



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2009)1880 final

Strasbourg, 14 July 2009

MINUTES

of the 1880th meeting of the Commission

held in Brussels

(Berlaymont)

on Thursday 2 July 2009

(morning)

PV(2009)1880 final

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Single sitting: Thursday 2 July 2009 (morning)

The sitting opened at 10.08 in the Jean Monnet room with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	President
Ms WALLSTRÖM	Vice-President
Mr VERHEUGEN	Vice-President
Mr BARROT	Vice-President
Mr KALLAS	Vice-President
Mr TAJANI	Vice-President
Mr DIMAS	
Mr BORG	
Mr POTOČNIK	
Mr FIGEL'	
Mr REHN	
Mr KOVÁCS	
Ms FISCHER BOEL	
Mr ŠPIDLA	
Mr PIEBALGS	
Ms KUNEVA	
Mr ORBAN	
Ms VASSILIOU	
Baroness ASHTON	
Mr ŠEMETA	

Absent:

Ms REDING

Mr ALMUNIA

Ms HÜBNER

Mr MICHEL

Ms KROES

Ms FERRERO-WALDNER

Mr McCREEVY

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

Mr STROHMEIER	Chef de cabinet to Ms REDING
Mr QUERO MUSSOT	Deputy Chef de cabinet to Mr ALMUNIA
Ms CYGAN	Deputy Chef de cabinet to Ms HÜBNER
Mr GUEREND	Deputy Chef de cabinet to Ms FERRERO-WALDNER
Mr POWER	Chef de cabinet to Mr McCREEVY

The following also sat in:

Mr VALE DE ALMEIDA	Chef de cabinet to the PRESIDENT	
Mr ROMERO REQUENA	Director-General, Legal Service	
Mr CARVOUNIS	Deputy Director-General, DG Communication	
Mr LAITENBERGER	Commission Spokesman	
Mr GASPAR	Acting Director-General, Bureau of European Policy Advisers	
Mr THEBAULT	Deputy Chef de cabinet to the PRESIDENT	Items 13 (in part) and 14
Ms MARTÍNEZ ALBEROLA	A member of the PRESIDENT's staff	
Ms DARMANIN	Deputy Chef de cabinet to Mr BORG	Items 1 to 13 (in part)
Mr QUEST	Chef de cabinet to Mr ŠEMETA	Items 1 to 12

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

(2 July 2009)

The PRESIDENT welcomed Mr Algirdas Gediminas ŠEMETA, the new Commission Member appointed to replace Ms GRYBAUSKAITĖ, who had been elected President of Lithuania.

Introducing Mr ŠEMETA, the PRESIDENT mentioned his qualities and experience and said he was sure that he would make an effective contribution to the objectives of the present Commission.

The PRESIDENT wished Mr ŠEMETA every success in the performance of his new duties.

He also mentioned very briefly the judgment given by the German Constitutional Court on Tuesday 30 June regarding ratification of the Lisbon Treaty by the Federal Republic of Germany.

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1. AGENDAS

(OJ(2009)1880/3; SEC(2009)883/2)

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)1880)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 29 June.

**3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1879TH MEETING
(24 JUNE)
(PV(2009)1879; PV(2009)1879, PART II)**

The Commission approved the minutes of its 1879th meeting.

4. INTERINSTITUTIONAL RELATIONS

4.1. RELATIONS WITH THE COUNCIL

**i) Programming of Council business
(SI(2009)172)**

The Commission took note of the information in SI(2009)172 on the Council meetings between 2 and 15 July.

4.2. RELATIONS WITH PARLIAMENT

**ii) Action taken on Parliament's legislative opinions and non-legislative resolutions
(SP(2009)3507)**

The Commission approved document SP(2009) 3507 on the action taken on the legislative opinions and non-legislative resolutions adopted by Parliament at its April I and II part-sessions, for transmission to Parliament.

**iii) Action taken on Parliament's non-legislative resolutions
(SP(2009)3508 and /3)**

The Commission approved SP(2009)3508 and /3 on the action taken on the non-legislative resolutions adopted by Parliament at its April I part-session, for transmission to Parliament.

5. MONITORING THE APPLICATION OF COMMUNITY LAW

5.1. STATE AID – INDIVIDUAL CASES – RECAPITULATIVE LIST

(SEC(2009)900; SEC(2009)845)

The Commission adopted the decisions in SEC(2009)900.

5.2. STATE AID – HORIZONTAL CASES

i) Communication from the Commission – Application of State aid rules to public service broadcasting

(C(2009)5131 to /5; SEC(2009)893; SEC(2009)892; SEC(2009)845)

The Commission adopted the notice set out in C(2009)5131/5 in all the official languages of the Union with a view to its publication in the *Official Journal of the European Union*, and took note of the impact assessment and the summary thereof in the staff papers distributed as SEC(2009)893 and SEC(2009)892 respectively.

ii) Communication from the Commission – Prolongation of the Community Guidelines on State aid for rescuing and restructuring firms in difficulty

(C(2009)5097; SEC(2009)845)

The Commission adopted the notice set out in C(2009)5097 in all the official languages of the Union with a view to its publication in the *Official Journal of the European Union*.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

6.1. *WRITTEN PROCEDURES APPROVED*

(SEC(2009)885 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 22 and 26 June.

