle.

He felt that the solution that had been found was the most practicable one as it addressed the various concerns of the Member States. Some non-euro Member States had even expressed a wish to be involved in the vehicle's operations.

He then reported on the consultations held over the weekend with the International Monetary Fund, which had led to the IMF committing an additional amount equal to half of that pledged by the Member States, i.e.

EUR 220 billion. In addition, the European Central Bank had decided to buy the government bonds of euro countries that were in difficulty.

Mr REHN stressed that the key to reaching the agreement had been the recognition of the need for a pact on the consolidation of public finances. The Council conclusions mentioned in particular that Spain and Portugal intended to take significant fiscal consolidation measures before the end of the year. This subject would be discussed at the next Economic and Financial Affairs Council on 18 May.

Having already hailed the historic importance of the Commission's proposal when it was adopted on Sunday 9 May, the PRESIDENT pointed out that, although the Council had chosen a different structure, the proposal had nevertheless played a key role in the important step it had taken. The Commission could therefore be justifiably proud of having presented, in extremely pressing circumstances, a proposal that combined the two characteristic aspects of the European Union.

The Commission took note of this information.

vi) Follow-up to COREPER meeting of 5 May
(point 2.1.3 of the IRG record)

– European Union participation in the international negotiations on a legally binding instrument on mercury

The Commission decided to empower Mr POTOČNIK, Member of the Commission with responsibility for the environment, acting in agreement with the PRESIDENT and on behalf of the Commission and under its responsibility, to withdraw the recommendation to the Council in SEC(2009)983 should the Council not approve the proposed Presidency compromise as amended by the Commission, in accordance with the terms set out in note SI(2010)141/2.

15.3. RELATIONS WITH PARLIAMENT

vii) Results of Parliament's May I part-session
(SP(2010)2839)

The Commission took note of the information on Parliament's part-session held on 5 and 6 May in Brussels, set out in SP(2010)2839.

viii) Action taken on non-legislative resolutions adopted by Parliament at its March I part-session
(point 3.4.1 of the IRG record)

The Commission approved the documents SP(2010)2718 and /2 on the action taken on the non-legislative resolutions adopted by Parliament at its March I part-session, for transmission to Parliament.

16. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN CENTRAL BANK, THE ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS - REINFORCING ECONOMIC POLICY COORDINATION (COM(2010)250 AND /2; SEC(2010)601)

The PRESIDENT introduced the communication on reinforcing economic policy coordination, which had been the subject of a preparatory discussion by the Commission on 14 April. This communication was being presented in the wake of the developments surrounding the launch of a budget support mechanism for Greece and the decision of the Economic and Financial Affairs Council, on Sunday 9 May, establishing a European financial stabilisation mechanism. It should therefore be discussed against the backdrop of these crisis measures.

The PRESIDENT felt that the mechanism had had the desired effect of reassuring the markets, but it was now necessary to continue efforts to solve the problems

underlying the crisis, which had fuelled the speculative attacks of recent weeks. He was convinced of the need to tackle the roots of these underlying problems and to propose credible initiatives to improve the working of the Stability and Growth Pact, coordinate economic policies more effectively and improve crisis-management capacity.

This communication should therefore, in his view, provide a proper guarantee that the stabilisation mechanism would be followed by appropriate policies at national and European level. From the Member States' point of view, the main thing was to comply strictly with the rules of the Stability and Growth Pact, and from the European point of view it was a matter of programming and implementing the EU budget in the context of the budgetary choices and behaviour of the Member States. These questions would be dealt with particularly in the preparation of the next multiannual financial framework.

He explained how the current communication fitted into the context of the communication of 7 May 2008 on 10 years of Economic and Monetary Union, which had already provided for a reinforcement of governance and economic policy coordination within the euro area, and noted that the aim of the present communication was to provide clear guidelines for this. This would help to restore confidence and prevent the emergence of another crisis in the future.

Finally, the PRESIDENT said that the Commission would in due course present the legislative proposals to which this gave rise, in accordance with the provisions of the Treaty, drawing on the subsequent discussions in the Council and Parliament and the conclusions of the working group on financial stability set up by the European Council on 25 March.

Mr REHN also referred to the role of Economic and Monetary Union, which had provided valuable protection against the economic crisis and now needed to be strengthened by improving coordination of its members' economic policies.

He thanked all the departments and cabinets involved in the preparatory work for this communication, which had been completed in a constructive and cooperative

atmosphere and had produced a well-argued text which would undoubtedly make a valuable contribution to the European debate on this subject.

