



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2009)1858 final

Brussels, 21 January 2009

MINUTES

**of the 1858th meeting of the Commission
held in Strasbourg
(Winston Churchill building)
on Tuesday 13 January 2009
(afternoon)**

PV(2009)1858 final

TABLE OF CONTENTS

Attendance list	5-7
1. AGENDAS (OJ(2009)1858/3; SEC(2009)7/2).....	8
2. WEEKLY MEETING OF CHEFS DE CABINET (SEC(2009)1858)	8
3. MINUTES OF 1857 TH MEETING (7 JANUARY) (PV(2009)1857).....	8
4. INTERINSTITUTIONAL RELATIONS (SEC(2009)13).....	8
4.1. LEGISLATIVE MATTERS	9
4.2. RELATIONS WITH THE COUNCIL	11
4.3. RELATIONS WITH THE EUROPEAN PARLIAMENT	11
4.4. RELATIONS WITH THE ECONOMIC AND SOCIAL COMMITTEE, THE COMMITTEE OF THE REGIONS, THE EUROPEAN OMBUDSMAN AND NATIONAL PARLIAMENTS.....	12
5. MONITORING THE APPLICATION OF COMMUNITY LAW	12
5.1. STATE AID – INDIVIDUAL CASES – RECAPITULATIVE LIST (SEC(2009)16 AND /2).....	12
5.2. PROCEEDINGS UNDER ARTICLE 227 OF THE EC TREATY – COMPLAINT BY LATVIA AGAINST ITALY – APPLICATION OF REGULATION (EC) 2201/2003 ("BRUSSELS IIa") (SEC(2008)3109 AND /2; SEC(2009)28)	13
6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS.....	13
6.1. WRITTEN PROCEDURES APPROVED (SEC(2009)ET SEQ.).....	13
6.2. EMPOWERMENT (SEC(2009)10 ET SEQ.)	13
6.3. DELEGATION AND SUBDELEGATION OF POWERS (SEC(2009)11 ET SEQ.).....	14
6.4. SENSITIVE WRITTEN PROCEDURES (SEC(2009)12)	14

7.	ADMINISTRATIVE AND BUDGETARY MATTERS (SEC(2009)8/2).....	14
7.1.	DG EXTERNAL RELATIONS – INTERNAL PUBLICATION OF A VACANCY NOTICE FOR AN AD 15/16 DEPUTY DIRECTOR-GENERAL (PERS(2009)7).....	14
7.2.	DG BUDGET – INTERNAL PUBLICATION OF A VACANCY NOTICE FOR AN AD15/16 DEPUTY DIRECTOR-GENERAL (PERS(2009)8)	15
7.3.	DG COMPETITION – APPOINTMENT OF AD14/15 DIRECTOR (PERS(2008)146 TO /4).....	15
7.4.	DG RESEARCH – APPOINTMENT OF AD14 DIRECTOR (EU-12) (PERS(2008)17 TO /5).....	16
7.5.	INITIAL COMMUNICATION UNDER ARTICLE 50 OF THE STAFF REGULATIONS.....	16
7.6.	DG INFORMATION SOCIETY AND MEDIA – EXTENSION OF LEAVE ON PERSONAL GROUNDS OF AN AD14 OFFICIAL.....	16
7.7.	DG PERSONNEL AND ADMINISTRATION – EXTENSION OF THE SECONDMENT IN THE INTEREST OF THE SERVICE OF AN AD15 OFFICIAL	17
7.8.	DG PERSONNEL AND ADMINISTRATION – APPOINTMENT OF SPECIAL ADVISER (PERS(2009)9).....	17
7.9.	DG ENTERPRISE AND INDUSTRY – ADOPTION OF LISTS OF CANDIDATES FOR THE APPOINTMENT OF THE CHAIRMAN, LEGAL MEMBER, ALTERNATE TECHNICAL MEMBER AND ADDITIONAL TECHNICAL MEMBERS AND ALTERNATES OF THE BOARD OF APPEAL OF THE EUROPEAN CHEMICALS AGENCY (PERS(2009)1 AND /2)	18
7.10.	GUIDELINES ON THE SELECTION AND APPOINTMENT OF DIRECTORS OF REGULATORY AGENCIES, EXECUTIVE AGENCIES AND JOINT UNDERTAKINGS (SEC(2009)27 AND /2).....	18
8.	POLICY DEBATE ON CLONING OF FARM ANIMALS FOR FOOD PRODUCTION (SEC(2009)15; SEC(2009)17)	19
9.	RELATIONS WITH NON-MEMBER COUNTRIES.....	25
9.1.	DISPUTE BETWEEN UKRAINE AND RUSSIA ON THE SUPPLY OF GAS, AND THE CONSEQUENCES THEREOF.....	25
9.2.	SITUATION IN GAZA	28

9.3. MINISTERIAL CONFERENCE ON GLOBAL ENVIRONMENT AND ENERGY IN TRANSPORT (TOKYO, 15-16 JANUARY) (SEC(2009)29)	30
10. OTHER BUSINESS	30
EUROPEAN ELECTIONS 2009 (SEC(2009)33)	30

Single sitting: Tuesday 13 January 2009 (afternoon)

The sitting opened at 13.10 with Mr BARROSO, President, in the chair. Items 9 (in part) and 10 were chaired by Ms WALLSTRÖM.

