



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2008)1841 final

Brussels, 10 September 2008

MINUTES
of the 1841st meeting of the Commission
held in Brussels
(Berlaymont)
on Tuesday 2 September 2008
(afternoon)

PV(2008)1841 final

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Single sitting: Tuesday 2 September 2008 (afternoon)

The sitting opened at 13.15 hours with Mr Barroso, President, in the chair.

Present:

Mr BARROSO	President	
Ms WALLSTRÖM	Vice-President	Items 1 to 6 (in part)
Mr VERHEUGEN	Vice-President	
Mr BARROT	Vice-President	
Mr KALLAS	Vice-President	
Ms REDING		Items 1 to 5 (in part)
Mr DIMAS		
Mr ALMUNIA		
Ms HÜBNER		
Mr BORG		
Ms GRYBAUSKAITĖ		Items 1 to 5 (in part)
Mr POTOČNIK		
Mr FIGEL'		
Mr REHN		
Mr MICHEL		Items 1 to 5 (in part)
Mr KOVÁCS		
Ms KROES		
Ms FISCHER BOEL		Items 1 to 6 (in part)
Ms FERRERO-WALDNER		
Mr McCREEVY		
Mr ŠPIDLA		
Mr MANDELSON		
Mr PIEBALGS		
Ms KUNEVA		
Mr ORBAN		
Ms VASSILIOU		

Absent:

Mr TAJANI

Vice-President

The PRESIDENT welcomed back the Members of the Commission after the summer recess. He ran briefly through the main international events since the end of July and thanked the Commission Members who had been on duty during that period and the Members' Offices and departments concerned.

* * *

1. AGENDAS

(OJ(2008)1841/3; SEC(2008)2332/2)

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)1841)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 1 September.

**3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1840TH MEETING
(23 JULY)**

(PV(2008)1840; PV(2008)1840, PART II)

The Commission approved the minutes of its 1840th meeting.

4. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2008)2334 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 22 July and 29 August.

4.2. EMPOWERMENT

(SEC(2008)2335 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 22 July and 29 August.

4.3. GENERAL EMPOWERMENT TO CORRECT ERRORS, INCLUDING MINOR ERRORS, IN TRANSLATIONS OF ACTS ADOPTED BY THE COMMISSION

(SEC(2008)2397 AND /2)

The Commission granted the empowerment as set out in SEC(2008)2397 to the Member of the Commission responsible for multilingualism.

4.4. DELEGATION AND SUBDELEGATION OF POWERS

(SEC(2008)2336 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 22 July and 29 August, as archived in e-Greffe.

**4.5. DELEGATION OF POWERS IN THE HEALTH FIELD –
IMPLEMENTATION OF THE SECOND COMMUNITY PROGRAMME
(2008-2013)
(SEC(2008)2395)**

The Commission decided to delegate to the Director-General responsible for Health and Consumers the power to adopt, on behalf of the Commission and under its responsibility, measures implementing the second programme of Community action in the field of health (2008-2013), according to the terms set out in SEC(2008)2395.

**4.6. DELEGATION OF POWERS IN THE HEALTH FIELD – TEMPORARY
MARKETING OF SEED WHICH DOES NOT SATISFY THE
REQUIREMENTS IN RESPECT OF MINIMUM GERMINATION
CAPACITY
(SEC(2008)2396)**

The Commission decided to delegate to the Director-General responsible for Health and Consumers the power to adopt, on behalf of the Commission and under its responsibility, the decisions provided for in Article 2(3) of Regulation (EC) 217/2006 as to whether or not requests by Member States temporarily to market seed which does not satisfy germination capacity requirements are justified, according to the terms set out in SEC(2008)2396.

**4.7. SENSITIVE WRITTEN PROCEDURES
(SEC(2008)2337)**

The Commission took note of the sensitive written procedures for which the time limit expired between 1 and 5 September.

5. INTERINSTITUTIONAL RELATIONS

(SEC(2008)2386)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 29 August (SEC(2008)2386).

