



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2011)1948 final

Brussels, 2 March 2011

MINUTES

**of the 1948th meeting of the Commission
held in Strasbourg
(Winston Churchill building)
on Tuesday 15 February 2011
(afternoon)**

PV(2011)1948 final

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Single sitting: Tuesday 15 February 2011 (afternoon)

The sitting opened at 12.08 with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO President

Ms REDING Vice-President

Mr ALMUNIA Vice-President

Mr TAJANI Vice-President

Mr ŠEFČOVIČ Vice-President

Mr PIEBALGS

Mr BARNIER

Items 7 (in part) to 9

Ms VASSILIOU

Mr DALLI

Ms GEOGHEGAN-QUINN

Ms DAMANAKI

Mr HAHN

Ms HEDEGAARD

Mr FÜLE

Mr ANDOR

Ms MALMSTRÖM

Mr CIOLOŞ

Absent:

Baroness ASHTON	High Representative/ Vice-President
Mr KALLAS	Vice-President
Ms KROES	Vice-President
Mr POTOČNIK	
Mr REHN	
Mr ŠEMETA	
Mr DE GUCHT	
Mr LEWANDOWSKI	
Ms GEORGIEVA	
Mr OETTINGER	

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

Ms NIKOLAY	Adviser in Baroness ASHTON's office
Mr WHELAN	Chef de cabinet to Ms KROES
Mr VANDENBERGHE	Chef de cabinet to Mr POTOČNIK
Mr SADAUSKAS	Chef de cabinet to Mr ŠEMETA
Ms PERESSO	A member of Mr DE GUCHT's staff
Mr DELPHIN	Deputy Chef de cabinet to Ms GEORGIEVA

The following also sat in:

Mr LAITENBERGER	Chef de cabinet to the PRESIDENT
Mr ROMERO REQUENA	Director-General, Legal Service
Ms AHRENKILDE HANSEN	Commission Spokeswoman
Mr SCHINAS	Bureau of European Policy Advisers
Mr FRUTUOSO DE MELO	Deputy Chef de cabinet to the PRESIDENT
Mr CABRAL	Adviser <i>hors classe</i> in the PRESIDENT's office

Secretary: Ms DAY, Secretary-General, assisted by Ms BURGOD-BARRIER and Mr LE VILLAIN, administrators in the Secretariat-General.

1. AGENDAS

(OJ(2011)1948/3; SEC(2011)174/2)

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(2011)1948)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 14 February.

**3. APPROVAL OF THE MINUTES OF THE 1946TH AND 1947TH
COMMISSION MEETINGS (2 AND 9 FEBRUARY)**

(PV(2011)1946 AND /2; PV(2011)1947)

The Commission approved the minutes of its 1946th and 1947th meetings.

**4. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF
POWERS**

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2011)176 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 7 and 11 February.

4.2. EMPOWERMENT

(SEC(2011)177 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 7 and 11 February.

4.3. DELEGATION AND SUBDELEGATION OF POWERS

(SEC(2011)178 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 7 and 11 February, as archived in e-Greffe.

4.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2011)179 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 14 and 18 February and of the 'finalisation' written procedures initiated following the weekly meeting of Chefs de cabinet on 14 February.

5. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2011)175/2)

ADMINISTRATIVE MATTERS

(PERS(2011)23)

**5.1. DG HUMAN RESOURCES AND SECURITY – PROCEDURE FOR
EXAMINING LISTS OF CANDIDATES FOR HEAD OF EUROPEAN
UNION DELEGATION POSTS**

The Commission took note of the information at point 1 of PERS(2011)23 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, decided:

- to confirm that the final decision approving lists of candidates for Head of European Union Delegation posts would in all cases be reserved for the Commission;
- to authorise Mr ŠEFČOVIČ to lay down, in agreement with the PRESIDENT, the details of the procedure for examining lists of candidates and to keep it under regular review.

These decisions would take effect immediately.

**5.2. DG HUMAN RESOURCES AND SECURITY – APPROVAL OF THREE
LISTS OF CANDIDATES FOR HEAD OF EUROPEAN UNION
DELEGATION POSTS – IRAQ, BELARUS AND UN ORGANISATIONS
BASED IN GENEVA
(PERS(2011)25)**

The Commission took note of the information at point 2 of PERS(2011)23 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, decided to approve the three lists of candidates submitted to it which would serve as a basis for the competent authority of the European External Action Service to make final appointments.