6.2. *EMPOWERMENT*

(SEC(2009)886 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 22 and 26 June.

6.3. *DELEGATION AND SUBDELEGATION OF POWERS*

(SEC(2009)887 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 22 and 26 June, as archived in e-Greffe.

6.4. *SENSITIVE WRITTEN PROCEDURES*

(SEC(2009)888 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 29 June and 3 July and of the "finalisation" written procedure initiated following the weekly meeting of Chefs de cabinet on 29 June.

7. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2009)884/2)

ADMINISTRATIVE MATTERS

(PERS(2009)82/2)

**7.1. JOINT RESEARCH CENTRE – INTERNAL AND
INTERINSTITUTIONAL PUBLICATION AT AD15/16 AND EXTERNAL
PUBLICATION AT AD15 (EU-27) OF VACANCY NOTICES FOR A
DEPUTY DIRECTOR-GENERAL POST**

(PERS(2009)83)

On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr POTOČNIK, the Commission decided to authorise the publication, under Article 29(1)(a)(i) and (iii), 29(1)(b) and 29(2) of the Staff Regulations, of the vacancy notices in PERS(2009)83 for the post of Deputy Director-General in the Joint Research Centre.

This decision would take effect immediately.

**7.2. JOINT RESEARCH CENTRE – APPLICATION OF THE ARTICLE 50
PROCEDURE (SECOND STAGE) WITH RESPECT TO AN AD15
OFFICIAL**

(PERS(2009)84 AND /2)

The Commission continued its discussions on this item, begun on 5 May (PV(2009)1873, Part II).

On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr POTOČNIK, the Commission adopted the decision set out in PERS(2009)84 applying the second stage of the procedure laid down in Article 50 of the Staff Regulations to Mr Alejandro HERRERO MOLINA, AD15 official and currently Director, Institute for Reference Materials and Measurements (Geel), in the Joint Research Centre.

This decision would take effect on 1 November 2009.

**8. COMMISSION OPINION UNDER ARTICLE 104(5) OF THE EC TREATY
ON THE EXISTENCE OF AN EXCESSIVE DEFICIT IN LATVIA
(SEC(2009)920 AND /2; SEC(2009)923; SEC(2009)924)**

**COMMISSION RECOMMENDATION FOR A COUNCIL DECISION
UNDER ARTICLE 104(6) OF THE EC TREATY ON THE EXISTENCE OF
AN EXCESSIVE DEFICIT IN LATVIA
(SEC(2009)921 AND /2; SEC(2009)923; SEC(2009)924)**

**COMMISSION RECOMMENDATION FOR A COUNCIL
RECOMMENDATION UNDER ARTICLE 104(7) OF THE EC TREATY,
WITH A VIEW TO BRINGING AN END TO THE SITUATION OF AN
EXCESSIVE GOVERNMENT DEFICIT IN LATVIA
(SEC(2009)922 AND /2; SEC(2009)923; SEC(2009)924)**

The Commission adopted:

- the opinion in SEC(2009)920/2, for transmission to the Council;
- the recommendation in SEC(2009)921/2, for transmission to the Council;
- the recommendation in SEC(2009)922/2, for transmission to the Council.

**9. PROPOSAL FOR A DECISION OF THE EUROPEAN PARLIAMENT AND
OF THE COUNCIL ESTABLISHING A EUROPEAN MICROFINANCE
FACILITY FOR EMPLOYMENT AND SOCIAL INCLUSION (PROGRESS
MICROFINANCE FACILITY)
(COM(2009)333 TO /3; SEC(2009)907; SEC(2009)908)**

The Commission adopted the proposal for a Decision in COM(2009)333/3, for transmission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, and to national parliaments,

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together with the staff paper distributed as SEC(2009)907, the contents of which were noted.

10. RELATIONS WITH NON-MEMBER COUNTRIES

10.1. MEETING OF G8 FOREIGN MINISTERS (TRIESTE, 25 AND 26 JUNE) (SEC(2009)954)

The Commission took note of the information note from Ms FERRERO-WALDNER set out in SEC(2009)954.

10.2. INFORMAL MEETING OF FOREIGN MINISTERS OF THE ORGANISATION FOR SECURITY AND CO-OPERATION IN EUROPE (OSCE) (CORFU, 27 AND 28 JUNE) (SEC(2009)953)

The Commission took note of the information note from Ms FERRERO-WALDNER set out in SEC(2009)953.

11. OTHER BUSINESS

MEDIUM-TERM BALANCE OF PAYMENTS SUPPORT FOR LATVIA (SEC(2009)951)

The Commission took note of the information note from Mr ALMUNIA in SEC(2009)951.

