



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2008)1837 final

Brussels, 23 July 2008

MINUTES

of the 1837th meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 2 July 2008

(morning)

PV(2008)1837 final

TABLE OF CONTENTS

Attendance list	7-9
1. AGENDAS (OJ(2008)1837/3; SEC(2008)2143/2).....	10
2. WEEKLY MEETING OF CHEFS DE CABINET (SEC(2008)1837)	10
3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1836TH MEETING (25 JUNE) (PV(2008)1836; PV(2008)1836, PART II)	10
4. INTERINSTITUTIONAL RELATIONS (SEC(2008)2162).....	10
4.1. LEGISLATIVE MATTERS	11
4.2. RELATIONS WITH THE COUNCIL	15
4.3. RELATIONS WITH PARLIAMENT	15
4.4. RELATIONS WITH THE ECONOMIC AND SOCIAL COMMITTEE, THE COMMITTEE OF THE REGIONS, THE EUROPEAN OMBUDSMAN AND NATIONAL PARLIAMENTS.....	16
5. MONITORING THE APPLICATION OF COMMUNITY LAW	16
5.1. STATE AID – HORIZONTAL CASES.....	16
5.2. STATE AID – INDIVIDUAL CASES – RECAPITULATIVE LIST (SEC(2008)2200; SEC(2008)2199)	17
6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS	17
6.1. WRITTEN PROCEDURES APPROVED (SEC(2008)2145 ET SEQ.).....	17
6.2. EMPOWERMENT (SEC(2008)2146 ET SEQ.)	17
6.3. AD HOC EMPOWERMENT CONCERNING THE COMMISSION REGULATION ON THE APPLICATION OF ARTICLES 87 AND 88 OF THE EC TREATY DECLARING CERTAIN CATEGORIES OF AID COMPATIBLE WITH THE COMMON MARKET (SEC(2008)2134 AND /2).....	18

6.4. <i>DELEGATION AND SUBDELEGATION OF POWERS (SEC(2008)2147 ET SEQ.)</i>	18
6.5. <i>SENSITIVE WRITTEN PROCEDURES (SEC(2008)2148 AND /2)</i>	18
7. ADMINISTRATIVE AND BUDGETARY MATTERS (SEC(2008)2144/2)	19
7.1. <i>DG ENERGY AND TRANSPORT - APPLICATION OF THE ARTICLE 50 PROCEDURE (SECOND STAGE) WITH RESPECT TO AN AD15 OFFICIAL (PERS(2008)100)</i>	19
7.2. <i>DG INTERPRETATION – ADDITIONAL AGREEMENT TO THE AGREEMENT ON WORKING CONDITIONS AND FINANCIAL TERMS FOR CONTRACT CONFERENCE INTERPRETERS (AIC) RECRUITED BY THE INSTITUTIONS OF THE EUROPEAN UNION (SEC(2008)2211)</i>	19
7.3. <i>FOLLOW-UP TO EX-POST INSPECTIONS BY EUROSTAT IN 2005 AND 2006 ON CERTAIN MEASURES FINANCED BETWEEN 1999 AND 2004 (SEC(2008)2224)</i>	20
8. COMMISSION OPINION UNDER ARTICLE 104(5) OF THE EC TREATY ON THE EXISTENCE OF AN EXCESSIVE DEFICIT IN THE UNITED KINGDOM (SEC(2008)2194 TO /3; SEC(2008)2197).....	20
9. COMMISSION RECOMMENDATION FOR A COUNCIL DECISION UNDER ARTICLE 104(6) OF THE EC TREATY ON THE EXISTENCE OF AN EXCESSIVE DEFICIT IN THE UNITED KINGDOM (SEC(2008)2201 TO /3; SEC(2008)2197).....	20
10. COMMISSION RECOMMENDATION FOR A COUNCIL RECOMMENDATION UNDER ARTICLE 104 (7) OF THE EC TREATY TO BRING TO AN END THE EXCESSIVE DEFICIT SITUATION IN THE UNITED KINGDOM (SEC(2008)2189 TO /3; SEC(2008)2197).....	21
11. PROPOSAL FOR A COUNCIL DIRECTIVE AMENDING DIRECTIVE 2006/112/EC AS REGARDS REDUCED RATES OF VALUE ADDED	

TAX (COM(2008)428 TO /3; SEC(2008)2190; SEC(2008)2191; SEC(2008)2192 SEC(2008)2198).....	21
12. COMMISSION DECISION CONCERNING A PROCEEDING UNDER ARTICLE 8 (1) OF COUNCIL REGULATION (EC) 139/2004 ON THE CONTROL OF CONCENTRATIONS BETWEEN UNDERTAKINGS AND ARTICLE 57 OF THE EEA AGREEMENT (<i>CASE COMP/M.4942</i> <i>– NOKIA/NAVTEQ</i>) (C(2008) 3328 TO /5).....	21
13. ANY OTHER BUSINESS	22
<i>LAUNCH OF CALL FOR TENDERS FOR THE EUROPEAN SATELLITE NAVIGATION</i> <i>SYSTEM (GALILEO) (SEC(2008)2231).....</i>	<i>22</i>
14. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS - RENEWED SOCIAL AGENDA: OPPORTUNITIES, ACCESS AND SOLIDARITY IN 21ST CENTURY EUROPE (COM(2008)412 TO /4; SEC(2008)2156 AND /2; SEC(2008)2157 AND /2; SEC(2008)2158; SEC(2008)2195).....	23
15. COMMISSION COMMUNICATION TO PARLIAMENT, THE COUNCIL, THE ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – NON-DISCRIMINATION AND EQUAL OPPORTUNITIES - A RENEWED COMMITMENT (COM(2008)420 TO /3; SEC(2008)2172 AND /2; SEC(2008)2195).....	33
16. PROPOSAL FOR A COUNCIL DIRECTIVE ON IMPLEMENTING THE PRINCIPLE OF EQUAL TREATMENT BETWEEN PERSONS IRRESPECTIVE OF RELIGION OR BELIEF, DISABILITY, AGE OR SEXUAL ORIENTATION (COM(2008)426 TO /3; SEC(2008)2180; SEC(2008)2181 AND /2; SEC(2008)2182 AND /2; SEC(2008)2195).....	33

17. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL ON THE ESTABLISHMENT OF A
EUROPEAN WORKS COUNCIL OR A PROCEDURE IN
COMMUNITY-SCALE UNDERTAKINGS AND COMMUNITY-
SCALE GROUPS OF UNDERTAKINGS FOR THE PURPOSES OF
INFORMING AND CONSULTING EMPLOYEES (RECAST)
(COM(2008)419 TO /4; SEC(2008)2166; SEC(2008)2167;
SEC(2008)2155; SEC(2008)2154 AND /2; SEC(2008)2178;
SEC(2008)2168; SEC(2008)2195) 34

18. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND
SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS –
SOLIDARITY IN THE FACE OF CHANGE: THE EUROPEAN
GLOBALISATION ADJUSTMENT FUND (EGF) IN 2007 – REVIEW
AND PROSPECTS (COM(2008)421 TO /3; SEC(2008)2155;
SEC(2008)2154 AND /2; SEC(2008)2178; SEC(2008)2195).....35

19. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND
SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS –
A RENEWED COMMITMENT TO SOCIAL EUROPE: REINFORCING
THE OPEN METHOD OF COORDINATION FOR SOCIAL
PROTECTION AND SOCIAL INCLUSION (COM(2008)418 TO /4;
SEC(2008)2169; SEC(2008)2170; SEC(2008)2153; SEC(2008)2179 AND
/2; SEC(2008)2171; SEC(2008)2195) 35

20. PROPOSAL FOR A COUNCIL DIRECTIVE IMPLEMENTING THE
AGREEMENT CONCLUDED BY THE EUROPEAN COMMUNITY
SHIPOWNERS' ASSOCIATIONS (ECSA) AND THE EUROPEAN
TRANSPORT WORKERS' FEDERATION (ETF) ON THE MARITIME
LABOUR CONVENTION OF 2006 AND AMENDING DIRECTIVE

1999/63/EC (COM(2008)422 TO /4; SEC(2008)2184 AND /2; SEC(2008)2195).....	36
21. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE APPLICATION OF PATIENTS' RIGHTS IN CROSS-BORDER HEALTHCARE (COM(2008)414 AND /3; SEC(2008)2163; SEC(2008)2164; SEC(2008)2183; SEC(2008)2165; SEC(2008)2185; SEC(2008)2196)	36
22. COMMISSION COMMUNICATION TO PARLIAMENT, THE COUNCIL, THE ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – A COMMUNITY FRAMEWORK ON THE APPLICATION OF PATIENTS' RIGHTS IN CROSS-BORDER HEALTHCARE (COM(2008)415 AND /2; SEC(2008)2183; SEC(2008)2185; SEC(2008)2196)	37
23. RELATIONS WITH NON-MEMBER COUNTRIES.....	37
23.1. 21 st EU-RUSSIA SUMMIT (26-27 JUNE, KHANTY-MANSIISK - SIBERIA)	37
23.2. MINISTERIAL MEETING IN JEDDAH ON ENERGY AND THE 5TH MINISTERIAL MEETING BETWEEN THE EU AND OPEC (21 AND 22 JUNE, JEDDAH) (SEC(2008)2228 AND /2)	39

Single sitting: Wednesday 2 July 2008 (morning)

The sitting opened at 10.05 hours with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	President	
Ms WALLSTRÖM	Vice-President	
Mr VERHEUGEN	Vice-President	
Mr BARROT	Vice-President	
Mr TAJANI	Vice-President	
Ms REDING		Items 1 to 22
Mr DIMAS		
Mr ALMUNIA		
Ms HÜBNER		Items 1 to 23 (in part)
Mr BORG		Items 14 to 23
Ms GRYBAUSKAITĖ		
Mr POTOČNIK		Items 1 to 14/22 (in part)
Mr FIGEL'		
Mr REHN		Items 14 to 23
Mr MICHEL		Items 1 to 22
Mr KOVÁCS		
Ms FISCHER BOEL		
Ms FERRERO-WALDNER		
Mr McCREEVY		Items 1 to 22
Mr ŠPIDLA		Items 1 to 22
Mr PIEBALGS		
Ms KUNEVA		Items 14 to 22
Mr ORBAN		
Ms VASSILIOU		Items 1 to 22

(2 July 2008)

Absent:

Mr KALLAS

Vice-President

Ms KROES

Mr MANDELSON

(2 July 2008)

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

Mr FITCH	A member of Mr KALLAS' staff
Mr WHELAN	Chef de cabinet to Ms KROES
Mr HILL	A member of Mr MANDELSON's staff

The following also sat in:

Mr VALE DE ALMEIDA	Chef de cabinet to the PRESIDENT	
Ms DURAND	Acting Director-General, Legal Service	
Mr SØRENSEN	Director-General, DG Communication	
Ms AHRENKILDE	DG Communication - Spokesman Service	Items 1 to 14/22 (in part)
Mr GRAY	DG Communication - Spokesman Service	Items 14/22 (in part) and 23
Mr GASPAR	Acting Director-General, Bureau of European Policy Advisers	
Mr THEBAULT	Deputy Chef de cabinet to the PRESIDENT	Items 1 to 22
Ms MARTINHO	Chief adviser in the PRESIDENT's Office	Items 1 to 22
Ms MARTÍNEZ ALBEROLA	A member of the PRESIDENT's staff	Items 1 to 22
Ms SCHREIBER	Chef de cabinet to Mr ŠPIDLA	Items 1 to 22
Mr BRUNET	Chef de cabinet to Ms VASSILIOU	Items 1 to 22
Mr SERVOZ	Secretariat-General	Items 1 to 22
Ms CARVALHO	Bureau of European Policy Advisers	
Ms PYKE	Employment, Social Affairs and Equal Opportunities DG	Items 1 to 22

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

1. AGENDAS

(OJ(2008)1837/3; SEC(2008)2143/2)

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(2008)1837)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 30 June.

**3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1836TH MEETING
(25 JUNE)**

(PV(2008)1836; PV(2008)1836, PART II)

The Commission approved the minutes of its 1836th meeting.

4. INTERINSTITUTIONAL RELATIONS

(SEC(2008)2162)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 27 June (SEC(2006)2162).

