



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2011)1958 final

Strasbourg, 10 May 2011

MINUTES
of the 1958th meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 4 May 2011
(morning)

PV(2011)1958 final

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Single sitting: Wednesday 4 May 2011 (morning)

The sitting opened at 10.07 hours with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	President	
Ms REDING	Vice-President	
Mr ALMUNIA	Vice-President	
Mr KALLAS	Vice-President	
Mr TAJANI	Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Mr POTOČNIK	Member	
Mr REHN	Member	
Mr BARNIER	Member	
Ms VASSILIOU	Member	
Mr ŠEMETA	Member	
Mr DALLI	Member	
Ms GEOGHEGAN-QUINN	Member	
Mr LEWANDOWSKI	Member	
Ms DAMANAKI	Member	
Ms GEORGIEVA	Member	Items 9 (in part) and 10
Mr OETTINGER	Member	
Mr HAHN	Member	
Mr ANDOR	Member	
Ms MALMSTRÖM	Member	
Mr CIOLOŞ	Member	

Absent:

Baroness ASHTON	High Representative/ Vice-President
Ms KROES	Vice-President
Mr PIEBALGS	Member
Mr DE GUCHT	Member
Ms HEDEGAARD	Member
Mr FÜLE	Member

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	Items 9 (in part) and 10
Mr USTUBS	Deputy Chef de cabinet to Mr PIEBALGS	
Mr HOFFMEISTER	Deputy Chef de cabinet to Mr DE GUCHT	
Mr KOLINSKI	A member of Ms HEDEGAARD's staff	
Mr MORDUE	Chef de cabinet to Mr FÜLE	

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 SCHINAS	Bureau of European Policy Advisers	
Mr SOBRAL	A member of the PRESIDENT's staff	
Mr PESONEN	Chef de cabinet to Mr REHN	Item 9
Mr CHAIBI	A member of Ms GEORGIEVA's staff	Items 1 to 9 (in part)

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

1. AGENDAS

(OJ(2011)1958/3; SEC(2011)518/2)

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)1958)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 2 May.

3. APPROVAL OF THE MINUTES AND SPECIAL MINUTES OF THE 1956TH AND 1957TH MEETINGS OF THE COMMISSION (13 AND 20 APRIL)

(PV(2011)1956 AND /2; PV(2011)1956, PART II; PV(2011)1957; PV(2011)1957, PART II)

The Commission approved the minutes of its 1956th and 1957th meetings.

4. INTERINSTITUTIONAL RELATIONS

(SEC(2011)545)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 29 April (SEC(2011)545).

It paid particular attention to the following points.

4.1. LEGISLATIVE MATTERS

i) Horizontal dossier

(point 1.1 of the IRG record)

- Delegated acts – Common Understanding

The Commission approved the line set out in SI(2011)123.

ii) Ordinary legislative procedure

(point 1.2 of the IRG record)

Dossiers at 1st reading

- Consumer rights (Directive) – SCHWAB report – 2008/0196 (COD)

The Commission approved the line set out in SI(2011)130/2.

- Establishment of an Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (Regulation) – COELHO report – 2009/0089 (COD)

The Commission approved the line set out in SI(2011)129/2.

Dossier at 2nd reading

- Cross-border enforcement of legislation in the field of road safety (Directive) – AYALA SENDER report – 2008/0062 (COD)

The Commission took note of note SI(2011)127.

iii) Preparation of Parliament's May part-session

(point 1.3 of the IRG record)

Ordinary legislative procedure – Codecision – 2nd reading – Empowerment

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

Following its approval of the line set out in SI(2011)121 at its meeting on 20 April, the Commission empowered Mr TAJANI, under Article 13 of its Rules of Procedure, in agreement with the PRESIDENT and Mr ŠEFČOVIČ and any associated Members, to adopt and transmit to the Council its opinion on the amendments, in accordance with Article 294(7)(c) of the Treaty on the Functioning of the European Union, once Parliament had taken a decision, and if necessary to attach an amended proposal.

Ordinary legislative procedure – Codecision – 1st reading

- Transitional arrangements for bilateral investment agreements between Member States and third countries (Regulation) – SCHLYTER report – 2010/0197 (COD)

The Commission approved the line set out in SP(2011)3784 and /3.

- Emergency autonomous trade preferences for Pakistan (Regulation) – DARTMOUTH report – 2010/0289 (COD)

The Commission approved the line set out in SP(2011)3785 and /4.