**12. DECISION BY THE COMMISSION PRESIDENT ON THE ORGANISATION OF RESPONSIBILITIES OF THE MEMBERS OF THE COMMISSION
(C(2009)5454)**

The PRESIDENT informed the Commission of the decision he had taken on the organisation of responsibilities of Commission Members, set out in C(2009)5454, following the departure of Ms GRYBAUSKAITĖ and the arrival of Mr ŠEMETA.

The Commission:

- took note of the change in portfolio allocation decided on by the PRESIDENT, as set out in C(2009)5454;
- took note of the order of precedence among the Members of the Commission, as established by the PRESIDENT and set out in C(2009)5454.

**13. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS - GUIDANCE FOR BETTER TRANSPOSITION AND 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(2009)313 TO /4; SEC(2009)901)**

Mr BARROT presented the communication 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, which he was tabling for approval.

He spoke first of the Commission report of December 2008, which had highlighted certain difficulties, in particular as regards the application of the Directive, and had

recommended continued monitoring of its transposition and application without however proposing changes to the legislative framework.

He referred also to the Court of Justice judgment of 25 July 2008 (the Metock judgment) which had triggered a debate in several Member States on the issue of marriages of convenience. He reminded the meeting that the Directive provided national authorities with all the necessary means of guaranteeing the right to free movement while preventing abuse and fraud, particularly with regard to the notion of sufficient resources, which must be verified on a case-by-case basis, and the restrictions relating to the notions of threat to the requirements of public policy or marriage of convenience.

He said he was sure that these guidelines would serve to guarantee respect both for the rights to free movement and for the restrictions of these rights, as well as the conditions with which these restrictions must comply. The Commission would continue to work in partnership with the Member States and its departments would continue the discussions within the group of experts reviewing the problems identified in the December 2008 report. He noted also that the Commission would make full use of its powers under the Treaty before calling on the Court of Justice to intervene.

Referring to the media debate that had preceded the adoption of the guidelines, Mr BARROT said that the guidelines were accompanied by a memorandum and a press release aimed at replying to the questions raised.

He concluded his presentation by pointing out that free movement of persons was one of the fundamental freedoms of the internal market and that it was beneficial to EU citizens, the Member States and the competitiveness of the European economy. While the Member States must be able to restrict these rights in certain circumstances, these benefits should be safeguarded in the context of the current economic crisis.

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

- the importance of these guidelines to ensure correct understanding of the principles and implementation of this significant Directive;
- the excellent cooperation between the services concerned in preparing the guidelines and the importance of continuing discussions within the group of experts in order to ensure good cooperation on the ground;
- the importance of adequate communication, including explanatory documents for the press;
- as regards available resources and marriages of convenience, the need to take into account the specific situation of certain minority groups and to combat the abusive practices observed in certain Member States which infringe citizens' rights, in particular exploitation of minors and prostitution networks;
- however, the need to bear in mind the social responsibilities accompanying these rights and to provide an appropriate social policy response in order to facilitate the integration of certain minority groups.

In reply, Mr BARROT confirmed that contacts would continue with the Member States and asked the Commission members to inform him of any major difficulty in order to avoid undue exploitation. He reminded them of the rules concerning the definition of grounds for removal and confirmed that verifications of sources of income in cases of prostitution and begging, provided they were carried out on individuals on a case-by-case basis, were in line with the disposition of the 2008/38/CE directive. He concluded by endorsing the need for active debate on a social policy adapted to the situation of certain minorities.

Following this exchange of views, the Commission approved the communication in COM(2009)313/4 for transmission to Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, and to the national parliaments.

14. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – ENFORCEMENT OF THE CONSUMER ACQUIS (COM(2009)330 TO /4; SEC(2009)902)

Ms KUNEVA introduced the communication she was tabling for approval. This initiative marked an important stage in improving consumer rights and the main objective was to ensure that the high level of consumer protection guaranteed by Community law was applied in practice in consumer transactions.

It was important to have effective mechanisms for enforcing the Community *acquis*, as this made it easier to meet public expectations in the high-profile area of consumer protection and fitted into the wider context of a ‘Europe of results’ that delivered practical benefits for its citizens.

Ms KUNEVA referred to the two main pillars of consumer protection policy: the Community system for the rapid exchange of information on the dangers of using products that posed a serious risk to consumer health and safety (RAPEX) and the consumer protection cooperation (CPC) network, which was designed to improve cooperation on market surveillance and the application of consumer law across all the Member States.

She emphasised the contribution this initiative would make to economic recovery and pointed out that improving the transparency of markets for consumers was a Commission priority. She also highlighted the importance of effective supervision of online selling, which was becoming increasingly popular with consumers.

Finally, she thanked the Commission members and departments who had been involved in preparing the communication for their constructive contributions and excellent cooperation.

The PRESIDENT stressed the importance of this initiative, which was designed to enhance European consumers’ rights, and noted that the communication had the full support of the Commission.

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The Commission approved the communication in COM(2009)330/4 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.

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The meeting closed at 10.39 hours.