



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2011)1954 final

Brussels, 13 April 2011

MINUTES
of the 1954th meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 30 March 2011
(morning)

PV(2011)1954 final

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Single sitting: Wednesday 30 March 2011 (morning)

The sitting opened at 09.08 hours with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	President	
Ms REDING	Vice-President	
Ms KROES	Vice-President	Items 6 (in part) and 7
Mr ŠEFČOVIČ	Vice-President	
Mr POTOČNIK		
Mr PIEBALGS		
Mr BARNIER		Items 6 (in part) and 7
Ms VASSILIOU		
Mr ŠEMETA		
Mr DE GUCHT		
Mr DALLI		
Ms GEOGHEGAN-QUINN		
Mr LEWANDOWSKI		Items 1 to 6
Ms DAMANAKI		
Ms GEORGIEVA		
Mr OETTINGER		Items 1 to 7 (in part)
Mr HAHN		
Ms HEDEGAARD		
Mr ANDOR		
Mr CIOLOŞ		

Absent:

Baroness ASHTON

High
Representative/Vice-
President

Mr ALMUNIA

Vice-President

Mr KALLAS

Vice-President

Mr TAJANI

Vice-President

Mr REHN

Mr FÜLE

Ms MALMSTRÖM

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

Mr MORRISON	Chef de cabinet to Baroness ASHTON	
Mr MARTÍNEZ MONGAY	Chef de cabinet to Mr ALMUNIA	
Mr FITCH	Deputy Chef de cabinet to Mr KALLAS	
Mr CANGA FANO	Deputy Chef de cabinet to Mr TAJANI	
Mr PESONEN	Chef de cabinet to Mr REHN	Items 1 to 6
Mr RITTER	A member of Mr REHN's staff	Item 7
Mr MORDUE	Chef de cabinet to Mr FÜLE	
Mr MUSCHEL	Deputy Chef de cabinet to Ms MALMSTRÖM	

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	
Mr DOENS	Head of the Commission Spokesperson Service	
Ms AHRENKILDE HANSEN	Commission Spokeswoman	
Mr THEBAULT	Head of the Bureau of European Policy Advisers	
Ms MARTÍNEZ ALBEROLA	Adviser in the PRESIDENT's Office	Item 6
Mr KLAUS	A member of the PRESIDENT's staff	Item 7
Ms JORNA	Deputy Chef de cabinet to Mr BARNIER	Item 7

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

1. AGENDAS

(OJ(2011)1954/3; SEC(2011)374/2)

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)1954)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 28 March.

3. APPROVAL OF THE MINUTES AND SPECIAL MINUTES OF THE 1952ND MEETING OF THE COMMISSION AND THE MINUTES OF THE 1953RD MEETING (16 AND 23 MARCH)

(PV(2011)1952; PV(2011)1952, PART II; PV(2011)1953)

The Commission approved the minutes of its 1952nd and 1953rd meetings.

4. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2011)375 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 21 and 25 March.

4.2. EMPOWERMENT

(SEC(2011)376 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 21 and 25 March.

4.3. DELEGATION AND SUBDELEGATION OF POWERS

(SEC(2011)377 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 21 and 25 March, as archived in e-Greffe.

4.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2011)378)

The Commission took note of the sensitive written procedures for which the time limit expired between 28 March and 1 April and of the 'finalisation' written procedure initiated following the weekly meeting of Chefs de cabinet on 21 March.

**4.5. GENERAL EMPOWERMENT CONCERNING ADOPTION AND TRANSMISSION OF THE FINAL ACCOUNTS AS PROVIDED BY THE FINANCIAL REGULATION APPLICABLE TO THE 10TH EUROPEAN DEVELOPMENT FUND
(SEC(2011)392)**

The Commission granted the Member of the Commission responsible for financial programming and the budget the general empowerment set out in SEC(2011)392 to adopt and transmit, on its behalf and under its responsibility, the final accounts of the 10th European Development Fund.

**5. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2011)379/3)**

**ADMINISTRATIVE MATTERS
(PERS(2011)37/2)**

**5.1. DG ENVIRONMENT - APPOINTMENT OF AD15/16 DEPUTY DIRECTOR-GENERAL
(PERS(2010)159 TO /6)**

The Commission had before it the list of applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Deputy Director-General of DG Environment (PERS(2010)159 to /4).

It took note of the opinions of the Consultative Committee on Appointments of 22 February and 3 March (PERS(2010)159/5 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 Mr POTOČNIK, it then decided to appoint Mr Alan SEATTER to the post.

