



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2010)1940 final

Brussels, 21 December 2010

MINUTES

**of the 1940th meeting of the Commission
held in Strasbourg
(Winston Churchill building)
on Tuesday 14 December 2010
(afternoon)**

PV(2010)1940 final

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Single sitting: Tuesday 14 December 2010 (afternoon)

The sitting opened at 13.12 hours with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	President	
Ms REDING	Vice-President	
Mr ALMUNIA	Vice-President	
Mr KALLAS	Vice-President	
Ms KROES	Vice-President	
Mr TAJANI	Vice-President	
Mr POTOČNIK	Member	
Mr BARNIER	Member	Items 12 (in part) to 15
Ms VASSILIOU	Member	
Mr ŠEMETA	Member	
Mr DALLI	Member	
Ms GEOGHEGAN-QUINN	Member	
Ms GEORGIEVA	Member	
Ms HEDEGAARD	Member	Items 13 (in part) to 15
Mr ANDOR	Member	
Ms MALMSTRÖM	Member	
Mr CIOLOŞ	Member	

Absent:

Baroness ASHTON	High Representative/Vice- President
Mr ŠEFČOVIČ	Vice-President
Mr REHN	Member
Mr PIEBALGS	Member
Mr DE GUCHT	Member
Mr LEWANDOWSKI	Member
Ms DAMANAKI	Member
Mr OETTINGER	Member
Mr HAHN	Member
Mr FÜLE	Member

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

Ms NIKOLAY	Adviser in Baroness ASHTON's office	
Ms KEČKÉŠOVÁ	A member of Mr ŠEFČOVIČ's staff	
Ms ITKONEN	A member of Mr REHN's staff	
Ms SOEWARTA	A member of Mr PIEBALGS's staff	
Ms PERESSO	A member of Mr DE GUCHT's staff	
Mr LEMAÎTRE	Chef de cabinet to Mr LEWANDOWSKI	Item 15
Mr INOTAI	A member of Ms DAMANAKI's staff	
Mr ZOTTI	A member of Mr HAHN's staff	

The following also sat in:

Mr LAITENBERGER	Chef de cabinet to the PRESIDENT	
Mr ROMERO REQUENA	Director-General, Legal Service	
Mr SØRENSEN	Director-General, DG Communication	
Ms AHRENKILDE HANSEN	Commission Spokeswoman	
Mr SCHINAS	Bureau of European Policy Advisers	
Ms MARTÍNEZ ALBEROLA	Adviser in the PRESIDENT's office	Items 1 to 14
Mr SOBRAL	A member of the PRESIDENT's staff	Items 1 to 12
Mr KOLINSKI	A member of Ms HEDEGAARD's staff	Items 1 to 13 (in part)

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

1. AGENDAS

(OJ(2010)1940/3; SEC(2010)1530/2)

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)1940)

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

3. APPROVAL OF THE MINUTES OF THE 1938TH MEETING AND THE MINUTES AND SPECIAL MINUTES OF THE 1939TH MEETING OF THE COMMISSION (1 AND 8 DECEMBER)

(PV(2010)1938; PV(2010)1939; PV(2010)1939, PART II)

The Commission approved the minutes of its 1938th meeting and decided to hold over for one week approval of the minutes of its 1939th meeting.

4. MONITORING THE APPLICATION OF EUROPEAN UNION LAW

STATE AID – INDIVIDUAL CASES

(SEC(2010)1570; SEC(2010)1575)

The Commission adopted the decisions in SEC(2010)1570.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. *WRITTEN PROCEDURES APPROVED*
(SEC(2010)1532 ET SEQ.)

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

5.2. *EMPOWERMENT*
(SEC(2010)1533 ET SEQ.)

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

5.3. *DELEGATION AND SUBDELEGATION OF POWERS*
(SEC(2010)1534 ET SEQ.)

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

5.4. *SENSITIVE WRITTEN PROCEDURES*
(SEC(2010)1535 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 13 and 17 December and of the "finalisation" written procedures initiated following the weekly meeting of Chefs de cabinet on 13 December.

**5.5. GENERAL EMPOWERMENT FOR DECISIONS NOT TO RAISE OBJECTIONS THAT ARE NECESSARY TO MANAGE AND MONITOR CONDITIONS AND COMMITMENTS ATTACHED TO DECISIONS IN THE BANKING SECTOR IN THE CONTEXT OF THE FINANCIAL CRISIS THAT WERE APPROVED PURSUANT TO ARTICLE 107(3)(B) OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION AND DECISIONS REFUSING THE APPOINTMENT OF PROPOSED MONITORING AND DIVESTITURE TRUSTEES
(SEC(2010)1571 AND /2)**

The Commission granted the general empowerment set out in SEC(2010)1571 to the Member of the Commission responsible for competition for the adoption, in agreement with the PRESIDENT, on behalf of the Commission and under its responsibility, of certain decisions concerning decisions in the banking sector that were approved pursuant to Article 107(3)(b) of the Treaty on the Functioning of the European Union, and decisions refusing the appointment of proposed Monitoring and Divestiture Trustees.

**5.6. GENERAL EMPOWERMENT IN THE FIELD OF TRANSPORT POLICY – COMPUTERISED RESERVATION SYSTEMS
(SEC(2010)1572 AND /2)**

The Commission granted the general empowerment set out in SEC(2010)1572 to the Member of the Commission responsible for transport for the adoption, on behalf of the Commission and under its responsibility, of certain decisions concerning computerised reservation systems (CRS).