Present:

Mr BARROSO	President	Items 1 to 9 (in part)
Ms WALLSTRÖM	Vice-President	
Mr VERHEUGEN	Vice-President	
Mr BARROT	Vice-President	Items 1 to 9 (in part)
Mr KALLAS	Vice-President	
Ms REDING		
Mr DIMAS		
Mr ALMUNIA		
Ms HÜBNER		Items 1 to 9 (in part)
Mr BORG		
Ms GRYBAUSKAITĖ		
Mr POTOČNIK		
Mr FIGEL'		Items 8 to 10
Mr REHN		
Mr MICHEL		
Mr KOVÁCS		
Ms FISCHER BOEL		
Ms FERRERO-WALDNER		
Mr McCREEVY		Items 1 to 9 (in part)
Mr ŠPIDLA		
Mr PIEBALGS		Items 1 to 9 (in part)
Ms KUNEVA		
Mr ORBAN		
Ms VASSILIOU		
Baroness ASHTON		

Absent:

Mr TAJANI
Ms KROES

Vice-President

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

Mr COLSMAN	A member of Mr TAJANI's staff
------------	-------------------------------

The following also sat in:

Mr VALE DE ALMEIDA	Chef de cabinet to the PRESIDENT	Items 1 to 8
Ms DURAND	Director-General, Legal Service	
Mr CARVOUNIS	Deputy Director-General, Communication DG	
Mr LAITENBERGER	Commission Spokesman	Items 1 to 9 (in part)
Ms MARTÍNEZ ALBEROLA	A member of the PRESIDENT's staff	Items 1 to 9 (in part)
Ms SOEWARTA	Deputy Chef de cabinet to Mr PIEBALGS	Items 8 (in part) and 9 (in part)
Mr BRUNET	Chef de cabinet to Ms VASSILIOU	Items 1 to 8

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

1. AGENDAS

(OJ(2009)1858/3; SEC(2009)7/2)

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(2009)1858)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 12 January.

3. MINUTES OF 1857th MEETING (7 JANUARY)

(PV(2009)1857)

The Commission approved the minutes of its 1857th meeting.

4. INTERINSTITUTIONAL RELATIONS

(SEC(2009)13)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 9 January (SEC(2009)13).

It paid particular attention to the following points.

4.1. *LEGISLATIVE MATTERS*

i) Preparation of Parliament's January part-session

(point 1.3 of the IRG record)

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

It considered the following in particular:

Codecision – 2nd reading

- Framework for Community action to achieve a sustainable use of pesticides (Directive) – KLASS report – 2006/0132 (COD)

The Commission supported the compromise text for agreement at second reading, following the line set out in SP(2009)6, further to documents SPI(2008)129 and /2 already approved by the Commission at its 1856th meeting on 16 December 2008.

- Placing of plant protection products on the market (Regulation) – BREYER report – 2006/0136 (COD)

The Commission supported the compromise text for agreement at second reading, following the line set out in SP(2009)7, /2 and /3, further to documents SPI(2008)128/2 and /3 already approved by the Commission at its 1856th meeting on 16 December 2008.

Empowerment

- Framework for Community action to achieve a sustainable use of pesticides (Directive) – KLASS report – 2006/0132 (COD)

The Commission empowered Mr DIMAS, under Article 13 of its Rules of Procedure, in agreement with the PRESIDENT and Ms WALLSTRÖM and

any associated Members, to adopt and transmit to the Council its opinion on the amendments, in accordance with Article 251(2)(c) of the Treaty, once Parliament had expressed its position, and if necessary to attach to its opinion an amended proposal, on the basis of the line set out in SP(2009)6.

- Placing of plant protection products on the market (Regulation) – BREYER report – 2006/0136 (COD)

The Commission empowered Mr VASSILIOU, under Article 13 of its Rules of Procedure, in agreement with the PRESIDENT and Ms WALLSTRÖM and any associated Members, to adopt and transmit to the Council its opinion on the amendments, in accordance with Article 251(2)(c) of the Treaty, once Parliament had expressed its position, and if necessary to attach to its opinion an amended proposal, on the basis of the line set out in SP(2009)7, /2 and /3.