It paid particular attention to the following:

5.1. LEGISLATIVE MATTERS

i) Preparation for September I part-session of Parliament

(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 – 1st reading

- Common regulatory framework for electronic communications networks and services, access to and interconnection and authorisation of such networks and services (Directive) / Universal service, users' rights relating to networks and services, processing of personal data, protection of privacy, consumer protection cooperation (Directive) / Creation of the European Electronic Communications Market Authority (Regulation) – TRAUTMANN / HARBOUR / DEL CASTILLO reports – 2007/0247 (COD) / 2007/0248 (COD) / 2007/0249 (COD).

The Commission approved the line set out in SP(2008)4244/6.

5.2. RELATIONS WITH THE COUNCIL

ii) Results of the Extraordinary European Council on the situation in Georgia (Brussels, 1 September) (SI(2008)800)

The PRESIDENT reported on the discussions at the extraordinary meeting of the European Council. He was pleased that, despite the risk of divisions suggested by some observers, the EU had demonstrated its unity and its ability to react swiftly to the crisis.

Discussions had focused on three aspects in particular: further diplomatic efforts, ways of supporting Georgia and the repercussions of the crisis for the EU's relations with Russia.

On the diplomatic front, the European Council had agreed on the need to react to Russia's failure to adhere fully to the six-point peace plan, despite the undertakings given. Also, a clear message had been sent to any countries that were tempted to join Russia in recognising the independence of Abkhazia and South Ossetia. The PRESIDENT himself, together with the President-in-Office of the Council, Mr Nicolas Sarkozy, and the High Representative for the Common Foreign and Security Policy, Mr Javier Solana, would be travelling to Moscow and Tbilisi the following week in order to pursue the dialogue and ask for full implementation of the six-point plan.

On the question of aid to Georgia, the PRESIDENT relayed the European Council's concern over the plight of displaced persons and its satisfaction at the swift and effective deployment of humanitarian aid and European civil protection mechanisms. There had been numerous calls for a substantial aid programme for Georgia in the short and medium term.

It had also been agreed to convey to Georgia that the summer's events had strengthened the EU's determination to forge closer relations with it. In this

context mention was made of the prospect of a free-trade agreement and an agreement on liberalising visas.

Regarding the EU's relations with Russia, the PRESIDENT noted the broad consensus among the Heads of State and Government on the need to take due account of the summer's events, while at the same time pursuing dialogue with Russia. This meant that the summit with Russia planned for November should still go ahead, but the September meetings on negotiating a new partnership agreement were being postponed for the time being and made conditional on the withdrawal of Russian troops. Similarly, all the new initiatives under way to forge closer links with Russia in fields such as research, cooperation with Europol and nuclear cooperation would have to be reviewed before the November summit.

The PRESIDENT then spelled out the tasks that fell to the Commission in particular in this new context: to press ahead with work on establishing an "Eastern partnership" with the aim of approving a communication by the end of 2008, to carry out a strategic analysis of EU energy policy and the measures to be taken to secure supply and diversify energy sources, and to pursue existing measures to help Georgia in the field of humanitarian aid and reconstruction.

Summing up, the PRESIDENT said that the European Council had confirmed both the commitments and responsibilities assumed by the EU since the crisis began and its determination to protect and promote European interests.

Lastly, he referred to the possible far-reaching consequences for the EU of the events in Georgia, both internally and in its relations with its neighbours. He stressed that this was a key moment for the EU, which would have to display creativity and cohesion in order to face the new challenges that were emerging.

Ms FERRERO-WALDNER began by thanking all the Commission Members who had worked on this issue while on duty over the summer.

She mentioned the various views expressed by the Member States before the meeting regarding the action to be taken in pursuing relations with Russia and stressed the crucial role played by the Commission in defining a line that was acceptable to everyone. This consisted of keeping up contacts based on the existing partnership and cooperation agreement while freezing work on the new agreement that was under preparation.