**5.7. AD HOC EMPOWERMENT RELATING TO THE ROLE PLAYED BY THE COMMISSION IN THE MONITORING OF CONDITIONALITY ASSOCIATED WITH THE FINANCIAL SUPPORT TO GREECE PROVIDED BY THE EURO AREA MEMBER STATES
(SEC(2010)1602)**

The Commission decided to empower Mr REHN, the Member of the Commission responsible for economic and monetary affairs, in agreement with the PRESIDENT, to prepare, negotiate with the Greek authorities and sign, after approval by the lending Member States, on behalf of the Commission and under its responsibility, the revisions to the memorandum of understanding setting the detailed conditions attached to the loan extended to Greece, in accordance with the terms laid down in SEC(2010)1602.

**5.8. AD HOC EMPOWERMENT CONCERNING THE MEASURES TO BE ADOPTED IN THE EVENT OF THE COUNCIL'S FAILURE TO ACT WHEN FIXING FOR 2011 THE FISHING OPPORTUNITIES FOR CERTAIN FISH STOCKS AND GROUPS OF FISH STOCKS, APPLICABLE IN EU WATERS AND, FOR EU VESSELS, IN CERTAIN NON EU WATERS
(SEC(2010)1573)**

The Commission decided to empower Ms DAMANAKI, Member of the Commission responsible for fisheries, in agreement with the PRESIDENT, to adopt, on behalf of the Commission and under its responsibility, decisions concerning fishing opportunities for 2011 for certain fish stocks, in the event of the Council failing to act, in accordance with the terms laid down in SEC(2010)1573.

6. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2010)1531/2)

ADMINISTRATIVE MATTERS
(PERS(2010)173/2)

**6.1. EUROPEAN ANTI-FRAUD OFFICE – APPOINTMENT OF AD15/16
DIRECTOR-GENERAL (EU-27)**
(PERS(2010)24 TO /8)

The Commission had before it applications under Article 29(1)(a)(i) and (iii), Article 29(1)(b) and Article 29(2) of the Staff Regulations for the post of Director-General of the European Anti-Fraud Office (PERS(2010)24 to /5 and /7).

It took note of the procedure followed in this case, as described in PERS(2010)173/2, and in particular of the opinion of the Consultative Committee on Appointments of 19 July (PERS(2010)24/6), the opinion of the Supervisory Committee of the European Anti-Fraud Office of 23 September (PERS(2010)24/8) and the consultations with Parliament and the Council.

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr ŠEMETA, it then decided to appoint Mr Giovanni KESSLER to the post.

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

**6.2. DG COMPETITION – TERMINATION OF THE SELECTION
PROCEDURE FOR AN AD15 DEPUTY DIRECTOR-GENERAL POST
(EU-3)**
(PERS(2010)86 AND /2)

The Commission took note of the information at point 2 of PERS(2010)173/2 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr ALMUNIA, decided to terminate – without making any appointment

– external selection procedure COM/2010/10256 for the post of Deputy Director-General in DG Competition.

This decision would take effect immediately.

**6.3. DG HEALTH AND CONSUMERS – APPOINTMENT OF AD15 DEPUTY DIRECTOR-GENERAL (EU-3)
(PERS(2010)122 TO /5)**

The Commission had before it applications under Article 29(2) of the Staff Regulations for the post of Deputy Director-General in DG Health and Consumers (PERS(2010)122 to /3).

It took note of the opinions of the Consultative Committee on Appointments of 23 September and 14 October (PERS(2010)122/4 and /5).

The Commission proceeded to consider the applicant's qualifications for the post. On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr DALLI, it then decided to appoint Mr Martin SEYCHELL to the post.

This decision would take effect immediately. Mr SEYCHELL would take up his duties on 1 April 2011 at the latest.

**6.4. DG AGRICULTURE AND RURAL DEVELOPMENT – APPOINTMENT OF AD15/16 DEPUTY DIRECTOR-GENERAL
(PERS(2010)130 TO /4)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Deputy Director-General with responsibility for Directorates AGRI.C and AGRI.D in DG Agriculture and Rural Development (PERS(2010)130 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 16 and 26 November (PERS(2010)130/3 and /4).

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr CIOLOȘ, it then decided to appoint Mr João PACHECO to the post.

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

6.5. DG AGRICULTURE AND RURAL DEVELOPMENT – APPOINTMENT OF AD15/16 DEPUTY DIRECTOR-GENERAL (PERS(2010)129 TO /4)

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Deputy Director-General with responsibility for Directorates AGRI.I, AGRI.J and AGRI.K in DG Agriculture and Rural Development (PERS(2010)129 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 16 and 26 November (PERS(2010)129/3 and /4).

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr CIOLOȘ, it then decided to appoint Mr Rudolf MOEGELE to the post.

This decision would take effect on 1 February 2011.

6.6. DG EDUCATION AND CULTURE – APPOINTMENT OF AD15/16 DEPUTY DIRECTOR-GENERAL (PERS(2010)74 TO /4)

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Deputy Director-General in DG Education and Culture (PERS(2010)74 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 30 September and 17 November (PERS(2010)74/3 and /4).

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms VASSILIOU, it then decided to appoint Mr Xavier PRATS MONNE to the vacant post.

This decision would take effect on 1 January 2011.