- Further macro-financial assistance to Georgia (Decision) – MOREIRA report – 2010/0390 (COD)

The Commission approved the line set out in SP(2011)3786.

- First radio spectrum policy programme (Decision) – HÖKMARK report – 2010/0252 (COD)

The Commission approved the line set out in SP(2011)3787 to /3.

- Exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process (Regulation) – MOREIRA report – 2010/0036 (COD)

The Commission approved the line set out in SP(2011)3819.

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- Professional cross-border transportation of euro cash by road between euro-area Member States (Regulation) – AUCONIE report – 2010/0204 (COD)

The Commission approved the line set out in SP(2011)3788 and /3.

Approval

- Extension of the scope of Regulation (EU) of the European Parliament and of the Council No xx/yy on the professional cross-border transportation of euro cash by road between euro-area Member States (Council Regulation) – AUCONIE report – 2010/0206 (APP)

The Commission approved the line set out in SP(2011)3788 and /3.

4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

iv) Programming of Council business

(SI(2011)131)

The Commission took note of the information in SI(2011)131 on the Council meetings between 5 and 18 May.

4.3. RELATIONS WITH PARLIAMENT

- v)** Presence of Members of the Commission at Question Time during Parliament's part-sessions in Strasbourg in 2011
(point 3.4 of the IRG record)

The Commission approved document SP(2011)685/3 setting out the list of Commission Members to be present at Question Time during Parliament's part-sessions in Strasbourg in 2011, for transmission to Parliament.

vi) Action taken on non-legislative resolutions adopted by Parliament at its January part-session

(point 3.5.2 of the IRG record)

Further to documents SP(2011)2858 and /2, already approved at the meeting on 5 April, the Commission approved SP(2011)2858/3 on the action taken on the non-legislative resolutions adopted by Parliament at its January part-session, for transmission to Parliament.

vii) Action taken on non-legislative resolutions adopted by Parliament at its February I part-session

(point 3.5.3 of the IRG record)

The Commission approved document SP(2011)3791 on the action taken on the non-legislative resolutions adopted by Parliament at its February I part-session, for transmission to Parliament.

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

(point 3.5.4 of the IRG record)

The Commission approved documents SP(2011)3792 and /2 on the action taken on the non-legislative resolutions adopted by Parliament at its February II part-session, for transmission to Parliament.

ix) Action taken on legislative opinions and non-legislative resolutions adopted by Parliament at its March I and II part-sessions

(point 3.5.5 of the IRG record)

The Commission approved document SP(2011)3793 on the action taken on the legislative opinions and non-legislative resolutions adopted by Parliament at its March I and II part-sessions, for transmission to Parliament.

x) Participation by Members of Parliament in international conferences

(point 3.6 of the IRG record)

- Fourth United Nations Conference on the Least Developed Countries (LDC-IV) (Istanbul, 9-13 May)

The Commission agreed to the request to the PRESIDENT from Mr Jerzy Buzek, President of Parliament, concerning the attendance of four Members of the European Parliament at the above-mentioned meeting as observers in the EU delegation, with a reminder about the procedure to be followed.

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

xi) Follow-up to Committee of the Regions opinions – Forty-third report (October 2010 plenary session)

(point 4.4 of the IRG record)

The Commission approved the replies to the opinions adopted by the Committee of the Regions during the October 2010 plenary session, contained in the document distributed as SR(2011)11, for transmission to the Committee of the Regions.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED

(SEC(2011)519 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 18 and 29 April.

5.2. EMPOWERMENT**(SEC(2011)520 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 18 and 29 April.

5.3. DELEGATION AND SUBDELEGATION OF POWERS**(SEC(2011)521 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 18 and 29 April, as archived in e-Greffe.

5.4. SENSITIVE WRITTEN PROCEDURES**(SEC(2011)522)**

The Commission took note of the sensitive written procedures for which the time limit expired between 2 and 6 May.

5.5. GENERAL EMPOWERMENT FOR THE EXERCISE OF CERTAIN POWERS IN RESPECT OF THE RESPONSE TO REQUESTS FROM THE NATIONAL JUDICIAL AUTHORITIES OF THE MEMBER STATES FOR THE WAIVER OF IMMUNITY FROM LEGAL PROCEEDINGS OF A MEMBER OF COMMISSION STAFF**(SEC(2011)474 AND /2)**

The Commission granted the general empowerment set out in SEC(2011)474 to the Commission Member responsible for administration to adopt, in agreement with the PRESIDENT, on behalf of the Commission and under its responsibility, decisions relating to the exercise of certain powers in respect of the response to requests from the national judicial authorities of the Member States for the waiver of immunity from legal proceedings of a member of Commission staff.

6. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2011)523)

ADMINISTRATIVE MATTERS

(PERS(2011)48)

**6.1. DG COMPETITION – APPOINTMENT OF AN AD15/16 DEPUTY
DIRECTOR-GENERAL**

(PERS(2011)9 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 charge of anti-trust activities in DG Competition (PERS(2011)9 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 17 March and 8 April 2011 (PERS(2011)9/3 and /4).

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 Cecilio MADERO VILLAREJO to the post.

This decision would take effect on 15 May 2011.

**6.2. DG COMPETITION – APPOINTMENT OF AN AD15/16 DEPUTY
DIRECTOR-GENERAL**

(PERS(2011) 10 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 charge of mergers in DG Competition (PERS(2011)10 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 17 March and 8 April 2011 (PERS(2011)10/3 and /4).

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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 Bernd LANGEHEINE to the post.

This decision would take effect on 1 June 2011.

6.3. *DG EDUCATION AND CULTURE – LIST OF CANDIDATES FOR THE APPOINTMENT OF A DIRECTOR AT THE EUROPEAN INSTITUTE OF INNOVATION AND TECHNOLOGY*
(PERS(2011)35 AND /2)

Having noted the procedure followed, as set out in point 3 of PERS(2011)48, the Commission, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms VASSILIOU, decided:

- to approve the list of two candidates set out in point 3 of PERS(2011)48;
- to consider this list as the Commission proposal;
- to ask Ms VASSILIOU to notify this list to the Governing Board of the European Institute of Innovation and Technology.

These decisions would take effect immediately.

6.4. *DG HUMAN RESOURCES AND SECURITY / EUROPEAN PERSONNEL SELECTION OFFICE – DEPUTISING FOR DIRECTOR*

Under Article 27 of its Rules of Procedure, the Commission, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, decided to designate the following officials, in the order set out below, to deputise for the Director of the European Personnel Selection Office if he should be prevented from performing his duties:

- Mr Antonio FRIZ, Head of Unit, 'Information technology';

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- Mr Ulrich SONDERMANN, Head of Unit, ‘Stakeholder relations and selection support’;
- Mr Theodorus DUIVENVOORDE, Head of Unit, ‘Selection procedures / annual cycle’;
- Mr Gilles GUILLARD, Head of Unit, ‘e-Selection’;
- Ms Agne MARTIKONIENE, Head of Unit, ‘Communication and attractiveness’.

This decision would take effect immediately.

**7. COMMISSION DECISION CONCERNING A PROCEEDING UNDER ARTICLE 8(1) OF COUNCIL REGULATION (EC) No 139/2004 ON THE CONTROL OF CONCENTRATIONS BETWEEN UNDERTAKINGS AND ARTICLE 57 OF THE EEA AGREEMENT (CASE COMP/M.5907 – VOTORANTIM / FISCHER / JV)
(C(2011)3024 TO /4)**

The Commission:

- took note of the opinion of the Advisory Committee on Concentrations of 18 April in C(2011)3024/3;
- took note of the final report of the Hearing Officer of 20 April in C(2011)3024/4;
- adopted, in the authentic language (English), the decision in C(2011)3024, declaring the notified operation to be compatible with the common market and the agreement on the European Economic Area;

- decided to notify the decision in C(2011)3024 to the companies concerned, together with the final report of the Hearing Officer and the opinion of the Advisory Committee;
- decided that the key parts of the decision, together with the Advisory Committee's opinion and the Hearing Officer's report, would be published in the official languages of the Union in the *Official Journal of the European Union* (with business secrets and other confidential information removed);
- decided also to publish the decision on the internet (with business secrets and other confidential information removed).

8. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS ON MIGRATION
(COM(2011)248 TO /3; SEC(2011)549)

The Commission approved the communication in COM(2011)248/3 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, and, for information, to the national parliaments.

9. OTHER BUSINESS

LATEST ECONOMIC DEVELOPMENTS

Mr REHN presented the recent developments in the economic and financial situation in Europe. He pointed out that the spring economic forecasts were being drawn up by his departments and would be published on 13 May.

He began by pointing out that the economic recovery was maintaining its

momentum, despite some persistent shortcomings in the financial markets and a more difficult external environment. Although this recovery extended to several economic sectors, it did not affect all Member States equally.