In this context she felt it was important for the PRESIDENT to take part in the visit to Moscow, given the major contribution the Commission could make to managing the crisis.

Ms FERRERO-WALDNER mentioned the humanitarian aid already deployed by the Union and the analysis of requirements currently under way. She would be requesting the release of substantial financial support for Georgia very shortly.

She also noted the strong requests by Georgia for closer integration with the EU which lent particular poignancy and urgency to the fundamental question of the nature of the EU's relations with several countries in the Region.

She ended by stressing the importance of the energy issue in this crisis and the need for the Union to consider quickly what approach to take in that field.

In the discussion that followed the following points were raised:

As regards relations with Russia

- the sound balance achieved by the European Council conclusions, which were realistic, and the case for not opting for sanctions against Russia, particularly of an economic nature;
- the importance of the high-level visit to Moscow scheduled for 8 September and the need for the EU to adopt a firm position on that occasion, but also the attention to be paid to the way in which the visit was presented and interpreted;

- the impact of this crisis on cooperation with Russia in fields such as research, despite the common interest in pursuing such cooperation;

As regards support for Georgia

- the economic difficulties which Georgia had to face, the resultant need for financial assistance to avoid negative social consequences, and the importance of organising as soon as possible the donors' conference mentioned in the conclusions;
- the possibility of an enhanced free-trade area with Georgia and the work still to be done on both sides to achieve that goal;
- the need for an appropriate political framework to accompany the financial assistance to Georgia;

As regards the energy dimension of the crisis

- Georgia's key role in the transit of oil and gas to the EU;
- The new prospects for diversifying energy supply, particularly in the Caspian Sea region, and in any event the case for exploring new avenues in energy policy;
- the importance of investing as quickly as possible in research and development to promote new energy sources;
- the urgent need for prompt adoption by the Council of the package of energy and climate change measures proposed by the Commission;
- the benefits to be gained from a regular presentation to the Commission on the situation in the energy field;

As regards the external repercussions of the conflict

- the possible impact of the crisis in Georgia on relations between the EU and Ukraine, in particular work on an enhanced free-trade agreement;

- the seriousness of the situation and the danger that it might last for some time and spread to other States in the Region; hence the need for a coherent EU response to these new circumstances and to offer tangible prospects to the countries concerned;
- the importance of China's standpoint on this crisis;
- Turkey's influence in the region and the new light which the conflict shed on its EU accession prospects; in this context the case for supporting Turkey in its reform efforts;
- the importance of a suitable response to the erroneous comparisons sometimes made by public opinion between the two breakaway regions of Georgia and the case of Kosovo;

As regards internal policies

- the fact that this crisis demonstrated the importance of a more integrated and united EU that overcame its internal differences and spoke with one voice on the international scene;
- praise for the acting Council Presidency's handling of the crisis.

Responding to the various comments made, Ms FERRERO-WALDNER said that a donors' conference should be held very soon so as to mobilise financial assistance for Georgia as quickly as possible. She shared the concerns that the crisis had potentially contagious effects in the region. She also agreed it was a good idea to report regularly, together with Mr PIEBALGS, on the external dimension of the Union's energy policy.

The PRESIDENT wound up the discussion by expressing once again his satisfaction that the European Council had displayed the EU's united front and pointing to the major contribution the Commission could make in the difficult context of this crisis and in the follow-up. Finally, he stressed the need to continue to monitor the situation very carefully.

The Commission took note of this information.

**iii) Informal meeting of Ministers of Economic and Financial Affairs
(Nice, 12 and 13 September) – measures taken in connection with the
rise in oil prices
(SEC(2008)2392 to /3)**

The Commission took note of the memos from Mr ALMUNIA and Mr PIEBALGS on oil price rises, distributed as SEC(2008)2392/3 and presented as part of the preparations for the informal meeting of Finance Ministers on 12 and 13 September.