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

**5.2. DG ECONOMIC AND FINANCIAL AFFAIRS – APPOINTMENT OF
AD14/15 DIRECTOR
(PERS(2010)57 TO/5, /7 AND/8)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) and Article 29(2) of the Staff Regulations for the post of Director ECFIN-EFC.EPC: Secretariat of the Economic and Financial Committee and of the Economic Policy Committee' in DG Economic and Financial Affairs (PERS(2010)57 to /5).

It took note of the opinions of the Consultative Committee on Appointments of 11 November and 13 December 2010 (PERS(2010)57/7 and /8).

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

This decision would take effect on 16 April 2011.

**5.3. DG COMPETITION – APPOINTMENT OF AD14/15 DIRECTOR
(PERS(2010)176 TO/3)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director 'Cartels' in DG Competition (PERS(2010)176).

It took note of the opinions of the Consultative Committee on Appointments of 15 February and 3 March (PERS(2010)176/2 and /3).

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 Mr ALMUNIA, it then decided to appoint Mr Eric VAN GINDERACHTER to the post.

This decision would take effect on 1 April 2011.

**5.4. DG CLIMATE ACTION – TERMINATION OF THE SELECTION PROCEDURE FOR AN AD14/15 DIRECTOR POST
(PERS(2010)102 TO/5)**

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms HEDEGAARD, the Commission decided to terminate internal selection procedure COM/2010/1473 (republished as COM/2010/1834) for the post of Director 'Mainstreaming Adaptation and Low Carbon Technology' in DG Climate Action, without making any appointment.

This decision would take effect immediately.

**5.5. DG EUROPEAID DEVELOPMENT AND COOPERATION (FORMERLY EUROPEAID) - TERMINATION OF THE SELECTION PROCEDURE FOR AN AD14/15 DIRECTOR POST
(PERS(2010)11 TO/4)**

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, Mr PIEBALGS and Mr FÜLE, the Commission decided to terminate internal selection procedure COM/2010/47 for the post of Director 'Latin America' in the former EuropeAid Cooperation Office, without making any appointment.

This decision would take effect immediately.

**5.6. DG EUROPEAID DEVELOPMENT AND COOPERATION (FORMERLY DG DEVELOPMENT) - TERMINATION OF THE SELECTION PROCEDURE FOR AN AD14/15 DIRECTOR POST
(PERS(2010)83 TO/4)**

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, Mr PIEBALGS and Mr FÜLE, the Commission decided to terminate internal selection procedure COM/2010/1297 for the post of Director 'EU Development Policy: Horizontal Issues' in the former DG Development, without making any appointment.

This decision would take effect immediately.

**5.7. DG EUROPEAID DEVELOPMENT AND COOPERATION –
APPOINTMENT OF AD 15 DIRECTOR**

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 ‘Resources’ in DG EuropeAid Development and Cooperation by transferring in the interest of the service, under Article 7 of the Staff Regulations, Mr Pierre AMILHAT, AD15 official and currently Director ‘International Affairs and Markets’ in DG Maritime Affairs and Fisheries.

This decision would take effect on 1 April 2011.

**5.8. DG EUROPEAID DEVELOPMENT AND COOPERATION –
APPOINTMENT OF AD 15 DIRECTOR**

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, Baroness ASHTON, High Representative of the Union for Foreign Affairs and Security Policy, Mr PIEBALGS and Mr FÜLE, the Commission decided to fill the post of Director ‘EU Development Policy: Horizontal Issues’ in DG EuropeAid Development and Cooperation by transferring in the interest of the service, under Article 97 of the Staff Regulations, Mr Gustavo MARTÍN PRADA, AD15 official and currently Director ‘Latin America’ in the European External Action Service.

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

**5.9. DG HUMAN RESOURCES AND SECURITY - REPORT TO THE
EUROPEAN PARLIAMENT AND THE COUNCIL ON THE
EQUIVALENCE BETWEEN OLD AND NEW CAREER
STRUCTURES - ARTICLE 6 OF THE STAFF REGULATIONS
(COM(2011)171/2)**

The Commission adopted the report in COM(2011)171/2, drawn up under Article 6 of the Staff Regulations, for transmission to Parliament and the

Council and, for information, to the Court of Justice of the European Union, the European Court of Auditors, the European Economic and Social Committee and the Committee of the Regions.

5.10. CHANGES TO ORGANISATION CHARTS – 2011 SPRING PACKAGE

(SEC(2011)415/3; SEC(2011)417; SEC(2011)418; SEC(2011)419; SEC(2011)420; SEC(2011)421; SEC(2011)422; SEC(2011)423)

The Commission noted the information in point 10 of PERS(2011)37/2 and took note of the changes to the organisation charts of DG Budget, DG Mobility and Transport and the Publications Office, as set out in SEC(2011)415/3, which would subsequently be adopted by simplified procedure.