**6.7. DG HEALTH AND CONSUMERS – APPOINTMENT OF AD15/16
DEPUTY DIRECTOR-GENERAL
(PERS(2010)73 TO /4)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Deputy Director-General in DG Health and Consumers (PERS(2010)73 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 13 and 30 September (PERS(2010)73/3 and /4).

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr DALLI, it then decided to appoint Mr Ladislav MIKO to the post.

This decision would take effect on 16 January 2011.

**6.8. SECRETARIAT-GENERAL – APPOINTMENT OF AD15/16 DEPUTY
SECRETARY-GENERAL
(PERS(2010)70 TO /4)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Deputy Secretary-General in the Secretariat-General (PERS(2010)70 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 6 and 13 July (PERS(2010)70/3 and /4).

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, it then decided to appoint Mr Michel SERVOZ to the post.

This decision would take effect on 1 January 2011.

**6.9. SECRETARIAT-GENERAL – APPOINTMENT OF AD15/16 DEPUTY SECRETARY-GENERAL
(PERS(2010)71 TO /5)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Deputy Secretary-General in the Secretariat-General (PERS(2010)71, /2 and /5).

It took note of the opinions of the Consultative Committee on Appointments of 6 and 13 July (PERS(2010)71/3 and /4).

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, it then decided to appoint Mr Marianne KLINGBEIL to the post.

This decision would take effect on 1 January 2011.

6.10. SECRETARIAT-GENERAL – AMENDMENT OF ORGANISATION CHART AND APPOINTMENT OF AD16 ADVISER HORS CLASSE

The Commission took note of the information at point 10 of PERS(2010)173/2 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, decided:

- to transfer to the Secretariat-General the AD16 post of adviser *hors classe* created in DG Employment, Social Affairs and Equal Opportunities by the Commission decision of 17 and 18 November 2010;

- to transfer to that post 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.

This decision would take effect on 1 January 2011.

6.11. SECRETARIAT-GENERAL – APPOINTMENT OF AD15 DEPUTY SECRETARY-GENERAL

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, the Commission decided to fill the post of Deputy Secretary-General in the Secretariat-General by transferring in the interest of the service under Article 7 of the Staff Regulations Mr Christian DANIELSSON, AD15 official and currently Adviser *hors classe* in DG Enlargement.

This decision would take effect on 3 January 2011.

**6.12. DG EUROPEAID DEVELOPMENT AND COOPERATION – INTERNAL PUBLICATION OF A VACANCY NOTICE FOR AN AD 15/16 DEPUTY DIRECTOR-GENERAL
(PERS(2010)174)**

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, Mr PIEBALGS and Mr FÜLE, 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)174 for the post of Deputy Director-General in DG EuropeAid Development and Cooperation.

This decision would take effect immediately.

**6.13. DG EUROPEAID DEVELOPMENT AND COOPERATION – INTERNAL PUBLICATION OF A VACANCY NOTICE FOR AN AD 15/16 DEPUTY DIRECTOR-GENERAL
(PERS(2010)175)**

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, Mr PIEBALGS and Mr FÜLE, 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)175 for the post of Deputy Director-General in DG EuropeAid Development and Cooperation.

This decision would take effect immediately.

**6.14. DG AGRICULTURE AND RURAL DEVELOPMENT – APPOINTMENT OF AD14 DIRECTOR (EU-6)
(PERS(2010)94 TO /4)**

The Commission had before it applications under Article 29(2) of the Staff Regulations for the post of Director, 'Rural development programmes I', in DG Agriculture and Rural Development (PERS(2010)94 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 8 and 18 November (PERS(2010)94/3 and /4).

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr CIOLOȘ, it then decided to appoint Mr Mihail DUMITRU to the post.

This decision would take effect on 16 January 2011.

**6.15. DG BUDGET – TERMINATION OF THE SELECTION PROCEDURE FOR AN AD14 DIRECTOR POST (EU-6)
(PERS(2010)93 TO /4)**

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr LEWANDOWSKI, the Commission decided to terminate – without

making any appointment – external selection procedure COM/2010/10264 for the post of Director, 'Resources', in DG Budget.

This decision would take effect immediately.

**6.16. DG COMPETITION – APPOINTMENT OF AD14 DIRECTOR (EU-6)
(PERS(2010)120 TO /5)**

The Commission had before it applications under Article 29(2) of the Staff Regulations for the post of Director, 'Markets and cases I: Energy and Environment', in DG Competition (PERS(2010)120 to /3).

It took note of the opinions of the Consultative Committee on Appointments of 16 and 26 November (PERS(2010)120/4 and /5).

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr ALMUNIA, it then decided to appoint Mr Jonas RASIMAS to the post.

This decision would take effect immediately. Mr RASIMAS would take up his duties on 1 April 2011 at the latest.

**6.17. EUROPEAID – APPOINTMENT OF AD14 PRINCIPAL ADVISER
(EU-6)
(PERS(2010)124 TO /3)**

The Commission had before it applications under Article 29(2) of the Staff Regulations for the post of Principal Adviser in the EuropeAid Cooperation Office (PERS(2010)124 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 29 October and 11 November (PERS(2010) 124/3 and /4).

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT

and Mr PIEBALGS, it then decided to appoint Ms Jolita BUTKEVICIENE to the post.

This decision would take effect immediately. Ms BUTKEVICIENE would take up her duties on 1 April 2011 at the latest.