5.3. RELATIONS WITH THE EUROPEAN PARLIAMENT

**iv) Action taken on Parliament's legislative opinions and non-legislative
resolutions
(point 3.3.1 of the IRG record)**

The Commission approved document SP(2008)4891 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 3.3.2 of the IRG record)**

The Commission approved document SP(2008)4967 on the action taken on the non-legislative resolutions adopted by Parliament at its June II part-session, for transmission to Parliament.

**vi) Preparation for the September I part-session – oral questions
(point 3.4 of the IRG record)**

H-0525/08, H-0526/08, H-0528/08, H-0530/08, H-0531/08, H-0533/08,
H-0535/08 (joint with H-0541/08), H-0537/08, H-0539/08, H-0543/08,
H-0544/08, H-0545/08, H-0546/08, H-0548/08, H-0549/08, H-0550/08,
H-0552/08, H-0553/08, H-0555/08, H-0557/08, H-0558/08, H-0559/08,

H-0560/08, H-0563/08, H-0564/08, H-0566/08, H-0569/08, H-0570/08, H-0572/08, H-0573/08, H-0574/08, H-0575/08, H-0580/08, H-0582/08, H-0584/08 and H-0586/08, H-0588/08, H-0590/08, H-0592/08, H-0594/08 (joint with H-0601/08), H-0596/08, H-0597/08, H-0599/08, H-0603/08, H-0604/08, H-0605/08, H-0606/08, H-0609/08, H-0611/08

The Commission approved the draft answers set out in SP(2008)4477 to /3, following the agreement reached between the Chefs de cabinet on revisions to some of these draft answers, and certain draft supplementary answers, revisions to answers and draft answers as set out in SP(2008)4477/4 *et seq.*

vii) Participation by Members of Parliament in international conferences
(point 3.7 of the IRG record)

- High-level forum on the effectiveness of development aid (Accra, 2-4 September)

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

6. RELATIONS WITH NON-MEMBER COUNTRIES

6.1. IMPLICATIONS OF THE CURRENT SITUATION IN MAURITANIA IN TERMS OF DEVELOPMENT AND THE IMPLEMENTATION OF THE FISHERIES AGREEMENT **(SEC(2008)2394)**

The Commission took note of the joint information note from Mr BORG and Mr MICHEL, distributed as SEC(2008)2394.

6.2. NEGOTIATIONS AT THE WORLD TRADE ORGANISATION **(GENEVA, 21 TO 30 JULY)**

Mr MANDELSON analysed the collapse of the Doha Development Agenda negotiations at the ministerial meeting of the World Trade Organisation (WTO) in Geneva in July. While this breakdown had led to great disappointment in the quarters concerned, it had had no immediate impact on markets, mainly because of the long-term objectives of trade policy. A complete breakdown of this negotiating round would result in a serious loss of confidence in the WTO, trade rules and the future opening-up of markets, and would certainly have negative effects on the entire multilateral trade system.

He said that at the start of this ministerial meeting in Geneva, the longest in the history of the WTO, all the actors concerned had displayed a genuine political will to succeed. After just one week of discussions, agreement had been reached on up to 95% of the issues to be settled in order to conclude the modalities, which would then have led to the final stage of the negotiations. However, regrettably, in the last few days of the meeting, the negotiations had collapsed over a special safeguard mechanism to protect agriculture in developing countries because the United States and India had rejected all compromise on this issue. China, while close to India's position, had shown more willingness to compromise.

He said that the United States and India, and not the European Union, were being clearly and quite rightly blamed by public opinion for the breakdown in the negotiations.

Mr MANDELSON considered that while the proposals put forward by the WTO Director General were not ideal, they formed the basis for an acceptable agreement which fully respected the limits set by the European Union, in particular in relation to agriculture. Moreover, despite reservations in some quarters, most Member States had been in favour of this package of proposals.

He felt that the proposed package would make it possible to establish a basis for access to new industrial markets in both developed and developing countries, in particular China. The emerging economies could also take advantage of a certain number of exceptions in terms of tariff reductions.

