



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

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Brussels, 16 December 2008

MINUTES
of the 1855th meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 10 December 2008
(morning)

PV(2008)1855 final

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Single sitting: Wednesday 10 December 2008 (morning)

The sitting opened at 9.12 in the Jean Monnet room with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	President	
Ms WALLSTRÖM	Vice-President	
Mr VERHEUGEN	Vice-President	Items 1 to 16 (in part)
Mr BARROT	Vice-President	
Mr KALLAS	Vice-President	
Mr TAJANI	Vice-President	
Ms REDING		Items 10/15 (in part) to 17
Mr ALMUNIA		
Ms HÜBNER		
Mr BORG		
Ms GRYBAUSKAITĖ		
Mr POTOČNIK		
Mr FIGEL'		
Mr KOVÁCS		
Ms FISCHER BOEL		
Mr McCREEVY		Items 1 to 16
Mr ŠPIDLA		
Mr PIEBALGS		
Ms KUNEVA		
Mr ORBAN		
Ms VASSILIOU		
Baroness ASHTON		Items 1 to 10/15 (in part)

Absent:

Mr DIMAS

Mr REHN

Mr MICHEL

Ms KROES

Ms FERRERO-WALDNER

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

Mr QUINN	Deputy Chef de cabinet to Mr DIMAS	
Mr PESONEN	Chef de cabinet to Mr REHN	
Mr DOENS	Chef de cabinet to Mr MICHEL	Items 1 to 17
Ms BOIX ALONSO	Deputy Chef de cabinet to Ms KROES	Items 10 to 18
Mr CHILD	Chef de cabinet to Ms FERRERO-WALDNER	

The following also sat in:

Mr VALE DE ALMEIDA	Chef de cabinet to the PRESIDENT	Items 16 to 18
Mr THEBAULT	Deputy Chef de cabinet to the PRESIDENT	Items 1 to 16
Ms DURAND	Director-General, Legal Service	
Mr CARVOUNIS	Deputy Director-General, Communication DG	
Mr LAITENBERGER	Commission Spokesman	Items 10/15 (in part) to 18
Mr GRAY	DG Communication – Commission Spokesman's Service	Items 1 to 10/15 (in part)
Mr GASPAR	Acting Director-General, Bureau of European Policy Advisers	
Ms MARTÍNEZ ALBEROLA	A member of the PRESIDENT's staff	Items 1 to 15
Ms ERLER	Chef de cabinet to Mr VERHEUGEN	Items 1 to 15
Mr PRONK	Adviser in Ms REDING's office	Item 18
Mr BRUNET	Chef de cabinet to Ms VASSILIOU	Items 1 to 15
Ms WENDT	A member of Baroness ASHTON's staff	Items 16 to 18

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

1. AGENDAS

(OJ(2008)1855/3; SEC(2008)2994/2)

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)1855)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 8 December.

**3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1854th MEETING
(3 DECEMBER)**

(PV(2008)1854; PV(2008)1854, Part II)

The Commission approved the minutes of its 1854th meeting.

4. MONITORING THE APPLICATION OF COMMUNITY LAW

STATE AID – INDIVIDUAL CASES – RECAPITULATIVE LIST

(SEC(2008)3020; SEC(2008)3019)

The Commission adopted the decisions in SEC(2008)3020.

As regards the decision in case N 11/2008 on the public financing of a port infrastructure project, the Commission noted that this decision was without prejudice to the outcome of the forthcoming work on guidelines on the port sector.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. *WRITTEN PROCEDURES APPROVED*
(SEC(2008)2997 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 1 and 5 December.

5.2. *EMPOWERMENT*
(SEC(2008)2998 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 1 and 5 December.

5.3. *DELEGATION AND SUBDELEGATION OF POWERS*
(SEC(2008)2999 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 1 and 5 December, as archived in e-Greffe.

5.4. *SENSITIVE WRITTEN PROCEDURES*
(SEC(2008)3001)

The Commission took note of the sensitive written procedures for which the time limit expired between 8 and 12 December and of the "finalisation" written procedures initiated following the weekly meeting of Chefs de cabinet on 1 December.

6. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2008)2996/3)

ADMINISTRATIVE MATTERS
(PERS(2008)158/2)

6.1. DG EXTERNAL RELATIONS – APPOINTMENT OF AD15 DIRECTOR

On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms FERRERO-WALDNER, the Commission decided, under Article 7 of the Staff Regulations, to fill the post of Director, Headquarters Resources, Information, Interinstitutional Relations, in the Directorate-General for External Relations by transferring in the interests of the service Mr Tung-Lai MARGUE, AD15 official and currently Director, General Affairs, in the Directorate-General for Justice, Freedom and Security.

This decision would take effect on a date to be determined.

6.2. DG COMMUNICATION AND DG DEVELOPMENT – AMENDMENT OF ORGANISATION CHART AND SECONDMENT OF AN AD15 OFFICIAL IN THE INTERESTS OF THE SERVICE UNDER ARTICLES 37 AND 38 OF THE STAFF REGULATIONS

The Commission took note of the information in point 2 of PERS(2008)158/2 and, on a proposal from Mr KALLAS, in agreement with the PRESIDENT, Ms WALLSTRÖM and Mr MICHEL, decided:

- to create a function of Chief Adviser in the Directorate-General for Development and Relations with African, Caribbean and Pacific States, with immediate effect, and to dispense with that function after the departure of the holder of the post;
- to end the assignment of Mr Anders HENRIKSSON, an AD15 official, to the post of Head of Representation in Stockholm in the Directorate-General for Communication, with effect from 15 December 2008;

- to appoint Mr Anders HENRIKSSON to the post of Chief Adviser in the Directorate-General for Development and Relations with African, Caribbean and Pacific States with effect from 16 December 2008;
- to second Mr Anders HENRIKSSON in the interests of the service, under Articles 37 and 38 of the Staff Regulations, to the Swedish Ministry of Foreign Affairs from 16 January 2009 to 31 December 2010.

**6.3. DG PERSONNEL AND ADMINISTRATION – APPOINTMENT OF
AD14 DIRECTOR (EU-12)
(PERS(2008)16 TO /5)**

The Commission had before it applications under Article 29(2) of the Staff Regulations for the post of Director, Social Welfare and Health Policies, in the Directorate-General for Personnel and Administration (PERS(2008)16 to /3).

The Commission took note of the opinions of the Consultative Committee on Appointments of 29 September and 13 November (PERS(2008)16/4 and /5).

It proceeded to compare the applicants' qualifications for the post. On a proposal from Mr KALLAS, in agreement with the PRESIDENT, the Commission then decided to appoint Mr Marco Umberto MORICCA to the vacant post.

This decision would take effect on a date to be determined.

**6.4. DG PERSONNEL AND ADMINISTRATION – APPOINTMENT OF
RAPPORTEURS IN THE PROCEDURE FOR FILLING SENIOR
MANAGEMENT POSTS
(PERS(2008)159)**

Having noted the information at point 4 of PERS(2008)158/2, the Commission, on a proposal from Mr KALLAS, in agreement with the PRESIDENT, decided:

- to take note of the communication in PERS(2008)159;
- to confirm the list of the ten current rapporteurs, set out in Annex 1 to PERS(2008)159;
- to appoint 18 new rapporteurs, as listed in Annex 2 to PERS(2008)159, in accordance with Article 7 of the Commission decision laying down the rules of procedure for the Consultative Committee on Appointments.

These decisions would take effect on 1 January 2009.

**6.5. PROPOSAL FOR A COUNCIL REGULATION AMENDING THE
CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS OF THE
EUROPEAN COMMUNITIES – PARLIAMENTARY ASSISTANTS –
STATE OF PLAY
(SEC(2008)3062/2)**

The Commission took note of SEC(2008)3062/2 and authorised Mr KALLAS to pursue contacts with Parliament and the Council in order to reach an agreement following the line set out in that document.

**7. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT AND THE COUNCIL CONCERNING THE REVISION OF
THE MULTIANNUAL FINANCIAL FRAMEWORK (2007-2013) –
PROPOSAL FOR A DECISION OF THE EUROPEAN PARLIAMENT AND
OF THE COUNCIL AMENDING THE INTERINSTITUTIONAL
AGREEMENT OF 17 MAY 2006 ON BUDGETARY DISCIPLINE AND
SOUND FINANCIAL MANAGEMENT AS REGARDS THE
MULTIANNUAL FINANCIAL FRAMEWORK
(COM(2008)859 AND /2)**

The Commission approved the communication and adopted the proposal for a decision in COM(2008)859, for transmission to Parliament and the Council, and to

the national parliaments.