**6.18. DG ENERGY – APPOINTMENT OF AD14 PRINCIPAL ADVISER
(EU-6)
(PERS(2010)125 TO /5)**

The Commission had before it applications under Article 29(2) of the Staff Regulations for the post of Principal Adviser in DG Energy (PERS(2010)125 to /3).

It took note of the opinions of the Consultative Committee on Appointments of 3 and 25 November (PERS(2010)125/4 and /5).

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr OETTINGER, it then decided to appoint Mr Tudor CONSTANTINESCU to the post.

This decision would take effect immediately. Mr CONSTANTINESCU would take up his duties on 1 April 2011 at the latest.

**6.19. DG RESEARCH – APPOINTMENT OF AD14 PRINCIPAL ADVISER
(EU-6)
(PERS(2010)121 TO /4)**

The Commission had before it applications under Article 29(2) of the Staff Regulations for the post of Principal Adviser in DG Research (PERS(2010)121 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 12 and 22 November (PERS(2010)121/3 and /4).

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms GEOGHEGAN-QUINN, it then decided to appoint Mr Catalin Grig FOTACHE to the post.

This decision would take effect immediately. Mr FOTACHE would take up his duties on 1 April 2011 at the latest.

6.20. DG INTERPRETATION – APPOINTMENT OF AD14 PRINCIPAL ADVISER (EU-6)
(PERS(2010)126 TO /4)

The Commission had before it applications under Article 29(2) of the Staff Regulations for the post of Principal Adviser in DG Interpretation (PERS(2010)126 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 9 and 25 November (PERS(2010)126/3 and /4).

The Commission proceeded to consider the applicant's qualifications for the post. On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms VASSILIOU, it then decided to appoint Mr Jaroslaw POREJSKI to the post.

This decision would take effect on 1 January 2011.

6.21. LEGAL SERVICE – TERMINATION OF THE SELECTION PROCEDURE FOR AN AD14 PRINCIPAL LEGAL ADVISER POST (EU-6)
(PERS(2010)115 AND /2)

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, the Commission decided to terminate – without making any appointment – external selection procedure COM/2010/10266 for the post of Principal Legal Adviser in the Legal Service.

This decision would take effect immediately.

**6.22. DG CLIMATE ACTION – APPOINTMENT OF AD14/15 PRINCIPAL ADVISER (EU-27)
(PERS(2010)58 TO /5)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) and (2) of the Staff Regulations for the post of Principal Adviser in DG Climate Action (PERS(2010)58 to /3).

It took note of the opinions of the Consultative Committee on Appointments of 30 September and 21 October (PERS(2010)58/4 and /5).

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms HEDEGAARD, it then decided to appoint Mr Peter BETTS to the post.

This decision would take effect on 1 April 2011.

**6.23. DG COMPETITION – APPOINTMENT OF AD14 CHIEF COMPETITION ECONOMIST (EU-27)
(PERS(2010)81 TO /5)**

The Commission had before it applications under Article 2(a) of the Conditions of Employment of Other Servants of the European Communities for the post of Chief Competition Economist in DG Competition for a period of three years (PERS(2010)81 to /3).

It took note of the opinions of the Consultative Committee on Appointments of 18 and 26 November (PERS(2010)81/4 and /5).

The Commission proceeded to consider the applicants' qualifications for the post. On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr ALMUNIA, it then decided to appoint Mr Kai-Uwe KÜHN, as a member of the temporary staff under Article 2(a) of the Conditions of

Employment of Other Servants of the European Communities, to the post for a period of three years.

This decision would take effect on 1 May 2011.

**6.24. DG HOME AFFAIRS – APPOINTMENT OF AD14 PRINCIPAL ADVISER HOLDING THE POSITION OF ANTI-TRAFFICKING COORDINATOR
(PERS(2010)123 TO /4)**

The Commission had before it applications under Article 2(a) of the Conditions of Employment of Other Servants of the European Communities for the post of Principal Adviser holding the position of Anti-Trafficking Coordinator in DG Home Affairs for a period of five years (PERS(2010)123 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 28 October and 22 November (PERS(2010)123/3 and /4).

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms MALMSTRÖM, it then decided to appoint Ms Myra VASSILIADOU, as a member of the temporary staff under Article 2(a) of the Conditions of Employment of Other Servants of the European Communities, to the post for a period of five years.

This decision would take effect on 1 April 2011.

**6.25. DG JUSTICE – APPOINTMENT OF AD14/15 DIRECTOR
(PERS(2010)111 TO /5)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director, 'Civil justice', in DG Justice (PERS(2010)111 to /3).

It took note of the opinions of the Consultative Committee on Appointments of 22 October and 22 November (PERS(2010)111/4 and /5).

The Commission proceeded to compare the applicants' qualifications for the post. It also considered their ability, efficiency and conduct in the service. On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms REDING, it then decided to appoint Mr Paraskevi MICHOU to the post.

This decision would take effect on 1 January 2011.

6.26. DG ENTERPRISE AND INDUSTRY – APPOINTMENT OF AD14 DIRECTOR

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr TAJANI, the Commission decided to fill the post of Director, 'Resources and Communication' in DG Enterprise and Industry by transferring in the interest of the service under Article 7 of the Staff Regulations Mr Carlo PETTINELLI, AD14 official and currently Director, 'Audit, Control', in DG Employment, Social Affairs and Equal Opportunities.

This decision would take effect on 1 February 2011.