5.11. DG AGRICULTURE AND RURAL DEVELOPMENT – CHANGES TO ORGANISATION CHART

(SEC(2011)415/3; SEC(2011)417)

The Commission took note of the information in point 1 of SEC(2011)415/3 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr CIOLOȘ, decided:

- to create a temporary task force in charge of the development of new measures to improve future stability in the agricultural sector (milk package), to be headed by Mr Lars HOELGAARD, currently Adviser *hors classe* in DG Agriculture and Rural Development; the mandate of the task force would end when the task force itself was wound up, at the latest on 31 December 2011;
- to adopt the new organisation chart set out in SEC(2011)417.

These decisions would take effect on 1 April 2011.

5.12. DG CLIMATE ACTION – CHANGES TO ORGANISATION CHART**(SEC(2011)415/3; SEC(2011)418)**

The Commission took note of the information in point 1 of SEC(2011)415/3 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms HEDEGAARD, decided:

- to create a temporary function of Adviser *hors classe* and to assign Mr Richard WEBER, currently Deputy Director-General in DG EuropeAid Development and Cooperation, to that function;
- to abolish that function when its holder retired, at the latest at the end of December 2011;
- to create a temporary task force in charge of international climate finance, to be headed by Mr Richard WEBER and with a mandate running until the end of December 2011 at the latest;
- to adopt the new organisation chart set out in SEC(2011)418.

These decisions would take effect on 1 April 2011.

5.13. DG EUROPEAID DEVELOPMENT AND COOPERATION – CHANGES TO ORGANISATION CHART**(SEC(2011)415/3; SEC(2011)419)**

The Commission took note of the information in point 1 of SEC(2011)415/3 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, Mr PIEBALGS and Mr FÜLE, decided:

- to change the name of the DG to 'Directorate-General for Development and Cooperation - EuropeAid';
- to abolish one directorate and six units, but without prejudice to earlier Commission decisions on the temporary nature of existing principal adviser functions;

(30 March 2011)

- to create a temporary function of Principal Adviser and to assign Luis RIERA FIGUERAS, currently Director in DG EuropeAid Development and Cooperation, to that function;
- to create a temporary task force in charge of the enhanced dialogue with international organisations, to be headed by Mr Luis RIERA FIGUERAS, and consisting of three officials reporting direct to the head of the task force and four full-time equivalent staff who would continue to report to their respective units; the mandate of this task force would run until 31 December 2012 at the latest;
- to increase the structural adviser quota from six to seven and reduce the quota to three by the end of 2012 at the latest;
- to transfer the library of DG EuropeAid Development and Cooperation (ex DG Development) and the corresponding staff (three AST officials and one contract agent) *en bloc* to the Commission's central library in DG Education and Culture with effect from 1 July 2011; the necessary logistical arrangements were to be made without delay, with the Secretariat-General, DG Budget and DG Human Resources and Security studying together with DG Education and Culture whether further synergies could be gained from this transfer;
- to return to the central pool a number of posts and external staff appropriations, totalling 50 full-time equivalents, following a precise timetable agreed between the Secretariat-General, DG EuropeAid Development and Cooperation, DG Budget and DG Human Resources and Security;
- to adopt the new organisation chart set out in SEC(2011)419.

These decisions would take effect on 1 June 2011.

The total synergy gain following the reorganisation of DG – EuropeAid Development and Cooperation would be as follows: 11 (basic) AD posts in

2011 and 3 (basic) AD posts in 2012; 20 (basic) AST posts in 2011 and 1 (basic) AST post in 2012; and 5 CAIV, 5 CAIII, 3 CAII and 2 CAI posts in 2011.

After the reorganisation, the number of units in DG EuropeAid Development and Cooperation would fall from 55 to 49 and the average number of staff covered by the Staff Regulations per unit would be 15.

The number of directorates in that DG would fall from 10 to 9.

5.14. FOREIGN POLICY INSTRUMENTS SERVICE – CHANGES TO ORGANISATION CHART
(SEC(2011)415/3)

The Commission took note of the information in point 1 of SEC(2011)415/3 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Baroness ASHTON, decided to change the name of the service from 'Foreign Policy Instruments Service' to 'Service for Foreign Policy Instruments' and to change its acronym to FPI.

This decision would take effect on 16 April 2011.

5.15. DG HUMAN RESOURCES AND SECURITY – CHANGES TO ORGANISATION CHART
(SEC(2011)415/3)

The Commission noted the information at point 1 of SEC(2011)415/3 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, decided to reduce by three the quota of adviser functions.