Codecision – 1st reading

- Amendment of Council Regulation (EC) 2252/2004 on standards for security features and biometrics in passports and travel documents issued by Member States (Regulation) – COELHO report – 2007/0216 (COD)

The Commission approved the line set out in SP(2009)8.

- Coordination of procedures for the award of certain public works, supply and service contracts in the fields of defence and security (Directive) – LAMBSDORFF report – 2007/0280 (COD)

The Commission approved the line set out in SP(2009)9.

- Amendment of Council Directive 79/769/EEC as regards restrictions on the marketing and use of certain dangerous substances and preparations (dichloromethane) (Decision) – SCHLYTER report – 2008/0033 (COD)

The Commission approved the line set out in SP(2009)53.

- ii) **Preparation of conciliation concerning certain aspects of the organisation of working time (Directive) – CERCAS ALONSO report – 2004/0209 (COD)**
(point 1.4 of the IRG record)

The Commission authorised Mr ŠPIDLA to make contacts in preparation for conciliation, following the line set out in SPI(2009)2/2.

4.2. RELATIONS WITH THE COUNCIL

- iii) **Programming of Council business**
(SI(2009)7)

The Commission took note of the information in SI(2009)7 on the Council meetings between 15 and 28 January.

4.3. RELATIONS WITH THE EUROPEAN PARLIAMENT

- iv) **Preparation of Parliament's January part-session – Oral questions**
(point 3.5 of the IRG record)

H-0970/08, H-0972/08, H-0974/08, H-0976/08, H-0978/08, H-0979/08,
H-0981/08, H-0982/08, H-0983/08, H-0984/08, H-0986/08, H-0988/08,
H-0990/08, H-0992/08, H-0994/08, H-0996/08, H-0998/08, H-1000/08,
H-1001/08, H-1003/08, H-1004/08, H-1005/08, H-1007/08, H-1010/08,
H-1013/08, H-1014/08, H-1015/08, H-1016/08, H-1018/08, H-1019/08,
H-1022/08, H-1023/08, H-1025/08, H-1026/08, H-1029/08, H-1032/08,
H-1033/08

The Commission approved the draft answers set out in SP(2009)4 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(2009)4/4 *et seq.*

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

(point 3.6.2 of the IRG record)

The Commission approved documents SP(2008)7292, /2 and /4 on the action taken on the non-legislative resolutions adopted by Parliament at its October II part-session, for transmission to Parliament.

vi) Results of Parliament's January part-session

(SP(2009)107)

The Commission took note of the information on the proceedings of the part-session of Parliament held in Strasbourg from 12 to 15 January, as set out in SP(2009)107.

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

vii) Follow-up to Committee of the Regions opinions – June 2008 session

(point 4.1 of the IRG record)

The Commission approved the replies to the opinions adopted by the Committee of the Regions during the June 2008 session, contained in the document distributed as SR(2009)1, for transmission to the Committee of the Regions.

5. MONITORING THE APPLICATION OF COMMUNITY LAW

5.1. STATE AID – INDIVIDUAL CASES – RECAPITULATIVE LIST

(SEC(2009)16 AND /2)

The Commission adopted the decisions in SEC(2009)16/2.

**5.2. PROCEEDINGS UNDER ARTICLE 227 OF THE EC TREATY –
COMPLAINT BY LATVIA AGAINST ITALY – APPLICATION OF
REGULATION (EC) 2201/2003 ("BRUSSELS IIa")
(SEC(2008)3109 AND /2; SEC(2009)28)**

The Commission:

- adopted in principle, under Article 227 of the EC Treaty, the reasoned opinion in SEC(2008)3109/2;
- empowered the PRESIDENT to formally adopt the text in the authentic language versions, after revision by the lawyer-linguists;
- asked its departments to communicate the reasoned opinion to the Republic of Latvia and the Italian Republic.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

**6.1. WRITTEN PROCEDURES APPROVED
(SEC(2009)ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 5 and 9 January.

**6.2. EMPOWERMENT
(SEC(2009)10 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 5 and 9 January.

6.3. DELEGATION AND SUBDELEGATION OF POWERS

(SEC(2009)11 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 5 and 9 January, as archived in e-Greffe.

6.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2009)12)

The Commission took note of the sensitive written procedures for which the time limit expired between 12 and 16 January.

7. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2009)8/2)

ADMINISTRATIVE MATTERS

(PERS(2009)6/3)

**7.1. DG EXTERNAL RELATIONS – INTERNAL PUBLICATION OF A
VACANCY NOTICE FOR AN AD 15/16 DEPUTY
DIRECTOR-GENERAL**

(PERS(2009)7)

On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms FERRERO-WALDNER, the Commission decided to authorise the publication, under Article 29(1)(a)(i) and (iii) of the Staff Regulations, of the vacancy notice in PERS(2009)7 for the post of Deputy Director-General in the Directorate-General for External Relations.

This decision would take effect immediately.

**7.2. DG BUDGET – INTERNAL PUBLICATION OF A VACANCY NOTICE
FOR AN AD15/16 DEPUTY DIRECTOR-GENERAL
(PERS(2009)8)**

On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms GRYBAUSKAITĖ, the Commission decided to authorise the publication, under Article 29(1)(a)(i) and (iii) of the Staff Regulations, of the vacancy notice in PERS(2009)8 for the post of Deputy Director-General in the Directorate-General for the Budget.

This decision would take effect immediately.

**7.3. DG COMPETITION – APPOINTMENT OF AD14/15 DIRECTOR
(PERS(2008)146 TO /4)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director, Markets and Cases III: Financial Services and Health-Related Markets, in the Directorate-General for Competition (PERS(2008)146 and /3).

The Commission took note of the opinions of the Consultative Committee on Appointments of 21 November and 4 December 2008 (PERS(2008)146/2 and /4).

It proceeded to compare the applicants' qualifications for the post. It also considered the applicants' ability, efficiency and conduct in the service. On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms KROES, it then decided to appoint Ms Irmfried SCHWIMANN to the vacant post in question.

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

7.4. *DG RESEARCH – APPOINTMENT OF AD14 DIRECTOR (EU-12)*
(PERS(2008)17 TO /5)

The Commission had before it applications under Article 29(2) of the Staff Regulations for the post of Director, Health, in the Directorate-General for Research (PERS(2008)17 to /3).

The Commission took note of the opinions of the Consultative Committee on Appointments of 11 September and 27 November 2008 (PERS(2008)17/4 and /5).

It proceeded to compare the applicants' qualifications for the post. On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr POTOČNIK, it then decided to appoint Ms Ruxandra DRAGHIA-AKLI to the vacant post in question.

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

7.5. *INITIAL COMMUNICATION UNDER ARTICLE 50 OF THE STAFF REGULATIONS*

The Commission decided to initiate the procedure laid down in Article 50 of the Staff Regulations with respect to an AD15 official.

7.6. *DG INFORMATION SOCIETY AND MEDIA – EXTENSION OF LEAVE ON PERSONAL GROUNDS OF AN AD14 OFFICIAL*

The Commission took note of the information in point 6 of PERS(2009)6/3 and, on a proposal from M. KALLAS, in agreement with the PRESIDENT and Ms REDING, decided to approve the request for the extension of leave on personal grounds, under Article 40 of the Staff Regulations, presented by Mr Ulf DAHLSTEN, an AD14 official and former Director, Emerging Technologies and Infrastructures, in the Directorate-General for Information Society and Media, for the period from 1 January 2009 to 31 December 2009.

This decision would take effect retroactively from 1 January 2009.

7.7. *DG PERSONNEL AND ADMINISTRATION – EXTENSION OF THE SECONDMENT IN THE INTEREST OF THE SERVICE OF AN AD15 OFFICIAL*

The Commission took note of the information in point 7 of PERS(2009)6/3 and, on a proposal from Mr KALLAS, in agreement with the PRESIDENT, decided to extend to 2 February 2010 the secondment in the interest of the service of Mr Daniel BYK, an AD15 official, to the Ministry of Foreign Affairs of the Grand Duchy of Luxembourg.

This decision would take effect immediately.

7.8. *DG PERSONNEL AND ADMINISTRATION – APPOINTMENT OF SPECIAL ADVISER*
(PERS(2009)9)

The Commission took note of the information set out in point 8 of PERS(2009)6/3 and, on a proposal from Mr KALLAS, in agreement with the PRESIDENT, authorised Mr KALLAS to approve the appointment of Mr Olivier BRACHET as special adviser to Ms BARROT from 15 January to au 31 March 2009 and authorised the Director-General for Personnel and Administration to implement that decision by signing a contract of employment on behalf of the authority empowered to conclude contracts of employment.

This decision would take effect immediately.

