



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2012)1997 final

Brussels, 25 April 2012

MINUTES
of the 1997th meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 4 April 2012
(morning)

PV(2012)1997 final

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Single sitting: Wednesday 4 April 2012 (morning)

The sitting opened at 9.07 with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	President	
Baroness ASHTON	High Representative/ Vice-President	
Ms REDING	Vice-President	
Mr ALMUNIA	Vice-President	
Mr KALLAS	Vice-President	
Ms KROES	Vice-President	
Mr TAJANI	Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Mr POTOČNIK	Member	
Mr PIEBALGS	Member	
Mr BARNIER	Member	
Ms VASSILIOU	Member	
Mr ŠEMETA	Member	
Mr DE GUCHT	Member	
Mr DALLI	Member	
Ms GEOGHEGAN-QUINN	Member	
Mr LEWANDOWSKI	Member	Items 1 to 8
Ms DAMANAKI	Member	
Mr HAHN	Member	
Ms HEDEGAARD	Member	
Mr FÜLE	Member	
Mr ANDOR	Member	
Ms MALMSTRÖM	Member	
Mr CIOLOŞ	Member	Items 8 and 9

Absent:

Mr REHN

Vice-President

Ms GEORGIEVA

Member

Mr OETTINGER

Member

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

Ms MAHOVSKY	Acting Deputy Chef de cabinet to Mr REHN
Mr CHAIBI	A member of Ms GEORGIEVA's staff
Mr KOEHLER	Chef de cabinet to Mr OETTINGER

The following also sat in:

Mr LAITENBERGER	Chef de cabinet to the PRESIDENT	
Mr HETSCH	Deputy Director-General, Legal Service	
Mr PAULGER	Director-General, DG Communication	Items 1 to 8
Ms AHRENKILDE HANSEN	Commission Spokeswoman	
Mr THEBAULT	Head of the Bureau of European Policy Advisers	Items 8 (in part) and 9 (in part)
Ms VANNINI	Adviser in the PRESIDENT's Office	Items 1 to 8
Mr MARTÍNEZ MONGAY	Chef de cabinet to Mr ALMUNIA	Items 1 to 8
Mr ITALIANER	Director-General of DG Competition	Items 1 to 8

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

1. AGENDAS

(OJ(2012)1997/3; SEC(2012)218)

The Commission took note of that day's agenda and of the tentative agendas for forthcoming meetings.

2. WEEKLY MEETING OF CHEFS DE CABINET

(RCC(2012)1997)

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

3. APPROVAL OF THE MINUTES AND SPECIAL MINUTES OF THE 1995TH MEETING OF THE COMMISSION (21 MARCH) AND THE MINUTES OF THE 1996TH MEETING (28 MARCH)

(PV(2012)1995; PV(2012)1995, PART II; PV(2012)1996)

The Commission approved the minutes of its 1995th meeting and decided to hold over approval of the minutes of its 1996th meeting for a later meeting.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2012)33)

The Commission took note of the record of the extraordinary meeting of the Interinstitutional Relations Group held on Friday 30 March, which had concentrated mainly on the negotiations under way on the 2014-2020 multiannual financial framework (RCC(2012)33).

It paid particular attention to the following points.

4.1. LEGISLATIVE MATTERS

**i) Application of a scheme of generalised tariff preferences
(Regulation) – FJELLNER report – 2011/0117 (COD)**

(point 2.1 of the IRG record)

The Commission approved the line set out in SI(2012)129/2.

ii) Legislative package on cohesion policy – Progress report

(point 2.2 of the IRG record)

The Commission took note of the progress report in SI(2012)131/3.

**iii) Legislative package on cohesion policy – Position to be adopted in
Council bodies**

(point 2.3 of the IRG record)

The Commission approved the line set out in SI(2012)132/4.

**iv) Annual financial statements, consolidated financial statements and
related reports of certain types of undertakings (Directive) –
LEHNE report – 2011/0308 (COD)**

(point 2.4 of the IRG record)

The Commission approved the line set out in SI(2012)135/2.

**v) Amendment of Directives 2003/71/EC and 2009/138/EC in respect of
the powers of the European Insurance and Occupational Pensions
Authority and the European Securities and Markets Authority
(Directive) – BALZ report – 2011/0006 (COD)**

(point 2.5 of the IRG record)

The Commission approved the line set out in SI(2012)136/3.

- vi) Roaming on public mobile communications networks within the Union (Regulation – recast) – NIEBLER report – 2011/0187 (COD)**
(point 2.6 of the IRG record)

The Commission approved the line set out in SI(2012)138 and /2.