This decision would take effect immediately.

5.16. DG INFORMATION SOCIETY AND MEDIA – CHANGES TO ORGANISATION CHART
(SEC(2011)415/3)

The Commission took note of the information in point 1 of SEC(2011)415/3

and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms KROES, decided to increase the quota of structural adviser functions from three to four.

This decision would take effect on 1 April 2011.

5.17. DG INTERNAL MARKET AND SERVICES – CHANGES TO ORGANISATION CHART

(SEC(2011)415/3; SEC(2011)420)

The Commission took note of the information in point 1 of SEC(2011)415/3 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr BARNIER, decided:

- to create a function of Principal Adviser and to assign Mr Elemér TERTAK, currently Director in DG Internal Market and Services, to that function;
- to create a new unit, MARKT.H.4 'Financial Stability', the head of which would be appointed by internal redeployment;
- to adopt the new organisation chart set out in SEC(2011)420.

This decision would take effect on 16 April 2011.

After the reorganisation, the number of units in DG Internal Market and Services would increase from 32 to 33 and the average number of staff covered by the Staff Regulations per unit would be 15.

5.18. DG REGIONAL POLICY – CHANGES TO ORGANISATION CHART
(SEC(2011)415/3)

The Commission took note of the information in point 1 of SEC(2011)415/3 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr HAHN, decided to increase the quota of structural adviser functions from two to three.

This decision would take effect on 16 May 2011.

5.19. DG HEALTH AND CONSUMERS – CHANGES TO ORGANISATION CHART

(SEC(2011)415/3; SEC(2011)421)

The Commission took note of the information in point 1 of SEC(2011)415/3 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr DALLI, decided:

- to create a new Directorate, SANCO.DDG1.D 'Health Systems and Products';
- to create a new Unit, SANCO.02 'Innovation for Health and Consumers';
- to create a temporary task force at unit level in charge of health and plant health relations between the EU and the customs union between Russia, Belarus and Kazakhstan; the task force would be headed by Mr Paul VAN GELDORP, currently Head of Unit in DG Health and Consumers, and its mandate would run until 29 February 2012;
- to adopt the new organisation chart set out in SEC(2011)421.

These decisions would take effect on 16 May 2011, except for the decision on the temporary task force, which would take effect on 1 April 2011.

After the reorganisation, the number of units in DG Health and Consumers would increase from 43 to 45 (including the temporary task force) and the average number of staff covered by the Staff Regulations per unit would be 18. The number of directorates would increase from six to seven.

5.20. DG INTERPRETATION – CHANGES TO ORGANISATION CHART

(SEC(2011)415/3; SEC(2011)422)

The Commission took note of the information in point 1 of SEC(2011)415/3 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT

and Ms VASSILIOU, decided:

- to abolish Directorate SCIC.B 'Resources and Administration';
- to transfer in the interest of the service, under Article 7 of the Staff Regulations, Mr Carlos ALEGRIA, currently Director of Directorate SCIC.B, 'Resources and Administration', to the function of Director of the future Directorate SCIC.S, 'Resources and Support', which itself would be created from the current 'Conferences' Directorate in the same Directorate-General;
- to adopt the new organisation chart set out in SEC(2011)422.

These decisions would take effect on 1 August 2011.

After the reorganisation, the number of directorates would decrease from four to three.

**5.21. SECRETARIAT-GENERAL – CHANGES TO ORGANISATION CHART
(SEC(2011)415/3; SEC(2011)423)**

The Commission noted the information in point 1 of SEC(2011)415/3 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, decided:

- to abolish Directorate SG.DSG2.E 'Better Regulation and Institutional Issues';
- to transfer in the interest of the service, under Article 7 of the Staff Regulations, Mr Jens NYMAND CHRISTENSEN, currently Director of Directorate SG.DSG2.E 'Better Regulation and Institutional Issues' to the function of Director of Directorate SG.DSG3.G 'Parliamentary and Inter-Institutional Issues' in the Secretariat-General;
- to create a temporary task force for IT governance, with a mandate of two years, to be headed by the Principal Adviser for IT Governance

(SG.PA02);

- to adopt the new organisation chart set out in SEC(2011)423.

These decisions would take effect on 1 April 2011.

After the reorganisation, the number of directorates would decrease from nine to eight.

The Commission thanked Mr Panayotis ANASTOPOULOS, who had served with efficiency and dedication in a temporary capacity as Director 'Relations with the European Parliament, the European Ombudsman, the Economic and Social Committee and the Committee of the Regions' in the Secretariat-General. During that period Mr ANASTOPOULOS had, among other achievements, helped the present Commission take up office and contributed to the conclusion of the framework agreement on relations between the Commission and the European Parliament.