7.9. DG ENTERPRISE AND INDUSTRY – ADOPTION OF LISTS OF CANDIDATES FOR THE APPOINTMENT OF THE CHAIRMAN, LEGAL MEMBER, ALTERNATE TECHNICAL MEMBER AND ADDITIONAL TECHNICAL MEMBERS AND ALTERNATES OF THE BOARD OF APPEAL OF THE EUROPEAN CHEMICALS AGENCY (PERS(2009)1 AND /2)

The Commission took note of the procedure followed, as set out at point 9 of PERS(2009)6/3, and, on a proposal from Mr KALLAS, in agreement with the PRESIDENT, Mr VERHEUGEN and Mr DIMAS, decided:

- to approve the lists set out at point 9 of PERS(2009)6/3;
- to consider these lists as the Commission proposal under Article 89 of Council Regulation (EC) 1907/2006;
- to ask Mr VERHEUGEN to communicate this decision to the Management Board of the European Chemicals Agency.

These decisions would take effect immediately.

7.10. GUIDELINES ON THE SELECTION AND APPOINTMENT OF DIRECTORS OF REGULATORY AGENCIES, EXECUTIVE AGENCIES AND JOINT UNDERTAKINGS (SEC(2009)27 AND /2)

On a proposal from M. KALLAS, in agreement with the PRESIDENT, the Commission decided to endorse the guidelines set out in SEC(2009)27/2.

8. POLICY DEBATE ON CLONING OF FARM ANIMALS FOR FOOD PRODUCTION

(SEC(2009)15; SEC(2009)17)

The PRESIDENT began by pointing out that this policy debate was taking place at a very early stage, which should give the Commission the opportunity to keep ahead on this issue and take any necessary decisions before any problems arose. Since cloning affected a broad range of issues falling within the areas of competence of several different Commission members, it was all the more necessary to define a common line of conduct.

In this context, he referred to the ethical and scientific aspects of the debate, the significant commercial issues involved, and also the political aspect; the European Parliament had adopted a clear stance on this issue and there was growing public awareness concerning it.

He finished by pointing out that since this was the first debate on cloning, it was important for the Commission to take time to reflect on the issue and avoid haste in reaching a decision. Given the lack of the necessary evidence or information, it should also avoid committing the next Commission or taking formal decisions without following the usual procedures.

At the PRESIDENT's request, Ms VASSILIOU reviewed the main aspects of the issue of the cloning of farm animals. She stressed that the discussion under way was concerned solely with animal cloning for food production and not with the wider issue of cloning in general, which was more complex and well outside the scope of today's debate.

A positive factor was the considerable factual evidence now available, which should be sufficient for the Commission to reach a well-informed initial opinion based on science, ethics and public opinion. She was referring in particular to the opinions of the European Group on Ethics in Science and New Technologies (EGE) and that of the European Food Security Agency (EFSA) and to the results of the Eurobarometer

survey carried out with the help of Ms WALLSTRÖM to ascertain public opinion on animal cloning for food production.

Ms VASSILIOU also pointed out that it was a unique opportunity to be able to hold this debate so early, before the Commission was presented with a *fait accompli* owing to international factors or to unilateral decisions taken by certain EU Member States. Although it was impossible to answer all the questions raised, she trusted that the debate would enable a clear line of conduct to be defined as to the action that could be proposed, having due regard to the expectations of the Commission's institutional and commercial partners.

Ms VASSILIOU went on to present the basic aspects of the debate, pointing out that following the launch of a consultation made by the US authorities to the Food and Drugs Agency on the food safety of products from cloned animals, the European Commission had requested two opinions covering the scientific and ethical aspects of the issue of cloning with a view to food production.

She referred firstly to the EFSA opinion issued in July 2009 following a wide-ranging consultation of the actors involved. The conclusions of this opinion as regards animal health and welfare, the environment and food safety, provided various scientific elements and recommended continued research and scientific work in this area before answers could be given to several of the questions raised.

She also emphasised that the overall conclusion of this opinion was that the risk assessment was uncertain owing to the limited amount of data available. Although cloning techniques had been applied to several animal species, only the data on cattle and pigs was sufficient to allow assessment of the risks of the use of these techniques for food production.

With regard to animal health and welfare, the opinion indicated clearly that a significant proportion of cloned animals had been adversely affected, often severely and with a fatal outcome, with a high level of mortality and serious health problems both for the cloned animals themselves and for the surrogate dams carrying the cloned embryos. As regards the environment, the opinion concluded that there was

no environmental impact but that there was very little relevant data on this issue available at this stage.

With regard to food safety, EFSA's opinion showed clearly that no differences had been found between meat and milk derived from cloned animals or their offspring and that produced from conventional animals. However, the opinion indicated equally clearly that this conclusion was based on the assumption that these products were derived from healthy animals and met food safety criteria concerning microbiological or chemical contaminants. Consequently, according to the EFSA opinion, it was not possible to reach a definitive conclusion on food safety owing to the continuing uncertainties concerning animal health and the lack of studies covering the whole life of the animal.