4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

- vii) Programming of Council business**
(SI(2012)133)

The Commission took note of the information in SI(2012)133 on the Council meetings between 5 and 18 April.

4.3. RELATIONS WITH PARLIAMENT

- viii) Results of March II part-session**
(SP(2012)235; SP(2012)236)

The Commission took note of the information in SP(2012)235 and SP(2012)236 on the proceedings of the part-session of Parliament held in Brussels from 28 to 29 March.

- ix) Action to be taken on Parliament's legislative opinions and resolutions of a legal nature**
(SP(2012)257)

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(2012)257, drawn up following the March II part-session of Parliament.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED

(SEC(2012)219 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 26 and 30 March.

5.2. EMPOWERMENT

(SEC(2012)220 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 26 and 30 March.

5.3. DELEGATION AND SUBDELEGATION OF POWERS

(SEC(2012)221 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 26 and 30 March, as archived in e-Greffe.

5.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2012)222)

The Commission took note of the sensitive written procedures for which the time limit expired between 2 and 13 April.

5.5. GENERAL EMPOWERMENT TO ISSUE WRITTEN INSTRUCTIONS TO COMMISSION OFFICIALS CONDUCTING MISSIONS OF VERIFICATION, AUTONOMOUS INSPECTIONS AND AUDITS IN THE FRAMEWORK OF THE COMMON FISHERIES POLICY

(C(2012)2234)

The Commission granted the general empowerment set out in C(2012)2234 to the Member of the Commission responsible for fisheries and maritime affairs to adopt, on behalf of the Commission and under its responsibility, written

instructions for Commission officials conducting missions of verification, autonomous inspections and audits in the framework of the common fisheries policy – under Title X of Council Regulation (EC) 1224/2009 – provided that such instructions are in line with the layouts attached to C(2012)2234, approved by the Commission, and bearing in mind that written instructions could cover several missions for the period of the annual inspection programme of DG Fisheries and Maritime Affairs.

6. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2012)223/2)

ADMINISTRATIVE MATTERS

(PERS(2012)51/2)

6.1. DG HOME AFFAIRS – TEMPORARY APPOINTMENT OF EXECUTIVE DIRECTOR OF THE AGENCY FOR THE OPERATIONAL MANAGEMENT OF LARGE-SCALE IT SYSTEMS IN THE AREA OF FREEDOM, SECURITY AND JUSTICE

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

- to appoint Mr Ioan-Dragos TUDORACHE, AD9 official and currently Head of Unit in DG Home Affairs, to perform temporarily the duties of Executive Director of the Agency for the operational management of large-scale IT systems in the area of freedom, security and justice, in addition to his current responsibilities and until such time as the Executive Director of the Agency took up office;
- to grant Mr Ioan-Dragos TUDORACHE a temporary posting as AD14 Director under Article 7(2) of the Staff Regulations from 16 April 2012 until such time as the post was filled, but in principle without exceeding the maximum period of one year laid down in the Staff Regulations.

These decisions would take effect on 16 April 2012.

**6.2. DG INFORMATION SOCIETY AND MEDIA – TEMPORARY POSTING
AS DIRECTOR**

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms KROES, the Commission decided, under Article 7(2) of the Staff Regulations, to grant a temporary posting as Director, 'Resources', in DG Information Society and Media from 16 March to 31 December 2011 to Ms Gertrud INGESTAD, at that time an AD14 official and Adviser in that DG.

This decision would take effect immediately.

**7. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL ON SIMPLIFYING THE TRANSFER OF MOTOR
VEHICLES REGISTERED IN ANOTHER MEMBER STATE WITHIN THE
SINGLE MARKET**

**(COM(2012)164 TO /3; SWD(2012)81; SWD(2012)82 TO /3; SEC(2012)228;
RCC(2012)32)**

The Commission adopted the proposal for a Regulation in COM(2012)164/3 for transmission to the European Parliament, the Council, the European Economic and Social Committee, the European Data Protection Supervisor and the national parliaments, accompanied by the impact assessment and the summary thereof in staff working documents SWD(2012)81 and SWD(2012)82/3, 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(2012)228.

8. MONITORING THE APPLICATION OF EUROPEAN UNION LAW

8.1. STATE AID – INDIVIDUAL CASES

(SEC(2012)232/2)

The Commission adopted the decisions in SEC(2012)232/2.

