



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

**PV(2008)1846 final**

Strasbourg, 21 October 2008

**MINUTES**

**of the 1846th meeting of the Commission**

**held in Brussels**

**(Berlaymont)**

**on Wednesday 8 October 2008**

**PV(2008)1846 final**

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**Single sitting: Wednesday 8 October 2008 (morning)**

The sitting opened at 11.55 with Mr BARROSO, President, in the chair. Items 12 and 13 were chaired by Ms WALLSTRÖM.

**Present:**

|                 |                |                           |
|-----------------|----------------|---------------------------|
| Mr BARROSO      | President      | Items 1 to 11             |
| Ms WALLSTRÖM    | Vice-President |                           |
| Mr VERHEUGEN    | Vice-President |                           |
| Mr BARROT       | Vice-President | Items 1 to 11             |
| Mr KALLAS       | Vice-President |                           |
| Mr TAJANI       | Vice-President | Items 1 to 11             |
| Ms REDING       |                | Items 1 to 12             |
| Mr ALMUNIA      |                | Items 1 to 12             |
| Ms GRYBAUSKAITĖ |                | Items 1 to 12             |
| Mr POTOČNIK     |                |                           |
| Mr FIGEL'       |                | Items 1 to 12             |
| Mr REHN         |                | Items 11 (in part) and 12 |
| Mr KOVÁCS       |                | Items 1 to 11             |
| Ms FISCHER BOEL |                |                           |
| Mr McCREEVY     |                |                           |
| Mr ŠPIDLA       |                |                           |
| Ms KUNEVA       |                | Items 1 to 12             |
| Mr ORBAN        |                |                           |
| Baroness ASHTON |                |                           |

Absent:

Mr DIMAS

Ms HÜBNER

Mr BORG

Mr MICHEL

Ms KROES

Ms FERRERO-WALDNER

Mr PIEBALGS

Ms VASSILIOU

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

|             |                                        |                         |
|-------------|----------------------------------------|-------------------------|
| Mr QUINN    | Deputy Chef de cabinet to Mr DIMAS     |                         |
| Mr LEMAITRE | Chef de cabinet to Ms HÜBNER           |                         |
| Mr KOEHLER  | Chef de cabinet to Mr BORG             | Items 1 to 12 (in part) |
| Mr STUCKENS | A member of Mr MICHEL's staff          | Items 1 to 11           |
| Mr CHILD    | Chef de cabinet to Ms FERRERO-WALDNER  |                         |
| Ms RASA     | A member of Mr PIEBALGS's staff        |                         |
| Ms SPANOU   | Deputy Chef de cabinet to Ms VASSILIOU |                         |

The following also sat in:

|                      |                                                             |                         |
|----------------------|-------------------------------------------------------------|-------------------------|
| Mr VALE DE ALMEIDA   | Chef de cabinet to the PRESIDENT                            | Items 1 to 11           |
| Ms DURAND            | Acting Director-General, Legal Service                      |                         |
| Mr CARVOUNIS         | Deputy Director-General, Communication DG                   |                         |
| Ms AHRENKILDE        | DG Communication – Commission's Spokesman's Service         | Items 1 to 13 (in part) |
| Mr GRAY              | DG Communication – Commission's Spokesman's Service         | Item 13 (in part)       |
| Mr GASPAR            | Acting Director-General, Bureau of European Policy Advisers | Item 11                 |
| Ms MARTÍNEZ ALBEROLA | A member of the PRESIDENT's staff                           | Items 12 and 13         |
| Mr POWER             | Chef de cabinet to Mr McCREEVY                              | Item 11                 |
| Mr BELL              | Chef de cabinet to Ms KUNEVA                                | Items 1 to 12           |
| Ms ZWAENPOEL         | A member of Ms KUNEVA's staff                               | Items 1 to 12           |

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

The PRESIDENT paid tribute to Lord THOMSON, Member of the Commission from 1973 to 1977, who died on 3 October.

Lord THOMSON would be remembered as a fine and exceptional man, who was in many respects a pioneer. He was one of the first two in a distinguished line of UK Members of the Commission, the most recent of whom was being welcomed that day. He served as Commissioner responsible for regional policy at a time when cohesion policy became a key area of the Community's work and one that was among the closest and most accessible to ordinary Europeans.

Lord THOMSON was a man of conviction, who resigned from the front bench because of his pro-European views; he had an inquisitive mind and was a key figure in British radio and television broadcasting; he was a man of integrity who was chosen to sit on the UK Committee on Standards in Public Life; and he was a passionate supporter of Europe who left a strong mark on this institution.

