



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2007)1799 final

Brussels, 12 September 2007

MINUTES

of the 1799th meeting of the Commission

held in Strasbourg

(Winston Churchill Building)

on Tuesday 4 September 2007

(afternoon)

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PV(2007)1799 final

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Single sitting: Tuesday 4 September 2007 (afternoon)

The sitting was opened at 13.38 hours by Ms WALLSTRÖM, President BARROSO being absent. Item 10 was chaired by President BARROSO.

Present:

Mr BARROSO	President	Items 9 (in part) and 10
Ms WALLSTRÖM	Vice-President	
Mr VERHEUGEN	Vice-President	
Mr BARROT	Vice-President	Items 1 to 10 (in part)
Mr KALLAS	Vice-President	
Mr FRATTINI	Vice-President	
Ms REDING		
Mr ALMUNIA		
Ms HÜBNER		Items 1 to 10 (in part)
Mr BORG		
Ms GRYBAUSKAITĖ		Items 1 to 10 (in part)
Mr POTOČNIK		
Mr FIGEL'		
Mr KYPRIANOU		
Mr KOVÁCS		
Ms FISCHER BOEL		Items 1 to 10 (in part)
Ms FERRERO-WALDNER		
Mr McCREEVY		
Mr ŠPIDLA		
Mr PIEBALGS		
Ms KUNEVA		
Mr ORBAN		

Absent:

Mr DIMAS

Mr REHN

Mr MICHEL

Ms KROES

Mr MANDELSON

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

Mr SCHELLEKENS	Deputy Chef de cabinet to Mr DIMAS
Ms ÅSENIUS	Deputy Chef de cabinet to Mr Rehn
Mr ROSA	A member of Mr Michel's staff
Ms SUTTON	A member of Ms Kroes's staff

The following also sat in:

Mr VALE DE ALMEIDA	Chef de cabinet to the President	Items 9 (in part) and 10
Ms DURAND	Deputy Director-General, Legal Service	
Mr SØRENSEN	Director-General, Communication DG	
Mr LAITENBERGER	Commission Spokesman	
Ms CARVALHO	Bureau of European Policy Advisers	
Ms MARTINHO	Chief adviser in the PRESIDENT's Office	Items 9 and 10 (in part)
Ms MARTÍNEZ ALBEROLA	A member of the President's staff	
Mr STOODLEY	Secretariat-General	Item 10

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

1. AGENDAS

(OJ(2007)1799/3 ; SEC(2007)1085/2)

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(2007)1799)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 3 September 2007.

3. MINUTES OF 1798TH MEETING (29 AUGUST 2007)

(PV(2007)1798)

The Commission approved the minutes of its 1798th meeting.

4. INTERINSTITUTIONAL RELATIONS

(SEC(2007)1075)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 31 August 2007 (SEC(2007)1075).

It paid particular attention to the following:

4.1. LEGISLATIVE MATTERS

i) Preparation for September I part-session of Parliament

(point 1.2 of the record of the IRG)

In accordance with the rules in force, the Commission authorised the Commission Members responsible, in agreement with the PRESIDENT and Ms WALLSTRÖM and any associated Members, to take a position on Parliament's amendments to its proposals.

It paid particular attention to the following:

Codecision – 1st reading

- Inland transport of dangerous goods (Directive) – LIBERADZKI report – 2006/0278 (COD)

The Commission approved the line set out in SP(2007)3816 and /2 and authorised Mr BARROT to continue contacts with Parliament and the Council with a view to securing agreement at first reading.

ii) Answer to Mr PÖTTERING's letter asking for the withdrawal of the proposal on the recasting of the Directive concerning indirect taxes on the raising of capital – LANGEN report – 2006/0253 (CNS) (point 1.3 of the record of the IRG)

The Commission approved the line set out in SP(2007)4482 and /2.

4.2. RELATIONS WITH THE COUNCIL

iii) Programming of Council business

(SI(2007)766)

The Commission took note of the information in SI(2007)766 on the Council meetings between 30 August and 12 September 2007.

