



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

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Brussels, 1st December 2010

MINUTES

of the 1936th meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 17 and Thursday 18 November 2010

(morning)

PV(2010)1936 final

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**Sittings: Wednesday 17 November (morning) and Thursday
18 November 2010 (morning)**

The sitting on Wednesday 17 November opened at 9.06 with Mr BARROSO, President, in the chair (items 1 to 10).

The sitting on Thursday 18 November opened at 8.07 with Mr BARROSO, President, in the chair (item 11).

Present:

Mr BARROSO	President	
Baroness ASHTON	High Representative/Vice-President	Items 1 to 10
Ms REDING	Vice-President	Items 1 to 11 (in part)
Mr ALMUNIA	Vice-President	
Ms KROES	Vice-President	Items 1 to 11 (in part)
Mr TAJANI	Vice-President	Items 9 (in part), 10 and 11 (in part)
Mr ŠEFČOVIČ	Vice-President	Items 1 to 9 (in part) and 11
Mr POTOČNIK	Member	Items 1 to 10
Mr REHN	Member	Item 11
Mr BARNIER	Member	Items 9 (in part), 10 and 11
Ms VASSILIOU	Member	Items 1 to 10
Mr ŠEMETA	Member	Items 1 to 9 (in part) and 11
Mr DE GUCHT	Member	Items 9 (in part), 10 and 11
Mr DALLI	Member	
Ms GEOGHEGAN-QUINN	Member	Items 1 to 10
Mr LEWANDOWSKI	Member	Items 1 to 10
Ms DAMANAKI	Member	
Ms GEORGIEVA	Member	
Mr OETTINGER	Member	Items 1 to 10 (in part) and 11
Mr HAHN	Member	Items 1 to 10
Ms HEDEGAARD	Member	
Mr FÜLE	Member	Items 1 to 10
Mr ANDOR	Member	

Ms MALMSTRÖM
Mr CIOLOŞ

Member
Member

Absent:

Mr KALLAS

Vice-President

Mr PIEBALGS

Member

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

Mr FITCH	Deputy Chef de cabinet to Mr KALLAS	Items 1 to 11 (in part)
Ms MELNGAILE	A member of Mr PIEBALGS's staff	Items 1 to 10
Ms ARNOULD	A member of Mr PIEBALGS's staff	Item 11

The following also sat in:

Mr LAITENBERGER	Chef de cabinet to the PRESIDENT	Items 1 to 10
Mr FRUTUOSO DE MELO	Deputy Chef de cabinet to the PRESIDENT	Items 9 (in part), 10 and 11
Mr ROMERO REQUENA	Director-General, Legal Service	
Mr SØRENSEN	Director-General, DG Communication	Items 1 to 10
Mr VANDERSTEEN	DG Communication	Item 11
Mr DOENS	Head of the Commission Spokesperson Service	
Ms AHRENKILDE HANSEN	Commission Spokeswoman	
Mr THEBAULT	Head of the Bureau of European Policy Advisers	
Ms VANNINI	Adviser in the PRESIDENT's Office	Item 11
Mr SOBRAL	A member of the PRESIDENT's staff	Items 9 (in part) and 10
Ms SUTTON	A member of the PRESIDENT's staff	Item 10
Mr SELMAYR	Chef de cabinet to Ms REDING	Item 11 (in part)
Mr WHELAN	Chef de cabinet to Ms KROES	Item 11 (in part)
Mr VAN ORANJE-NASSAU	A member of Ms KROES's staff	Item 11 (in part)
Mr NOCIAR	Chef de cabinet to Mr ŠEFČOVIČ	Items 9 (in part) and 10
Mr VANDENBERGHE	Chef de cabinet to Mr POTOČNIK	Item 11
Mr ARTJOKI	A member of Mr REHN's staff	Items 1 to 10
Mr ARBAULT	A member of Mr BARNIER's staff	Items 1 to 9 (in part)
Mr SEVERIS	A member of Ms VASSILIOU's staff	Item 11
Mr SADAUSKAS	Chef de cabinet to Mr ŠEMETA	Items 9 (in part) and 10

Mr VANHEUKELEN	Chef de cabinet to Mr DE GUCHT	Items 1 to 9 (in part)
Mr BELL	Chef de cabinet to Ms GEOGHEGAN-QUINN	Item 11 (in part)
Mr SLOWIK	A member of Mr LEWANDOWSKI's staff	Item 11
Ms PINHO	A member of Mr OETTINGER's staff	Item 9
Mr GAMBS	Chef de cabinet to Mr HAHN	Item 11 (in part)
Mr MORDUE	Chef de cabinet to Mr FÜLE	Item 11 (in part)
Ms GAGO	Chef de cabinet to Mr ANDOR	Items 1 to 8
Mr HAEUSLER	Chef de cabinet to Mr CIOLOŞ	Item 11 (in part)
Mr MADRE	A member of Mr CIOLOŞ's staff	Item 11 (in part)

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

1. AGENDAS

(OJ(2010)1936/3; SEC(2010)1375/2)

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)1936)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 15 November.