6. INTERINSTITUTIONAL RELATIONS

(SEC(2011)388 AND /2)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 25 March (SEC(2011)388 and /2).

It paid particular attention to the following points.

6.1. LEGISLATIVE MATTERS

i) Action to be taken on Parliament's legislative opinions

(SP(2011)2561)

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(2011)2561, drawn up following the March II part-session of Parliament, the contents of which were noted.

ii) Preparation of the April part-session of Parliament

(point 1.3 of the record)

Ordinary legislative procedure – Codecision – 1st reading

- Community regime for the control of exports of dual-use items and technology (Regulation) – LEICHTFRIED report - 2008/0249 (COD)

The Commission approved the line set out in SP(2011)2478 and /2.

- Community financial measures for the implementation of the common fisheries policy and in the area of the Law of the Sea (Regulation) – FERREIRA report – 2010/0080 (COD)

The Commission approved the line set out in SP(2011)2479.

- Conservation of fisheries resources - Transitional technical measures from 1 January 2010 to 30 June 2011 (Regulation) – GRELIER report – 2010/0255 (COD)

The Commission approved the line set out in SP(2011) 2481.

- Vaccination against bluetongue (Directive) – WOJCIECHOWSKI report – 2010/0326 (COD)

The Commission approved the line set out in SP(2011)2482.

Special legislative procedure – Consultation

- Rules for imports into the European Union from Greenland of fishery products, live bivalve molluscs, echinoderms, tunicates, marine gastropods and by-products thereof (Council Decision) – FRAGA ESTÉVEZ report – 2010/0097 (CNS)

The Commission approved the line set out in SP(2011) 2484.

Non-legislative procedure

- Partnership Agreement between the European Community and the Union of the Comoros – Protocol setting out the fishing opportunities and financial contribution (Council Decision) – CAPOULAS SANTOS report – 2010/0287 (NLE)

The Commission approved the line set out in SP(2011)2483.

iii) Non-legislative procedure

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

The Commission approved the line set out in SI(2011)92.

6.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

iv) Programming of Council business

(SI(2011)93)

The Commission took note of the information in SI(2011)93 on the Council meetings between 31 March and 13 April 2011.

v) Preparation of the Council meeting (Transport, Telecommunications and Energy – Transport session) (Brussels, 31 March)

- Accession of the European Union to the Protocol of 2002 to the 1974 Athens Convention Relating to the Carriage of Passengers and their Luggage by Sea (Council Decision) – SIMPSON report – 2003/0132 (NLE)

The Commission adopted the communication in SEC(2011)388/2.

vi) Results of the European Council (Brussels, 24 and 25 March)

(SI(2011)100; SEC(2011)435)

The PRESIDENT introduced his remarks by saying that the latest European Council had marked a real turning point; in addition to the important discussions on Libya and Japan, agreement had been reached on the main elements of the global European response to the economic crisis. He therefore felt that, although the crisis had not gone away and the Commission still had a great deal to do, it was now possible to leave behind the discussions on strengthening governance and economic coordination and move on at last to the implementation stage.

The PRESIDENT reminded the meeting that, in the discussions of recent months, the Commission had defended its role and the preservation of the Community method. He felt that the Commission had been largely proved right. From the coordination of economic policies to the taxation of financial transactions, from migration to nuclear stress tests, the Member States had turned to the Commission for answers and, although it had not happened overnight, they had finally accepted that by calling on the powers of the Commission they had been able to add an important element of credibility to European policies.

He referred to the letter he had recently sent to every Member of the Commission about the outcome of the European Council, and mentioned in particular:

The global response to the economic crisis and European economic governance

The PRESIDENT observed that the introduction of economic governance was more or less complete, and he looked back with satisfaction on the progress made in a short time towards what would be an important milestone of European economic integration.

He noted that the European Semester occupied a central position in the European Council conclusions, representing strong support for the recommendations made by the Commission as part of its Annual Growth Survey. As soon as the Member States had sent in their national reform programmes the Commission would have to act quickly to adopt specific recommendations for each Member State and thus enable the June European Council to conclude the first European Semester.

He referred to the agreement on the Euro Plus Pact reached by the members of the euro area plus six States that were not members of the area, and welcomed the fact that the pact formed part of and strengthened the European Semester. The Commission would play a central role in monitoring and evaluating the commitments entered into, with due regard for national and European competences.

The PRESIDENT said that the European Council had also endorsed a general approach with regard to the Commission's six legislative proposals, which greatly reinforced the institution's role in economic governance, and, in view of the discussions under way in the European Parliament, he felt it might be possible for these proposals to be adopted in June.