He presented the three main sections of the communication, the first of which dealt with improving compliance with the Stability and Growth Pact. As regards the first section, there was a need i) for greater ex-ante coordination of national fiscal policies, to ensure that they better reflected European objectives, ii) to give greater prominence to the public debt criterion as well as the deficit, and iii) to introduce effective and fair incentives to promote sound management of public finances through the broad use of the EU budget. He realised that these were significant changes which would require adjustments in behaviour and practice, but stressed that such changes were unavoidable.

The second section of the communication was concerned with preventing and correcting macroeconomic imbalances and differences in competitiveness which could threaten the cohesion and the very functioning of Economic and Monetary Union. It would entail systematic surveillance mechanisms, including the establishment of a set of indicators to be monitored.

A link between these two sections would be established by harmonising the timetables for drawing up the national budgets and introducing a "European semester" to coordinate and adjust Member States' fiscal and structural policies at a sufficiently early stage to ensure that the desired effect was achieved.

Finally, the third section provided for the creation in the medium to long term of a permanent and robust framework for crisis management for the euro area Member States. Although the top priority was to make the European temporary stabilisation mechanism fully operational in the short term, it was important also to learn the lessons for the medium and long term in order to develop a system of financial assistance of last resort. This would have to be subject to conditions that were strict enough to make it an unattractive option, but it should be possible to respond effectively to any situation.

Mr REHN acknowledged that these proposals would require major efforts on the

part of the Member States, particularly if the European semester was to be introduced by the beginning of 2011, but he reiterated the importance of these measures for ensuring the proper working of Economic and Monetary Union, the viability of the Member States' public finances and, in time, a return to growth.

The Commission stressed the importance and relevance of these initiatives and thanked Mr REHN, his cabinet and the departments concerned for all their work in recent weeks. During the discussion that followed the following main points were raised:

– the fundamental nature of the reforms required and the change in mentality which they entailed, not least in terms of work ethic and tax issues, and the importance of educating the public, to explain that such changes were essential in order to restore growth and jobs; the importance of recognising the role of external pressures on competitiveness and the need to adapt practices to this environment;

– notwithstanding the notion of solidarity, the importance of the Member States' responsibility towards Europe's citizens and future generations, the need to accept what this meant in terms of cutting public expenditure and consolidating public finances in all Member States, and hence the importance of implementing all the necessary measures to achieve this;

– in line with this, the case for introducing the possibility of sanctions, including sanctions applying to the entire European budget, while taking into account the time it would take to extend such penalties beyond the Cohesion Fund, which was currently the only area in which the law allowed for the possibility of suspending payments; the need in any case for such sanctions to be effective, to ensure equal treatment for all Member States and to be brought into play at a sufficiently early stage;

– on the other hand, concerns, despite the positive impact of the financial stabilisation mechanisms, about the economic prospects and the need to restore growth and competitiveness. Consequently the need for caution, particularly in

the Member States that were still in recession, as regards sanctions that would affect the Structural Funds, which promoted investment. In the light of this, the benefits of instead helping the Member States concerned to make better use of European funds;

– the importance, with a view to restoring the potential for economic growth and competitiveness, of pursuing an appropriate long-term public debt reduction strategy and of enhancing surveillance of Member States' budget management; on this point, however, the importance of also considering the long-term viability of public finances and of bearing in mind the risks of economic over-heating, on the other hand;

– the relevance of the prevention side, and in particular the proposal to introduce a European semester to promote the coordination of budgets, through peer pressure, for example;

– the need to work within the framework of the current Treaty and to try to preserve the stability of the legal environment of the proposed measures;

– the importance also of restoring the proper functioning of national statistics to ensure the supply of reliable economic data;

– the need to strengthen the role of the Commission's representations so that they can contribute support and expertise to the economic reforms in the Member States;

– the need to pursue legislative reforms in the field of financial regulation.

Mr REHN replied to these comments by stressing the importance of the preventive side of the mechanism and the various instruments of which it consisted, such as the possibility of interest-bearing deposits in the event of inadequate fiscal policies. The incentives and sanctions, for example, should be applied on a broad basis and ensure equal treatment of the Member States concerned; any adjustments to this effect would be considered as part of the next multiannual financial framework.

The PRESIDENT recognised the need to adapt the EU's economic lifestyle to its means, particularly in view of the demographic challenges it faced, in order not to jeopardise the European economic and social model.

He stressed the need to get this message across to both the public and the Member States and to put in place the corresponding structural reforms. However, this goal could only be achieved by consolidating public finances and reducing debt to a level conducive to investment.

He therefore reiterated the dual message of the communication of solidarity coupled with responsibility. He ended by also paying tribute to the work done by all the departments concerned on this dossier.