3. APPROVAL OF THE MINUTES AND SPECIAL MINUTES OF THE 1934th AND 1935th MEETINGS OF THE COMMISSION (27 OCTOBER AND 9 NOVEMBER)

(PV(2010)1934; PV(2010)1934, Part II; PV(2010)1935; PV(2010)1935, PART II)

The Commission approved the minutes of its 1934th meeting, and decided to hold over for one week approval of the minutes of its 1935th meeting.

4. MONITORING THE APPLICATION OF EUROPEAN UNION LAW

STATE AID – INDIVIDUAL CASES

(SEC(2010)1402/2)

The Commission adopted the decisions in SEC(2010)1402/2.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

**5.1. WRITTEN PROCEDURES APPROVED
(SEC(2010)1377 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 8 and 12 November.

**5.2. EMPOWERMENT
(SEC(2010)1378 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 8 and 12 November.

**5.3. DELEGATION AND SUBDELEGATION OF POWERS
(SEC(2010)1379 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 8 and 12 November, as archived in e-Greffe.

**5.4. SENSITIVE WRITTEN PROCEDURES
(SEC(2010)1380)**

The Commission took note of the sensitive written procedures for which the time limit expired between 15 and 19 November and of the "finalisation" written procedure initiated following the weekly meeting of Chefs de cabinet on Monday 8 November.

**5.5. GENERAL EMPOWERMENT IN THE FIELD OF EXTERNAL AID
RELATING TO THE TENTH EUROPEAN DEVELOPMENT FUND
(EDF)
(SEC(2010)1410 AND /2)**

The Commission granted the general empowerment set out in SEC(2010)1410 to the Member of the Commission responsible for Development for the

adoption, in agreement with the Member of the Commission responsible for External Relations, on behalf of the Commission and under its responsibility, of certain decisions in the field of external aid relating to the implementation of the tenth European Development Fund.

6. COMMISSION DECISION CONCERNING A PROCEEDING UNDER ARTICLE 8(2) OF COUNCIL REGULATION (EC) 139/2004 ON THE CONTROL OF CONCENTRATIONS BETWEEN UNDERTAKINGS AND ARTICLE 57 OF THE EEA AGREEMENT (CASE COMP/M.5675 – SYNGENTA / MONSANTO’S SUNFLOWER SEED BUSINESS) (C(2010)7929 TO /6)

The Commission:

- took note of the opinion of the Advisory Committee on Concentrations of 28 October in C(2010)7929/3;
- took note of the final report of the Hearing Officer of 3 November in C(2010)7929/4;
- adopted, in the authentic language (English), the decision set out in C(2010)7929 and /6, declaring the notified operation compatible with the common market and with operation of the Agreement on the European Economic Area, subject to full compliance with the commitments made, as set out in C(2010)7929/5;
- decided to notify the decision set out in C(2010)7929 and /6 to the firm concerned, together with the final report of the Hearing Officer and the opinion of the Advisory Committee;
- decided that the key parts of the decision, together with the Advisory Committee's opinion and the Hearing Officer's 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).

**7. COMMISSION DECISION ON A PROCEEDING UNDER ARTICLE 8(2) OF COUNCIL REGULATION (EC) NO 139/2004 ON THE CONTROL OF CONCENTRATIONS BETWEEN UNDERTAKINGS AND ARTICLE 57 OF THE EEA AGREEMENT (CASE COMP/M.5658 – UNILEVER / SARA LEE BODY CARE)
(C(2010)7934 TO /6)**

The Commission:

- took note of the opinion of the Advisory Committee on Concentrations of 5 November in C(2010)7934/3;
- took note of the final report of the Hearing Officer of 12 November in C(2010)7934/4;
- adopted, in the authentic language (English), the decision set out in C(2010)7934 and /6, declaring the notified operation compatible with the common market and with operation of the Agreement on the European Economic Area, subject to full compliance with the commitments made, as set out in C(2010)7934/5;
- decided to notify the decision set out in C(2010)7934 and /6 to the firm concerned, together with the final report of the Hearing Officer and the opinion of the Advisory Committee;
- decided that the key parts of the decision, together with the Advisory Committee's opinion and the Hearing Officer's 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).

8. ADMINISTRATIVE AND BUDGETARY MATTERS (SEC(2010)1376/2)

ADMINISTRATIVE MATTERS (PERS(2010)158 AND /2)

Mr ŠEFČOVIČ referred in particular to the proposals in PERS(2010)158/2.

As regards items 8.10, 8.11 and 8.12 of these minutes, Mr ŠEFČOVIČ drew attention to the decisions on administrative and senior management structures taken by the Commission on 27 October, particularly in the context of the establishment of the European External Action Service (PV(2010)1934). What now had to be done was to fill the post of Director-General of the new DG EuropeAid Development and Cooperation, and to take other related decisions on senior management with regard to DG Employment, Social Affairs and Equal Opportunities.

As regards item 8.13 of these minutes, Mr ŠEFČOVIČ recalled that the post of Director-General of the Joint Research Centre, which would become vacant on 1 December 2010, had been published internally, interinstitutionally and externally. However, given the current budgetary and political context, the post needed to be filled quickly; it was therefore proposed that the selection procedures under way be terminated and that the post be filled immediately by transferring a member of staff in the interest of the service under Article 7 of the Staff Regulations.