6.27. DG EMPLOYMENT, SOCIAL AFFAIRS AND EQUAL OPPORTUNITIES – APPOINTMENT OF AD15 DIRECTOR

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr ANDOR, the Commission decided to fill the post of Director, 'Audit, Control' in DG Employment, Social Affairs and Equal Opportunities by transferring in the interest of the service under Article 7 of the Staff Regulations Mr Francisco MERCHAN CANTOS, AD15 official and currently Director, 'Audit Process', in the Internal Audit Service.

This decision would take effect on 1 February 2011.

**6.28. FOREIGN POLICY INSTRUMENTS SERVICE (FPIS) –
APPOINTMENT OF AD14 HEAD OF SERVICE**

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Baroness ASHTON, the Commission decided to fill the post of Head of the Foreign Policy Instruments Services by transferring in the interest of the service under Article 7 of the Staff Regulations Mr Tung-Lai MARGUE, AD14 official and currently Director, 'Headquarters resources, information, interinstitutional relations', in DG External Relations.

This decision would take effect on 1 January 2011.

6.29. SECRETARIAT-GENERAL – APPOINTMENT OF AD15 DIRECTOR

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, the Commission decided to fill the post of Director, 'Better Regulation and Coordination' in the Secretariat-General by transferring in the interest of the service under Article 7 of the Staff Regulations Mr Alan SEATTER, AD15 official and currently Director, 'North America, East Asia, Australia, New Zealand and Western Europe (non-EU)', in DG External Relations.

This decision would take effect on 1 January 2011.

**6.30. SECRETARIAT-GENERAL / DG HUMAN RESOURCES AND
SECURITY – AMENDMENT OF DECISION CONCERNING THE
CREATION OF SHARED 'RESOURCES' DIRECTORATES AND
INTERNAL AUDIT SERVICES**

The Commission took note of the information in point 30 of PERS(2010) 173/2 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, noted that the text below would replace the corresponding passage in SEC(2010)142:

"For the purposes of staff appraisals and promotions, as well as quotas for certifications, attestation, early retirement and revalorisation of posts, both Directors-General of the parent DGs shall act jointly as reporting and

counter-signing officer for the SRD Director and SIAC Head, as counter-signing officer for SRD managers and other SIAC staff and as appeal assessor for non-managerial SRD staff. Without prejudice to thus serving both parent DGs on an entirely equal footing, each SRD and SIAC shall be accessory to the parent Directorate-General to which they currently have their organisational reference in SYSPER2, for reasons of expediency in the workflow of the appraisal and promotion management only."

This decision would take effect immediately.

**7. GREEN PAPER – LESS RED TAPE FOR CITIZENS: PROMOTING THE FREE MOVEMENT OF PUBLIC DOCUMENTS AND RECOGNITION OF THE EFFECTS OF CIVIL STATUS DOCUMENTS
(COM(2010)747 TO /3; SEC(2010)1551)**

The Commission approved the Green Paper promoting the free movement of public documents and recognition of the effects of civil status documents in COM(2010)747/3 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.

**8. COMMISSION REGULATION ON THE APPLICATION OF ARTICLE 101(3) OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION TO CERTAIN CATEGORIES OF RESEARCH AND DEVELOPMENT AGREEMENTS
(C(2010)8956 TO /3; SEC(2010)1541; SEC(2010)1543; SEC(2010)1542; SEC(2010)1565; SEC(2010)1566)**

9. COMMISSION REGULATION ON THE APPLICATION OF ARTICLE 101(3) OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION TO CERTAIN CATEGORIES OF SPECIALISATION AGREEMENTS

(C(2010)8957 TO /3; SEC(2010)1541; SEC(2010)1543; SEC(2010)1542; SEC(2010)1565; SEC(2010)1566)

10. GUIDELINES ON THE APPLICABILITY OF ARTICLE 101 OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION TO HORIZONTAL CO-OPERATION AGREEMENTS

(C(2010)9274 AND /2; SEC(2010)1541; SEC(2010)1543; SEC(2010)1542; SEC(2010)1565; SEC(2010)1566)

The Commission adopted the block exemption regulations and the guidelines in C(2010)8956/3, C(2010)8957/3 and C(2010)9274/2 for transmission, for information, to Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the Court of Justice of the European Union, accompanied by the impact assessment and the summary thereof in staff working papers SEC(2010)1541 and SEC(2010)1543, respectively, the contents of which were noted.

It also took note of the opinion of the Impact Assessment Board on the above regulations and guidelines, as set out in SEC(2010)1542.

**11. INTERINSTITUTIONAL RELATIONS
(SEC(2010)1552)**

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 10 December (SEC(2010)1552).

It paid particular attention to the following points.

11.1. LEGISLATIVE MATTERS

i) Horizontal dossiers

(point 1.1 of the IRG record)

- Regulatory agencies – follow-up to the communication of 11 March 2008 entitled ‘European agencies — the way forward’ (COM(2008)135),

The Commission approved the line set out in SI(2010)349 and /3.

ii) Ordinary legislative procedure

(point 1.2 of the IRG record)

Preparation of agreement at first reading

- Prevention of the entry into the legal supply chain of medicinal products which are falsified in relation to their identity, history or source (Directive) – MATIAS report – 2008/0261 (COD)

The Commission approved the line set out in SI(2010)355/2.