This decision would take effect immediately.

**5.3. DG INFORMATION SOCIETY AND MEDIA – APPOINTMENT OF
AD14/15 DIRECTOR
(PERS(2010)150 TO /8)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director, 'Audiovisual, Media, Internet', in DG Information Society and Media (PERS(2010)150 to /6).

It took note of the opinions of the Consultative Committee on Appointments of 10 and 20 January 2011 (PERS(2010)150/7 and /8).

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 KROES, it then decided to appoint Mr Gerrit DE GRAAF to the post.

This decision would take effect on 1 March 2011.

**5.4. DG INFORMATION SOCIETY AND MEDIA – APPOINTMENT OF
AD14/15 DIRECTOR
(PERS(2010)133 TO /6)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director, 'Digital Content and Cognitive Systems', in DG Information Society and Media (PERS(2010)133 to /4).

It took note of the opinions of the Consultative Committee on Appointments of 16 December 2010 and 20 January 2011 (PERS(2010)133/5 and /6).

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 KROES, it then decided to appoint Mr Khalil ROUHANA to the post.

This decision would take effect on 1 March 2011.

**5.5. DG INFORMATION SOCIETY AND MEDIA – TERMINATION OF
SELECTION PROCEDURE FOR THE APPOINTMENT OF AD14/15
DIRECTOR; APPOINTMENT OF AD15 DIRECTOR
(PERS(2010)132 TO /4)**

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

- to terminate internal selection procedure COM/2010/1869 for the post of Director, 'Converged Networks and Services', in DG Information Society

and Media, without making an appointment;

- to fill the above post by transferring in the interest of the service, under Article 7 of the Staff Regulations, Ms Margaret Megan RICHARDS, AD15 official and currently Director, 'General Affairs', in DG Information Society and Media.

This decision would take effect on 1 April 2011.

5.6. *DG INFORMATION SOCIETY AND MEDIA – APPOINTMENT OF AD15 DIRECTOR*

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms KROES, the Commission decided to fill the post of Director, 'General Affairs', in DG Information Society and Media by transferring in the interest of the service, under Article 7 of the Staff Regulations, Ms Linda CORUGEDO STENEBOG, AD15 official and currently Director, 'Resources and Communication', in DG Economic and Financial Affairs.

This decision would take effect on 1 April 2011.

5.7. *DG INTERNAL MARKET AND SERVICES – LIST OF CANDIDATES FOR THE POST OF EXECUTIVE DIRECTOR OF THE EUROPEAN BANKING AUTHORITY (PERS(2010)144 TO /3)*

Having noted the procedure followed, as set out in point 7 of PERS(2011)23, the Commission, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr BARNIER, decided:

- to approve the list of two candidates, presented in order of preference, set out in point 7 of PERS(2011)23;
- to consider this list as the Commission proposal;
- to instruct Mr BARNIER to communicate this list to the Board of

Supervisors of the European Banking Authority.

These decisions would take effect immediately.

**5.8. DG INTERNAL MARKET AND SERVICES – LIST OF CANDIDATES
FOR THE POST OF EXECUTIVE DIRECTOR OF THE EUROPEAN
INSURANCE AND OCCUPATIONAL PENSIONS AUTHORITY
(PERS(2010)146 TO /3)**

Having noted the procedure followed, as set out in point 8 of PERS(2011)23, the Commission, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr BARNIER, decided:

- to approve the list of two candidates, presented in order of preference, set out in point 8 of PERS(2011)23;
- to consider this list as the Commission proposal;
- to instruct Mr BARNIER to communicate this list to the Board of Supervisors of the European Insurance and Occupational Pensions Authority.

These decisions would take effect immediately.

**5.9. DG INTERNAL MARKET AND SERVICES – LIST OF CANDIDATES
FOR THE POST OF EXECUTIVE DIRECTOR OF THE EUROPEAN
SECURITIES AND MARKETS AUTHORITY
(PERS(2010)148 TO /3)**

Having noted the procedure followed, as set out in point 9 of PERS(2011)23, the Commission, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr BARNIER, decided:

- to approve the list of four candidates, presented in order of preference, set out in point 9 of PERS(2011)23;
- to consider this list as the Commission proposal;

- to instruct Mr BARNIER to communicate this list to the Board of Supervisors of the European Securities and Markets Authority.

