



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2009)1886 final

Brussels, 23 September 2009

MINUTES

of the 1886th meeting of the Commission

held in Strasbourg

(Winston Churchill building)

on Tuesday 15 September 2009

(afternoon)

PV(2009)1886 final

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Single sitting: Tuesday 15 September 2009 (afternoon)

The sitting opened at 13.04 with Mr BARROSO, President, in the chair. Items 12 and 13 were chaired by Ms WALLSTRÖM.

Present:

Mr BARROSO	President	Items 1 to 11
Ms WALLSTRÖM	Vice-President	
Mr VERHEUGEN	Vice-President	
Mr BARROT	Vice-President	Items 10 (in part) to 13
Mr TAJANI	Vice-President	
Ms REDING		
Mr DIMAS		
Mr ALMUNIA		
Mr BORG		
Mr POTOČNIK		
Mr FIGEL'		Items 9 to 13
Mr KOVÁCS		
Mr McCREEVY		
Mr ŠPIDLA		
Ms KUNEVA		Items 9 to 13
Mr ORBAN		
Ms VASSILIOU		
Baroness ASHTON		
Mr ŠEMETA		
Mr SAMECKI		
Mr DE GUCHT		

Absent:

Mr KALLAS	Vice-President
Mr REHN	
Ms KROES	
Ms FISCHER BOEL	
Ms FERRERO-WALDNER	
Mr PIEBALGS	

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

Ms OEN	A member of Mr KALLAS's staff
Mr KRINGS	A member of Mr REHN's staff
Mr SCHØNBERG	A member of Ms FISCHER BOEL's staff
Ms ARP	A member of Ms FERRERO-WALDNER's staff
Ms SOEWARTA	Deputy Chef de cabinet to Mr PIEBALGS

The following also sat in:

Mr VALE DE ALMEIDA	Chef de cabinet to the PRESIDENT	Items 1 to 11
Mr THEBAULT	Deputy Chef de cabinet to the PRESIDENT	
Mr ROMERO REQUENA	Director-General, Legal Service	
Mr SØRENSEN	Director-General, DG Communication	
Mr LAITENBERGER	Commission Spokesman	Items 10 (in part) to 11
Mr GASPAR	Acting Director-General, Bureau of European Policy Advisers	
Ms MARTÍNEZ ALBEROLA	A member of the PRESIDENT's staff	Items 1 to 11
Mr SAGREDO FERNÁNDEZ	A member of Mr BARROT's staff	Items 1 to 10 (in part)
Mr FERNÁNDEZ ZINCKE	A member of Ms VASSILIOU's staff	Items 1 to 9

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

The PRESIDENT congratulated Mr ŠEMETA, Mr SAMECKI and Mr DE GUCHT on the outcome of the votes on Monday 14 September following their presentations to the European Parliament. He wished them well in their work at the Commission.

* * *

1. AGENDAS

(OJ(2009)1886/3; SEC(2009)1174/2)

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)1886)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 14 September.

**3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1885TH MEETING
(10 SEPTEMBER)**

(PV(2009)1885; PV(2009)1885, PART II)

The Commission held over approval of the minutes of its 1885th meeting for the following week.

4. MONITORING THE APPLICATION OF COMMUNITY LAW

***STATE AID – INDIVIDUAL CASES – RECAPITULATIVE LIST
(SEC(2009)1206; SEC(2009)1205)***

The Commission adopted the decisions in SEC(2009)1206.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

***5.1. WRITTEN PROCEDURES APPROVED
(SEC(2009)1176 ET SEQ.)***

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 7 and 11 September.

***5.2. EMPOWERMENT
(SEC(2009)1177 ET SEQ.)***

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 7 and 11 September.

***5.3. DELEGATION AND SUBDELEGATION OF POWERS
(SEC(2009)1178 ET SEQ.)***

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 7 and 11 September, as archived in e-Greffe.