**8. GREEN PAPER ON THE EUROPEAN WORKFORCE FOR HEALTH
(COM(2008)725 TO /3; SEC(2008)2782)**

The Commission approved the Green Paper in COM(2008)725/3, for transmission to the European Parliament, the Council, the Economic and Social Committee, the Committee of the Regions, and to the national parliaments.

9. RELATIONS WITH NON-MEMBER COUNTRIES

**9.1. EU-BRAZIL PARTNERSHIP ON ENERGY (SÃO PAULO,
19-21 NOVEMBER)
(SEC(2008)3063)**

The Commission took note of the information note from Mr PIEBALGS in SEC(2008)3063.

**9.2. UN CONFERENCE ON FINANCING FOR DEVELOPMENT (DOHA,
QATAR, 29 NOVEMBER – 2 DECEMBER)
(SEC(2008)3066)**

The Commission took note of the information note from the PRESIDENT and Mr MICHEL, distributed as SEC(2008)3066.

**9.3. NINTH MINISTERIAL MEETING OF THE GLOBAL HEALTH
SECURITY INITIATIVE (BRUSSELS, 5 DECEMBER)
(SEC(2008)3068)**

The Commission took note of the information from Ms VASSILIOU in SEC(2008)3068.

- 10. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS - SAFE, INNOVATIVE AND ACCESSIBLE MEDICINES: A RENEWED VISION FOR THE PHARMACEUTICAL SECTOR**
(COM(2008)666 TO /4; SEC(2008)2682 AND /2)
- 11. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING DIRECTIVE 2001/83/EC AS REGARDS THE PREVENTION OF THE ENTRY INTO THE LEGAL SUPPLY CHAIN OF MEDICINAL PRODUCTS WHICH ARE FALSIFIED IN RELATION TO THEIR IDENTITY, HISTORY OR SOURCE**
(COM(2008)668 TO /4; SEC(2008)2674; SEC(2008)2675; SEC(2008)2679; SEC(2008)2682 AND /2)
- 12. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING, AS REGARDS INFORMATION TO THE GENERAL PUBLIC ON MEDICINAL PRODUCTS FOR HUMAN USE SUBJECT TO MEDICAL PRESCRIPTION, REGULATION (EC) NO 726/2004 LAYING DOWN COMMUNITY PROCEDURES FOR THE AUTHORISATION AND SUPERVISION OF MEDICINAL PRODUCTS FOR HUMAN AND VETERINARY USE AND ESTABLISHING A EUROPEAN MEDICINES AGENCY**
(COM(2008)662 AND /2; SEC(2008)2667; SEC(2008)2668; SEC(2008)2669; SEC(2008)2677; SEC(2008)2682 AND /2)

13. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING, AS REGARDS INFORMATION TO THE GENERAL PUBLIC ON MEDICINAL PRODUCTS SUBJECT TO MEDICAL PRESCRIPTION, DIRECTIVE 2001/83/EC ON THE COMMUNITY CODE RELATING TO MEDICINAL PRODUCTS FOR HUMAN USE

(COM(2008)663 TO /3; SEC(2008)2667; SEC(2008)2668; SEC(2008)2669; SEC(2008)2677; SEC(2008)2682 AND /2)

14. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING, AS REGARDS PHARMACOVIGILANCE OF MEDICINAL PRODUCTS FOR HUMAN USE, REGULATION (EC) NO 726/2004 LAYING DOWN COMMUNITY PROCEDURES FOR THE AUTHORISATION AND SUPERVISION OF MEDICINAL PRODUCTS FOR HUMAN AND VETERINARY USE AND ESTABLISHING A EUROPEAN MEDICINES AGENCY

(COM(2008)664 TO /3; SEC(2008)2670; SEC(2008)2671; SEC(2008)2672; SEC(2008)2678; SEC(2008)2682 AND /2)

15. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING, AS REGARDS PHARMACOVIGILANCE, DIRECTIVE 2001/83/EC ON THE COMMUNITY CODE RELATING TO MEDICINAL PRODUCTS FOR HUMAN USE

(COM(2008)665 TO /3; SEC(2008)2670; SEC(2008)2671; SEC(2008)2672; SEC(2008)2678; SEC(2008)2682 AND /2)

Mr VERHEUGEN presented the Communication and the series of proposals listed under items 10 to 15 of these minutes, emphasising their coherence, complexity and scope. He pointed out that the demography of Europe made health a particularly important subject for its citizens, and that there was a clear need for safety, innovation and information in this field. He described briefly the Communication

and the legislative proposals, pointing out that agreement on the key aspects of these texts had already been reached during the preparatory meetings.