He pointed out that the results achieved in relation to non-agricultural market access (NAMA) fell short of the European Union's positions, as might be expected, and the results for agriculture were not entirely satisfactory for many countries.

As a result of the special ministerial meeting devoted to services, it had been possible to better assess the content of the final offer in this part of the negotiations. After very difficult discussions on intellectual property and geographical indications, agreement had been in sight, despite the very tough position adopted by the United States. Agreement had been close on bananas.

Mr MANDELSON also noted that some points had been set aside for subsequent discussion, such as the treatment of China as a recent member of the WTO, additional sectoral tariff reductions in the context of NAMA, and agricultural subsidies in the cotton sector, which were important issues for the EU but even more so for the United States.

As for the consequences of the breakdown in the negotiations and the possible outlook, Mr MANDELSON said that given, in particular, the uncertainty affecting the global economy, the EU needed this agreement, which would serve its long-term interests. The EU had special responsibility in the multilateral trade system and it must encourage vigorous and open world trade, and promote the key role played by the WTO.

He felt that it would be premature to draw irrevocable conclusions from these negotiations in terms of the EU's trade policy. None of the actors involved wanted to abandon the discussions, and many political contacts had taken place in August. Senior officials from a select group of countries might pursue these contacts in Geneva in the coming weeks to try to find a solution to the problem of the special safeguard mechanism in agriculture and to test the political will of the United States and India to continue the process. Bilateral discussions should take place between the United States and China as regards possible sectoral agreements in relation to NAMA.

Mr MANDELSON said that the Commission would pursue these discussions, within the limits of the agricultural proposals on the table, in order to complete the proposals in the other sectors. It would then evaluate the results obtained from the contacts involving the senior officials. It was unlikely that another WTO ministerial meeting would be scheduled before the new US administration took up office and before the results of the election in India next spring, although an earlier meeting could not be ruled out.

He noted, finally, that the European Union would have to examine in the coming weeks the response of the other WTO members to this new situation once the reports by the Chairmen of the agricultural and NAMA negotiating groups were issued.

Mr MANDELSON concluded by emphasising once again that these negotiations had almost succeeded thanks to the technical work and political commitment of the countries concerned, and that the European Union had played an important role as a facilitator. He would report to the Commission on any changes in the situation in the coming weeks and months. Special attention should be paid to possible developments in the United States and India.

Ms FISCHER BOEL then took the floor, saying that she agreed with Mr MANDELSON's assessment of the reasons for the collapse of the Geneva negotiations in July. The failure in relation to the agricultural sector in particular was especially regrettable because all the European Union's interests had been taken into account in the final compromise and the EU had not played any specific part in blocking the special safeguard mechanism for developing countries. Perception of the EU's role had changed and its efforts to ensure successful negotiations had been recognised by all.

She said that the limits set by the EU had basically been preserved. Some progress had been made, which the EU could only support, for instance as regards maintaining the special safeguard mechanism for seven years for certain products, and the complex issue of bananas.

She pointed out that the Member States had accepted all of the above and had recognised that the Commission had fully respected the mandate given it for the negotiations. As for the future, she expressed some scepticism about the United States' real political will to hold WTO negotiations during an electoral period.

Should the Doha Development Agenda negotiations be suspended for a long period of time, the European Union would have to start considering the free trade agreements currently being negotiated (such as the one with Mercosur), which should have a major impact on European agriculture. It should also discuss the best way of proceeding with the discussions in order to solve the banana issue.

Ms FISCHER BOEL concluded by saying that a more detailed assessment of the collapse of the Geneva negotiations should be produced in a few weeks, making it clearer how to proceed with the Doha Agenda.

From the ensuing brief discussion it became clear that a solution would have to be found for some issues, for instance in relation to bananas, even if there was no overall agreement in the context of the Doha Development Agenda.