Ms VASSILIOU added that EFSA recommended carrying out additional studies on the immune competence of clones in terms of human exposure to the transmissible agents that could in some cases be carried by cloned animals.

She concluded that, despite its scientific and technical nature, the EFSA opinion indicated clearly the lack of certainty regarding numerous aspects of the food production method, and that much work would have to be done before firm conclusions could be drawn.

She then turned to the opinion of the European Group on Ethics in Science and New Technologies (EGE), which highlighted various scientific matters requiring answers and also the research that needed to be carried out into food safety, animal health and welfare, traceability and labelling. EGE had expressed general doubts as to whether the development of techniques to clone animals for food supply was justified.

Thirdly, she told the meeting that the Commission must ascertain the views and wishes of the European public on this matter, pointing out that the public appeared to be well informed on the real scientific issues involved. While a high percentage of those asked considered cloning for food production to be questionable on ethical

grounds, an even higher percentage rejected it on the grounds of the uncertainties concerning the long-term effects on health, safety and the environment.

Ms VASSILIOU also touched on some of the commercial issues involved in the issue of cloning. The European Union was now ready to discuss these issues with the USA and its other trade partners. She reminded the meeting of the moratorium that had existed in the USA since 2001. Despite the positive risk assessment issued by the Food and Drug Agency in January 2008, the US Department of Agriculture had asked producers and the industry to maintain the moratorium in order to allow time for discussion and also to allay the concerns of the US food processing industry, which was not yet prepared to accept cloning.

Ms VASSILIOU considered that an additional reason why this debate had come at a good time was that from now on the EU would be able to hold informal discussions with the new US administration and share and exchange with it the information available.

With regard to the European Parliament resolution, the 622 MEPs who had voted in favour of it had called for a ban on cloning for food production, i.e. a ban not only on use of the technique but also on the marketing of products, sperm and embryos from cloned animals and their offspring.

She pointed out also that, of all the Member States, only Denmark had so far imposed a national ban on the cloning of animals for food production. However, the Member States might use the Directive on animal welfare to ban cloning techniques on the grounds of the suffering caused to the cloned animals.

Ms VASSILIOU ended her presentation by pointing out the need to examine the issues of scientific uncertainty and compliance with legal requirements, and to answer the queries and concerns of the European Parliament and public opinion. To this end, she stressed the need to continue to reply to the questions raised by EFSA and EGE, which would require additional scientific work and research, and to address the specific matter of labelling.

Pending replies to these questions, the Commission should act to ensure that the European Union did not find itself sooner or later faced with a *fait accompli* if products derived from the offspring of cloned animals began to be marketed. She therefore proposed that imports of reproductive materials from cloned animals should be regulated in the framework of existing Community legislation on animal health in order to prevent the production in Europe of offspring of animals cloned outside the EU.

She added that any measures taken would be decided on a provisional basis and subsequently reviewed in the light of developments in the research and scientific work carried out following EFSA's recommendations, as well as the developments in labelling and traceability issues.

To conclude, she stated that such a position would provide a sound basis for discussion with the EU's partners. The EU must cooperate and exchange information with its partners concerning, in particular, the limited amount of data available and the need for an international consensus in an area which was still a highly sensitive one in terms of public opinion.

After this presentation, the Commission held a wide-ranging debate during which the following points were raised:

- the importance of the ethical dimension and a reminder of the main principles in that regard, in particular the dignity of and respect for life and certain limits which must not be overstepped;
- the observation that there was currently no need for regulation on this issue - including a ban or moratorium - without however ruling it out as a possibility at a later stage if necessary; the wish expressed by some Members of the Commission nevertheless for a swift reaction on this matter, which might go as far as a moratorium accompanied by a review clause, while at the same time encouraging research for scientific and educational purposes;
- the need to act with caution, particularly in view of the political and institutional context in 2009;

- the need to continue scientific research in order to improve risk identification, including in the health and animal welfare fields, and to find solutions on product traceability and labelling;
- the need to examine in more detail the various options presented;
- the importance of clear, factual and tailored communication on this issue, taking into account the various sensitivities expressed;
- a reminder of the potential medical applications of animal cloning technology, for example for transplants;
- the need for a public debate with European consumers and citizens;
- the importance of in-depth discussion of this question with the EU's main trading partners, in particular the United States, but also with Japan and other countries concerned;
- a request that the agencies and Commission departments responsible should provide as soon as possible the missing scientific and statistical data that would enable the Commission to re-examine the issue of the cloning of farm animals for food production on a sound and well-documented basis.