It paid particular attention to the following:

4.1. LEGISLATIVE MATTERS

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

(SP(2008)3658/2)

The Commission decided to empower the Commission Members responsible for the sectors concerned, in agreement with the PRESIDENT and Ms WALLSTRÖM and, if necessary, with other Members concerned, to adopt amended proposals for transmission to Parliament and the Council, as set out in SP(2008)3658/2, prepared after the June II part-session of Parliament, the contents of which were noted.

ii) Preparation for Parliament's July part-session

(point 1.3 of the IRG record)

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

It paid particular attention to the following:

Codecision – 2nd reading

- Common authorisation procedure for food additives, food enzymes and food flavourings (Regulation) / Food additives (Regulation) / Food enzymes (Regulation) / Flavourings and certain food ingredients with flavouring properties for use in and on foods (Regulation) – WESTLUND / DOYLE / DRČAR MURKO reports – 2006/0143 (COD) / 2006/0145 (COD) / 2006/0144 (COD) / 2006/0147 (COD)

The Commission approved the line set out in SP(2008)3399.

- Safety of the Community's railways (Directive) – COSTA report – 2006/0272 (COD)

(2 July 2008)

The Commission approved the line set out in SP(2008)3393.

- European Railway Agency (Regulation) – COSTA report – 2006/0274 (COD)

The Commission approved the line set out in SP(2008)3394.

- Inclusion of aviation activities in the scheme for greenhouse gas emission allowance trading within the Community (Directive) – LIESE report – 2006/0304 (COD)

The Commission approved the line set out in SP(2008)3401 and /2.

Empowerment

- Common authorisation procedure for food additives, food enzymes and food flavourings (Regulation) / Food additives (Regulation) / Food enzymes (Regulation) / Flavourings and certain food ingredients with flavouring properties for use in and on foods (Regulation) – WESTLUND / DOYLE / DRČAR MURKO reports – 2006/0143 (COD) / 2006/0145 (COD) / 2006/0144 (COD) / 2006/0147 (COD)
- Safety of the Community's railways (Directive) – COSTA report – 2006/0272 (COD)
- European Railway Agency (Regulation) – COSTA report – 2006/0274(COD)
- Inclusion of aviation activities in the scheme for greenhouse gas emission allowance trading within the Community (Directive) – LIESE report – 2006/0304 (COD)

(2 July 2008)

The Commission empowered Ms VASSILOU, Mr TAJANI and Mr DIMAS, under Article 13 of its Rules of Procedure, in agreement with the PRESIDENT and Ms WALLSTRÖM and any associated Members, to adopt and transmit to the Council its opinion on the amendments, in accordance with Article 251(2)(c) of the Treaty, once Parliament had acted, and if necessary to attach to its opinion amended proposals, on the basis of the line set out in SP(2008)3399, SP(2008)3393, SP(2008)3394 and SP(2008)3401 and /2.

Codecision – 1st reading

- Programme for the Modernisation of European Enterprise and Trade Statistics (MEETS) (Decision) – KONRAD report – 2007/0156 (COD)

The Commission approved the line set out in SP(2008)3957.

- Statistical returns in respect of carriage of goods and passengers by sea (recasting – Directive) – SZÁJER report – 2007/0288 (COD)

The Commission approved the line set out in SP(2008)3958.

- Roadworthiness tests for motor vehicles and their trailers (Directive) – SZÁJER report – 2008/0044 (COD)

The Commission approved the line set out in SP(2008)3960.

- Conditions of access to the natural gas transmission networks (Regulation) / Common rules for the internal market for natural gas (Directive) – PAPARIZOV / LA RUSSA reports – 2007/0199 (COD) / 2007/0196 (COD)

The Commission approved the line set out in SP(2008)3961/2.

- Procedure for implementing the Regulation on coordination of social security systems (Regulation) – LAMBERT report – 2006/0006 (COD)

The Commission approved the line set out in SP(2008)3962.

- Coordination of social security systems – Definition of the content of Annex XI and amendment of Annexes (Regulations) – BOZKURT reports – 2006/0008 (COD) / 2007/0129 (COD)

The Commission approved the line set out in SP(2008)3963.

Consultation

- Extension of provisions concerning the coordination of social security systems to nationals of third countries not already covered by those provisions solely on the grounds of their nationality (Regulation) – LAMBERT report – 2007/0152 (CNS)

The Commission approved the line set out in SP(2008)4048.

- Signature and conclusion of a Protocol between the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland (Decisions) / Signature and conclusion of a Protocol between the European Community, the Swiss Confederation and the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State, in Switzerland or in Liechtenstein (Decisions) / Signature, on behalf of the European Union and the European Community, and the provisional application of certain provisions of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the agreement

(2 July 2008)

between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (Decisions) – KLAMT reports – 2006/0252 (CNS) / 2006/0257 (CNS) / 2006/0251 (CNS)

The Commission approved the line set out in SP(2008)4034.

iii) Results of Council meeting (Agriculture and Fisheries) - Fisheries session (Luxembourg, 23 and 24 June)
(SI(2008)1140/3)

- Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (Council Regulation) – AUBERT report – 2007/0223 (CNS)

The Commission confirmed the *ad referendum* agreement given by Mr BORG to the Presidency compromise at the Council meeting (Agriculture and Fisheries) on 23 and 24 June, following the line set out in SI(2008)1140/3.

4.2. RELATIONS WITH THE COUNCIL

iv) Programming of Council business
(SI(2008)1159)

The Commission took note of the information in SI(2008)1159 on the Council meetings between 26 June and 9 July.

4.3. RELATIONS WITH PARLIAMENT

v) Action taken on Parliament's non-legislative resolutions
(point 3.4.2 of the IRG record)

The Commission approved document SP(2008)3956 on the action taken on the non-legislative resolutions adopted by Parliament at its May I part-session, for transmission to Parliament.

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

vi) Action taken on opinions of the European Economic and Social Committee – Fourth quarter of 2007

(point 4.1 of the IRG record)

The Commission approved the replies to the opinions adopted by the Economic and Social Committee during the fourth quarter of 2007 in SC(2008)27 for transmission to the Economic and Social Committee.

5. MONITORING THE APPLICATION OF COMMUNITY LAW

5.1. STATE AID – HORIZONTAL CASES

i) Review of the framework on state aid for shipbuilding

(SEC(2008)2133 to /3; SEC(2008)2199)

The Commission adopted the notice distributed as SEC(2008)2133/3 concerning the extension until 31 December 2011 of the framework on state aid for shipbuilding, and authorised its publication in the Official Journal of the European Union.

ii) Commission Regulation on the application of Articles 87 and 88 of the EC Treaty to State aid to small and medium-sized enterprises active in the production, processing and marketing of fisheries products

(SEC(2008)2136 to /3; SEC(2008)2199)

The Commission:

- approved in principle the Regulation on the application of Articles 87 and 88 of the EC Treaty to State aid to small and medium-sized enterprises

(2 July 2008)

active in the production, processing and marketing of fisheries products, as set out in SEC(2008)2136/3;

- empowered Mr BORG, in agreement with the PRESIDENT, formally to adopt the Regulation in all the official languages of the Union and have it published in the *Official Journal of the European Union*.