With regard in particular to the proposal for a Directive concerning information to the public (item 13), which was the subject of COM(2008)663/3 and the text of which required additional discussion, he indicated the changes he was prepared to make. These related to the provisions on the placing on the market of medicines in the specific cases of certain Member States where the market was smaller, and to ex ante and ex post control of information (recital 14 and Article 100g). The text now provided for the principle of ex ante control except - in order to take into account the constitutional difficulties of certain Member States - where the information disseminated had already been controlled at the time when the medicine was authorised.

Mr VERHEUGEN went on to outline the arguments in favour of providing more information to patients on medicines obtained on prescription, given that today this information was already available through the Internet without any control, to the detriment of patients and of the European pharmaceutical industry. He stressed that regulated publication of information in the media ensured respect for the basic principle of the right to information of all European citizens and that such publication could lead to a reduction in healthcare costs, as the impact assessment had confirmed.

Following this presentation, the Commission held an in-depth discussion, which revealed broad support for the general objective of the set of proposals being considered and also brought to light the following points:

Concerning information to the public

- ~ the intrinsically different nature of prescription medicines compared with other manufactured products placed on the market, in particular in view of their potentially dangerous or harmful side-effects;
- ~ the need to take into account the current global context, in which information was more readily accessible, particularly through the Internet, without however

weakening the necessary supervision of this information, and the need to return to this matter and address it in depth at a later date;

- the need, also, to address the matter of patents in relation to the importance of maintaining a high level of research and innovation in Europe;
- the importance for the patient of being able to access information, provided that this information was supervised and was not used for promotion or publicity purposes;
- the need for the information available to patients to be accurate, balanced, reliable and solicited, i.e. available at the patient's request, for example in pharmacies or health centres, without detriment to the essential relationship between patient and doctor;
- a query concerning the exact nature of the demand from the Member States, the industry concerned and patients regarding the possibility of disseminating information in the media;
- whether an additional recital should be inserted encouraging Member States to take all the appropriate measures to reinforce the patient's right to high quality information;
- whether a review clause should be inserted to enable the experience acquired and any problems encountered during implementation of the proposal to be taken into account;
- since patients were in a relatively vulnerable situation, a reminder of the concept of "vulnerable person" which existed in the consumer policy sector;
- the need to reinforce the expertise of the medical sector and the reliability of the diagnoses and information given;
- a reminder of the positive impact the proposal could have on the budget of the media in question, since there would be an increase in the articles that could be published.

Concerning the question of ex ante or ex post control

- the need to maintain the principle of prior control, while recognising that exceptions were needed in cases where the information had already been controlled during the authorisation process or where an effective equivalent control system was provided by an alternative mechanism;
- the need, for the sake both of patients and of the industry, for the rules to be clearly established from the outset, as soon as these proposals came into force;
- with regard to ex post control, it was important that the system should not entail additional financial costs or administrative burdens for the Member States.

The PRESIDENT thanked the Commission Members for their contributions. He noted the ambitious scope of the set of proposed measures and stressed that it was important for the Commission to arrive at a consensus on these proposals. It was necessary to take up a firm position on the principle of ex ante control while taking into account, among other aspects, the legal or constitutional problems in certain Member States. With regard to the question of the media that would disseminate the information, he stressed the two essential and contradictory aspects of this issue: the right of European citizens to information and the need to take account of the potentially dangerous nature of prescription medicines. In order to obtain the full Commission's backing for the set of measures, the PRESIDENT suggested the inclusion of a proposal - using a wording that respected the principle of the right to information while precluding the dissemination of unsolicited information - that the information be disseminated in printed publications about healthcare, according to the definition given by the member state where it is published.