The PRESIDENT offered his sincere condolences to Lord THOMSON's family and friends. He was joined in this by all the Members of the Commission.

\* \* \*

The PRESIDENT welcomed Baroness ASHTON of Upholland, the new Member of the Commission appointed to replace Mr MANDELSON.

He was sure that Baroness ASHTON would contribute effectively to the achievement of the goals of the present Commission and wished her every success in the performance of her new duties.

The PRESIDENT also praised Mr MANDELSON, who had now joined the UK Government, for his excellent contribution to the Commission's work since November 2004.

\* \* \*

**1. AGENDAS**

**(OJ(2008)1846/3; SEC(2008)2553/2)**

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)1846)**

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 6 October.

**3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1845th MEETING  
(1 OCTOBER)**

**(PV(2008)1845; PV(2008)1845, PART II)**

The Commission approved the minutes of its 1845th meeting.

**4. MONITORING THE APPLICATION OF COMMUNITY LAW**

***STATE AID – INDIVIDUAL CASES – RECAPITULATIVE LIST***  
**(SEC(2008)2586; SEC(2008)2585)**

The Commission adopted the decisions in SEC(2008)2586.

## **5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS**

### **5.1. *WRITTEN PROCEDURES APPROVED***

***(SEC(2008)2555 ET SEQ.)***

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 29 September and 3 October.

### **5.2. *EMPOWERMENT***

***(SEC(2008)2556 ET SEQ.)***

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 29 September and 3 October.

### **5.3. *CORRIGENDUM TO THE TEMPORARY EMPOWERMENT GRANTED BY THE COMMISSION ON 1 OCTOBER CONCERNING THE ADOPTION OF CERTAIN POSITIVE DECISIONS ON EMERGENCY RESCUE MEASURES IN FAVOUR OF FINANCIAL INSTITUTIONS*** ***(SEC(2008)2575/2)***

The Commission adopted the corrigendum to the temporary empowerment granted by the Commission on 1 October (see PV(2008)1845, item 10.4), as set out in SEC(2008)2575/2.

### **5.4. *DELEGATION AND SUBDELEGATION OF POWERS***

***(SEC(2008)2557 ET SEQ.)***

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 29 September and 3 October, as archived in e-Greffe.

### **5.5. SENSITIVE WRITTEN PROCEDURES**

**(SEC(2008)2558 AND /2)**

The Commission took note of the sensitive written procedures for which the time limit expired between 6 and 10 October and of the "finalisation" written procedure initiated following the weekly meeting of Chefs de cabinet on 6 October.

## **6. ADMINISTRATIVE AND BUDGETARY MATTERS**

**(SEC(2008)2554)**

### **ADMINISTRATIVE MATTERS**

**(PERS(2008)131)**

#### **6.1. DG ENERGY AND TRANSPORT – APPOINTMENT OF AD/14 DIRECTOR OF THE EXECUTIVE AGENCY FOR COMPETITIVENESS AND INNOVATION**

**(PERS(2008)85 TO /3)**

The Commission had before it applications for the post of Director of the Executive Agency for Competitiveness and Innovation (PERS(2008)85).

The Commission took note of the opinions of the Consultative Committee on Appointments of 20 June and 10 July 2008 (PERS(2008)85/2 and /3).

The Commission took note of the information set out in point 1 of document PERS(2008)131 and proceeded to consider the applicant's qualifications for the post. On a proposal from Mr KALLAS, in agreement with the PRESIDENT, Mr VERHEUGEN, Mr TAJANI and Mr PIEBALGS, the Commission decided:

- to appoint Mr Patrick LAMBERT to the post of Director of the Executive Agency for Competitiveness and Innovation;

(8 October 2008)

- to second Mr Patrick LAMBERT, in the interest of the service, to the post of Director of the Executive Agency for Competitiveness and Innovation, as an AD14 member of the temporary staff, for a period of five years.

This decision would take effect on 1 January 2009.

**6.2. *DG AGRICULTURE AND RURAL DEVELOPMENT – TERMINATION OF THE INTERNAL SELECTION PROCEDURE FOR AN AD14/15 DIRECTOR POST***  
***(PERS(2007)23)***

The Commission took note of the information set out at point 2 of PERS(2008)131 and, on a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms FISCHER-BOEL, decided to terminate selection procedure COM/2007/74 for the post of Director (International affairs I, in particular multilateral negotiations) in the Directorate-General for Agriculture and Rural Development.

This decision would take effect immediately.