***5.4. SENSITIVE WRITTEN PROCEDURES
(SEC(2009)1179 AND /3)***

The Commission took note of the sensitive written procedures for which the time limit expired between 14 and 18 September and of the "finalisation"

written procedure initiated following the weekly meeting of Chefs de cabinet on 14 September.

6. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2009)1175)

ADMINISTRATIVE MATTERS
(PERS(2009)103)

6.1. DG ENVIRONMENT – APPOINTMENT OF AN AD14/15 DIRECTOR
(PERS(2009)47 TO /3)

The Commission had before it the list of applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director, Climate Change and Air, in the Directorate-General for the Environment (PERS(2009)47).

The Commission took note of the opinions of the Consultative Committee on Appointments of 16 June and 16 July 2009 (PERS(2009)47/2 and /3).

It proceeded to compare the applicants' qualifications for the post. It also considered their ability, efficiency and conduct in the service. On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr DIMAS, it then decided to appoint Mr Artur RUNGE-METZGER to the vacant post.

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

6.2. DG DEVELOPMENT – INTERNAL PUBLICATION OF A VACANCY
NOTICE FOR AN AD15/16 DEPUTY DIRECTOR-GENERAL
(PERS(2009)104)

On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr DE GUCHT, 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)104 for the post of Deputy Director-General in the

Directorate-General for Development and Relations with African, Caribbean and Pacific States.

This decision would take effect immediately.

**6.3. SECRETARIAT-GENERAL – INTERNAL PUBLICATION OF A
VACANCY NOTICE FOR AN AD 15/16 DEPUTY
SECRETARY-GENERAL
(PERS(2009)105)**

On a proposal from Mr KALLAS, in agreement with the PRESIDENT, 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)105 for the post of Deputy Secretary-General in the Secretariat-General.

This decision would take effect immediately.

**7. DRAFT COMMISSION REGULATION ON THE APPLICATION OF
ARTICLE 81(3) OF THE EC TREATY TO CERTAIN CATEGORIES OF
AGREEMENTS, DECISIONS AND CONCERTED PRACTICES IN THE
INSURANCE SECTOR
(C(2009)6904 TO /3; SEC(2009)1200)**

The Commission approved the draft Regulation in C(2009)6904 and authorised Ms KROES, the Commission Member responsible for competition, to carry out the procedural steps provided for in Articles 5 and 6 of Council Regulation (EEC) 1534/1991, and in particular:

- to transmit to the Advisory Committee on Restrictive Practices and Dominant Positions, for initial consultation, the draft Block Exemption Regulation on the application of Article 81(3) of the Treaty to categories of agreements, decisions and concerted practices in the insurance sector;

- to transmit the draft Regulation, for information, to the European Parliament, the Council, the Economic and Social Committee, the Committee of Regions and the EFTA Surveillance Authority;
- subsequently, and taking into account the observations of the Committee, to publish the draft Block Exemption Regulation for public consultation on the website of DG Competition;
- to consult the Committee once again on the text, taking into account the results of the public consultation.

8. RELATIONS WITH NON-MEMBER COUNTRIES

8.1. VISIT TO AFRICA (ETHIOPIA AND KENYA, 7-9 SEPTEMBER) (SEC(2009)1224)

The Commission took note of the information note from Mr POTOČNIK in SEC(2009)1224.

8.2. EXTRAORDINARY MEETING OF HEALTH MINISTERS OF THE PARTNER COUNTRIES OF THE GLOBAL HEALTH SECURITY INITIATIVE (BRUSSELS, 11 SEPTEMBER) (SEC(2009)1225)

The Commission took note of the information note from Ms VASSILIOU in SEC(2009)1225.