Once Mr VERHEUGEN had replied to the points raised by Commission Members and agreed to make a number of adjustments to reflect the concerns expressed, the PRESIDENT noted the Members' agreement to the set of proposals subject to the following amendments:

(i) with regard to COM(2008)662/2, in English, in Article 20b(1) on page 11, the reference to Article 100g(1) of COM(2008)663/3 is adapted to take into account the amendment to the latter (see below);

(ii) with regard to COM(2008)663/3, in English

- in Recital (8) on page 10 a sentence was added encouraging Member States to take all the appropriate measures with a view to strengthening the patient's rights to high-quality information;

- Recital (14) on page 11 would read as follows:

"Monitoring of information on prescription-only medicinal products should ensure that marketing authorisation holders only disseminate information which is in compliance with Directive 2001/83/EC. Member States should adopt rules establishing effective monitoring mechanisms and allowing effective enforcement in cases of non-compliance. Monitoring should be based on the control of information prior to its dissemination, unless the substance of the information has already been agreed by the competent authorities or if there is a different mechanism in place to ensure an equivalent level of adequate and effective monitoring."

- the text of Article 63(3) on page 12 was deleted and reinserted in COM(2008)665/3 on page 24 as a new point 19 (see below);

- in Article 100c(a) on page 14, the words *"written information in printed media"* were replaced by *"health-related publications as defined by the Member State of publication"*;

- Article 100g on page 16 would read as follows :

"1. Member States shall ensure that there are adequate and effective methods of monitoring to avoid misuse when information on authorised medicinal products subject to medical prescription is disseminated by the marketing authorisation holder to the general public or members thereof."

Such methods shall be based on the control of information prior to its dissemination, unless

- *the content of the information has already been approved by the competent authorities; or*
- *an equivalent level of adequate and effective monitoring is ensured through a different mechanism.*

The methods may include the voluntary control of information on medicinal products by self-regulatory or co-regulatory bodies and recourse to such bodies, if proceedings before such bodies are possible in addition to the judicial or administrative proceedings available in the Member States.

2. After consulting the Member States, the Commission shall draw up guidelines concerning information allowed under this Title and containing a code of conduct for marketing authorisation holders providing information to the general public or members thereof on authorised medicinal products subject to medical prescription. The Commission shall draw up these guidelines on the entry into force of this directive and update them regularly on the basis of the experience gained."

(iii) with regard to COM(2008)665/3, in English,

- a new recital (29) was added on page 15 to read as follows:
"It should be possible for Member States to allow, under certain conditions, to deviate from certain provisions of Directive 2001/83/EC related to the requirements for labelling and packaging in order to address severe availability problems related to the potential lack of authorised products or of products placed on the market or shortages thereof."
- the text of Article 63(3) on page 12 of COM(2008)663/3, in English, was inserted on page 24 as a new point 19;
- the text of Article 126a on page 17 of COM(2008)668/4, in English, was inserted on page 47 as a new point 26;

(iv) with regard to COM(2008)668/4, in English, the text of Article 126a was deleted and reinserted in COM(2008)665/3 (see above).

Subject to the introduction of the above-mentioned amendments in the relevant documents, the Commission:

- approved the communication in COM(2008)666/4, for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, and to the national parliaments;
- adopted the proposal for a Directive in COM(2008)668/4 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 and the summary in staff papers SEC(2008)2674 and SEC(2008)2675, the contents of which were noted;
- took note of the opinion of the Impact Assessment Board on the above proposal for a Directive, as set out in SEC(2008)2679;
- adopted the proposal for a Regulation in COM(2008)662/2, 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 and the summary in staff papers SEC(2008)2667 and SEC(2008)2668, the contents of which were noted;
- took note of the opinion of the Impact Assessment Board on the above proposal for a Regulation, as set out in SEC(2008)2669;
- adopted the proposal for a Directive in COM(2008)663/3 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, together with the impact assessment and the summary in staff papers SEC(2008)2667 and SEC(2008)2668, the contents of which were noted;
- took note of the opinion of the Impact Assessment Board on the above proposal for a Directive, as set out in SEC(2008)2669.
- adopted the proposal for a Regulation in COM(2008)664/3, 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,

together with the impact assessment and the summary in staff papers SEC(2008)2670 (Volumes I and II) and SEC(2008)2671, the contents of which were noted;

- took note of the opinion of the Impact Assessment Board on the above proposal for a Regulation, as set out in SEC(2008)2672;
- adopted the proposal for a Directive in COM(2008)665/3 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, together with the impact assessment and the summary in staff papers SEC(2008)2670 (Volumes I and II) and SEC(2008)2671, the contents of which were noted;
- also took note of the opinion of the Impact Assessment Board on the above proposal for a Directive, as set out in SEC(2008)2672.