Ms GEOGHEGAN-QUINN pointed out that, since the situation was urgent and had taken a political turn and given the changing circumstances surrounding the specific requirements for senior management at the Joint Research Centre and the vital

importance of maintaining continuity in the post in question and not unduly prolonging the uncertainty, there appeared to be a need to derogate from Article 4(3) of the Commission Decision of 10 April 1996 on the reorganisation of the Joint Research Centre (96/282/Euratom), so that the Commission could immediately proceed with the appointment of the Director-General of the Joint Research Centre by transferring a staff member.

**8.1. DG ENVIRONMENT – INTERNAL PUBLICATION OF A VACANCY
NOTICE FOR AN AD15/16 DEPUTY DIRECTOR-GENERAL
(PERS(2010)159)**

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr POTOČNIK, the Commission decided to authorise the publication, under Article 29(1)(a)(i) and (iii) of the Staff Regulations, of the vacancy notice in PERS(2010) 159 for the post of Deputy Director-General of DG Environment.

This decision would take effect immediately.

**8.2. DG TAXATION AND CUSTOMS UNION – APPLICATION OF THE
ARTICLE 50 PROCEDURE (SECOND STAGE) WITH RESPECT TO AN
AD15 OFFICIAL
(PERS(2010)160)**

The Commission continued its discussions on this matter begun at the meeting on 29 September 2010 (PV(2010)1930).

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, the Commission adopted the decision in PERS(2010)160 to apply the second stage of the procedure laid down in Article 50 of the Staff Regulations with respect to Mr Alexander WIEDOW, an AD15 official and currently Director, 'Indirect taxation and tax administration', in DG Taxation and Customs Union.

This decision would take effect on 1 March 2011.

**8.3. DG EUROPEAID – APPLICATION OF THE ARTICLE 50 PROCEDURE
(SECOND STAGE) WITH RESPECT TO AN AD15 OFFICIAL
(PERS(2010)161)**

The Commission continued its discussions on this matter begun at the meeting on 29 September 2010 (PV(2010)1930).

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, the Commission adopted the decision in PERS(2010)161 to apply the second stage of the procedure laid down in Article 50 of the Staff Regulations with respect to Mr Aristotelis BOURATSIS, an AD15 official and currently Director, 'Thematic operations' in the EuropeAid Cooperation Office.

This decision would take effect on 1 September 2011.

**8.4. DG RESEARCH – APPLICATION OF THE ARTICLE 50 PROCEDURE
(SECOND STAGE) WITH RESPECT TO AN AD15 OFFICIAL
(PERS(2010)162)**

The Commission continued its discussions on this matter begun at the meeting on 29 September 2010 (PV(2010)1930).

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, the Commission adopted the decision in PERS(2010)162 to apply the second stage of the procedure laid down in Article 50 of the Staff Regulations with respect to Mr Jean-Michel BAER, an AD15 official and currently Director, 'Science, economy and society' in DG Research.

This decision would take effect on 1 April 2011.

8.5. DG RESEARCH – AMENDMENT OF ORGANISATION CHART

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms GEOGHEGAN-QUINN, the Commission decided to abolish the post of adviser *hors classe* in DG Research on the date of departure of its holder.

This decision would take effect on 1 January 2011.

**8.6. EUROPEAN ANTI-FRAUD OFFICE – RENEWAL OF THE TERM OF
OFFICE OF THE CURRENT MEMBERS OF THE SUPERVISORY
COMMITTEE
(SEC(2010)1418)**

The Commission took note of the information in point 6 of PERS(2010)158 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr ŠEMETA, decided:

- to endorse the joint decision of Parliament, the Council and the Commission as set out in SEC(2010)1418;
- to authorise Mr ŠEMETA to sign that joint decision on behalf of the Commission.

These decisions would take effect immediately.

**8.7. DG EXTERNAL RELATIONS – APPOINTMENT OF HEAD OF
DELEGATION
(PERS(2010)82 TO /5)**

The Commission noted the procedure followed, as described in point 7 of PERS(2010)158, and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Baroness ASHTON, and in accordance with the Commission decision of 23 June 2010 (PV(2010)1923), decided to approve the list of candidates for the post of Head of the European Union Delegation to the World Trade Organisation in Geneva, as set out in PERS(2010)158, which would serve as a basis for Baroness ASHTON to make a final appointment in her capacity as the appointing authority or the authority empowered to conclude contracts.

This decision would take effect immediately.

8.8. DG HEALTH AND CONSUMERS – RENEWAL OF THE TERM OF OFFICE OF THE EXECUTIVE DIRECTOR OF THE EUROPEAN FOOD SAFETY AUTHORITY

The Commission took note of the information in point 8 of PERS(2010)158 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr DALLI, decided to propose that the term of office of Ms Catherine GESLAIN-LANEELLE as Executive Director of the European Food Safety Authority (EFSA) be renewed for a five-year period from 1 July 2011, and to ask Mr DALLI to communicate this proposal to the Management Board of the EFSA.

These decisions would take effect immediately.