**5.2. STATE AID – INDIVIDUAL CASES – RECAPITULATIVE LIST
(SEC(2008)2200; SEC(2008)2199)**

The Commission adopted the decisions in the recapitulative list in SEC(2008)2200.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

**6.1. WRITTEN PROCEDURES APPROVED
(SEC(2008)2145 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 23 and 27 June.

**6.2. EMPOWERMENT
(SEC(2008)2146 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 23 and 27 June.

**6.3. AD HOC EMPOWERMENT CONCERNING THE COMMISSION REGULATION ON THE APPLICATION OF ARTICLES 87 AND 88 OF THE EC TREATY DECLARING CERTAIN CATEGORIES OF AID COMPATIBLE WITH THE COMMON MARKET
(SEC(2008)2134 AND /2)**

The Commission took note of the fact that its Regulation on the application of Articles 87 and 88 of the EC Treaty declaring certain categories of aid compatible with the common market would in principle be adopted by a "finalisation" written procedure, for which the time-limit had been set for Monday 7 July (E/2008/3723), and decided to empower Ms KROES, in agreement with the PRESIDENT, formally to adopt the Regulation, after revision by the lawyer-linguists, in all the official languages of the Union, to have it published in the Official Journal of the European Union and to inform the EFTA Surveillance Authority.

**6.4. DELEGATION AND SUBDELEGATION OF POWERS
(SEC(2008)2147 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 23 and 27 June, as archived in e-Greffe.

**6.5. SENSITIVE WRITTEN PROCEDURES
(SEC(2008)2148 AND /2)**

The Commission took note of the sensitive written procedures for which the time limit expired between 30 June and 4 July and of the "finalisation" written procedures initiated following the weekly meeting of Chefs de cabinet on 30 June.

7. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2008)2144/2)

ADMINISTRATIVE MATTERS

(PERS(2008)99/2)

**7.1. DG ENERGY AND TRANSPORT - APPLICATION OF THE ARTICLE 50
PROCEDURE (SECOND STAGE) WITH RESPECT TO AN AD15
OFFICIAL**

(PERS(2008)100)

The Commission continued its discussions on this matter, begun on 28 May (PV(2008)1832).

The Commission, on a proposal from Mr KALLAS, in agreement with the PRESIDENT, Mr TAJANI and Mr PIELBAGS, adopted the decision in PERS(2008)100 to apply the second stage of the procedure laid down in Article 50 of the Staff Regulations with respect to Mr Alfonso GONZALEZ FINAT, an AD15 official, currently Chief Adviser in DG Energy and Transport.

This decision would take effect on 1 December 2008.

**7.2. DG INTERPRETATION – ADDITIONAL AGREEMENT TO THE
AGREEMENT ON WORKING CONDITIONS AND FINANCIAL TERMS
FOR CONTRACT CONFERENCE INTERPRETERS (AIC) RECRUITED
BY THE INSTITUTIONS OF THE EUROPEAN UNION**

(SEC(2008)2211)

The Commission took note of the information set out in item 2 of PERS(2008)99/2 and, on a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr ORBAN, authorised the Secretary-General to sign the additional agreement to the Agreement of 28 July 1999 in SEC(2008)2211, the contents of which were noted.

This decision would take effect immediately.

**7.3. FOLLOW-UP TO EX-POST INSPECTIONS BY EUROSTAT IN 2005
AND 2006 ON CERTAIN MEASURES FINANCED BETWEEN 1999
AND 2004
(SEC(2008)2224)**

The Commission took note of the information note from Mr ALMUNIA in SEC(2008)2224.

**8. COMMISSION OPINION UNDER ARTICLE 104(5) OF THE EC TREATY
ON THE EXISTENCE OF AN EXCESSIVE DEFICIT IN THE UNITED
KINGDOM
(SEC(2008)2194 TO /3; SEC(2008)2197)**

The Commission approved the opinion in SEC(2007)2194/3, for transmission to the Council.

**9. COMMISSION RECOMMENDATION FOR A COUNCIL DECISION
UNDER ARTICLE 104(6) OF THE EC TREATY ON THE EXISTENCE OF
AN EXCESSIVE DEFICIT IN THE UNITED KINGDOM
(SEC(2008)2201 TO /3; SEC(2008)2197)**

The Commission approved the recommendation in SEC(2007)2201/3, for transmission to the Council.

(2 July 2008)

**10. COMMISSION RECOMMENDATION FOR A COUNCIL RECOMMENDATION UNDER ARTICLE 104 (7) OF THE EC TREATY TO BRING TO AN END THE EXCESSIVE DEFICIT SITUATION IN THE UNITED KINGDOM
(SEC(2008)2189 TO /3; SEC(2008)2197)**

The Commission approved the recommendation in SEC(2008)2189/3, for transmission to the Council.

11. PROPOSAL FOR A COUNCIL DIRECTIVE AMENDING DIRECTIVE 2006/112/EC AS REGARDS REDUCED RATES OF VALUE ADDED TAX (COM(2008)428 TO /3; SEC(2008)2190; SEC(2008)2191; SEC(2008)2192 SEC(2008)2198)

The Commission took note of the fact that the proposal for a Council Directive would be adopted by a "finalisation" written procedure for which the time limit had been set for Monday 7 July (E/2008/3496), and that Mr KOVÁCS intended to lay before the Commission in the autumn an initiative on applying a reduced rate of VAT to services aimed at encouraging energy savings (in particular inspections, audits and certification of energy performance).