16. INTERINSTITUTIONAL RELATIONS

(SEC(2008)3003)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 5 December (SEC(2008)3003).

It paid particular attention to the following points.

16.1. LEGISLATIVE MATTERS

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

(SP(2008)7146)

The Commission decided to empower the Commission Members responsible for the sectors in question, in agreement with the PRESIDENT and Ms WALLSTRÖM and, if necessary, with the other Members concerned, to adopt the amended proposals for transmission to Parliament and the Council,

as set out in SP(2008)7146, drawn up following the December I part-session of Parliament, the contents of which were noted.

ii) Codecision procedure

(point 1.2 of the IRG record)

Preparation of agreement at first reading

- Toy safety (Directive) – THYSSEN report – 2008/0018 (COD)

The Commission authorised Mr VERHEUGEN to pursue contacts with Parliament and the Council in order to reach agreement at first reading following the line set out in SPI(2008)122.

iii) Preparation for the December II 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 considered the following in particular:

Codecision – 1st reading

- 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 (Directive – recast) – BUSHILL-MATTHEWS report – 2008/0141 (COD)

The Commission approved the line set out in SP(2008)7091 and /2.

- Establishment of a European Quality Assurance Reference Framework for Vocational Education and Training (recommendation) – ANDERSSON report – 2008/0069 (COD)

The Commission approved the line set out in SP(2008)7092.

- European Credit System for Vocational Education and Training (ECVET) (recommendation) – MANN report – 2008/0070 (COD)

The Commission approved the line set out in SP(2008)7093.

- Simplifying terms and conditions of transfers of defence-related products within the Community (Directive) – RÜHLE report – 2007/0279 (COD)

Further to document SPI(2008)95, approved at its meeting on 18 November 2008, the Commission approved the line set out in document SP(2008)6479.

- Type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and access to vehicle repair and maintenance information (Regulation) – GROOTE report – 2007/0295 (COD)

Further to document SPI(2008)88, approved at its meeting on 12 November 2008, the Commission approved the line set out in document SP(2008)7094.

- Adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC, as amended by Decision 2006/512/EC, with regard to the regulatory procedure with scrutiny - Part Four (Regulation) – SZAJER report – 2008/0032 (COD)

The Commission approved the line set out in SP(2008)7100.

- Amendment of Directive 98/26/EC on settlement finality in payment and securities settlement systems and Directive 2002/47/EC on financial collateral arrangements as regards linked systems and credit claims (Directive) – KAUPPI report – 2008/0082 (COD)

The Commission approved the line set out in SP(2008)7096 and /3.

- Amendment of Directive 94/19/EC on Deposit Guarantee Schemes as regards the coverage level and the payout delay (Directive) – EHLEER report – 2008/0199 (COD)

The Commission approved the line set out in SP(2008)7097.

- Sanctions against employers of illegally resident third-country nationals – (Directive) – FAVA report – 2007/0094 (COD)

The Commission approved the line set out in SP(2008)7098.

- Amendment of Council Directives 78/660/EEC and 83/349/EEC as regards certain disclosure requirements for medium-sized companies and the obligation to draw up consolidated accounts – VAN DEN BURG report – 2008/0084 (COD)

The Commission approved the line set out in SP(2008)6478.

16.2. RELATIONS WITH THE COUNCIL

iv) Programming of Council business (SI(2008)1400)

The Commission took note of the information in SI(2008)1400 on the Council meetings between 4 and 19 December.

v) Preparations for the European Council (Brussels, 11 and 12 December)

The PRESIDENT described the preparations for the European Council to be held in Brussels on 11 and 12 December, stressing the enormous importance of the meeting and the very high expectations surrounding it, given the serious implications for Europe's citizens of the measures that would be discussed.

The PRESIDENT pointed out that it was highly unusual for the Council to deal simultaneously with three such vital issues as the economic recovery plan, the package of measures on energy and climate change and the Lisbon

Treaty, but at the same time the meeting represented an opportunity for Europe to show its determination and unity in dealing with real problems.