**8.9. GRANTING OF LEGAL ASSISTANCE TO A FORMER MEMBER OF THE COMMISSION
(C(2010)7988 AND /2)**

The Commission adopted the decision in C(2010)7988.

8.10. DG EUROPEAID DEVELOPMENT AND COOPERATION – APPOINTMENT OF AD16 DIRECTOR-GENERAL

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, Mr PIEBALGS and Mr FÜLE, the Commission decided to fill the post of Director-General of DG EuropeAid Development and Cooperation by transferring in the interest of the service under Article 7 of the Staff Regulations Mr Fokion FOTIADIS, an AD16 official and currently Director-General of DG Development.

This decision would take effect on the effective date of establishment of DG EuropeAid Development and Cooperation, which would be determined by simplified procedure in accordance with the Commission decision of 27 October 2010 (PV(2010)1934).

8.11. DG EMPLOYMENT, SOCIAL AFFAIRS AND EQUAL OPPORTUNITIES – AMENDMENT OF ORGANISATION CHART AND APPOINTMENT OF AD16 ADVISER HORS CLASSE

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr ANDOR, the Commission decided:

- to create an AD16 post of adviser *hors classe* in DG Employment, Social Affairs and Equal Opportunities;
- to fill that post by transferring in the interest of the service under Article 7 of the Staff Regulations Mr Robert VERRUE, AD16 official and currently Director-General of DG Employment, Social Affairs and Equal Opportunities;
- to abolish this post on the date of departure of its holder.

These decisions would take effect on 1 January 2011.

8.12. DG EMPLOYMENT, SOCIAL AFFAIRS AND EQUAL OPPORTUNITIES – APPOINTMENT OF AD16 DIRECTOR-GENERAL

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr ANDOR, the Commission decided to fill the post of Director-General of DG Employment, Social Affairs and Equal Opportunities by transferring in the interest of the service under Article 7 of the Staff Regulations Mr Jacobus RICHELLE, AD16 official and currently Director-General of the EuropeAid Cooperation Office.

This decision would take effect on 1 January 2011.

**8.13. JOINT RESEARCH CENTRE – TERMINATION OF INTERNAL, INTERINSTITUTIONAL AND EXTERNAL SELECTION PROCEDURES FOR THE POST OF AD15/16 DIRECTOR-GENERAL AND APPOINTMENT TO THAT POST
(PERS(2010)89)**

The Commission took note of the information in point 13 of PERS(2010)158/2 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms GEOGHEGAN-QUINN, decided:

- to terminate internal and interinstitutional selection procedure COM/2010/1828 and external selection procedure COM/2010/10279 for the post of Director-General of the Joint Research Centre;
- to derogate from Article 4(3) of the Commission Decision of 10 April 1996 on the reorganisation of the Joint Research Centre (96/282/Euratom), so that the Commission could immediately proceed with the appointment of the Director-General of the Joint Research Centre by transferring a staff member;
- to fill that post by transferring in the interest of the service under Article 7 of the Staff Regulations Mr Dominique RISTORI, an AD15 official and currently Deputy Director-General in DG Energy.

These decisions would take effect on 1 December 2010.

The Council would be informed of these decisions.

9. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS - ENERGY INFRASTRUCTURE PRIORITIES FOR 2020 AND BEYOND - A BLUEPRINT FOR AN INTEGRATED EUROPEAN ENERGY NETWORK

**(COM(2010)677 TO /4; SEC(2010)1398 AND /2; SEC(2010)1395 AND /2;
SEC(2010)1396; SEC(2010)1397; SEC(2010)1401)**

At the invitation of the PRESIDENT, Mr OETTINGER presented the Communication on the future of energy infrastructure which he was tabling for approval. He thanked all the departments for their excellent cooperation with the Directorate-General for Energy on this dossier. This initiative came a week after the Commission had approved the communication "Energy 2020 – A strategy for competitive, sustainable and secure energy".

He began by pointing out the innovative nature of what was proposed. He felt that European energy networks were still hampered by national or regional rules and monopolies dating from previous centuries, unlike the transport sector, for example, which he believed had moved with the times by adapting to constraints and equipping itself to harness the opportunities of the 21st century. Furthermore, the existing European infrastructure was obsolete and ill-adapted to today's needs, owing in some cases to the former division of Europe. It must be improved if there was to be a genuine single market for gas and electricity.

Mr OETTINGER underlined the importance of competition between operators and the need for first-rate capacity and technical means in order to have access to different sources of energy, including renewables. He believed that the European Union must guarantee the security of its supplies and mentioned the producer countries from which it obtained its energy and with which the interconnection of networks must be reinforced.

The two essential aspects in terms of improving the European energy network were financing and authorisation procedures. Concerning the first point, unlike the price of other forms of energy, that of electricity did not depend on a fixed price on the world market but rather on national and political decisions. Moreover, the issue of energy prices was important for the private sector, since it represented a much higher cost for this sector than the cost of labour. The consumer must pay the necessary and fair price and the network owner must of course ensure that its prices

were affordable. If necessary, certain European financing could help to promote healthy competition and the interconnection of the networks.