**12. COMMISSION DECISION CONCERNING A PROCEEDING UNDER ARTICLE 8 (1) OF COUNCIL REGULATION (EC) 139/2004 ON THE CONTROL OF CONCENTRATIONS BETWEEN UNDERTAKINGS AND ARTICLE 57 OF THE EEA AGREEMENT (CASE COMP/M.4942 – NOKIA/NAVTEQ)
(C(2008) 3328 TO /5)**

The Commission:

(2 July 2008)

- took note of the opinion of the Advisory Committee on Concentrations of 20 June in C(2008)3328/3;
- took note of the final report of the Hearing Officer of 25 June in C(2008)3328/4;
- adopted, in the authentic language (English), the decision in C(2008)3328 and /5, declaring the notified operation to be compatible with the common market and the Agreement on the European Economic Area;
- decided to notify the decision set out in C(2008)3328 and /5 to the firm concerned, together with the final report of the Hearing Officer and the opinion of the Advisory Committee;
- decided that the most important parts of the decision and the opinion of the Advisory Committee and the report of the Hearing Officer would be published in the official languages in the Official Journal of the European Union (with business secrets removed);
- decided to publish the decision (with business secrets removed) on the Internet.

13. ANY OTHER BUSINESS

LAUNCH OF CALL FOR TENDERS FOR THE EUROPEAN SATELLITE NAVIGATION SYSTEM (GALILEO)

(SEC(2008)2231)

The Commission took note of the information note from Mr ORBAN in SEC(2008)2231.

**14. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS - RENEWED SOCIAL AGENDA: OPPORTUNITIES, ACCESS AND SOLIDARITY IN 21ST CENTURY EUROPE
(COM(2008)412 TO /4; SEC(2008)2156 AND /2; SEC(2008)2157 AND /2; SEC(2008)2158; SEC(2008)2195)**

The PRESIDENT introduced the package of measures put forward as part of a “Renewed Social Agenda” and listed in items 14 to 22 of these minutes. He stressed the major importance of this package and the vital role it played in helping European citizens to take account of future economic developments and to face the challenges of the future. He referred to the meticulous preparation that had gone into the drafting of the proposals and had made it possible to strike the right balance between everyone's expectations and experiences.

He observed that the people of Europe rightly expected the social dimension to be adequately reflected in Community policies and that social and economic policies were mutually reinforcing. He felt in this regard that in the present economic climate it was particularly important to show the people of Europe that their concerns were being taken into account and that they could count on the Commission.

He noted that the proposed package of measures showed the progress that could be made in creating opportunities, providing access and building solidarity; he also emphasised the role that the Community could play in this respect on a number of levels – legislation, peer pressure or exchange of good practice – the most important thing being that the instrument used should make it possible to achieve the same level of commitment to results in the social sector as to results in terms of growth and employment.

Moving on to the composite paper, the PRESIDENT pointed out that it touched on a wide range of priority areas, including youth, the knowledge base, employment, mobility, health, and measures to combat discrimination and poverty. He stressed

that opportunities could only be created for citizens if the economy was healthy and it was therefore important that the renewed social agenda should be fully integrated into the Community's efforts to make the most of globalisation, particularly in terms of employment. He also emphasised the importance of guaranteeing access to universal health services and education to ensure that these opportunities could be exploited. Finally, he pointed out that, although most instruments in these areas were the responsibility of the Member States, the European Union also had an important part to play.

As regards the health component of the social agenda (see items 21 and 22 of these minutes), the PRESIDENT reminded the meeting of the background to the proposal for the application of in patient's rights cross-border healthcare and welcomed the fact that it was now included among the many measures proposed in the field of social policy.

He expressed his support for the proposal for a directive presented by Ms VASSILIOU and thanked her for putting the finishing touches to the proposal and for the efforts that had been made to take account of the most recent concerns it had raised; at the same time he also praised the considerable amount of preparatory work carried out by Ms VASSILIOU's predecessor, Mr Markos Kyprianou.

The PRESIDENT said that this proposal represented a major step forward in terms of improving legal certainty in the specific context of cross-border healthcare. He pointed out that it did not create any new rights for patients or new obligations for the Member States, but was based on a number of judgments by the Court of Justice founded on principles directly derived from the Treaty. He insisted on the need for citizens, users and consumers, and in this case patients too, to have greater clarity and greater legal certainty regarding the way in which they could exercise their rights. He also pointed out the benefits for the Member States of setting out as clearly as possible the legal limits within which they could legislate.

At the same time he acknowledged that this was a politically sensitive proposal and said that he and Ms VASSILIOU had held a large number of talks over the last few months, both in the European Parliament and with the Member States, in order to

try to judge the reception that might be given to a Commission proposal in this area. He felt that the political partners had now been won over and that the time spent on this dossier had greatly increased its chances of success.

The PRESIDENT the latest changes made to certain provisions in the text following the preparatory meetings of the last few days, that had helped to clarify the Commission's policy and objective, and in particular the fact that it had no intention of interfering with national powers in relation to the provision of health care or the organisation of national social security systems.

On the question of solidarity, the PRESIDENT referred to the need to give special support to those who were not able to take advantage of the opportunities offered, and to those who did not have access to essential services, and pointed out that solidarity was an essential part of Europe's most cherished principles. He reminded the meeting in this connection that the European Globalisation Adjustment Fund, which provided effective assistance for workers seeking employment, had been operational for a year and had intervened on several occasions. However, the operation of the Fund could be improved, in particular by simplifying its procedures and extending its scope, which was the aim of one of the measures (see item 18 of these minutes).

As for the fight against discrimination, the PRESIDENT said that these provisions occupied a central position in the package as a whole and would make it possible to add to the legal framework in force by extending it beyond the world of work into such areas of discrimination as religion or belief, age, sexual orientation or disability. The proposals made clear that there was no hierarchy when it came to combating discrimination and at the same time recognised the need to treat each type of discrimination according to its own particular features and with due regard, where appropriate, for certain rights. Finally, he stressed that the approach adopted complied with the principle of proportionality, since the scope of the provisions was limited to the exercise of commercial activities. He concluded by highlighting the fact that the proposed text clearly set out the powers that lay with the Member States, for example in the relationship between education and religion.

Mr ŠPIDLA then presented the main elements of the package of initiatives he was tabling before the Commission. He talked about the priority the Commission gave to social issues in its policy agenda, as well as the importance of the social dimension for the people, for the economy and for the internal cohesion of the European Union.

He explained that the purpose of the package was to adapt the structures and policy instruments available to the EU and the Member States to current changes in the social and economic spheres, both in Europe and internationally. The central aim was to preserve and reinforce the principles of equal opportunities and solidarity, individual rights, freedom and responsibility. He stressed that the initiatives were the result of close cooperation within the Commission, and he thanked the Members and all the departments involved.