These decisions would take effect immediately.

**6. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS - AN EU AGENDA FOR THE RIGHTS OF THE CHILD
(COM(2011)60 TO /4; SEC(2011)182)**

The Commission approved the communication in COM(2011)60/4 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.

**7. COMMISSION OPINION ON THE DRAFT EUROPEAN COUNCIL DECISION AMENDING ARTICLE 136 OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION WITH REGARD TO A STABILITY MECHANISM FOR MEMBER STATES WHOSE CURRENCY IS THE EURO
(COM(2011)70 TO /3)**

By way of introduction, the PRESIDENT noted that the purpose of the decision taken by the European Council last December to make limited changes to Article 136 of the Treaty on the Functioning of the European Union was to enable the Member States whose currency is the euro to establish a permanent mechanism to safeguard the stability of the euro area as a whole. The Commission's favourable opinion therefore responded to the need to have a permanent stability mechanism after 2013 and demonstrated that the Commission recognised that the current political climate was conducive to attaining that objective.

Referring to the questions from certain Members of the Commission about the largely intergovernmental nature of the permanent mechanism, he stressed that it had to be set up in compliance with the Treaty and hence in accordance with the Commission's powers.

For this reason, the amendments to recital 14 and the deletion of recital 16, which was now superfluous, made it even clearer in the opinion that the Commission would fully exercise the powers conferred on it by the Treaty and would take every initiative, whether legislative or of any other kind, to ensure compliance with the Community framework and consistency between the future mechanism and the Union's economic governance in the euro area in particular.

Finally, the Union's economic governance in the euro area would thus constitute the basis which the future stability mechanism would necessarily build upon.

Mr ŠEFČOVIČ noted the interest shown in this matter by the European Parliament and outlined the subsequent interinstitutional stages in the procedure, while welcoming the amendments to the initial text, which had clarified and improved it.

The PRESIDENT concluded by noting the agreement of the Members of the Commission on the Commission opinion on the draft European Council Decision amending Article 136 of the Treaty on the Functioning of the European Union with regard to a stability mechanism for Member States whose currency is the euro.

Subject to final linguistic revision, the Commission adopted the opinion in the document distributed as COM(2011)70/3 for transmission to the European Council.

8. OTHER BUSINESS

MIGRATION FLOWS TOGETHER WITH RECENT EVENTS IN CERTAIN COUNTRIES ON THE SOUTHERN SHORE OF THE MEDITERRANEAN

Ms MALMSTRÖM spoke of the initiatives taken by the Commission in relation to the massive immigration flows resulting from the political events in Tunisia and

Egypt. The Commission was monitoring the situation closely and had dispatched Frontex experts, the number of arrivals in the European Union has however decreased steadily during the past two days.

Since Saturday she had been in contact with the Italian Interior Minister and had offered him EU assistance, which had been formally requested by Italy in a letter received today. The problem currently facing Italy must be addressed at EU level, since there might be flows of immigrants in the near future to other Member States from other Mediterranean countries.

She felt that short-term assistance could be granted through the European Refugee Fund, the External Borders Fund, the European Asylum Support Office and by setting up a joint Frontex operation for surveillance of the external borders. She had requested the Member States' support for these measures.

She also mentioned the collaboration established with the International Organisation for Migration and the United Nations High Commissioner for Refugees to provide protection to the most vulnerable types of migrants, in particular those requiring international protection.

Turning specifically to Tunisia, Ms MALMSTRÖM referred to the mission of Commission experts and the need to consider whether EU financial assistance could be better targeted, both by promoting projects aimed at creating revenue and jobs and by increasing professional mobility and migration opportunities.

However, she stressed that it was important to analyse the situation in the region as a whole to avoid any risk of the situation deteriorating, and to make a long-term commitment.

Taking the floor, Mr FÜLE told the meeting that Baroness ASHTON wished to organise rapidly a meeting of foreign affairs ministers to study the situation in Egypt.