**6.3. *RECRUITMENT OF OFFICIALS AND TEMPORARY STAFF FROM THE NEW MEMBER STATES (EU-10 AND EU-2) IN THE COMMISSION – SITUATION AT 1 AUGUST 2008 AND NEXT STEPS***  
***(SEC(2008)2584 AND /2; SEC(2008)2587)***

The Commission took note of the report from Mr KALLAS, in agreement with the PRESIDENT, as set out in SEC(2008)2584/2.

**6.4. *DRAFT PROPOSAL FOR A COUNCIL REGULATION AMENDING THE CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS OF THE EUROPEAN COMMUNITIES – PARLIAMENTARY ASSISTANTS***  
***(SEC(2008)2604)***

Mr KALLAS explained that the draft proposal for a Council Regulation he was tabling for the Commission's approval was budgetary neutral. He stressed

that this initiative was simply a response to an urgent request by the President of the European Parliament to bring parliamentary assistants under the Staff Regulations and the Conditions of employment of other servants as soon as possible. He stated that in this context the Commission did not wish to open up a debate on other aspects of the Staff Regulations and the Conditions of employment of other servants and pointed out that, if that were to happen, the Commission could, under the rules in force, withdraw the proposal.

Having noted these points and the information set out in point 4 of PERS(2008) 131, the Commission:

- took note of the explanatory memorandum and approved the draft proposal for a Council Regulation set out in SEC(2008)2604;
- authorised Mr KALLAS to begin consultations on this basis with the trade unions and staff associations, the Staff Regulations Committee and the Central Staff Committee.

**6.5. *RULES GOVERNING THE COMPOSITION OF MEMBERS' CABINETS  
AND THE APPOINTMENT OF SPOKESPERSONS  
(SEC(2008)2602)***

The Commission took note of the information note from Mr KALLAS, in agreement with the PRESIDENT, distributed as SEC(2008)2602.

**7. DECISIONS BY THE COMMISSION PRESIDENT ON THE  
ORGANISATION OF RESPONSIBILITIES OF THE MEMBERS OF THE  
COMMISSION  
(C(2008)5896)**

The Commission had before it a memorandum from the PRESIDENT, distributed as C(2008)5896, and accordingly:

- took note of the changes in the allocation of portfolios decided on by the PRESIDENT, as set out in C(2008)5896;
- took note of the departments falling under the responsibility of the Commission Member concerned by the portfolio changes, the details of which were set out in the annex to the PRESIDENT's decision in C(2008)5896;
- took note of the order of precedence among the Members of the Commission, as established by the PRESIDENT and set out in C(2008)5896.

**8. COMMISSION REPORT TO THE EUROPEAN PARLIAMENT AND THE COUNCIL ON THE APPLICATION OF DIRECTIVE 2003/86/EC ON THE RIGHT TO FAMILY REUNIFICATION  
(COM(2008)610 TO /3; SEC(2008)2542)**

The Commission approved the report in COM(2008)610/3 for transmission to the European Parliament and the Council, and to the national parliaments.

**9. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS - STRENGTHENING THE GLOBAL APPROACH TO MIGRATION: INCREASING COORDINATION, COHERENCE AND SYNERGIES  
(COM(2008)611 TO /3; SEC(2008)2542)**

The Commission approved the communication in COM(2008)611/3 for transmission to Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, and to the national parliaments.

## **10. ANY OTHER BUSINESS**

### ***EU STRATEGY FOR THE BALTIC SEA REGION***

***(SEC(2008)2627)***

The Commission took note of the information note from Ms HÜBNER distributed as SEC(2008)2627.

## **11. INTERINSTITUTIONAL RELATIONS**

**(SEC(2008)2559)**

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 3 October (SEC(2008)2559).

It paid particular attention to the following points.

### ***11.1. LEGISLATIVE MATTERS***

#### **i) Preparation of the Transport, Telecommunications and Energy Council (Luxembourg, 9 and 10 October)**

(Point 1.3 of the IRG record)

- Compliance with flag State requirements (Directive) / civil liability and financial guarantees of shipowners (Directive) FERNANDES / SAVARY reports – 2005/0236 (COD) / 2005/0242 (COD)

The Commission authorised Mr TAJANI to accept a Council Presidency compromise at the Transport, Telecommunications and Energy Council meeting on 9 and 10 October with a view to securing political agreement by qualified majority on the two common positions, following the line set out in SI(2008)1314.