Moving on to present the various measures, Mr ŠPIDLA first highlighted the proposal for a Directive on the implementation of the principle of equal treatment (see item 16 of these minutes); in his view, in this cross-cutting initiative the Commission was demonstrating proportionality and pragmatism while respecting the principle of subsidiarity. He explained that the purpose of the initiative was to ensure that the various reasons for discrimination mentioned in Article 13 of the Treaty were treated in the same way in order to guarantee the same level of protection in all Member States, but also to provide citizens, Member States' authorities and economic operators with greater clarity and legal certainty.

He also mentioned the areas to which the proposal for a Directive did not apply and which fell within the remit of the Member States, including marriage and family status, the organisation of the education system and the curriculum, national legislation preserving the secular nature of the State or education, legislation on the status or activities of religious organisations, or national measures on equality between men and women. He stressed that the initiative concerned only commercial activities and that purely private transactions between individuals were not covered.

He went on to mention the proposal on the establishment of a European Works Council (see item 17 of these minutes), stating that it was a balanced proposal which

would enable businesses to inform and consult workers' representatives in an appropriate manner on the decisions which concerned them, and at the same time to take steps to meet the challenges of globalisation.

Mr ŠPIDLA concluded his presentation by emphasising that the package of proposals represented significant progress. He mentioned briefly the next stages of the interinstitutional process, indicating that over the next few months the Commission would continue its contacts with the European Parliament, the Member States and the Council Presidency, as well as with the social partners and other players involved. Finally, he pointed out that the package would be followed up by a large number of additional measures in the social field, which would be presented to the Commission in the next few months.

Ms VASSILIOU then presented the communication and proposal for a Directive she was tabling regarding the application of patients' rights in cross-border healthcare (see items 21 and 22 of these minutes). She began by stressing that this was the most important initiative on health taken by the present Commission. In this context she acknowledged the considerable work done by her predecessor, Mr Markos Kyprianou, and thanked the other Members of the Commission for their input to the preparations.

Ms VASSILIOU explained that the purpose of the proposal for a Directive on patient's rights was to enable patients to exercise these rights while offering them more guarantees, better standards of healthcare and clearer information on reimbursement. The initiative followed on from various judgments given by the Court of Justice in this field and hence from the provisions of the Treaty. She stressed that the responsibilities of the Member States would remain unchanged.

She outlined the three main strands of the proposed legal framework: (i) restatement of the principles common to all EU health systems – i.e. universal coverage, equity, access to high-quality care and solidarity – and the responsibility of Member States for the healthcare provided in their territory; (ii) patients' rights and the conditions governing access to healthcare in another Member State, with the definition of principles, criteria and procedures as a guide to help Member States apply the case

law of the Court of Justice and to help patients exercise their rights as confirmed by the Court; and (iii) establishment of a framework for European cooperation in areas where Europe offered the best platform for meeting the challenges of the future, for example European reference networks for rare conditions and new treatments, the assessment of medical technologies, electronic aspects of healthcare (e-health), a broader approach to the collection of data on cross-border healthcare and steps to facilitate the recognition of medical prescriptions in all Member States.

Ms VASSILIOU argued that the framework put in place by this proposal would help tap the considerable potential for European cooperation in the health field. The medical community had long been waiting for such a development, which would open up the possibility of synergies, economies of scale and swifter application of new technologies.

By way of conclusion, she reiterated that the aim of the proposal was to help people receive appropriate healthcare in their home Member State; the intention was not to promote mobility as such, but to ensure the application of clear rules and entitlements. European support for the Member States on the basis of this framework would also help safeguard the accessibility, quality and viability of European health systems for the future, with due respect for national spheres of responsibility and policy choices.

The Commission then held an exchange of views which focused on the following aspects:

Regarding the package of measures on the renewed social agenda

- widespread support and recognition for the efforts of Mr ŠPIDLA and Ms VASSILIOU to come up with balanced and realistic proposals which, in terms of their content and methodology, occupied a key place in the achievements of this Commission and in developing the European social model;

- the observation that, besides their purely social aspects, the proposed measures also contained a humanist message, bringing Europe's values - in a dynamic and tangible way - right to the heart of a results-based Europe that was close to the citizen;
- the need to respect Member States' spheres of responsibility and the principle of subsidiarity, while exploiting fully the scope for action within the Community framework;
- the importance of clear, practical and detailed communication on the package as a whole and on each of its constituent parts, while insisting on adherence to the principle of subsidiarity and on the added value of Community action;
- the importance of explaining clearly and placing in their respective context the various components of the package, in particular the initiatives to combat discrimination;
- the need to stress the wider context surrounding these proposals, which were at the heart of the Commission's political activities, and their connection with the Lisbon strategy; the observation that job creation was the best means of combating social exclusion;
- the balance to be maintained in action to combat the various types of discrimination;
- the case for reinforcing the message relating to accidents at work;
- the case for clarifying certain points in the general communication in order to avoid any ambiguity in the provisions relating to workers' mobility and the posting of workers from one Member State to another, in line with recent decisions by the Court of Justice;
- the specific question of the situation of the Roma and the case for involving their representative bodies more closely in the life of the community in order to encourage their social integration;

- the importance of education as an excellent tool for combating discrimination and social exclusion, allowing everyone to adapt to social changes;
- the importance of the social dialogue, particularly in the context of European works councils;
- the need to look further at the possibility of using the Globalisation Adjustment Fund to cover external shocks, for example restructuring as a result of oil price rises;

Specific points regarding the health component of the agenda

- broad support for the proposal for a Directive presented by Ms VASSILIOU, which clarified patients' rights at European level while respecting Member States' spheres of responsibility and helped improve financial coverage for rare conditions and specialised care; the vital need to recognise patients' entitlement to mobility;
- the benefits of the possible introduction of a prior authorisation system, provided for in the proposal, in order to ensure balance between national social security schemes, and good examples of the operation of such systems in certain Member States; equally, the usefulness of the reporting requirement included in the proposal in order to monitor the operation of these systems and possible abuse by certain Member States;
- the special efforts to be made in communication work on this proposal, and the importance of preparing a summary for the general public;
- the problem of reimbursement of healthcare costs between Member States and a request to have basic principles defined in that area for the future;
- the special difficulty that might arise in certain Member States as a result of the connection made in the proposal between the right of patients to receive healthcare and the right to reimbursement, given the specific characteristics of certain national systems; the risk of creating discrimination as a result and the

possibility that certain national systems might have to be adapted, even though the field fell within the national remit.