The length of the procedures for authorising and granting permits was also crucial for the future of European energy networks. He thought that changes needed to be made to the existing rules to reduce the time needed to obtain authorisation.

The Commission then held an in-depth discussion, during which the following points were made:

- the significance and timeliness of this communication, which addressed a matter of key concern for the future of the European Union both internally, since it related to the single energy market, and externally, in its relations with third-party suppliers;
- the need for the European Union to further diversify its sources of supply in order to reinforce its independence of supply and avoid coming under pressure from third countries using their energy resources as a policy instrument in external relations;
- the need for research and innovation to promote the development of new technologies, for example renewable energy or hydrogen storage.
- the importance of highlighting the need to deepen the single energy market and existing practices in terms of competition between operators and tariffs;
- the importance of the issue of financing and of the appropriate instrument, and the case for discussing this issue in the context of the next multiannual financial framework, without however wishing to unduly influence the decisions to be taken at that time, and for promoting a mainstreaming approach;
- the need to find a balance in the rules on national authorisation procedures, in order to avoid longer authorisation periods and dilatory procedures or practices, for example by setting limits to the time periods allowed or by encouraging the launching of certain studies in parallel; at the same time, ensuring compliance

with the applicable national and European law, including due democratic consultation of the sectors of the population affected, and if necessary the initiation of infringement procedures by the Commission;

- at the same time, with regard to authorisation procedures, the importance for the private sector of clarity as to the investments planned for each specific project;
- a reminder of the importance of oil supplies and the need to reinforce safe infrastructure for transporting this energy source, for example in order to limit the potential adverse effects of increased maritime oil transport on the marine environment;
- the need for an information campaign directed at European citizens and the private sector, focusing on the aims and the benefits for them of good energy infrastructure and the savings obtainable through more modern infrastructure better suited to their needs, without however increasing the number of projects beyond what is necessary.

Mr OETTINGER thanked the other Commission Members for their contributions. He referred to the existing means of shortening authorisation procedures at national level while complying with the law in force. He also stressed that the European Union relied significantly on its suppliers, which currently accounted for 50% of energy and would account for 75% in the future. It therefore needed to promote renewable, efficient and diversified energy and, with a view to developing smart infrastructure networks, to better familiarise users with the procedures for setting energy prices, in particular electricity prices. In conclusion, he said that it was possible to develop infrastructure networks in Europe without an overall adverse effect on the environment.

At the request of the PRESIDENT, in reply to a question raised, the Director-General of the Legal Service said that by virtue of its right of initiative, the Commission could put forward specific proposals for improving existing authorisation procedures, including by limiting the length of these procedures, providing that they were proportional and in line with applicable European law. It

would then be up to the Commission to make sure that Member States complied with their legal obligations and to take the necessary measures in the event of infringements, for example by initiating infringement procedures. The Court of Justice would take the final decision concerning these procedures.

The PRESIDENT welcomed Mr OETTINGER's presentation of this Communication on energy infrastructure, following the approval of another communication on energy policy the previous week. Energy policy was important from the geopolitical viewpoint and essential if the Member States were to achieve their goals, particularly in terms of sustainability, competitiveness and the fight against climate change.

There was already broad consensus on closer European involvement in energy policy, not just in the European Parliament and the Council but also among the economic operators concerned. Energy was a field in which the Commission could easily demonstrate the added value of European with respect to national action, a point which should be emphasised when negotiating the next multiannual financial framework.

With regard to the adoption the previous week of the communication "Energy 2020 – A strategy for competitive, sustainable and secure energy", which set out the energy priorities for the next ten years, he felt that energy infrastructure was the essential condition for completing a truly integrated internal market, stepping up the use of renewables and achieving the necessary security of energy supply for Europe. He therefore welcomed the proposal tabled by Mr OETTINGER, which emphasised the importance of identifying and agreeing on specific projects of European interest and putting in place an appropriate framework for carrying out these projects.

The PRESIDENT noted that the questions of financing and of authorisation procedures had been clarified at the meeting. On this second point it would be up to the Member States to amend their national legislation in order to set a deadline or take other steps to speed up authorisation procedures, including those covering existing practices. However, this would not in any way constitute an exemption from the existing legal rules, for example on environmental protection.

The PRESIDENT also highlighted the importance of changing mentalities and, referring to the recent example of work on extending the port of Rotterdam, the need to involve grassroots initiatives and non-governmental organisations at an early stage. Finally, he stressed the political significance of energy in the EU's external relations, citing as an example the high-level dialogue on that issue with the United States, in which context a meeting was planned shortly.

The PRESIDENT wound up the discussion by noting the Commission's full support for the communication and its agreement to the introduction of the following changes to the English-language version of COM(2010)677/4:

- **on page 15, in numbered paragraph 2 of section 5.2 (*Faster and more transparent permit granting procedures*), after the words 'while fully respecting Member States' applicable legal regimes', the words 'and European Union law' were added;**
- **on page 18, the second paragraph of chapter 6 (*Conclusions and way forward*), was amended to read as follows:**

'Based on the views expressed by the institutions and stakeholders on this blueprint, the Commission intends to prepare, in 2011, as part of its proposals for the next multiannual financial framework, appropriate initiatives. These proposals will address the regulatory and financial aspects identified in the Communication, notably through an Energy Security and Infrastructure Instrument and mainstreaming of energy priorities in different programmes.'