- Common rules for the internal market for electricity (Directive) / common rules for the internal market for natural gas (Directive) / setting-

up of the Agency for the Cooperation of Energy Regulators (Regulation) / conditions for access to the network for cross-border exchanges in electricity (Regulation) / conditions for access to the natural gas transmission networks (Regulation) – MORGAN / CHICHESTER / VIDAL-QUADRAS / LA RUSSA / PAPARIZOV reports – 2007/0195 (COD) / 2007/0196 (COD) / 2007/0197 (COD) / 2007/0198 (COD) / 2007/0199 (COD)

The Commission authorised Mr PIEBALGS to support a Presidency compromise with a view to reaching a common position at the Transport, Telecommunications and Energy Council meeting on 9 and 10 October, following the line set out in SI(2008)1315/2.

## ***11.2. RELATIONS WITH THE COUNCIL***

### **ii) Programming of Council business**

(SI(2008)1317)

The Commission took note of the information in SI(2008)1317 on the Council meetings between 2 and 15 October.

### **iii) Results of the informal meeting of Agriculture Ministers (Annecy, 23 September) and of the Agriculture and Fisheries Council (Brussels, 29 and 30 September)**

(SI(2008)1305; SI(2008)1318)

– Future of the common agricultural policy after 2013

The Commission decided to defer this item to a later date.

### **iv) Results of the meetings of the European members of the G8 (Paris, 4 October) and of the Economic and Financial Affairs Council (Luxembourg, 7 October)**

The PRESIDENT, Mr ALMUNIA and Mr McCREEVY reported on the outcome of the summit of European members of the G8 on the financial

crisis, held in Paris on 4 October, and the meeting of the Economic and Financial Affairs Council held in Luxembourg on 7 October, in the context of preparing the European Council on 15 and 16 October. After these statements, the Commission held an exchange of views during which the following points were raised:

- the high expectations that the EU would produce a concerted European response to the current financial crisis, given the complexity and interconnected nature of the financial markets;
- the measures taken at national level;
- the importance of striving to restore consumer and business confidence in Europe, ensuring the proper functioning of the financial sector and, more generally, stepping up efforts to limit the impact of the financial crisis on the real economy.

Following this exchange of views, the PRESIDENT pointed out that, although the crisis had originated outside the Union, it had now assumed global proportions and a European approach to tackling it would have to be worked out, with due regard for the powers and responsibilities of the various players at European and national level.

He understood the rapid and specific national measures taken in response to the most urgent situations. Here the Commission had fully played its role of ensuring compliance with the competition and state aid rules, while acting with all the required speed and flexibility. This had been welcomed by the Finance Ministers. It was vital in this crisis that action be taken at European level in a concerted and coordinated manner. The PRESIDENT also drew attention to the initiatives already proposed by the Commission and the practical measures that would be put forward shortly, in particular to tighten financial supervision.

He acknowledged the need to act with a degree of caution and to avoid creating unrealistic expectations, so that balanced solutions were proposed that could restore consumer and business confidence.

He also recommended that thought be given in the longer term to the workings of the financial markets. He would be presenting to Parliament that day a draft initiative aimed at setting up a high-level group of experts.

Lastly, he noted there was a common resolve to work towards coordinated and concerted responses to the crisis. He was convinced that, in the medium term, the Commission had an important role to play in presenting arguments and providing political impetus, within its remit, in order to come up with Europe-wide solutions.

The Commission took note of this information.

### ***11.3. RELATIONS WITH THE EUROPEAN PARLIAMENT***

#### **v) Action taken on Parliament's non-legislative resolutions** (point 3.5.2 of the IRG record)

Further to documents SP(2008)5307 to /5, approved by the Commission at its 1843rd and 1844th meetings on 17 and 23 September (see PV(2008)1843, item 9.3 and PV(2008)1844, item 12.3), the Commission approved SP(2008)5307/7 on the action taken on the non-legislative resolutions adopted by Parliament at its July part-session, for transmission to Parliament.

### ***11.4. RELATIONS WITH THE ECONOMIC AND SOCIAL COMMITTEE, THE COMMITTEE OF THE REGIONS, THE EUROPEAN OMBUDSMAN AND NATIONAL PARLIAMENTS***

#### **vi) Follow-up to Committee of the Regions opinions – February and April sessions** (Point 4.1 of the IRG record)

The Commission approved the replies to the opinions adopted by the Committee of the Regions during the sessions in February and April 2008, contained in the document distributed as SR(2008)24/2, for transmission to the Committee of the Regions.

#### **11.5. OTHER BUSINESS**

- vii) Joint political declaration – "*Communicating Europe in Partnership*"**  
(Point 5.1 of the IRG record)

The Commission authorised Ms WALLSTRÖM, acting on its behalf, to sign the joint political declaration set out in SPI(2008)71 on 15 October, following the line set out in that document.