Mr ŠPIDLA replied to the comments on the proposals relating to his portfolio. He recalled the balance that been struck in the proposals, which he wished to retain, save where exceptions were justified. He mentioned the Directive on the posting of workers and the follow-up to the Laval, Viking and Rüffert judgments, the context surrounding those Court judgments, and in particular their legal base. He reiterated the importance of maintaining a measured and balanced approach in this important and politically sensitive field. He also referred to the working document on instruments and policies aimed at the social inclusion of the Roma, recalling the discrimination constantly faced by that minority.

Ms VASSILIOU also clarified certain aspects regarding the connection between her proposal and the existing framework for coordinating social security systems, in particular Regulation 1408/71 on the application of social security schemes to employed persons and their families moving within the Community, and referred to the Court's judgments regarding the concept of reimbursement of medical services, as well as the possibilities of adjusting the reimbursement arrangements.

Winding up the debate, the PRESIDENT stressed the importance in the present Commission's programme of these humanistic, social-policy initiatives and their contribution to the Lisbon strategy for growth and employment.

He thanked the Members of the Commission and departments involved, in particular Mr ŠPIDLA and Ms VASSILIOU and the departments under their responsibility, for the enormous amount of work they had undertaken. He asked Commission Members to contribute to the communication effort and noted in particular that, in connection with communication work on the various initiatives, Mr ŠPIDLA would also refer to the importance of the measures to be taken to reduce accidents at work.

He noted the Commission's very broad support for the various proposals and confirmed that the Commission would continue its balanced approach to

implementing the Directive on the posting of workers, without however reopening discussion on the Directive.

The PRESIDENT also noted the Commission's agreement on the following amendment to the communication, in English, as set out in COM(2008)412/4:

- In Section 4.3. ("Mobility"), the third and fourth paragraphs would read as follows:

"The directive on posting of workers has been instrumental to promoting free movement of services while at the same time protecting workers and working conditions. However, the posting of workers from one Member State to another also raises a number of questions about the application of existing European and national legislation and practices on posted workers. The Commission recently adopted a recommendation ([footnote:] Commission Recommendation of 3 April 2008 on enhanced administrative cooperation in the context of the posting of workers in the framework of the provision of services.) on enhancing administrative cooperation in order to combat undeclared work and ensure an appropriate level of confidence between Member States.

Some questions have also been widely discussed recently in the wake of rulings by the European Court of Justice (in the Laval, Viking and Rüffert cases). The Commission will support the Member States in making effective use of the opportunities offered by the existing directive on the posting of workers. At the same time, on the basis of a thorough analysis of the rulings and other precedents, it will discuss all these questions with the social partners and the Member States and address issues of concern, including in a specially convened Forum in the autumn of 2008. The Commission is committed to ensuring that there is no contradiction between the fundamental freedoms of the Treaty and the protection of fundamental rights and will thoroughly assess, discuss and respond to issues of concern, including through providing interpretative guidelines if needed."

Subject to inclusion of the above amendments, the Commission approved the communication set out in COM(2008)412/4, for transmission to the European

Parliament, the Council, the Economic and Social Committee and the Committee of the Regions and to the national parliaments, together with the impact assessment and the related summary contained in the staff papers distributed as SEC(2008)2156/2 and SEC(2008)2157/2 respectively, the contents of which were noted.

It also took note of the opinion of the Impact Assessment Board on the above communication, as set out in SEC(2008)2158.

**15. COMMISSION COMMUNICATION TO PARLIAMENT, THE COUNCIL, THE ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – NON-DISCRIMINATION AND EQUAL OPPORTUNITIES - A RENEWED COMMITMENT
(COM(2008)420 TO /3; SEC(2008)2172 AND /2; SEC(2008)2195)**

The Commission approved the communication in COM(2008)420/3 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, and to the national parliaments, together with the inventory of Community instruments and policies for Roma inclusion set out in the staff paper distributed as SEC(2008)2172/2, the contents of which were noted.

**16. PROPOSAL FOR A COUNCIL DIRECTIVE ON IMPLEMENTING THE PRINCIPLE OF EQUAL TREATMENT BETWEEN PERSONS IRRESPECTIVE OF RELIGION OR BELIEF, DISABILITY, AGE OR SEXUAL ORIENTATION
(COM(2008)426 TO /3; SEC(2008)2180; SEC(2008)2181 AND /2; SEC(2008)2182 AND /2; SEC(2008)2195)**

The Commission adopted, subject to final linguistic revision, the proposal for a Council Directive in COM(2008)426/3 for transmission to the European Parliament,

the Council, the European Economic and Social Committee and the Committee of the Regions, and to the national parliaments, accompanied by the impact assessment and the summary in staff papers SEC(2008)2180 and SEC(2008)2181/2 respectively, the contents of which were noted.

It also took note of the opinion of the Impact Assessment Board on the above proposal for a Council Directive, as set out in SEC(2008)2182 and /2.

17. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE ESTABLISHMENT OF A EUROPEAN WORKS COUNCIL OR A PROCEDURE IN COMMUNITY-SCALE UNDERTAKINGS AND COMMUNITY-SCALE GROUPS OF UNDERTAKINGS FOR THE PURPOSES OF INFORMING AND CONSULTING EMPLOYEES (RECAST)

(COM(2008)419 TO /4; SEC(2008)2166; SEC(2008)2167; SEC(2008)2155; SEC(2008)2154 AND /2; SEC(2008)2178; SEC(2008)2168; SEC(2008)2195)

The Commission adopted, subject to final linguistic revision, the proposal for a Council Directive in COM(2008)419/4 for transmission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, and to the national parliaments, together with the impact assessment, the summary thereof, two documents and a report in staff papers SEC(2008)2166, SEC(2008)2167, SEC(2008)2155, SEC(2008)2154/2 and SEC(2008)2178, the contents of which were noted;

It also took note of the opinion of the Impact Assessment Board on the above proposal for a Directive, as set out in SEC(2008)2168.

18. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – SOLIDARITY IN THE FACE OF CHANGE: THE EUROPEAN GLOBALISATION ADJUSTMENT FUND (EGF) IN 2007 – REVIEW AND PROSPECTS

(COM(2008)421 TO /3; SEC(2008)2155; SEC(2008)2154 AND /2; SEC(2008)2178; SEC(2008)2195)

The Commission approved the communication in COM(2007)421/3 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, and to the national parliaments, accompanied by two documents and a report in staff papers SEC(2008)2155, SEC(2008)2154/2 and SEC(2008)2178, the contents of which were noted.

19. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – A RENEWED COMMITMENT TO SOCIAL EUROPE: REINFORCING THE OPEN METHOD OF COORDINATION FOR SOCIAL PROTECTION AND SOCIAL INCLUSION

(COM(2008)418 TO /4; SEC(2008)2169; SEC(2008)2170; SEC(2008)2153; SEC(2008)2179 AND /2; SEC(2008)2171; SEC(2008)2195)

The Commission approved the communication in COM(2007)418/4 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, and to the national parliaments, accompanied by the impact assessment and its summary in staff papers SEC(2008)2169, SEC(2008)2170, SEC(2008)2153 and SEC(2008)2179 and /2, the contents of which were noted.

(2 July 2008)

It also took note of the opinion of the Impact Assessment Board on the above communication, as set out in SEC(2008)2171.

20. PROPOSAL FOR A COUNCIL DIRECTIVE IMPLEMENTING THE AGREEMENT CONCLUDED BY THE EUROPEAN COMMUNITY SHIPOWNERS' ASSOCIATIONS (ECSA) AND THE EUROPEAN TRANSPORT WORKERS' FEDERATION (ETF) ON THE MARITIME LABOUR CONVENTION OF 2006 AND AMENDING DIRECTIVE 1999/63/EC

(COM(2008)422 TO /4; SEC(2008)2184 AND /2; SEC(2008)2195)

The Commission adopted the proposal for a Council Directive in COM(2008)422/4 for transmission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions and to the national parliaments, together with the report in staff paper SEC(2008)2184/2, the contents of which were noted.

21. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE APPLICATION OF PATIENTS' RIGHTS IN CROSS-BORDER HEALTHCARE

(COM(2008)414 AND /3; SEC(2008)2163; SEC(2008)2164; SEC(2008)2183; SEC(2008)2165; SEC(2008)2185; SEC(2008)2196)

The Commission adopted the proposal for a Directive in COM(2007)414/3, for transmission to the European Parliament, the Council, the Economic and Social Committee, the Committee of the Regions and the European Data Supervisor, and to the national parliaments, together with the impact assessment, a summary thereof and another document contained in staff papers SEC(2008)2163, SEC(2008)2164 and SEC(2008)2183, the contents of which were noted;

It also took note of the opinion of the Impact Assessment Board on the above proposal for a Directive, as set out in SEC(2008)2165.

22. COMMISSION COMMUNICATION TO PARLIAMENT, THE COUNCIL, THE ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – A COMMUNITY FRAMEWORK ON THE APPLICATION OF PATIENTS' RIGHTS IN CROSS-BORDER HEALTHCARE

(COM(2008)415 AND /2; SEC(2008)2183; SEC(2008)2185; SEC(2008)2196)

The Commission approved the communication in COM(2008)415/2 for transmission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the European Data Supervisor, and to the national parliaments, together with the document in staff paper SEC(2008)2183, the contents of which were noted.

23. RELATIONS WITH NON-MEMBER COUNTRIES

23.1. 21st EU-RUSSIA SUMMIT (26-27 JUNE, KHANTY-MANSIISK - SIBERIA)

The PRESIDENT briefly presented the results of the latest summit between the EU and Russia which was held in Khanty-Mansiïsk on 26 and 27 June. He welcomed the good relations established at this first meeting with Mr Dmitri Medvedev, the new President of the Russian Federation, as well as the constructive atmosphere and willingness to engage in dialogue which had characterised the talks, making it possible to reach agreement on seven cross-border cooperation programmes.

(2 July 2008)

He reported on the main topics raised by Mr Medvedev at the summit, particularly the idea of new security arrangements for Europe, the shortcomings in the present system of global economic governance, the role of Russia as a global actor, and the question of relations between Russia and an enlarged Europe.

The PRESIDENT stated that he had mentioned the need to strengthen the partnership between Russia and the EU as a whole, in addition to bilateral links, as well as the need to recognise that the principle of solidarity between the Member States constitutes one of the fundamental values of European integration.

He also pointed to the growing recognition of the strategic importance for both partners of joining forces to deal with current global challenges such as climate change, energy security, economic crises and oil prices.

The PRESIDENT then mentioned the main issues discussed at the summit, namely the new agreement, Russia's accession to the World Trade Organisation (WTO), a future free trade agreement, energy, timber export duties, the problems facing TNK-BP, and traffic congestion on the EU-Russia border.

He concluded by welcoming the official launching of negotiations on the new agreement with Russia which will replace the Partnership and Cooperation Agreement in force since 1997.

Ms FERRERO-WALDNER endorsed the comments by the PRESIDENT concerning the positive atmosphere of the summit. She welcomed Mr Medvedev's commitment to ensure that the rule of law is respected, to work towards developing and modernising the Russian economy, and to strengthen the partnership with the European Union. She also mentioned the need to work, from now on, on the conclusion of the new agreement with Russia, to make joint efforts to deal with the major challenges posed by

globalisation, particularly those relating to energy issues, and to contribute to solving certain international problems.

After this presentation, the Commission held a brief exchange of views during which the following items were raised:

- the preparation of a new agreement with Russia;
- the need to ensure continuity in international relations and to establish a climate of confidence in neighbourhood relations;
- the role of Russia and the European Union as regards global challenges;
- the Russian vision of a pan-European security organisation;
- Russia's prospects of joining the WTO;
- plant health standards applied to trade, particularly as regards pigmeat and poultry, and the question of timber exports;
- the outlook for signing the agreement on overflying Siberia.

The PRESIDENT and Ms FERRERO-WALDNER ended the exchange of views with some clarifications concerning progress in the various matters mentioned.

The Commission took note of this information.

**23.2. MINISTERIAL MEETING IN JEDDAH ON ENERGY AND THE 5TH
MINISTERIAL MEETING BETWEEN THE EU AND OPEC (21 AND 22
JUNE, JEDDAH)
(SEC(2008)2228 AND /2)**

The Commission took note of the information note from Mr PIEBALGS in SEC(2008)2228/2.

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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 13.00 hours.