As regards the European economic recovery plan, he considered the prospects for acceptance by the Council were good, as the depth of the crisis provided further evidence every day of the need for a determined and ambitious response. The four objectives at the European Council were to secure: (i) recognition of the Commission's proposal as the basis of coordinated action by the European Union, with the principle of fiscal stimulus and the ten actions for recovery being established in the conclusions; (ii) a clear commitment to measures worth the equivalent of 1.5% of GDP; (iii) agreement on redirecting unused funds to certain major projects; (iv) finally, the establishment of a clear follow-up process, including a mandate for the Economic and Financial Affairs Council to monitor the progress made by the Member States.

The PRESIDENT indicated that the discussions on the recovery plan were also likely to touch on aspects of the Stability and Growth Pact and state aid. On the latter point he congratulated Ms KROES, in her absence, and also her department for the important work they had done to adapt the rules in a pragmatic and flexible way to the exceptional circumstances created by the financial crisis, thereby preserving the homogeneity of the internal market.

Turning to the package of measures on climate change and energy, he felt that after several years of intensive work an agreement was within reach and was more important than ever in order to demonstrate the determination to move towards a low-carbon economy, to illustrate the driving role of the European Union in this field on the eve of a new American commitment to these issues, and to show the EU's ability to produce results on the most ambitious of dossiers.

He reminded the meeting of the extreme complexity of the dossier, the close relationship between its different components and the problems that still remained, which called for continued efforts to secure an agreement.

The PRESIDENT mentioned some of the difficulties that still had to be resolved, in particular the regime applying to industry and the split between free emissions quotas and quotas purchased by auction. Given the current economic climate, he indicated that some relief could be granted here, but without undermining the objective of a 20% reduction in greenhouse gas emissions by 2020 or jeopardising the fundamentals of the proposals.

In this context he welcomed the major success achieved on Tuesday with the agreement on the target of raising the proportion of renewable energy to 20% of energy consumption by 2020, which he felt was an encouraging sign.

Finally he noted that the European Council was not the final stage for the package of measures, which still had to receive the assent of the European Parliament.

The PRESIDENT said that this package of measures should not be seen as hampering growth, because it would encourage investment in innovative technologies that generated "green jobs" and promised greater energy efficiency. He pointed out in this connection that the same rationale lay behind the recovery plan announced by US President-elect Barack Obama.

Finally, on the question of the Lisbon Treaty, the PRESIDENT discussed the prospects for a pragmatic agreement which maintained the emphasis on the primary goal of ratification by all 27 Member States and entry into force at the earliest possible date. He mentioned the ongoing contacts with the Irish authorities and possible ways of securing the ratification of the Treaty by Ireland before the end of the current Commission's term of office.

Winding up, he said that this European Council, the culmination of six months of a remarkable French Presidency, should conclude with an equally remarkable trio of agreements demonstrating that the European Union was in robust political health.

After this presentation, the Commission held a discussion during which the following aspects in particular were raised:

- the public's high expectations, which the European Council had to live up to, and the burden of economic and political responsibility resting on the various actors;
- the importance of successfully completing the ratification process for the Treaty of Lisbon, and the support provided by the Commission to the Member States in this regard;
- the importance of re-establishing and boosting the confidence of the citizens and the markets as a pre-requisite for economic recovery;
- the unprecedented challenge which the economic crisis represented for the European Union, but also the fact that Europe could demonstrate solidarity; indeed previous crises had often helped to strengthen cooperation between the Member States and deepen European integration;
- the responsibility and driving role of the Commission in tackling the economic crisis, given that the European economic recovery plan sought to develop a coordinated, coherent and effective strategy, and the importance of thorough communication on the different aspects of these issues;
- the excellent and constructive cooperation between the Commission and the Council bodies during the preparations for the European Council meeting;
- a call for the Member States to contribute as much as possible to the common effort and to make full use of such margin for manoeuvre as existed;
- the importance of formulating political priorities clearly and succinctly and the need for such priorities to be geared to the most important strategic objectives;