### **12. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON CONSUMER RIGHTS (COM(2008)614 TO /4; SEC(2008)2547; SEC(2008)2544; SEC(2008)2545; SEC(2008)2546; SEC(2008)2549)**

Ms KUNEVA introduced the proposal for a Directive which she was presenting to the Commission for adoption. She highlighted the importance of this initiative, which replaced and simplified four existing directives, rationalising and substantially developing the current legislation on consumer protection. She explained that the main objective was to replace the 27 different bodies of regulations existing in the Member States, to establish a single, horizontal consumer rights instrument for the entire European Union and to create a genuine internal market for consumers.

She set out the most important rights introduced or reinforced by the proposed Directive, such as strict rules on product delivery, a ban on extra hidden and undeclared costs, an enhanced right of withdrawal, the outlawing of pre-ticked boxes online, a transparency clause for contracts between businesses and

consumers, measures to combat the aggressive off-premises selling, measures to close the loopholes in distance-selling, the inclusion of sales by mobile telephone and television sales spots, and a "black" list of contract terms always considered unfair and a "grey" list of terms presumed to be unfair unless proved otherwise, in order better to protect consumers against hidden conditions.

She also stated that these rules would help to improve consumers' legal certainty, particularly in electronic or cross-border purchases, an increasingly important area where the same level of consumer protection would apply across the European Union. The initiative would enhance the confidence of consumers and markets and help to reduce consumer prices for transactions throughout the EU. It also linked up with Community legislation on consumer protection in the financial services sector. Finally, she cited the considerable benefits to companies, the impact analysis having concluded that the administrative costs of companies operating in the field of cross-border sales would be significantly reduced once the Directive was transposed.

Ms KUNEVA noted that the initiative sought to replace minimal harmonisation of Community law on consumer contracts by full and targeted harmonisation. She felt it struck the right balance between the need to ensure a high level of consumer protection and the importance of maintaining the competitiveness of European businesses. Although the level of protection already existing in certain Member States was higher than that which would be achieved by transposing the Directive, the benefits of a system of standard rules for consumers and markets would easily outweigh those of altering certain protection thresholds. Finally, she thanked the Members of the Commission and the departments for their excellent cooperation during the preparatory stages.

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

- support for the objectives of the initiative and particularly the principle of total harmonisation of Community law on consumer contracts;
- the importance of effective consumer protection mechanisms in the context of the internal market;

- the importance of measures to boost the confidence of consumers and markets, particularly given the current developments in the financial markets;
- the need to put an end to market fragmentation and competition restrictions and to give consumers and companies greater legal certainty and choice;
- the contribution this initiative could make to reducing consumer prices;
- questions concerning the choice of legislative instrument and the fact that a directive was a more appropriate means of attaining the initiative's objectives than a regulation;
- the specific situation of the Member States that had a higher level of protection than that proposed, and how the reduction in certain standards of protection might be viewed there; consumers' sensitivities in this area and the importance of taking them into account in the communication activities connected with the dossier;
- the close watch the Commission intended to keep on the initiative during the legislative process in the other institutions.

After this exchange of views, the Commission adopted the proposal for a Directive of the European Parliament and of the Council in COM(2008)614/4 for transmission to Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the national parliaments, together with the impact assessment and its summary in staff papers SEC(2008)2547, SEC(2008)2544 and SEC(2008)2545 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 Directive, as set out in SEC(2008)2546.

### 13. RELATIONS WITH NON-MEMBER COUNTRIES

***PREPARATION OF THE NEXT MEETING OF THE TRANSATLANTIC  
ECONOMIC COUNCIL (WASHINGTON, 16 OCTOBER)  
(SEC(2008)2605)***

Mr VERHEUGEN, in the terms which had previously been agreed with the PRESIDENT, briefly explained that, for internal reasons connected in particular with the length of the interinstitutional procedure for replacing Mr MANDELSON and the fact that other members were unable to attend the meeting in question, it had been agreed with the PRESIDENT that they should suggest to their American counterparts that the meeting be postponed for a few weeks. It seemed from the preliminary contacts that had already taken place on the subject that it might be possible to hold the meeting in the second half of November.

Mr VERHEUGEN reaffirmed the high priority attached to the work of this Council and the importance of the topics discussed. He underlines the necessity to deal with the attendance to these meetings as a political priority. He felt that the proposed postponement would at least allow scope for fine-tuning the agenda for the meeting. He said that in the meantime, to signal the Commission's commitment to transatlantic dialogue, he would be going to Washington the following week for meetings outside the formal framework of the Transatlantic Economic Council.

The Commission took note of this information and of Mr VERHEUGEN's briefing note in SEC(2008)2605.

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The meeting closed at 13.42.