8.2. STATE AID – POLICY DEBATE ON MODERNISATION OF THE STATE AID RULES

(SEC(2012)231; RCC(2012)34)

The PRESIDENT opened this initial discussion on the approach that Mr ALMUNIA intended to propose in order to modernise the rules on state aid, pointing out that, given the importance of the matter and its ramifications, there would be other discussions in the weeks and months ahead.

He noted that the discussion was not the ideological question of the value of a European policy for monitoring state aid, but how to make the policy more effective and more conducive to growth,

He then gave the floor to Mr ALMUNIA, expressing his wish that the debate should focus on how state aid policy could accompany the structural reforms in the Member States, contribute to budgetary consolidation and stimulate growth.

Mr ALMUNIA explained the main thrust of his plans for modernising the state aid rules, which consisted of (i) making it easier to deal with aid that was compatible with the Treaty and contributed to growth and employment; (ii) focusing the Commission's ex ante control effort on cases that had a major effect on the functioning of the internal market, and (iii) adapting the procedures and criteria for assessing aid so that the Commission concentrated on priority cases, thereby making better use of available resources.

This meant, among other things, placing state aid in the service of the Europe 2020 strategy and its flagship initiatives, streamlining the treatment of aid granted in response to market failures that could not be remedied by the

private sector – where this caused little distortion and provided positive incentives from an economic perspective – and concentrating efforts on state aid cases that had a substantial impact on intra-Community trade.

To achieve this, Mr ALMUNIA announced that most of the rules applied to state aid would be reviewed in a coherent framework, starting with the guidelines covering the Europe 2020 flagship initiatives and the *de minimis* Regulation.

The Commission then held an in-depth debate during which a number of questions were asked about the scope of the proposed modernisation, its international dimension and the statistics available. The discussion also brought to light the benefits of reforming and simplifying the state aid rules in order to boost growth and employment, for example by encouraging innovation, generic key technologies, research and development and regional aid granted under cohesion policy. The Commission also agreed on the need to adapt and simplify the procedures for assessing aid, to prioritise the handling of aid cases and to make the best possible use of the human resources available in the Commission departments concerned.

The PRESIDENT felt that the economic crisis had brought to light the close interdependence between Member States' economies. As a result, the European Union needed to ratchet up the coordination on both state aid policy and economic governance.

He said that he was looking forward to the forthcoming communication from Mr ALMUNIA, which would give everyone a better grasp of the details of the proposals to be submitted shortly to the Commission for adoption, and asked him to prepare a roadmap as soon as possible specifying when each proposal would be presented in order to ensure maximum involvement of all Members in these initiatives.

Regarding the possibility raised by Mr ALMUNIA of an increase in the *de minimis* threshold, the PRESIDENT thought that it was important to have a

sound economic analysis of the real impact of this on possible distortion of competition between Member States.

The PRESIDENT ended the policy debate by thanking the speakers and adding that the Commission Members would have an opportunity to discuss this question of the forthcoming modernisation of state aid rules once a more detailed proposal had been presented by Mr ALMUNIA.

The Commission took note of the results and conclusions of the policy debate and of the note from Mr ALMUNIA in SEC(2012)231.

9. RELATIONS WITH NON-MEMBER COUNTRIES

RECENT DEVELOPMENTS IN EXTERNAL POLICY

Baroness ASHTON informed the Members of the Commission of recent developments in external policy, starting with the situation in Syria. She referred to the work under way at the United Nations Security Council and the challenges involved. She highlighted the European Union's full support for the plan drawn up by Mr Kofi Annan, the UN-Arab League special envoy to Syria, and stressed the need to avoid new initiatives that could depart from it. She also made reference to the first stages of the implementation of this plan, to which the Syrian regime was committed.

Turning next to Burma/Myanmar, she welcomed the positive developments in this country at the moment, in particular the partial elections held on 1 April. She insisted on how important it was for the European Union to develop new relations with the country as the reform process progressed.

On the subject of Iran, she supported an ambitious but realistic approach to the resumption of talks and indicated that discussions were currently under way to determine the location, date and format of a possible meeting as well as the agenda items for this meeting, including the nuclear question.

In response to a contribution regarding the situation in sub-Saharan Africa (in Mali in particular), the use of the instruments available to the Union for contributing to the restoration of the democratic order in that country and the need for the Commission to examine the possible consequences of these events for Europe, she reported on her recent contacts with the African Union in support of its action towards Mali and referred to the European Union's strategy for the Sahel region.

Finally, Baroness ASHTON replied to other questions related to international current affairs, in particular concerning the consequences, for Italy and Greece especially, of the embargo on oil from Iran, the detention of the two Italian sailors in India and the presidential elections in the Republic of Moldova.

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 11.35.