Subject to inclusion of the above-mentioned amendments, the Commission approved the communication in COM(2010)677/4, for transmission to Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions and, for information, to the national parliaments, together with the impact assessment, the summary thereof and the report in staff working papers SEC(2010)1395 and /2, SEC(2010)1396 and SEC(2010)1398/2 respectively, the contents of which were noted.

It also took note of the opinion of the Impact Assessment Board on the above

communication, as set out in SEC(2010)1397.

10. INTERINSTITUTIONAL RELATIONS (SEC(2010)1389)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 12 November (SEC(2010)1389).

It paid particular attention to the following points.

10.1. LEGISLATIVE MATTERS

i) Action to be taken on Parliament's legislative opinions (SP(2010)7941)

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) 7941, drawn up following the November I part-session of Parliament, the contents of which were noted.

ii) Horizontal dossiers

(point 1.1 of the IRG record)

- Rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (Regulation) – SZÁJER report – 2010/0051 (COD)

The Commission approved the line set out in SI(2010)294 and /2.

- Delegated acts and implementing acts in financing instruments for external action

The Commission took note of the information in SI(2010)287/3.

iii) Ordinary legislative procedure

(point 1.2 of the IRG record)

Preparation of agreements at first reading

- Extension of the status of long-term third-country residents to beneficiaries of international protection (Directive) – MORAES report – 2007/0112 (COD)

The Commission approved the line set out in SPI(2010)75.

- Credit rating agencies (Regulation) – GAUZÈS report - 2010/0160 (COD)

The Commission approved the line set out in SI(2010)295/2.

iv) Preparation for Parliament's November II part-session

(point 1.3 of the IRG record)

Ordinary legislative procedure – Codecision – 1st reading

- Amendment, as regards information to the general public on medicinal products subject to medical prescription, of Directive 2001/83/EC on the Community code relating to medicinal products for human use (Directive) / Amendment, as regards information to the general public on medicinal products for human use subject to medical prescription, of Regulation (EC) No 726/2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency (Regulation) – FJELLNER reports – 2008/0256 (COD) and 2008/0255 (COD)

The Commission approved the line set out in SP(2010)7918.

- Aid granted in the framework of the German alcohol monopoly (Regulation) – DE CASTRO report – 2010/0183 (COD)

The Commission approved the line set out in SP(2010)7919.

- Use of alien and locally absent species in aquaculture (Regulation) – FERREIRA report – 2009/0153 (COD)
- Long-term plan for the anchovy stock in the Bay of Biscay and the fisheries exploiting that stock (Regulation) – BILBAO BARANDICA report – 2009/0112 (COD)
- Multi-annual plan for the western stock of Atlantic horse mackerel and the fisheries exploiting that stock (Regulation) – GALLAGHER report – 2009/0057 (COD)

The Commission approved the line set out in SP(2010)7920, SP(2010)7924 and /2 and SP(2010)7929 respectively.

- Prohibition of highgrading and restrictions on fishing for flounder and turbot in the Baltic Sea, the Belts and the Sound (Regulation) – GRÓBARCZYK report – 2010/0175 (COD)

The Commission approved the line set out in SP(2010)7910.

Non-legislative procedure

- State aid to facilitate the closure of uncompetitive coal mines (Council Regulation) – RAPKAY report – 2010/0220 (NLE)

The Commission approved the line set out in SP(2010)7931.

Special legislative procedure – Consultation

- Amendment of Directive 2006/112/EC on the common system of value added tax, with regard to the duration of the obligation to respect a minimum standard rate (Council Directive) – CASA report – 2010/0179 (CNS)

The Commission approved the line set out in SP(2010)7932 and /2.

10.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

v) Programming of Council business

(SI(2010)299)

The Commission took note of the information in SI(2010)299 on the Council meetings between 18 November and 2 December 2010.

10.3. RELATIONS WITH PARLIAMENT

vi) Results of Parliament's November I part-session

(SP(2010)7895)

The Commission took note of the information on Parliament's part-session held on 10 and 11 November in Brussels, set out in SP(2010) 7895.

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

vii) Action taken on opinions of the European Economic and Social Committee – Second quarter 2010

(point 4.3 of the IRG record)

The Commission approved document SC(2010)33 /2 on the action taken by the Commission on the opinions adopted by the European Economic and Social Committee during the second quarter of 2010, for transmission to that Committee.

10.5. OTHER BUSINESS

viii) Draft annual EU budget for 2011 – Conciliation committee

The PRESIDENT gave an update on the interinstitutional negotiations on the EU budget for 2011 and, in particular, the deadlock following the conciliation stage between Parliament and the Council. This situation, which was unprecedented since 1988, came at a time of other problems arising from the

current economic and financial climate in Europe, exacerbated by the serious budgetary imbalances in certain Member States which were placing a serious strain on the single currency. He deplored this state of affairs, which was the result of the opposition of a small number of Member States at a time when a display of European vision and solidarity was called for.