He also mentioned the agreement on the amendment of the Treaty to permit the creation of the permanent financial stability mechanism. He recalled the long and difficult process leading up to this agreement, which was the best that could be achieved and was sufficiently ambitious.

Finally, he referred to the agreement requiring the Member States to put in place firm plans for the restructuring of any banks that appeared to be vulnerable following the forthcoming stress tests; he felt that much remained to be done in this area.

Among the other questions raised during the European Council's discussions on the economy, the PRESIDENT also mentioned the single market, which was universally regarded as key to competitiveness and one of the most

powerful tools for promoting growth and employment without placing national and European budgets under further pressure. High expectations were riding on the Commission's forthcoming proposals in this matter, scheduled for adoption on 13 April.

Finally, he noted the differing views on the taxation of financial transactions and pointed out that here, too, the European Council had turned to the Commission and asked it to table a report on this topic by summer 2011.

Situation in Libya and the other southern Mediterranean countries

The PRESIDENT said that the discussion on the situation in Libya had concentrated on the ongoing military operation and the humanitarian response. The Union had reaffirmed its commitment to the protection of Libyan civilians, the promotion of democratic change and humanitarian aid.

As regards the medium and long-term prospects for the region, he welcomed the interest shown by the European Council in the Commission's recent communication on the Partnership for Democracy and Shared Prosperity, which had set the tone in this matter and whose 25-point action plan would have to be quickly followed up. He stressed that the European Council's conclusions clearly identified the Commission proposals as the basis of a new partnership with the countries of the region.

This would result in a substantial amount of work for the Commission, which was starting to see some of its ideas come to fruition, for example regarding the increase in the European Investment Bank's lending capacity and, although this was still under discussion, the possibility of extending the mandate of the European Bank for Reconstruction and Development to cover the region.

The PRESIDENT observed that the question of migration was a source of concern for many Member States and reminded the meeting that a discussion on the subject was planned for the Commission meeting of 20 April in order to draw up proposals to deal with the growing pressure facing the 'front-line'

states. He also referred to the upcoming communication on the review of the neighbourhood policy and the need to preserve a balance when it came to cooperation with and assistance to neighbouring countries to the south and to the east of the European Union. Finally, he drew attention to the expectations raised in the European Council on the neighbourhood policy and immigration dossiers and reiterated the need for a balanced approach to handling them.

Situation in Japan

The PRESIDENT said that he had addressed the European Council on the subject of the situation in Japan with a view to keeping the Heads of State or Government informed about the European humanitarian response and the recent visit by Ms GEORGIEVA to that country, which had been greatly appreciated. He took the opportunity to thank Ms GEORGIEVA for the work carried out in coordinating Europe's humanitarian aid to the Japanese people.

He also said that he had talked about the measures adopted at European level following the nuclear accident at Fukushima both to limit the health risks for European citizens and in terms of lessons to be learned for nuclear power stations on EU territory. This second point and the question of stress tests had been discussed at length in the European Council and the important thing was that there was finally an agreement that safety should be the priority and that the Commission's role had been recognised. He welcomed the fact that the European Council's conclusions call upon the Commission to work together with the European Nuclear Safety Regulatory Group (ENSREG) to develop the stress tests, and added that the results of this work would then be the subject of a report and recommendations presented by the Commission to the European Council before the end of the year.

Ms GEORGIEVA reported on her recent visit to Japan. She explained that she had gone to Ibaraki Prefecture, north of Tokyo, for the distribution of relief material delivered by the European Union. The Commissioner passed on the gratitude expressed by the Japanese authorities. She explained that she had also met representatives of the Japanese Red Cross and the International

Federation of Red Cross and Red Crescent Societies to discuss the practical organisation of the European Union's humanitarian aid, which totalled €10 million.

She spoke of a situation and state of devastation beyond description in the areas struck by the tsunami and of economic consequences for the region on a scale comparable to the disaster. The Commissioner noted, however, the resilience and dignity of the people affected. She expressed her conviction that the Japanese people would bounce back after this ordeal and pointed out that the Japanese authorities had already expressed interest in a partnership with the European Union in disaster risk prevention. She indicated that tests were under way to verify safety levels at all of Japan's nuclear facilities.

Ms GEORGIEVA ended by referring to the negative repercussions of the problems with power supplies for the Japanese economy and suggested that rapid promotion of liberalisation of trade between the European Union and Japan would be worthwhile, in particular with a view to the forthcoming summit between the two trading partners.