4.3. RELATIONS WITH PARLIAMENT

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

(point 3.5.1 of the record of the IRG)

The Commission approved document SP(2007)4170 on the action taken on Parliament's legislative opinions and non-legislative resolutions adopted at its July part-session, for transmission to Parliament.

v) Action taken on Parliament's non-legislative resolutions

(point 3.5.2 of the record of the IRG)

The Commission approved document SP(2007)4174 on the action taken on the non-legislative resolutions adopted by Parliament at its June II part-session, for transmission to Parliament.

vi) Participation by Members of Parliament in international conferences

(point 3.8 of the record of the IRG)

- Eighth session of the Conference of the Parties (COP 8) to the United Nations Convention to Combat Desertification (Madrid, 3 to 14 September 2007)

The Commission decided to approve the request from Mr PÖTTERING, President of Parliament, to the PRESIDENT, concerning the participation of three members of Parliament in this conference.

- Sixth session of the Human Rights Council of the United Nations (Geneva, 10 to 28 September 2007)

The Commission decided to approve the request from Mr PÖTTERING, President of Parliament, to the PRESIDENT, concerning the participation of three members of Parliament at the above meeting.

- Thirteenth session of the Conference of the Parties (COP 13) to the United Nations Framework Convention on Climate Change and third session of the Conference of the Parties (COP-CMP 3) acting as meeting of the Parties to the Kyoto Protocol (Bali, 3 to 14 December 2007)

The Commission decided to approve the request from Mr PÖTTERING, President of Parliament, to the PRESIDENT, concerning the participation of three members of Parliament at the above meetings.

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

vii) Action taken on opinions of the European Economic and Social Committee – First quarter 2007

(point 4.1 of the record of the IRG)

The Commission approved the replies to the opinions adopted by the Economic and Social Committee during the first quarter of 2007 contained in the document distributed as SC(2007)37, for transmission to the European Economic and Social Committee.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED (SEC(2007)1086 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 27 and 31 August 2007.

5.2. SENSITIVE WRITTEN PROCEDURES
(SEC(2007)1087 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 3 and 7 September 2007 and of the "finalisation" written procedures initiated following the weekly meeting of Chefs de cabinet on 3 September 2007.

5.3. EMPOWERMENT
(SEC(2007)1088 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 27 and 31 August 2007.

5.4. GENERAL EMPOWERMENT FOR THE ADOPTION OF INDIVIDUAL DECISIONS ON AWARDING A FINANCIAL CONTRIBUTION FROM THE EUROPEAN GLOBALISATION ADJUSTMENT FUND
(SEC(2007)1107)

The Commission granted the general empowerment as set out in SEC(2007)1107 to the Member of the Commission responsible for employment, social affairs and equal opportunities.

5.5. DELEGATION AND SUBDELEGATION OF POWERS

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation procedure between 27 and 31 August 2007, as archived in Greffe 2000 (Registry).

5.6. DELEGATION OF POWERS TO TAKE INDIVIDUAL DECISIONS AWARDING GRANTS AND CONTRACTS FOR PROGRAMMES IN THE AREA OF JUSTICE, FREEDOM AND SECURITY
(SEC(2007)1108)

The Commission decided to delegate powers to the Director-General of justice, freedom and security for the adoption, on behalf of the Commission

and under its responsibility, of measures for the implementation of various programmes in the field of justice, freedom and security, in accordance with the terms laid down in SEC(2007)1108.

5.7. *DELEGATION OF POWERS TO IMPLEMENT THE EUROPEAN YEAR OF INTERCULTURAL DIALOGUE (2008)*
(SEC(2007)1109)

The Commission decided to delegate powers to the Director-General of education and culture for the adoption, on behalf of the Commission and under its responsibility, of measures for the implementation of the European year of intercultural dialogue, in accordance with the terms set out in SEC(2007)1109.

6. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2007)1089/2)

ADMINISTRATIVE MATTERS
(PERS(2007)88)

6.1. *DG DIGIT – AMENDMENT OF THE ORGANISATION CHART AND TRANSFER OF AD15 OFFICIAL*

The Commission, on a proposal from Mr KALLAS, in agreement with the PRESIDENT, decided:

- to create a function of Chief Adviser in the Informatics Directorate-General;
- to transfer to this function, in the interest of the service, under Article 7 of the Staff Regulations (with the relevant budgetary support), Mr Rocco TANZILLI, currently Chief Adviser in the Personnel and Administration Directorate-General.