Faced with this situation, the Commission would have to submit a new draft budget, and with this in mind he asked Mr LEWANDOWSKI and the other Members of the Commission for their comments.

Mr LEWANDOWSKI expressed his disappointment at the outcome of the negotiations, which he regarded as a failure in what had been an important test of the Lisbon Treaty. He pointed out that the crisis hinged on certain non-budgetary aspects of the debate, with the main stumbling blocks being the degree of flexibility in the next multiannual financial framework and Parliament's role in establishing this framework.

He was particularly concerned about those who would suffer most from this situation, namely the beneficiaries of European budget funding, in particular under the common agricultural policy, programmes such as ITER, the implementation of certain structures such as the European External Action Service and the agencies charged with the supervision of the financial markets, but also various Member States which might suffer a further deterioration in their budgetary position.

In the light of this, the Commission was now required, under the Treaty of Lisbon, to produce a new draft budget, which he intended to do without delay and by simplified procedure, but without losing sight of the issues of flexibility and interinstitutional cooperation which lay at the heart of the debate, and acting in a spirit of cooperation at European level.

The Commission then held an exchange of views, during which the following points were highlighted:

- disappointment at the failure of the conciliation process, just when an agreement on the substantive issues seemed to be taking shape, because of an interinstitutional power struggle between certain Member States and Parliament;
- the need to recognise how difficult these negotiations were in the present tense budgetary climate in the Member States and given the sensitivity of public opinion in some of these countries, but at the same time a reminder of the demands these same Member States were making on the European budget;
- concern that the new Commission proposal should not cross certain lines: for example no reduction in the already very low level of the European budget, respect for the Commission's prerogatives and the interinstitutional balance as enshrined in the Lisbon Treaty; the importance of ensuring, too, that it was presented at a propitious moment in the development of the debate within the Member States;
- the importance of adopting a pragmatic approach, pointing out the consequences of this stalemate for various policies, such as the common agricultural policy and the fisheries policy, or for the European External Action Service, the launch of which would be delayed as regards its new tasks under the Lisbon Treaty and the recruitment of new staff; more generally, the importance of showing that the Commission would do everything possible to ensure that the work of the European Union was not paralysed;
- the importance of good communication by the Commission, highlighting the added value and effectiveness of European expenditure for the Member States and their citizens, targeting both public opinion and national authorities and parliaments, and the role to be played here by the Commission's representations in the Member States.

Mr LEWANDOWSKI replied to these comments by stressing the positive role the Belgian Presidency of the Council had played in responding to this institutional deadlock. He also pointed out that if the EU had to continue to work under such circumstances, there was a danger that this would cause budgetary problems for certain Member States, particularly in managing payments relating to the common agricultural policy.

In the PRESIDENT's view the implications of this debate went beyond the question of the budget for 2011; it was essential to demonstrate European solidarity in the face of the pressure on the single currency and political resolve in the face of a critical situation in Europe, with due regard for the terms of the Lisbon Treaty.

He recognised the importance of presenting the situation pragmatically, without dramatising it, but also setting out the real consequences of the deadlock, which reveal the contradictions inherent in the Member States' different demands. He urged the Commission Members to redouble their efforts to overcome these differences, reminding them that in the last resort the Commission was accountable to the European Parliament.

He asked Mr LEWANDOWSKI to present the new draft budget as soon as possible and said that the Commission would return to the institutional questions arising from the new treaty, in particular after the European Council in December.

The Commission took note of this information.

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The sitting on Wednesday 17 November closed at 11.25.

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The sitting on Thursday 18 November opened at 8.07.

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**11. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – THE COMMON AGRICULTURAL POLICY TOWARDS 2020 – MEETING THE FOOD, NATURAL RESOURCES AND TERRITORIAL CHALLENGES OF THE FUTURE
(COM(2010)672 TO /5; SEC(2010)1383 AND /2; SEC(2010)1403; SEC(2010)1427)**

Mr CIOLOŞ presented the communication on the reform of the common agricultural policy (CAP), which he was tabling for approval. He placed it in the context of the forthcoming preparations for the multiannual financial framework and the reform process under way since 1992 to strengthen the competitiveness of European agriculture and enable it to gradually open up to the world market. He also referred to the new elements underlying this reform, for instance the decision to respond better to consumer concerns, to make the CAP more transparent and comprehensible, and to take account of increased diversity and the specific needs of agriculture following the last major enlargement of the EU.

He said that the communication was the result of prior broad public consultations and also incorporated the results of the own-initiative report by the European Parliament and several debates held at the Council, all of which were in line with the Europe 2020 strategy.

He presented the three main objectives which had been defined for the future CAP: (1) to preserve food production on a competitive, viable basis. This objective had been redefined from a strategic point of view and was based on safety, quality and diversity rather than security of food supplies, which had been the prevailing objective when the CAP was established; (2) sustainable management of natural resources in order to preserve fertility and biodiversity and guarantee long-term competitiveness; and (3) balanced territorial development, in particular in the

less-favoured areas (LFAs), in order to prevent and combat rural depopulation and take account of specific local features.