Mr OETTINGER started by thanking the PRESIDENT for his support for the work carried out on nuclear safety. He said he was closely monitoring events at the Fukushima site and reported that the situation was in a state of flux, with good news, such as the re-establishment of the power supply at the stricken plant making it possible to cool down the reactors, alternating with bad news, such as the indication of the quantity of contaminated water and the lack of adequate processing capacity, or the contamination of agricultural produce in the region.

He indicated that the Japanese authorities were thinking about the technical means of making the Fukushima site safe, and that a different method to the sarcophagus solution used at Chernobyl was likely to be chosen. He did not expect the direct consequences to be as severe as those from the accident at the Ukrainian nuclear power station, but he was of the opinion that the harmful effects for the region were likely to last for a long time.

He noted, moreover, that the disaster had completely undermined the country's energy policy, since the nationalisation of TEPCO (Tokyo Electric Power Company) was under consideration.

At the European level, he stressed that contacts with ENSREG were ongoing and an initial meeting was planned for 4 April in Vienna. He indicated that a preliminary assessment of the safety of nuclear facilities in Member States by national regulators was due to start shortly, and that additional assessments and stress tests would take place at a later stage on the basis of both general criteria and specific criteria for each country.

The Commissioner also reported that he had asked neighbouring non-member countries to conduct similar stress tests, and emphasised that some of those countries had already indicated their agreement in principle.

The Commission then held an exchange of views, covering the following points:

- the importance of the progress achieved in economic governance;
- the need for more in-depth talks on the development of growth-driving investment and the reduction of public debt, and, in this context, a reminder of the social limits to budgetary restrictions in certain Member States;
- queries concerning the principle, the nature and the effects of a possible financial tax;
- the importance of the concept of coordinating tax policies;
- queries as to the follow-up to the ongoing military operation in Libya;
- the need to take account of the importance and sensitive nature of immigration issues, in particular for those Member States located in the Mediterranean region;

- the worrying situation in certain other countries, such as Bahrain and Syria, which were also experiencing unrest and upheavals on a major scale;
- the wish for work to be carried out on the prevention of nuclear accidents caused by earthquakes or maritime factors, in particular, but not exclusively, in the regions bordering the Mediterranean Sea;
- a reminder of the role played by the Joint Research Centre following the disasters that hit Japan and the accident at the Fukushima facility, both in analysing the data, in providing advice, in drawing conclusions and in contributing towards the drafting of a new international code of practice for the construction of nuclear power stations;
- a reminder of the precautionary measures taken concerning imports of food products into Europe originating from Japan deriving from fishing and agriculture;
- a number of concerns regarding a possible deterioration in the state of health of fishing stocks in the Pacific Ocean and a reminder of the partnership agreements on fishing and the attention required as to their implementation in this respect;
- the importance of the EU approach and the role of the Commission in the stress testing of European nuclear facilities.

The PRESIDENT concluded this item by emphasising once again the quality of the work carried out by the Commission, the technical expertise of which had clearly been established, and by reminding each Commissioner of the importance of the work that remained to be done.

The Commission took note of this information.

vii) Protection of classified information

- Security rules for the protection of EU classified information — draft joint statements of the Council and the Commission.

The Commission approved the line set out in SI(2011)90.

6.3. RELATIONS WITH PARLIAMENT

viii) Action taken on non-legislative resolutions adopted by Parliament at its December 2010 part-session

(point 3.4.1 of the record)

The Commission approved the documents SP(2011)1737 and /2 on the action taken on the non-legislative resolutions adopted by Parliament at its December part-session, for transmission to Parliament.

ix) Results of March II part-session

(SP(2011)2619)

The Commission took note of the information on the proceedings of the part-session of Parliament held in Strasbourg on 23 and 24 March, set out in SP(2011)2619.

6.4. EXTERNAL RELATIONS

ix) Proposal, on behalf of the European Union, for amendments to Annexes A and C to the Stockholm Convention on Persistent Organic Pollutants (Council Decision)

(point 5.2 of the record)

The Commission approved the content of the statement in Annex C to SEC(2011)388, which would serve as a model for any similar cases in future without the need to obtain the Commission's approval each time.

7. POLICY DEBATE ON INTELLECTUAL PROPERTY RIGHTS (SEC(2011)258; SEC(2011)285; SEC(2011)259)

The PRESIDENT introduced the policy debate by advocating a future European strategy on intellectual property rights that was coherent, global and ambitious – offering the prospect of growth, job creation and competitiveness for the EU – and by placing it in the context of the Europe 2020 strategy and two of its flagship initiatives, the digital agenda and innovation Union.