Preparation of agreements at second reading

- Harmonised conditions for the marketing of construction products (Regulation) – STIHLER report – 2008/0098 (COD)

The Commission approved the line set out in SI(2010)362.

- Application of patients' rights in cross-border healthcare (Directive) – GROSSETÊTE report – 2008/0142 (COD)

The Commission approved the line set out in SI(2010)347 and /3.

iii) Preparation for Parliament's December part-session

(point 1.3 of the IRG record)

Ordinary legislative procedure – Codecision – 1st reading

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

The Commission approved the line set out in SP(2010)9034, further to note SI(2010)342/2.

11.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

iv) Programming of Council business

(SI(2010)361)

The Commission took note of the information in SI(2010)361 on the Council meetings between Thursday 16 and Wednesday 22 December.

v) Preparation for European Council (Brussels, 16 and 17 December)

(point 2.2.1 of the IRG record)

Referring to the preparations for the European Council, the PRESIDENT pointed out that this Summit was likely to be particularly challenging given the highly sensitive reaction of the markets to every deed and gesture of the European Union.

Given this background, the European Council should be only moderately ambitious and send a message of discipline and rigour rather than announcing the creation of new instruments, since current conditions were not favourable to making significant strides forward. In his high-level contacts, he was encouraging the Heads of State or Government to concentrate their efforts on implementation and delivery. He felt that significant steps had already been taken and that the necessary instruments were now in place and being used appropriately.

He drew particular attention to the growth contributed by the Europe 2020 strategy. The European Council should take note of the Belgian Presidency's report on the progress made since the strategy was launched. He also noted that at the beginning of 2011 the Commission would submit its first annual growth review.

He told the meeting that he would emphasise to the Heads of State or Government the need for an approach that would secure agreement on the Commission's legislative proposals on economic governance, and for a calm but firm approach to the European stabilisation mechanism.

The PRESIDENT recalled that the October European Council had produced key guidelines; its President, Herman Van Rompuy, had been asked to examine the issue of amendment of the treaty and the Commission that of the European stabilisation mechanism. Highly satisfactory progress had been made on the consultations on these points, in which the Commission had participated at every stage. He hoped that the broad outline of the European stabilisation mechanism presented by the Commission at the end of November would be endorsed by the European Council this week, and that a decision would be taken with a view to making a targeted and limited amendment of the treaty in response to a specific need. It was important to avoid any excessive complication or to link this issue artificially with others.

He also hoped that the European Council would be able simply to confirm a positive result concerning the 2011 budget and that the Member States would avoid conflict in the debate on the next multiannual financial framework and await an in-depth discussion at a later date on the basis of the Commission's document on the budget review.

The PRESIDENT also stressed that it was important for the atmosphere at the European Council to reflect the unity of the eurozone and the strong political will in favour of supporting the euro. It was important for the Commission to speak with one voice on these highly sensitive issues, and that voice should be Mr REHN's.

Lastly, he touched briefly on two other important matters on the European Council's agenda: the presentation by Baroness ASHTON of reports and the first general conclusions on the Union's relations with three major strategic partners, namely the US, Russia and China, and confirmation of the recommendation concerning the granting of candidate status to Montenegro.

The Commission took note of this information.

vi) Preparation for Council meeting (Environment) (Brussels, 20 December)

(point 2.2.2 of the IRG record)

- Definitive anti-dumping duty on imports of ironing boards originating, inter alia, in the People's Republic of China and a definitive anti-dumping duty on imports of ironing boards originating in the People's Republic of China produced by Since Hardware (Guangzhou) Co., Ltd. (Council Regulation – 2010/0339 (NLE))

The Commission approved the line set out in SI(2010)351.

- Conclusion, signing, on behalf of the European Union, and provisional application of certain provisions of the Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Iraq, of the other part (Council Decisions) – 2010/0305 and 2010/310 (NLE)

The Commission approved the line set out in SI(2010)359.

11.3. RELATIONS WITH PARLIAMENT

vii) Preparation for December 2010 part-session of Parliament – consideration of non-legislative matters

(point 3.1 of the IRG record)

- Revision of the energy efficiency action plan – BENDTSEN report – 2010/2107 (INI)

The Commission approved the line set out in SP(2010)8883.

viii) Preparation for December 2010 part-session of Parliament – Oral questions

(point 3.4 of the IRG record)

- H-0569/10, H-0570/10, H-0572/10, H-0574/10, H-0575/10, H-0577/10, H-0579/10, H-0581/10, H-0582/10, H-0584/10, H-0585/10, H-0586/10 (in conjunction with H-0595/10 and H-0597/10), H-0587/10, H-0588/10, H-0590/10, H-0591/10, H-0593/10, H-0594/10, H-0599/10, H-0600/10, H-0601/10, H-0602/10, H-0604/10, H-0606/10, H-0607/10, H-0608/10, H-0609/10, H-0610/10, H-0612/10, H-0614/10 and H-0615/10

The Commission approved the draft answers set out in SP(2010)8713 to /3, following the agreement reached between the Chefs de cabinet, and certain draft supplementary answers, revisions to answers and draft answers as set out in SP(2010)8713/4 et seq.

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

(point 3.5.1 of the IRG record)

The Commission approved the communication set out in document SP(2010)8657/2 on the action taken on the legislative opinions and non-legislative resolutions adopted by Parliament at its October 2010 I and II part-sessions, for transmission to Parliament.

x) Presence of Commission Members on Thursday afternoons – part-sessions of January 2011 to December 2011

(point 3.6 of the IRG record)

The Commission approved the rota for Commission Members annexed to document SP(2010)8644.