These decisions would take effect immediately.

6.2. OIL – DEPUTISING FOR DIRECTOR

The Commission took note of the information set out in point 2 of document PERS(2007)88 and, on a proposal from Mr KALLAS in agreement with the PRESIDENT, decided, in accordance with Article 27(1) of its Rules of Procedure, to designate the following officials, in the order indicated, to deputise for the Director of the Office for Infrastructure and Logistics in Luxembourg:

- Mr Robert STEINMETZ, AD13 official, Head of Unit OIL.1 (Management of buildings and operation of installations);
- Mr Roman LLANSO, AD12 official, Head of Unit OIL.6 (Procurement procedures and contracts).

This decision would be effective from 1 August 2007.

6.3. DG ADMIN – AMENDMENT OF THE GENERAL PROVISIONS FOR IMPLEMENTING ARTICLE 45a OF THE STAFF REGULATIONS - CERTIFICATION PROCEDURE (SEC(2007)1110; SEC(2007)1111 AND /2)

The Commission

- took note of the summary of the results of the analysis, as set out in SEC(2007)1110;
- adopted in principle the draft general provisions for implementing Article 45a of the Staff Regulations concerning the certification procedure, as set out in SEC(2007)1111/2;
- authorised Mr KALLAS to consult the Staff Regulations Committee and the Central Staff Committee;

- empowered Mr KALLAS, in agreement with the PRESIDENT, to make the necessary amendments following this consultation and to definitively adopt the general provisions on behalf of the Commission.

6.4. LAUNCHING OF THE PROMOTION EXERCISE FOR SENIOR MANAGEMENT

The Commission took note of the information in PERS(2007)88.

7. COMMISSION RECOMMENDATION TO THE COUNCIL CONCERNING APPROVAL OF AN AGREEMENT BETWEEN THE EUROPEAN ATOMIC ENERGY COMMUNITY (EURATOM) AND THE KOREAN PENINSULA ENERGY DEVELOPMENT ORGANISATION (KEDO) (SEC(2007)1094 TO /3)

The Commission

- adopted the recommendation set out in SEC(2007)1094 and /3, for transmission to the Council;
- adopted in principle the draft decision set out in the annex to SEC(2007)1094/3;
- empowered the Commission Member responsible for external relations and the European neighbourhood policy, in agreement with the PRESIDENT, to adopt definitively the decision, on behalf of the European Atomic Energy Community, after the Council had approved the agreement in question.

8. TRENDS IN THE MEMBER STATES (SEC(2007)1119 AND /2)

Ms WALLSTRÖM drew Members' attention to the 50th edition of the "Trends" note presenting the main events that had attracted the interest of the European press during the period from 3 July to 27 August 2007, and the results of the latest Eurobarometer opinion poll.

She began by mentioning the media coverage of two major events during the summer, namely the extreme weather conditions, resulting particularly in flooding in the United Kingdom and fires in Greece in recent weeks, and the disturbances on the international financial markets.

As regards the forest fires in Greece, Ms WALLSTRÖM informed the Commission Members of the extraordinary interest aroused by a video that the Commission had placed on the *EU tube* thematic channel incorporated in the shared videos internet site *YouTube* on 31 August 2007. She felt that this underlined the interest of combining innovative media and the traditional media in order to convey the European message to a wider public.

Ms WALLSTRÖM then commented on the main results of the Eurobarometer opinion poll, which dealt in particular with what European citizens knew about macroeconomic indicators (growth rate, unemployment rate, inflation rate) and their degree of confidence in official statistics.

Lastly, Ms WALLSTRÖM drew the Commission Members' attention to the internal survey attached to the information note to assess satisfaction with the "Trends" initiative. She asked them to complete the survey and return it to her as soon as possible, so that any appropriate adjustments could be made.

The Commission then held a brief exchange of views on the question of how to make best use of the results of the Eurobarometer opinion polls.