To offer Europeans the widest possible access to the benefits of an interconnected world, the EU must counteract the fragmentation of its intellectual property arrangements, modernise governance of this area, reduce the complexity and the cost of transactions, in particular for small and medium-sized enterprises (SMEs), and enhance legal certainty as regards access to services. He felt that these measures would also be the best way of guaranteeing holders' rights and fair remuneration for their creativity.

Mr BARNIER sketched the main lines of the debate on intellectual property rights in Europe. He turned to the objective he was proposing to achieve with the help of this future strategy, namely improving the European regulatory framework for intellectual property rights, turning it into a governance tool in a knowledge triangle comprising artists, users and consumers in order to optimise transactions by promoting creativity and innovation and encouraging the circulation and dissemination of goods and services protected by rights. He mentioned the obstacles that would have to be overcome, in particular flaws in transactions, the high cost of protection, territorial fragmentation of protection and access to cultural products, and the upsurge in counterfeiting.

He then spelled out the objectives of this future governance tool and the measures envisaged for the four main types of intellectual property rights: patents, commercial rights such as trade marks, trade secrets and geographical indications, and copyright. Finally, he referred to the need to step up efforts to combat counterfeiting and piracy.

The Commission then held an in-depth discussion during which it highlighted the relevance of a strategy on intellectual property rights, the importance of demonstrating ambition and a long-term vision in an approach that stimulated innovation and contributed to respect for fundamental rights and the Union's cultural diversity. The Commission also highlighted the importance of striking a fair balance between protection and access to creative works and of promoting the legal offer of online content and better consumer information in order to combat piracy. It also agreed on the importance of reflecting technological developments, developing a single market in the digital field and overcoming the fragmented situation currently found in Europe. Turning to the international dimension, the Commission stressed the importance for the EU to speak with one voice in its relations with third countries, to have a coherent intellectual property system and also to keep a watchful eye on trade in order to combat counterfeiting.

In his contribution to the debate, the PRESIDENT stressed that Europe must create a single market in intellectual property rights for the digital era, working on the basis of Article 118 of the Treaty on the Functioning of the European Union. The proposal was that the Union make a political choice in favour of openness and a European dimension rather than fragmentation and a purely defensive stance. Everyone stood to benefit in terms of innovation and growth.

Replying to the various comments, Mr BARNIER pointed out that respect for intellectual property rights was not based solely on economic considerations, but was also a matter of fundamental rights and, more generally, reflected a concern to promote cultural and linguistic diversity in Europe. An ambitious and pragmatic approach should be adopted in order to overcome the obstacles by opting for realistic solutions and retaining the flexibility needed to respect European diversity in this field.

The PRESIDENT emphasised the importance of preserving cultural diversity in Europe. Summing up the debate, he also stressed the importance of an ambitious strategy with a view to building a single European market in intellectual property rights, while pointing out that authors had to be borne in mind as well as consumers.

He welcomed the wide-ranging nature of the discussion, which had allowed everyone to express their particular concerns.

He noted that there was general agreement on the urgent need to update the regulatory framework for intellectual property, including copyright management societies, to bring it into line with the new global online environment, to develop a single market in the digital field, to stimulate innovation and to promote a knowledge-based economy. He also welcomed the consensus that had emerged on the need to strike the right balance between encouraging, protecting and remunerating creativity on the one hand, and promoting wider access on the other. It was equally important to ensure these rights were enforced, particularly at international level in the context of trade policy instruments.

He identified the management of intellectual property rights within the Union, and copyright in particular, as the most urgent priority and was pleased that the discussion had brought out the need for an ambitious approach and practical and effective solutions based on models that offered access and legal certainty to companies and consumers, and a fair reward for authors. The new rules on copyright management societies would play a key role here. The PRESIDENT also stressed the need to present ambitious proposals on orphan works, if possible in conjunction with the strategy itself, and to make progress on the question of copyright levies.

As regards possible new rights such as geographical indications for non-agricultural products, he concluded from the discussion that there was a need to gather all the evidence and consider this matter further before announcing any new steps.

It was also important to encourage SMEs to develop intellectual property strategies and to continue to apply the competition rules and other means at their disposal to combat abuse of intellectual property rights.

He asked Mr BARNIER to take the comments and conclusions of the Commission's policy debate into consideration in finalising the draft strategy – to be presented in the form of a communication – while seeking to obtain the widest possible support

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from the cabinets and departments. He hoped that proposals on orphan works and customs measures to enforce intellectual property rights would be adopted simultaneously or at least within a short space of time. He ended by thanking Mr BARNIER for his efforts and for the political steering role he would continue to play in the coming weeks in order to complete this important dossier.

The Commission took note of the results and conclusions of the policy debate and of the note from Mr BARNIER in SEC(2011)258.

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

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The meeting closed at 12.09 hours.