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

xi) Draft answer to the opinions of the national parliaments concerning the proposal for a Directive of the European Parliament and of the Council on the conditions of entry and residence of third-country

nationals for the purposes of seasonal employment

(point 4.3 of the IRG record)

The Commission approved the line set out in documents SP(2010)9046 and /2, further to document SP(2010)7595, and the standard reply annexed to document SP(2010)9046 for transmission to the national parliaments that had expressed a negative opinion to the Commission.

xii) Reply to the Contribution of the Conference of Community and European Affairs Committees of Parliaments of the European Union (Brussels, 24 to 26 October 2010)

(point 4.4 of the IRG record)

The Commission approved documents SP(2010)8905 and /2 containing its reply to the Contribution of the 44th Conference of Community and European Affairs Committees of Parliaments of the European Union (COSAC), for transmission to the Presidency of COSAC.

12. RELATIONS WITH NON-MEMBER COUNTRIES

11TH EU-INDIA SUMMIT (BRUSSELS, 10 DECEMBER 2010)

The PRESIDENT reported on the 11th summit between the European Union and India held in Brussels on 10 December, the first held with the new configuration introduced by the Lisbon Treaty. Mr Herman van Rompuy and the PRESIDENT had represented the EU; Baroness ASHTON and Mr DE GUCHT had also been present. Representing India were the Prime Minister, Mr Manmohan Singh, accompanied by the Minister for Trade, Mr Anand Sharma, and the national security adviser, Mr Shivshankar Menon.

A very friendly atmosphere had prevailed at the meeting, and the discussions had been frank and substantial.

He felt that the summit had been a turning point as the relationship had been broadened to cover political dialogue on security issues and to pave the way for the conclusion of a comprehensive free trade agreement next year.

In relation to security issues, a declaration had been adopted on combating terrorism and in-depth discussions had taken place, in particular on efforts to combat piracy, cyber security and non-proliferation.

The PRESIDENT underlined the predominant position in the discussions occupied by economic issues, in particular in the talks on the free trade agreement – it had been agreed to conclude the negotiations on this as soon as possible, given its major potential for both economies and the cooperation opportunities it would promote in many areas.

He said that he had raised the question of cooperation in the area of energy, and in particular energy efficiency, low-carbon energy options and security of supplies in relation to renewable energy sources, underlining the two parties' joint interest in increasing this cooperation.

All sensitive and pending issues had been tackled, for instance human rights, Pakistan and the pharmaceutical product issue, sustainable development, public procurement and security constraints in relation to telecommunications.

He referred to the wish expressed by Prime Minister Singh to cooperate with the EU in every political domain, and in particular on infrastructure development, "green" energy and skills development. Mr Singh had underlined the shared values of pluralism, democracy and the rule of law, and had expressed the hope that promotion of these values would contribute to a stable, prosperous and multipolar world order; he had also emphasised the need for close cooperation by both parties to counter the risk of recession and possible protectionist moves.

Mr Singh also referred to the reform of the United Nations, and assured the EU representatives of India's recognition of the EU's aspiration to take on a bigger role following the entry into force of the Lisbon Treaty. The PRESIDENT considered

that India's support was an important factor in the efforts being conducted in New York in relation to the representation of the EU.

The PRESIDENT noted that there had also been a useful discussion on the situation regarding India's neighbours, and that Baroness ASHTON had reported on the discussions with Iran held in Geneva on 6 December.

A very useful exchange of views over lunch had made it possible to broach the question of economic governance and the economic situation in the EU, and Mr Van Rompuy and the PRESIDENT had been able to inform Mr Singh about the latest developments in the EU and in the euro area.

He ended by welcoming the new arrangements for representing the EU at international summits, which made for greater consistency than in the past.

The Commission took note of this information.

**13. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL ON JURISDICTION AND THE RECOGNITION
AND ENFORCEMENT OF JUDGMENTS IN CIVIL AND COMMERCIAL
MATTERS (RECAST)
(COM(2010)748 TO /4; SEC(2010)1547; SEC(2010)1548; SEC(2010)1549;
SEC(2010)1551)**

Ms REDING presented the proposal for a Regulation reforming the Brussels I Regulation on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. She stressed the importance of the proposed amendments both for the single market and in the area of justice, in order to remove the obstacles which many companies encountered in their cross-border activities. She explained that a large proportion of small and medium-sized businesses and large companies claimed to be limited in their cross-border activities by the complexity of the procedures for settling commercial disputes and the uncertainty this caused.

The proposed reform aimed to make it easier to establish jurisdiction in cross-border disputes and to simplify the recognition of judgments between Member States. It also sought to strengthen the arbitration system and do away with the *exequatur* procedure for the recognition and execution of a decision in another Member State. She explained that the latter amendment was important because it meant in practice that the judgments of another Member State would in future have to be treated in the same way as domestic judgments. Such an amendment depended on mutual trust.

There were two exceptions to the latter provision in areas where this mutual trust was still hard to establish, given the significant differences between national systems. These were cases of defamation and damages obtained through collective actions. The Commission had discussed the European approach to collective actions during a policy debate on 12 October, when it had decided to begin by launching a public consultation on the subject and then to examine whether legislative proposals were needed or not, on the basis of an impact assessment. Once the results of the consultation were known, in summer 2011, the Commission would decide what steps to take in relation to collective actions, as was clear from the text of the proposal and the inclusion of a revision clause. She thanked the Legal Service in this connection for its help in formulating this clause, and in reply to questions from Members of the Commission she provided further details of the proposed timetable for the next stage.