The PRESIDENT wound up the discussion by noting the Commission's support for the communication and its agreement to the introduction of the following changes to the English-language version of COM(2010)250/2:

– **The following quote was inserted as a preamble, before the Introduction to Chapter I on page 2:**

"The euro area's governance and coordination of economic policies must be improved. This will involve both deepening and broadening economic surveillance arrangements to guide fiscal policy over the cycle and in the long term and, at the same time, address divergences in growth, inflation and competitiveness."

(Commission Communication on "EMU@10: successes and challenges after 10 years of Economic and Monetary Union" – 7 May 2008 - IP/08/716);

– **also on page 2, the first sentence of the final paragraph, in bold, should read as follows:**

"Urgent action has been taken to deal with the immediate needs of the crisis culminating on 9 May when an extraordinary ECOFIN Council decided, based on a proposal of the Commission, on the establishment of a European

stabilisation mechanism and agreed on a strong commitment to accelerated fiscal consolidation where warranted." ;

– **on page 9, the third paragraph of Section III.3 (An integrated economic policy coordination for the EU: a "European Semester") should read as follows:**

"A system of early peer-review of national budgets would detect inconsistencies and emerging imbalances. *To ensure true and accurate data, a prerequisite would be to strengthen Eurostat's mandate to audit national statistics in line with recent Commission proposals. It is important to bring this proposal swiftly into force as this will improve the quality of reporting on public finances. An earlier tackling of the building-up of fiscal imbalances would ease their reversal and avoid becoming a serious risk to macroeconomic stability and fiscal sustainability. The submission of the Stability and Convergence Programmes should take place in the first half of the year rather than towards the end of the year as is the current practice. In full respect of the prerogatives of national parliaments, the early peer-review would provide guidance for the preparation of the national budgets in the following year."*;

– **on page 10, a typing error in the first sentence of Section III.4 (Towards a robust framework for crisis management for euro area Member States), in bold, should be corrected to read as follows:**

"The unravelling of the Greek crisis showed that a robust framework for crisis management for euro area Member States is needed.";

– **on page 11, the first sentence of the penultimate paragraph should read as follows:**

"On 9 May, based on a proposal of the Commission, the ECOFIN decided on the establishment of a temporary European stabilisation mechanism *to deal with the immediate needs of the crisis.".*

Subject to the introduction of these amendments, the Commission approved the

communication set out in COM(2010)250/2, for transmission to the European Parliament, the European Council, the Council, the European Central Bank, the European Economic and Social Committee and the Committee of the Regions and, for information, to the national parliaments.

17. 2010 CONVERGENCE REPORT ON BULGARIA, THE CZECH REPUBLIC, ESTONIA, LATVIA, LITHUANIA, HUNGARY, POLAND, ROMANIA AND SWEDEN, PREPARED IN ACCORDANCE WITH ARTICLE 140(1) OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION
(COM(2010)238 AND /2; SEC(2010)598 AND /2; SEC(2010)591)

18. PROPOSAL FOR A COUNCIL DECISION IN ACCORDANCE WITH ARTICLE 140(2) OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION ON THE ADOPTION BY ESTONIA OF THE EURO ON 1 JANUARY 2011
(COM(2010)239 AND /2; SEC(2010)591)

19. PROPOSAL FOR A COUNCIL REGULATION AMENDING REGULATION (EC) 974/98 AS REGARDS THE INTRODUCTION OF THE EURO IN ESTONIA
(COM(2010)240 AND /2; SEC(2010)591)

Mr REHN outlined the conclusions of the 2010 Convergence Report, which showed that Estonia was ready to adopt the euro. This sent an important signal, showing that compliance with all of the convergence criteria effectively opened the way to membership of the euro zone.

The European Central Bank would be producing its own report, but it was the Commission's report which would serve as the basis for the Council's decision.

Estonia was the only candidate for euro membership to emerge from the 2010

Convergence Report, which showed that after determined and effective efforts by its Government and people it clearly satisfied the criteria. Specifically, Estonia's government deficit was 1.7%, compared to the reference rate of 3%, the exchange rate for its national currency had been set using the MCEII exchange rate mechanism in June 2004 and no serious tensions had emerged since then, the country had not issued any long-term bonds, and its public debt stood at just 7.2% of GDP, all of which justified the proposal that Estonia should adopt the euro on 1 January 2011.