9. COMMISSION COMMUNICATION TO PARLIAMENT, THE COUNCIL, THE ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS ON THE A(H1N1) 2009 INFLUENZA PANDEMIC (COM(2009)481 TO /4; SEC(2009)1188 AND /2; SEC(2009)1189 TO /3; SEC(2009)1190 AND /2; SEC(2009)1191 AND /2; SEC(2009)1192 TO /3; SEC(2009)1193)

Ms VASSILIOU presented the communication on the A(H1N1) influenza pandemic which she was tabling for approval. She reminded the meeting that this communication had been drawn up in response to a request from the Council as a timely contribution to European efforts to fight influenza A(H1N1). She reviewed the scientific data indicating that although the H1N1 virus had remained stable, it had become the dominant influenza virus in the Southern Hemisphere. This communication would serve as the basis for a discussion to be held before the winter on the specific measures proposed for reacting adequately and proportionately to the situation as it developed and on the development of a joint strategy to respond to the challenges posed by the pandemic.

She then reviewed the main strands to the communication, which were (1) the progress made in cooperation at European level, since the appearance of the pandemic, between the Member States, the Commission and the main international partners; (2) an analysis of the broader issues relating to the influenza pandemic, for example its social and economic effects and the importance of cooperation across sectors; and (3) the need to respond to the more specific challenges relating to preparedness and response to the pandemic in five specific areas: the development of vaccines and antivirals, procurement of vaccines, vaccination strategies, support for third countries, and effective communication to the public. She explained that these areas were addressed in the five Commission staff working documents accompanying the communication, and thanked the other Commission members and the departments concerned for their contributions.

With specific reference to vaccination strategies, Ms VASSILIOU referred to the communication of the European Union Health Security Committee of 26 August 2009, which proposed an agreed approach with regard to target and priority groups

for vaccination. She stressed the need to establish priorities so as to ensure availability of a limited supply of vaccines at least initially. She also pointed out the added value of the proposals and the benefits for the Member States of a coordinated approach at Community level, given the significant discrepancies in terms of technical capacity, budgetary resources, the preparedness of the appropriate structures and development of national vaccination strategies.

She reported on the measures concerning joint procurement of vaccines and pointed out that the Commission had launched a procedure to support Member States which had not yet concluded purchase agreements. The initiative would contribute to reinforcing best practices aimed at coordinating responses to other public health challenges in the future, and the joint measures would support Member States less prepared to meet these challenges. She was pleased that ten Member States had already expressed their interest in joining the initiative. Her departments were studying the possibility of also involving candidate countries, potential candidates and neighbouring states.

With regard to the development of a vaccine and of antivirals, Ms VASSILIOU referred to the issues relating to the administrative procedure for authorising the marketing of the vaccines available, with particular reference to pharmacovigilance requirements, and thanked Mr VERHEUGEN and his departments for their contributions.

The communication provided an overview of the mechanisms available to the European Union for supporting non-Member States in the fight against A(H1N1). However, all support measures must respect the specific needs and requirements of each country.

She also emphasised the importance of objective, transparent and rapid communication with the public to ensure the effective protection of public health and maintain a high level of trust among the general public, health professionals and the media.

In conclusion, Ms VASSILIOU emphasised that this communication was based on

the current situation as regards the pandemic. The proposed strategies and tools could be adapted and developed if necessary to take account of additional scientific data and to react to any developments in the scope or severity of the H1N1 virus or the pandemic. She believed that this initiative would help to improve cooperation at European and international level and to reinforce the measures for responding to the challenges posed by the influenza pandemic.

Taking the floor, the PRESIDENT emphasised the importance of this horizontal, cross-border initiative in the fight against the A(H1N1) influenza pandemic, which would require close cooperation between the Commission and the Member States. He highlighted the need for a coherent and coordinated response among the Member States and for transparent communication with the public and the health sector.

He thanked Ms VASSILIOU and her departments for the work carried out and the efficient handling of this dossier, as well as the other Commission members who had helped to draw up the working documents, in particular Ms WALLSTRÖM, Mr VERHEUGEN, Ms FERRERO-WALDNER, Mr McCREEVY and Mr DE GUCHT and their departments. He called on Ms VASSILIOU and the other Commission members concerned to continue to work actively on the basis of the guidelines set out in the communication.