Winding up her presentation, she expressed her conviction that this important proposal would help to build mutual trust and break down the barriers to cooperation between European businesses.

In the course of a brief exchange of views the Commission acknowledged the importance of this proposal for the public and for businesses. One of its Members wondered why aspects relating to collective actions had not been included at this stage, given the high expectations of consumers in this regard and the need to send out a clear signal about the Commission's political will to facilitate access to justice.

The PRESIDENT reiterated the importance of the proposed recast, particularly in the context of the Stockholm programme, the relaunch of the single market, the

Citizens' Agenda, and the goal of simplifying administrative procedures. He stressed the relevance of the approach to collective actions suggested during the Commission's policy debate, which had revealed the complexity of this question and the controversy surrounding it in the Member States and among stakeholders. The Commission had agreed on the need to conduct a public consultation first and to return to the subject in 2011. Ms REDING's proposal remained faithful to these conclusions in excluding judgments relating to collective actions, at this stage, from the important changes proposed.

This was not the Commission's final position, as Ms REDING had undertaken to return to the question of collective actions at a later date, including, if necessary, as part of the interinstitutional procedure. He therefore recommended that the Commission adopt the proposal for a Regulation put forward by Ms REDING and take note of this commitment as regards the approach to be adopted on collective actions.

The Commission adopted, subject to final linguistic revision, the proposal for a Regulation in COM(2010)748/4, for transmission to Parliament, the Council and the European Economic and Social Committee, and to the national parliaments, accompanied by the impact assessment and the summary thereof in the staff working papers distributed as SEC(2010)1547 and SEC(2010)1548, the contents of which were noted.

It also took note of the opinion of the Impact Assessment Board on the above proposal for a Regulation, as set out in SEC(2010)1549.

14. PROPOSAL FOR A COUNCIL DECISION AUTHORISING ENHANCED COOPERATION IN THE AREA OF THE CREATION OF UNITARY PATENT PROTECTION (COM(2010)790 TO /3)

Mr BARNIER gave a brief presentation of the draft Council proposal which he was

tabling for adoption and whose objective was to authorise enhanced cooperation in the area of the creation of unitary patent protection, including a suitable linguistic regime. He pointed out that all European businesses would benefit indiscriminately from this new arrangement which would substantially reduce patenting costs in the European Union.

He detailed the process which should enable the implementation of such cooperation, with 12 Member States having already sent a letter to this effect and others being in the process of doing so, while only two Member States had opposed the Commission proposal of 30 June 2010 at the Competitiveness Council meeting on 10 November. He indicated that, once the Council had consulted the European Parliament and had taken a position on launching the enhanced cooperation, the Commission would then have to submit two proposals for regulations to enable its implementation. At the request of the Commission, he also provided further details on the Member States which had already declared or confirmed their intent to take part in this initiative.

The Commission adopted the proposal for a Council Decision set out in COM(2010)790/3 for transmission to the European Parliament and the Council and, for information, to the national parliaments.

15. RELATIONS WITH NON-MEMBER COUNTRIES (CONTINUED FROM ITEM 12)

16TH CONFERENCE OF THE PARTIES TO THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE (CANCÚN, 29 NOVEMBER TO 10 DECEMBER)

Ms HEDEGAARD reported to the Commission on the positive results of the Cancún Climate Summit and stressed their importance, particularly in the absence of any available alternatives. She mentioned the content of the agreement, to which almost all the participating States had subscribed under the aegis of the United

Nations, and which covered many points discussed at the Copenhagen summit, alongside new items such as measures to help developing countries adapt to the effects of climate change, the protection of rainforests, the transfer of green technologies, monitoring, reporting and verification mechanisms and an agreement on a future financial architecture.

She also commented on the constructive atmosphere that had prevailed throughout the conference, where the European Union played a unifying role and spoke with one voice, while other big partners, such as China, Russia and Japan, had shown openness and commitment.

Ms HEDEGAARD did however concede that the results were not sufficient and that it would be necessary to continue working to set new objectives in preparation for the next summit to be held in Durban in 2011. She recognised the difficulty of the tasks to be carried out before that summit and stressed again how important it was for the Union to continue to speak with one voice and to act in a concerted manner.

At the end of this presentation, the Commission congratulated Ms HEDEGAARD for her involvement in these efforts and highlighted the importance of the result achieved, a result which recalled the progress achieved at the Nagoya Biodiversity Summit, where the European delegation had also shown good coordination. It also stressed the need to continue multilateral negotiations at a global level.

Concluding the exchange of views, the PRESIDENT also recognised the importance of multilateralism in the fight against climate change and the Commission's role in achieving this agreement, which he considered to be a genuine success. He gave his full support to Ms HEDEGAARD in her continued efforts to ensure that the EU was able to carry on playing a key part in the upcoming negotiations. Finally, he announced that he would soon be sending a letter of congratulations to the Mexican President Mr Felipe Calderón Hinojosa and also highlighted the vital contribution to the success of the conference made by the Mexican Minister for Foreign Affairs, Ms Patricia Espinosa Cantellano.

The Commission took note of this information.

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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 14.20.