The PRESIDENT wound up the debate by welcoming the diversity of views that had been expressed, while stressing on the one hand the need to define a clear line of conduct – based on further, science-based risk assessment – and, on the other, the importance in the context that EFSA pursue its research and come up with scientific answers to the questions raised. He also noted the need, in parallel, to launch and conduct international consultations on this question, particularly with the United States, Canada and Japan.

At the same time the PRESIDENT felt that maintaining the present situation – whereby cloning techniques were not used in practice, food from cloned animals or their offspring was absent from Europe and would not be imported from non-member countries in the near future – should create the right conditions for

carrying on the work and concluding examination of this issue. In this context, he noted the lack of consensus for a ban and the need for additional information; he felt that Parliament would look favourably on and understand the Commission decision not to act in haste, this being a sensitive and important issue.

The present situation being maintained, he stressed in particular the importance of having new information on the issue of animal cloning for food production, in particular scientific and statistical data. On this basis the Commission would review in the months ahead the scope for action and the various options to be considered.

The Commission took note of information note SEC(2009)15 and the results of the policy debate.

9. RELATIONS WITH NON-MEMBER COUNTRIES

9.1. DISPUTE BETWEEN UKRAINE AND RUSSIA ON THE SUPPLY OF GAS, AND THE CONSEQUENCES THEREOF

The PRESIDENT informed the Commission of the state of play in the contacts with Ukraine and Russia on the supply of natural gas. In particular he reported on the steps taken by himself, Mr PIEBALGS and the Council Presidency, and the contacts made with the Russian and Ukrainian Prime Ministers, Vladimir Putin and Yuliya Tymoshenko, with a view to reaching an agreement between the two countries on the arrangements for supplying gas to the European Union and setting up a monitoring system.

The PRESIDENT noted the excellent cooperation between the Commission and the Council Presidency and the swift and effective establishment of monitoring mechanisms, for which he thanked Mr PIEBALGS and the departments under his responsibility. The European energy industry had also been very helpful. The PRESIDENT reviewed the results of the meeting of the Gas Coordination Group with representatives of Gazprom and Naftogaz, held on 9 January, the extraordinary meeting of the Council (Transport,

Telecommunications and Energy), held on Monday 12 January in Brussels, and the agreement reached between Russian and Ukrainian representatives on the resumption of Russian gas supplies to the EU and on the arrangements for the gas to pass through Ukraine.

He stressed that a solution to the dispute between Ukraine and Russia was a matter of urgency for the European Union, given the serious consequences of an interruption in supplies for households and industry in a number of Member States. Yet, although the Ukrainian and Russian Governments had on several occasions replied positively to European moves and initiatives by the Commission and the Council Presidency, the agreements reached had then be called into question by representatives of the two countries. He also noted the difficulties encountered in implementing the monitoring mechanism, particularly as regards the access of certain experts to installations.

The PRESIDENT felt that Russia and Ukraine risked losing all credibility as reliable partners for the European Union. He stressed that the EU and its Member States honoured the existing contracts and met their obligations towards both Ukraine and Russia, and called on the two countries to do likewise. The Commission and the Council Presidency would continue their efforts to help resolve the dispute, but no lasting solution would be possible unless the two countries themselves adopted a constructive approach. Moreover, these events had again demonstrated the importance of an EU strategy to improve its energy security and reduce its energy dependence.

Mr PIEBALGS followed up this presentation by outlining the consequences of a suspension of gas supplies and the scale of the problems encountered by consumers. Twelve Member States were directly affected, with some of them suffering a complete breakdown in the supply of gas to households and industry. He spelled out the nature of Russia's and Ukraine's obligations to supply and transport gas and reported briefly on the initiatives taken in the negotiations with Russia and Ukraine, on the outcome of the Council meeting on Monday 12 January and on certain technical aspects of the implementation of the monitoring system.

He shared the view that, following implementation of the monitoring system, the EU had done its utmost to restore mutual trust between Russia and Ukraine and bring the two countries closer together. He too stressed the responsibility of the players involved in Russia and Ukraine and the importance of them meeting their contractual obligations, as the EU and its Member States had always met theirs.

Mr PIEBALGS was convinced that a lasting solution to the conflict between the two countries was possible but would require extra efforts on their part. The Commission would continue its efforts, in cooperation with the Council Presidency, to help bring Russia and Ukraine closer together.