He said that his departments had speeded up preparation of a package of aid measures for the transition process in Tunisia, and the Electoral Expert Mission in

the coming days would be followed by a second mission of experts who would work on a programme of support for the reform of the legal framework, the strengthening of democratic structures and civil society.

He also referred to the work carried out on the existing programmes to adapt them to new needs, and the likelihood that financing agreements for these programmes could be signed over the next two months.

He reminded the meeting that the previous day Baroness ASHTON had announced an additional contribution of €17 million for Tunisia and aid of €1 billion to the region as a whole from the European Investment Bank. The Tunisian Prime Minister had spoken of the high expectations of Tunisians vis-à-vis the Union and had confirmed that the government's priorities were to hold elections and provide assistance to the people.

During a brief discussion, the Commission also mentioned the following matters:

- the implications of the immigration flows beyond Italy's borders and the risks for other Mediterranean Member States;
- consequently, the need to address the problem at European level within the broader perspective of European policy in the Mediterranean and Africa;
- the evidence of instability in other countries in the region and the need to anticipate possible events in the coming weeks at the highest level;
- the problems raised by the lack of an exclusive economic area in the Mediterranean; consequently, the case for Frontex patrols;
- the desirability of a discussion on EU immigration and asylum policy;
- the humanitarian challenge posed by the immigration flows, with the risk of victims at sea;
- the need to develop the Union's policy with regard to the region as a whole.

The PRESIDENT thanked Ms MALMSTRÖM for the work done on this dossier

and said that he had been in contact with the Italian authorities following last weekend's events. Italy had now officially requested support from the European Union, and appropriate funds could be made available in response to this request. He emphasised the importance of support measures to Tunisia to curb the emigration flow.

He recognised the need for an in-depth discussion on these issues, which could be held as part of the orientation debate already planned on the European neighbourhood policy. He stressed the importance of developing a more structured and ambitious approach and of addressing the issue of governance, in particular in the countries around the Mediterranean.

The Commission took note of this information.

9. INTERINSTITUTIONAL RELATIONS

(SEC(2011) 183)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 11 February (SEC(2011)183).

It paid particular attention to the following points.

9.1. LEGISLATIVE MATTERS

i) Ordinary legislative procedure

(point 1.2 of the IRG record)

Dossiers at first reading

- Amendment of Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption (Directive) – PERELLO RODRÍGUEZ report – 2010/0254 (COD)

The Commission took note of SI(2011)29/2.

- Amendment of Directive 2000/75/EC as regards vaccination against bluetongue (Directive) – 2010/0326 COD

The Commission approved the line set out in SI(2011)36.

9.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

ii) Programming of Council business

(SI(2011)35)

The Commission took note of the information in SI(2011)35 on the Council meetings between Thursday 17 February and Wednesday 2 March.

iii) Developments in the Council since 4 February

(point 2.2 of the IRG record)

- Transitional provisions following the expiry of the protocol to the Fisheries Partnership Agreement with the Kingdom of Morocco

The Commission took note of SI(2011)37/2.

9.3. RELATIONS WITH PARLIAMENT

iv) February II part-session

- Enhanced cooperation in the area of the creation of unitary patent protection (Council Decision) – LEHNE report – 2010/0384 (NLE)

Mr BARNIER reported briefly on Parliament's adoption of the Lehne report by a large majority, marking its formal agreement to the draft Council Decision authorising enhanced cooperation in the creation of unitary patent protection.

The Commission noted this information and warmly congratulated Mr BARNIER on this positive outcome.

v) Preparations for the February II part-session – Oral questions
(point 3.4 of the IRG record)

- H-011/11, H-013/11, H-015/11 (jointly with H-042/11 and H-057/11),
H-018/11, H-019/11, H-021/11, H-022/11, H-025/11, H-026/11,
H-027/11, H-028/11, H-029/11, H-032/11, H-034/11, H-035/11,
H-038/11, H-040/11, H-043/11, H-047/11, H-048/11, H-049/11,
H-050/11, H-053/11, H-054/11, H-055/11, H-058/11

The Commission approved the draft answers set out in SP(2011)949 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(2011)949/4 et seq.

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The meeting closed at 12.45.