The Commission took note of this information and of the note from Ms WALLSTRÖM distributed as SEC(2007)1119 and /2.

9. OTHER BUSINESS

9.1. VISIT TO GREECE (31 AUGUST 2007) (SEC(2007)1148)

Ms HÜBNER reported on her visit to Greece on 31 August to take stock with the Greek authorities of the situation in the country following the forest fires of recent weeks.

Ms HÜBNER gave a rundown of the meetings she had had with various Greek Government and opposition leaders in order to make a preliminary assessment of the damage caused by the fires, to consider the possibilities of Community assistance for the economic and environmental redevelopment of the regions affected by the fires, and to provide a token of European solidarity with all the victims of this unprecedented disaster. Ms HÜBNER had informed the Greek authorities that Commission departments would be available to help them in the approaches required to apply for the speedy intervention of the various eligible funds, in particular the European Union Solidarity Fund.

In conclusion Ms HÜBNER referred to the possible amounts of Community intervention under the instruments available, subject to confirmation by the Greek authorities in the coming weeks of the preliminary estimates made.

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

- the case for the Union developing the interoperability of technical equipment, security instruments and European telecommunications systems;
- the relevance for the Commission, in the context of this human, economic and environmental disaster in a Member State, of promoting in the

Council the proposal to set up a European civil intervention force; the importance and the topicality in this respect of the report by Mr Michel Barnier "*For a European Civil Protection Force: Europe Aid*" published in May 2006;

- the importance for the Commission Members of being on the spot in the event of such crises, in order to enhance the visibility of the institution and to emphasise the European dimension of any hardship affecting a Member State;
- the interest of improving coordination between Commission departments responsible for the management of the various crisis-response systems.

The PRESIDENT, who had joined the meeting during the exchange of views, also reported on his visit to Greece. He highlighted in his turn the need for the Commission to continue its work on the report of Mr Michel Barnier with a view to improving the EU's crisis-reaction capabilities. Looking beyond the political aspects, he noted the gratitude expressed by the Greek people and authorities to Ms HÜBNER and himself personally during their visits to Greece in recent days for the solidarity shown by the rest of Europe.

The Commission took note of this information and of the note from Ms HÜBNER distributed as SEC(2007)1148.

9.2. CREATION OF AN INTERNATIONAL PLATFORM FOR ENERGY EFFICIENCY

(SEC(2007)1147)

The Commission took note of the information note from Mr PIEBALGS in SEC(2007)1147.

**10. COMMISSION COMMUNICATION – A EUROPE OF RESULTS –
APPLYING COMMUNITY LAW
(COM(2007)502 TO /4; SEC(2007)1100 TO /3; SEC(2007)1105)**

The PRESIDENT presented the communication he was tabling, the main objective of which was to contribute to improving the application of Community law. He reminded the meeting that compliance with the rule of law was essential for the functioning of the European Union. He also reminded the meeting of the vital importance of ensuring proper implementation of legislation in force in order to achieve strategic goals such as growth, employment, prosperity, solidarity and security, and to ensure that citizens enjoy their rights.

He also stressed that, as guardian of the Treaties, the Commission held special responsibility as regards both enforcing the Treaties and Community law and drafting or amending laws, with a view to ensuring proper application and implementation. He noted, however, that the Treaties lay prime responsibility for the application of Community law on the Member States and that the Commission must cooperate with them in the performance of this task.

The PRESIDENT then mentioned the evolving nature of the Union, from the point of view of volume, level and scope of European legislation, and of the growing number of stakeholders, in the shape of the Member States, regional authorities, citizens or economic operators. They had growing demands in terms of information on European law and in terms of enjoyment of rights granted, and for the sake of the effectiveness of the legislative and judicial process all possible avenues of improvement had to be explored in accordance with the objective of the better regulation initiative.