The PRESIDENT thanked Mr MANDELSON and Ms FISCHER BOEL for their efforts and the considerable work they had done, underlining the fact that thanks to this, the European Union could not be held responsible for the breakdown in the negotiations. He pointed out that in agriculture, where the European "red lines" had been maintained, and in other domains, many points could be regarded as having been agreed should the negotiations be resumed. However, he considered that this might take some time, especially given the United State's electoral schedule.

The PRESIDENT concluded by asking Mr MANDELSON and Ms FISCHER BOEL to report regularly to the Commission on developments in this matter and, irrespective of the multilateral nature of these negotiations, on the other issues raised, for instance bananas and the free trade agreements.

The Commission took note of this information.

6.3. *POLITICAL SITUATION IN TURKEY*

Mr REHN referred to the outcome of the case before the Turkish Constitutional Court against the Justice and Development Party (AKP). He felt that a major political crisis had been avoided in Turkey. On 31 July the Constitutional Court had ruled that the AKP, the party in power in Turkey, had failed to abide by the principle of secularity. It had therefore imposed a financial penalty on the party, but had not ordered its dissolution; accordingly, none of the party's officials had been barred from engaging in political activities.

Mr REHN stressed the importance of this decision for Turkey's political stability. As soon as he had been informed of it, he had encouraged the Turkish authorities to relaunch immediately and actively pursue the reform efforts aimed at modernising the country, while insisting on the need to seek a consensus and to open up the dialogue to all sections of Turkish society. These points had already been made during the official visit to Turkey by the PRESIDENT and himself in April.

Mr REHN felt that, to encourage Turkey in its reforms, the EU should reiterate its commitments towards that candidate country and the enlargement process.

He also reported on the latest developments with a view to resolving the Cyprus problem. On 3 September talks had begun between the Cypriot President, Mr Demetris Christofias, and the Turkish Cypriot leader, Mr Mehmet Ali Talat, under the auspices of the UN and in the presence of Mr Alexander Downer, special adviser to the UN Secretary-General.

The two leaders enjoyed a cordial relationship and had expressed a willingness to progress towards a settlement. Mr REHN was also counting on constructive support from Turkey in this process. He hoped it would be

possible to reach an overall solution in the coming months, although a fair number of sensitive issues would have to be resolved first.

Mr REHN confirmed that the Commission would support this process, in particular by offering advice on questions relating to the *acquis communautaire*. He also promised to keep the Commission informed of developments in the talks.

A brief discussion followed, during which the following points in particular were raised:

- the substantial positive signals and the spirit of compromise and *rapprochement* between the main players, despite the importance and sensitivity of the questions outstanding;
- certain concerns regarding the suspension of a preparatory meeting planned on 29 August, following the decision by the Turkish Cypriot authorities not to open the Limnitis/Yeşilirmak crossing point on the demarcation line;
- the importance of all players involved, including the Turkish Cypriots, the Turkish authorities and the Turkish army, implementing the results achieved in the talks;
- the relevance for these talks of drawing lessons from the failure of previous negotiations.

The Commission took note of this information.

6.4. TRILATERAL COOPERATION EU-CHINA-AFRICA – VISIT TO CHINA (BEIJING, 27-31 AUGUST)
(SEC(2008)2407)

The Commission took note of the information note from Mr MICHEL in SEC(2008)2407.

**7. POLICY DEBATE ON THE FUTURE OF THE COMMON FISHERIES
POLICY**

(SEC(2008)2393)

On a proposal from the PRESIDENT, in agreement with Mr BORG, the Commission agreed, on account of the lack of time that day, to hold over the policy debate on the future of the common fisheries policy to its meeting on 17 September.

8. ANY OTHER BUSINESS

ECONOMIC DATA FOR THE SECOND QUARTER OF 2008

(SEC(2008)2398)

The Commission took note of the fact that, for lack of time, Mr ALMUNIA's presentation analysing the economic situation, set out in information note SEC(2008)2398, would be postponed for one week.

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The meeting closed at 15.55 hours.