Certain specific aspects of the communication centred for example on safeguarding two complementary pillars of the CAP. For the first pillar, the communication considers redefining direct support, which should be based on more objective criteria and subjected to conditionality in terms of environmental standards, incentives for greener production, the capping of aid for large farms and the simplification of procedures for small ones, together with a more precise definition of the concept of active farmer as a beneficiary of support. Market measures should be applied in individual cases only, as a safety net.

The second pillar is intended to provide Member States with more flexibility so that they can adapt to regional or sectoral features by providing support in particular for investment and training to strengthen competitiveness, and for new farmers setting up. He mentioned the means facilitating new farmers setting up, namely redefining targeted measures based on environmental and climate change indicators, promoting the economic development of rural areas, favouring a horizontal approach to innovation and setting up a system to pool risks linked to income volatility.

Three options were envisaged in the communication, which had emerged from the prior consultations; legislative proposals would be submitted in mid-2011. Mr CIOLOŞ thanked all the Commission Members, the PRESIDENT and the Secretariat-General for their contributions to this balanced proposal.

The Commission underlined the excellent cooperation in producing this communication. The following main points were raised during the ensuing exchange of views:

- recognition of the CAP as a major EU policy, given the added value of agriculture for the economy and for society as a whole, and the need to modernise this policy in order to take up the challenge of competitiveness and sustainability while safeguarding local traditional models;
- a reminder that the reform should highlight the added value of CAP expenditure,

in particular because of the introduction of the concept of active farmer and of more objective criteria for direct payments, which were no longer based on historical data, together with measures such as capping and simplification, which should be explained and subjected to an impact analysis;

- the relevance of the "greener" direction taken by the CAP and, from this point of view, the importance of ensuring that this objective is properly implemented in future;
- the balance in the presentation of the different options, which reflects the outcome of the consultations and the importance for some of taking an ambitious approach to market orientation, public property and the environment, together with the need to indicate as of now the direction the future CAP budget would take, whatever the outcome of the debate on the multiannual financial framework;
- the question of support for LFAs, which served to offset development differences and natural constraints; however a discussion must still be held on including this in the two pillars, and some flexibility must be retained as regards the first pillar;
- the concern to comply with competition rules in order to protect the interests of both producers and consumers, in particular as regards the organisation of the food production chain;
- the relevance of including the CAP in the incentives relating to economic governance and compliance with the Stability and Growth Pact;
- the importance of taking account of animal health and wellbeing, both human and animal food safety and, more generally, public health, and the importance of food safety standards as one of the values close to the hearts of European citizens which must form the basis of all trade relations; the need, however, to conduct a longer-term debate on these standards from the point of view of European competitiveness and international trade;

- in relation to the international dimension, the question of the abolition of export refunds, which should be pursued without, however, compromising the outcome of international negotiations; the importance, also, of measuring the impact of these refunds on the various agri-food sectors;
- from the point of view of development policy, the potential of the CAP model in allowing African countries to become self-sufficient in food.

Mr CIOLOŞ thanked the Commission Members for their support and comments. The options were based on the broad consultations held prior to presenting this communication, which were still open and flexible and were intended to permit the discussion of an ambitious but realistic reform in the new decision-making context following the Lisbon Treaty. The aim was to ensure that the CAP dealt with the main issues of concern to citizens; an impact study would in any case be carried out on the proposals.

The objective of support for the less-favoured areas was to take account of their special nature and establish a global approach without compromising the general conditions such as the limiting of direct support to active farmers and the capping of aid for large farms. Gradual liberalisation was important for international trade issues, but caution was advisable as regards any commitment that would undermine international negotiations in this area. Mr CIOLOŞ was also in favour of maintaining the reference to food standards as this was something to which European consumers were attached. Lastly, he recognised the importance of complying with the competition rules, but reminded the Members of the objective of correcting the imbalances identified in the organisation of the agri-food chain, which would benefit both producers and consumers.

The PRESIDENT thanked the Commission for this interesting discussion and for the collegial work which had resulted in the communication, on which there was a consensus. This was just one stage in the debate on the reform of the CAP. This document would also be used in the forthcoming debate on the multiannual financial framework, in particular as regards the amount allocated to this policy in the current economic situation.

He underlined the fact that phytosanitary standards in the context of international trade was a very complex issue, which required a debate all to itself, without prejudging at this juncture the outcome of the negotiations at the World Trade Organisation. The agricultural sector also had recognisable special features as regards the application of the competition rules. The PRESIDENT called for some flexibility on direct support for the less-favoured areas. In relation to the capping of grants, which he regarded as an important objective of the reform, he recommended introducing a communication strategy to deal with the sometimes contradictory expectations of Member States.

The PRESIDENT wound up the discussion by noting the Commission's support for the communication and its agreement to the introduction of the following change to the English-language version of COM(2010)672/5:

– **the second indent on page 9 should read as follows:**

"- Promotion of the sustainable development of agriculture in areas with specific natural constraints by providing an additional income support to farmers in such areas in the form of an area-based payment as a complement to the support given under the 2nd pillar."

Subject to the above amendment, the Commission approved the communication in COM(2010)672/5 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, and, for information, to the national parliaments.

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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 9.43 on Thursday 18 November.