- the need to make optimal use of all available budgetary resources, including unspent funds;
- the need for the Member States to make full use of the flexibility allowed by the Stability and Growth Pact to introduce fiscal stimuli that should, however, take account of their specific budgetary situation and the criterion of sustainability;
- the urgent need to ensure the restoration of normal lending to businesses in the short and medium term;
- the importance of the smooth running of the internal market and the euro area for the effectiveness of the measures proposed under the economic recovery plan;
- the vital contributions to economic recovery of the energy and climate change package and the measures to create and develop infrastructure and trans-European networks in the fields of transport and energy;
- the importance of preserving and strengthening the European model of the social market economy and European social security systems;
- the European Union's responsibility towards non-member countries, particularly in the context of the Eastern Partnership and the Partnership with Africa, the important external dimension of the European economic recovery plan, the symbolic nature of the programmes undertaken and measures envisaged from the point of view of non-member countries, and the need to take this into account in the communication strategy;
- the Commission's proposals on VAT and the importance of a common approach by all of the Member States;
- concerns about the situation in Greece.

The PRESIDENT again underlined the enormous importance of this European Council. He shared the concerns expressed about the sustainability of certain

budgetary choices by the Member States and stressed the need for them to bring their policies into line with the balanced proposals of the Commission's recovery plan. This was an appropriate, targeted and temporary exercise in response to the exceptional circumstances of a crisis that had its origins at the very heart of the financial system. On the matter of the 5 billion euros in unspent funds that the Commission wanted to use for investment in major projects, the PRESIDENT acknowledged the reluctance on the part of certain Member States, but felt that an agreement could be reached provided the projects proposed were of a high quality. Similarly, he admitted that the discussions on certain aspects of the package of measures on climate change and energy would be difficult, but felt that the agreement reached on renewable energies provided a good starting point on which to build.

The Commission took note of this information.

16.3. RELATIONS WITH PARLIAMENT

vi) Results of Parliament's December I part-session (SP(2008)7151)

The Commission took note of the information on Parliament's part-session held on 3 and 4 December in Brussels, set out in SP(2008)7151.

vii) Action taken on Parliament's non-legislative resolutions (point 3.3.1 of the IRG record)

Further to document SP(2008)6975, approved at the meeting on 3 December, the Commission approved SP(2008)6975/3 on the action taken on the non-legislative resolutions adopted by Parliament at its October I part-session, for transmission to Parliament.

**17. REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT
AND THE COUNCIL ON THE APPLICATION OF DIRECTIVE 2004/38/EC
ON THE RIGHT OF CITIZENS OF THE UNION AND THEIR FAMILY
MEMBERS TO MOVE AND RESIDE FREELY WITHIN THE TERRITORY
OF THE MEMBER STATES
(COM(2008)840 TO /3; SEC(2008)3027)**

Mr BARROT briefly presented the report he was tabling for the Commission's approval. He reminded the meeting that the purpose of Directive 2004/38/EC was to implement the free movement of persons, which was a fundamental right of European citizens and one of the freedoms of the internal market.

He outlined the main conclusions of the report, which analysed the compliance with the Directive of the implementing measures taken by the Member States.

As regards what action to take on the report, he considered that at this stage there was no need to amend the Directive. However, the Commission would publish guidelines during the first half of 2009 to offer additional assistance to Member States and individual citizens, particularly in areas where transposal might pose problems.

He cited as an example measures to curb abuse of the right to move and reside freely in the Member States, and in particular measures against marriages of convenience and repeated infringements. He stressed that the Commission was pursuing its technical collaboration with the Member States and encouraging the exchange of good practices among them. He asked the Member States to step up their efforts so that substantial progress could be made in transposing the Directive, in the interests of Europe's citizens.

The PRESIDENT thanked Mr BARROT and the departments under his responsibility for their work and noted the Commission's support for the text of the report.

The Commission approved the report in COM(2008)840/3, for transmission to Parliament, the Council, the Economic and Social Committee, the Committee of the

Regions, and to the national parliaments.

18. OTHER BUSINESS

18.1. DIOXIN CONTAMINATION OF PIG MEAT IN IRELAND (SEC(2008)3067)

The Commission took note of the information from Ms VASSILIOU in SEC(2008) 3067.

18.2. TEN YEARS OF ECONOMIC AND MONETARY UNION

Mr ALMUNIA presented the documentary film, "EMU: 10th anniversary of the euro", produced to mark the tenth anniversary of Economic and Monetary Union, the trailer for which was shown to the meeting.

The Commission took note of this presentation.

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The Commission's other discussions on certain agenda items are recorded in the special minutes.

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The meeting closed at 11.43.