During the ensuing exchange of views, the Commission discussed in particular the following points:

- the commercial and political dimensions of the dispute between Russia and Ukraine;
- the case for the EU pursuing a constructive approach and maintaining unity among its 27 Member States vis-à-vis Russia and Ukraine;
- the importance of solidarity within Europe towards the Member States most affected, such as Bulgaria and Slovakia;
- the proactive role played by the Commission in negotiations and the excellent cooperation with the Council Presidency, the considerable responsibility of the Community institutions, given the consequences of the dispute for European consumers, and also the importance of this issue for the EU's overall relations with Russia and Ukraine;
- the need to step up measures to reduce the EU's energy dependence and to develop alternative gas supply networks and the system of intra-European gas pipelines, the role that could be played by public-private partnerships and the importance of cooperation with other non-member countries such as Turkey.

Winding up the exchange of views, the PRESIDENT reaffirmed the importance of pursuing the constructive approach adopted by the EU and highlighted the need for a lasting solution to the dispute between Russia and Ukraine. He confirmed the Commission's determination to continue its efforts to reach a long-term solution, without, however, ruling out at this stage other additional measures should the negotiations with Russia and Ukraine prove unsuccessful and gas supplies remained blocked. Lastly, he stressed the importance of the lessons to be learned from this affair for the development of the EU's relations with Russia on the one hand and Ukraine on the other.

The Commission took note of these points.

9.2. *SITUATION IN GAZA*

Ms FERRERO-WALDNER reported on the situation in the Gaza Strip, and on official visits to Egypt, Israel, Jordan and Palestine, during which the importance of the conclusions of the extraordinary meeting of EU Foreign Ministers in Paris on 30 December was stressed, particularly as regards an immediate and permanent ceasefire, immediate humanitarian action and access to victims, and the stepping-up of the peace process.

She emphasised the close cooperation between the European Troika, assisted by the Foreign Ministers of the last and next Council presidencies, and the French presidency of the United Nations Security Council. She also stressed the importance of Security Council Resolution 1860 (2009), condemning all violence and hostilities directed against civilians and all acts of terrorism and calling for an immediate durable ceasefire in Gaza and for the withdrawal of Israeli forces.

She described the appalling situation of the civilian population of the Gaza Strip, where around a thousand people had been killed and several thousand injured since the start of the Israeli military campaign. She felt that, while there had not yet been progress towards a ceasefire, humanitarian improvements had been obtained as a result of coordinated efforts by the

European Union, including the establishment of humanitarian corridors and a daily three-hour ceasefire.

Ms FERRERO-WALDNER thanked Mr MICHEL and all the departments concerned for their efforts in this regard, and emphasised that continuing close cooperation from all the parties concerned would be needed to achieve a stable ceasefire and an end to a conflict which had already produced too many victims.

Mr MICHEL reported to the Commission on the humanitarian action undertaken. He concurred with the remarks on the catastrophic nature of the humanitarian situation in Gaza, and also mentioned the high numbers of victims, the seriousness of the medical and health conditions, and the shortage of drinking water.

In his view, the Israeli army were not respecting international humanitarian law, which required occupying forces to ensure the protection of the civilian population in the occupied territory. He also emphasised that the daily three-hour ceasefires for humanitarian purposes were not sufficient to ensure delivery of the quantities of aid needed.

Finally, Mr MICHEL drew attention to the importance of the budgetary aspects of humanitarian aid from the EU and its Member States to the Palestinians. He considered, with Ms FERRERO-WALDNER's support, that EU efforts should be continued, in the light of how essential this aid was for the Palestinian people, with particular reference to the next Donors Conference.

However, he also stressed the need to put in place lasting conditions for peace in the region, in the interests of the sustainability and efficiency of EU aid measures for the reconstruction of Palestinian infrastructure, which must not be threatened again by the destruction of military campaigns.

The Commission took note of this information.

**9.3. MINISTERIAL CONFERENCE ON GLOBAL ENVIRONMENT AND
ENERGY IN TRANSPORT (TOKYO, 15-16 JANUARY)
(SEC(2009)29)**

The Commission approved the communication in SEC(2009)29 and authorised Mr TAJANI to sign the declaration in the Annex to the above document on the Commission's behalf, provided that the Commission's position as set out in this communication was respected.

10. OTHER BUSINESS

***EUROPEAN ELECTIONS 2009
(SEC(2009)33)***

Ms WALLSTRÖM briefly presented a note on the 2009 European elections. She explained that, for the first time, the Commission would make an active contribution to the campaign to encourage people to vote and to provide them with more information on what is at stake in the election, playing a role in each of the Member States, with increased participation by the representations. Finally, she pointed out that some of the information in the Annex to SEC (2009) 33 should not yet be made public, to comply with the European Parliament's embargo, which would be in place until 19 January.

The Commission took note of this information and of Ms WALLSTRÖM's note SEC(2009)33.

*

* *

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

*

* *

The meeting closed at 15.38.