He pointed out that the communication listed four types of action with a view to bringing about this improvement: prevention, problem-solving, more effective management of infringement proceedings, and dialogue and transparency. The first category of action was designed to aim for better protection against difficulties with implementation right from the stage of the drafting of new or amending legislative measures. The second consisted in seeking to anticipate and resolve problems

further upstream, the corollary being a reduction in the number of infringement procedures or, if necessary, swifter initiation with a search for constructive solutions, in close cooperation with the Member States. The third was to strengthen the handling and management of infringement procedures by prioritising, spreading the decision-making process more evenly over the year and enhancing the Commission's political ownership of decisions. The fourth and last type of action was about improving the transparency of the application of Community law for citizens and economic operators, and strengthening the dialogue with the Community institutions, in particular Parliament, one way being to focus the annual Commission report on the application of Community law on strategic questions and sectoral evaluations.

The PRESIDENT concluded by thanking departments and Members' Offices for the work that had gone into preparing the communication; he was convinced that this long-term exercise would enable the Commission to be fully effective in its role as guardian of the Treaties and to provide a high-quality service to European citizens and economic operators, thereby improving the Commission's contribution to making the European Union subject to the rule of law.

The Commission expressed its full support for this communication, and in an in-depth exchange of views highlighted in particular the following aspects:

- the importance not only of improving the drafting of legislative texts, but also of ensuring that they were properly applied; the complementarity between the better regulation initiative, which sought to ensure the quality of Community legislation, and this communication, the objective of which was to improve the quality of the application of this legislation;
- the contribution represented by the practical approach proposed for the Europe of results, particularly from the point of view of citizens, who looked to the Commission to protect their rights;

Respective roles of the Member States and the Commission

- the importance of associating the Member States further upstream in the application of Community law and of ensuring a uniform understanding within the Member States, particularly by implementation of transparent and clear rules;
- the interest in working for the prevention of problems and accordingly strengthening the dialogue with the Member States, in particular giving them the possibility of correcting risk situations before infringement proceedings were initiated;
- the case for conducting regular evaluations of the implementation of Community law by sector and in each Member State, so as to disseminate good practices;
- the Commission's essential role in monitoring the transposal and implementation of legislative instruments, particularly as regards registration and handling of the complaints and requests for information it receives on the subject of correct application of Community law;

Improving internal working methods

- the relevance of the proposed approach, which was designed to strengthen cooperation upstream, in order to reduce the need for – and hence the number of – infringement proceedings and so to be able to pursue justified proceedings more effectively;
- the importance of stressing prevention, information and training, while showing flexibility, by allowing periods of adjustment where necessary in certain sectors;
- the interest of using the potential for improvement available in terms of communication, support and expertise, and in terms of devising problem-solving mechanisms modelled on the European SOLVIT network that had already demonstrated its effectiveness in the field of the internal market;

- the importance of shortening the time actually taken to handle and manage infringement proceedings, by setting priorities and deadlines more carefully; the interest, for the purposes of prioritisation in case management, of a flexible approach, in the form of guidelines rather than strict rules;
- the case for organising planning better and spreading infringement decisions more evenly over time;
- the need to maintain the necessary human resources in departments so that the Commission could fully play its role as guardian of the Treaties;
- the interest of making senior management aware of the importance of the task of monitoring the implementation of Community law, of encouraging innovation in this area and promoting the necessary change in mentalities throughout the European administration;

Information for the citizen

- the interest of better communication to the outside and a more educational approach as regards procedures within Commission departments;
- the case for allowing citizens to turn to national ombudsmen, in order to facilitate access to protection of their rights, given the heavy costs involved in going through national courts.

After the exchange of views, the PRESIDENT said that the aim of the planned balanced approach was to preserve and strengthen the Commission's role as guardian of the Treaties. He also noted that drafting and implementing Community law were complementary tasks. While insisting that a firm line had to be taken in monitoring the application of Community law and confirming the importance of registering complaints and requests for information received, he emphasised the need to take preventive measures such as exchange of information, cooperation with the Member States on problem-solving further upstream, and effective and appropriate handling of infringement proceedings initiated.

The Commission:

- approved in principle the communication in COM(2007)502/4, and took note of the internal impact assessment in the document distributed as SEC(2007)1100/3;
- empowered the PRESIDENT to formally approve the communication;
- also noted that the communication as approved would be transmitted to Parliament, the Council, the Court of Justice, the Economic and Social Committee, the Committee of the Regions, the Member States, and the national parliaments.

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The meeting closed at 15.31 hours.