Although inflation was rising slightly in the euro area, a low level of underlying inflation was being maintained. Existing pressures on prices would have to be monitored closely in the coming months.

Turning to the financial markets, he felt that there had been a considerable deterioration in the situation of the European sovereign debt markets in recent weeks owing mainly to uncertainties, which had been aggravated by certain public statements, concerning the possible restructuring of government debt in Greece, Ireland and Portugal. With regard to Spain, interest rate spreads with respect to Germany seemed to point to a gap compared with the more vulnerable Member States. He noted, however the level of indebtedness of the Spanish regional governments.

Lastly, Mr REHN referred to the recent conclusion, on Tuesday, of the agreement negotiated by the European Union, the International Monetary Fund and Portugal. Under the agreement, aid of EUR 78 billion would be provided, two-thirds of it by the European Union, and EUR 35 billion would be made available if necessary. In return, the Portuguese government was required to make various undertakings including an ambitious adjustment programme and the necessary structural reforms. However, this agreement still needed to be covered by a commitment letter signed by the Portuguese opposition parties. It would also have to be approved unanimously by the Member States.

The PRESIDENT thanked M. REHN for the work carried out. In the brief discussion that followed the following matters were highlighted:

- the perception in some of the Irish media of the conditions to which the programme of aid to Ireland was subject, and the need for a precise and factual response to this perception;

- the uneven momentum of economic recovery in the different Member States and the need for a more even recovery to foster stability and wealth in the European Union.

The Commission took note of this information.

10. RELATIONS WITH NON-MEMBER COUNTRIES

RECENT DEVELOPMENTS IN EXTERNAL POLICY

The PRESIDENT welcomed the adoption by the UN General Assembly, by an absolute majority of 180 votes, with no votes against and two abstentions, of the resolution granting the European Union observer status and thus regulating its participation in United Nations discussions. He thanked Baroness ASHTON for her efforts in having this resolution approved, which he regarded as a victory for Europe and the Commission. He was pleased that the Union's representatives could now express European positions in the United Nations, for example at the UN conference to be held in Istanbul on Monday. He reminded the meeting of the importance of this resolution in implementing Article 17 of the Treaty on European Union on the role of the Commission.

The PRESIDENT then reviewed recent developments in the EU's neighbourhood.

In the southern Mediterranean the situation was still highly volatile. As regards Libya in particular, he said that a further meeting of the contact group was to be held in Rome, while noting the apparent absence of a political process to accompany the military intervention. The situation on the ground was deteriorating, with the distribution of humanitarian aid being disrupted by the continued bombing of the town of Misrata and by landmines preventing access to its port. These problems had led to an increase in the flow of refugees on European coasts last week. He thanked Ms GEORGIEVA and Ms MALMSTRÖM, who were closely monitoring the humanitarian situation and the situation of refugees, and welcomed the adoption that

day of the Commission's communication on migration (see item 8 of these minutes).

The PRESIDENT also referred to the terrorist attack in Marrakech in Morocco, showing the continuing threat of terrorism in the Maghreb.

Turning to Syria, he stressed that the Syrian authorities were continuing to use military force to repress demonstrations, and that the promises to introduce greater political openness and lift the state of emergency had not been put into practice by any concrete measures. Given this situation, the European Commission had taken measures such as launching internal procedures to adopt an embargo on deliveries of arms and equipment used for purposes of repression in Syria. He referred also to other targeted measures aimed at the Syrian government, as well as to the suspension of negotiations on the association agreement and the review of European cooperation with Syria.

Lastly the PRESIDENT mentioned the death of the terrorist Osama Bin Laden, concerning which he had issued a joint statement with the President of the European Council, Mr Van Rompuy, on Monday. Attacks carried out, backed or inspired by Al-Qaeda had claimed thousands of victims throughout the world and it was these terrorist acts that had prompted the international intervention in Afghanistan. He warned against naivety: terrorism had not been eradicated and vigilance would have to be kept up or even increased. He declared that the Commission would continue to act within its remit to combat terrorism and all forms of extremist violence.

Coming back briefly to the situation in Syria, Ms GEORGIEVA pointed out that the United Nations and humanitarian organisations were poorly represented in that country. The departments under her authority were monitoring the situation closely in order to assess right now what resources could be mobilised if necessary.

The PRESIDENT took the opportunity to remind the meeting of Europe Day on 9 May. He thanked Ms REDING for distributing to the Members of the Commission a facsimile of the speech given by Robert Schumann on 9 May 1950.

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 10.34 hours.