During a brief exchange of views, the Commission also mentioned:

– the importance of the debt criterion in ensuring budget equilibrium, including for the next generation, and the failure to take sufficient account of this criterion in the past, when the emphasis had been on the government deficit;

– the positive signal which this proposal sent for the euro area and the European Union at this difficult time, and the incentive it might provide to Member States still seeking to join the euro;

– the fact that Estonia was to be congratulated on the significant efforts it had made and that this could be held up as an example to the other Baltic States in particular;

– The fact that while euro membership was important it should not be achieved at any price; communication on this dossier should emphasise that it was up to the Member States to choose the route that best met their needs.

The PRESIDENT stressed the importance of the proposals formulated as a direct response to the conclusions of the Convergence Report, which demonstrated the potential effectiveness of the political choices made and the policies implemented. He also highlighted the role of a certain type of leadership in the long term. He expressed his admiration for the step taken by Estonia and his full support for the proposals on the table.

Following this exchange of views, the Commission:

– approved the 2010 Convergence Report in COM(2010)238/2, for transmission to Parliament, the Council, the European Central Bank and, for information, to the national parliaments, together with the technical annexes in the staff paper distributed as SEC(2010)598/2, the contents of which were noted;

– adopted the proposal for a Council Decision in COM(2010)239/2, for transmission to Parliament, the Council and the European Central Bank and, for information, to the national parliaments;

– adopted the proposal for a Council Regulation in COM(2010)240/2, for transmission to Parliament, the Council and the European Central Bank and, for information, to the national parliaments.

20. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL – TAKING STOCK OF THE EUROPEAN NEIGHBOURHOOD POLICY
(COM(2010)207 TO /3; SEC(2010)513 AND /2; SEC(2010)514 AND /2; SEC(2010)515 AND /2; SEC(2010)516 TO /3; SEC(2010)517 AND /2; SEC(2010)518 TO /3; SEC(2010)519 TO /3; SEC(2010)520 AND /2; SEC(2010)521 AND /2; SEC(2010)522 TO /3; SEC(2010)523 AND /2; SEC(2010)524 AND/2; SEC(2010)525 AND /2; SEC(2010)527)

Mr FÜLE introduced the dossier which he was presenting to the Commission for approval. He explained that the communication documented the progress that had been made in the European neighbourhood policy over the past five years, while the 13 staff working papers accompanying it focused on developments in 2009 in the various sectors of cooperation and in the bilateral relations with each neighbouring country.

His assessment of the neighbourhood policy was broadly positive, and he noted the important progress that had been made in the past five years, particularly in the areas of trade and economic cooperation. As examples he mentioned increased

cooperation with certain neighbours such as Morocco, Ukraine and Moldova. Relations between the European Union and these countries had developed significantly, to the benefit of all parties, making the neighbourhood policy a "win-win" strategy.

However, the potential for cooperation with all neighbouring countries had not yet been fully realised; in particular Algeria, Belarus, Libya and Syria were not yet partners in the neighbourhood policy.

Progress in certain areas, such as governance and political reform, had also been disappointing. He referred to the other main areas of activity, too, such as trade, "frozen conflicts" and migration, and stressed the need to examine these issues in a broader context and to improve what the EU had to offer its neighbours in these fields.

Finally, Mr FÜLE said that the communication was a starting point for a discussion which he and Baroness ASHTON wanted to launch within the Commission, with a view to presenting an initiative in 2011 aimed at re-examining the neighbourhood policy, partly in the light of the experiences since the entry into force of the Lisbon Treaty. He urged all the Members of the Commission to participate actively in this debate, which would consider not only the principles on which the future neighbourhood policy would be based, but also the instruments for putting it into practice.

During a brief exchange of views, the Commission stressed the importance of issues relating to energy supply and security of supply, particularly in relations with Ukraine, but also with Russia, and the need to look at these issues more closely in future.

The PRESIDENT concluded the exchange of views by thanking Mr FÜLE for his presentation. He underlined the importance of the neighbourhood policy for the European Union and its citizens. Certain issues, particularly relations with neighbouring countries in the field of energy, transport and trade, needed to be examined in greater detail, and he asked Mr FÜLE to prepare a paper on these

questions.

Having taken note of this information, the Commission approved the communication in COM(2010) 207/3 for transmission to Parliament and the Council and, for information, to the national parliaments, accompanied by the progress reports in the staff papers distributed as SEC(2010)513/2, SEC(2010)514/2, SEC(2010)515/2, SEC(2010)516/3, SEC(2010)517/2, SEC(2010)518/3, SEC(2010)519/3, SEC(2010)520/2, SEC(2010)521/2, SEC(2010)522/3, SEC(2010)523/2, SEC(2010)524/2 and SEC(2010)525/2, the contents of which were noted.

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The Commission's other discussions on certain agenda items are recorded in the special minutes.

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The meeting closed at 12.20.