Following a brief discussion, in which it expressed its support for the initiative, the Commission decided to make the following change to the English version of the communication in COM(2009)481/4:

- the section "*Long-term effects (economic uncertainty)*" in Chapter 6, page 9, is amended to read as follows:

"The costs related to economic uncertainties associated with pandemics, especially in times of current economic hardship, can slow down fragile economic recovery. For developing countries, the WHO has stressed that all means available will be used to avoid inequities and give developing countries access to vaccines. This would make sure that developing countries do not suffer disproportionately. A strong health system is also necessary. This is why

the WHO has called for solidarity to target such structural weaknesses too. On 20 May 2009, the WHO issued a report which stated that 72 countries had been provided with antiviral medicines.

The World Bank supports solidarity with countries that need help to respond efficiently to the pandemic and its effects. Therefore, on 2 June the World Bank approved 'fast-track' status for \$500 million to help countries finance operations to prevent and control outbreaks of pandemic (H1N1) 2009."

Subject to the inclusion of this amendment, the Commission approved the communication in COM(2009)481/4 for transmission to Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, and to the national parliaments, together with the staff papers SEC(2009)1188/2, SEC(2009)1189/3, SEC(2009)1190/2, SEC(2009)1191/2 and SEC(2009)1192/3, the contents of which were noted.

10. OTHER BUSINESS

EU INTERIM ECONOMIC FORECASTS (SEPTEMBER 2009)

Using the graphs distributed at the meeting, Mr ALMUNIA presented the September 2009 interim forecasts for the economic situation of the European Union in the last two quarters of 2009. He explained that these interim forecasts, which were presented twice a year, related only to the figures for gross domestic product (GDP) and inflation and concerned the seven largest European economies (France, Germany, Italy, the Netherlands, Poland, Spain and the United Kingdom).

Mr ALMUNIA noted first that the world economy had stabilised and that it was now possible to predict a return to positive growth. This improvement was largely due to domestic demand picking up, but also to more favourable external conditions, particularly the revival of the emerging economies in Asia.

Turning to the trend in GDP in the European Union, he felt that the economy had

bottomed out and there had been a clear improvement since the second quarter, thanks largely to the economic recovery and fiscal stimulus measures, all of which meant a better outlook for the second half of 2009. He also noted that confidence had been restored in recent months, both within the EU and internationally, among consumers and businesses alike. This was true in almost all sectors and all countries, which again suggested better prospects for the near future.

He also reported an improvement in the financial sector, which he attributed largely to the impact of the coordinated approach adopted since the G20 summit in London, although the situation remained difficult as regards the availability of credit for businesses and households, and further reforms of the financial sector were still needed.

Mr ALMUNIA nevertheless felt that the full impact of the economic crisis had not yet been felt on the employment markets and public finances, given the continuing deterioration in the employment figures, even if the latest results published by Eurostat did show some let-up in the trend.

Referring to the forecasts for the second half of 2009, he explained that while the average fall in GDP expected for the whole of the year remained unchanged at 4%, a number of factors were now at work in both the EU as a whole and the euro area, and the forecasts for France, Germany and Poland, in particular, were improving. The Commission's inflation forecasts for 2009 were also unchanged at 0.9% for the EU as a whole and 0.4% for the euro area, and risks of serious inflation or deflation could be discounted. Finally, he felt that the prospects for growth in 2009 were evenly balanced: recovery might be surprisingly strong in the very near future, but the possibility of negative effects resulting from the slower pace of reform of the financial sector and hence lower level of support for the real economy could not be ruled out.

Mr ALMUNIA concluded that the situation had improved overall and the end of the recession was in sight, but the sustainability of the recovery should be treated with extreme caution, given the exceptionally large amounts of money that had been pumped into the economy by the central banks and governments. It was now time to

work out an exit strategy for the medium term, to consolidate the recovery, bring public finances back onto a sustainable course and reabsorb the unemployment caused by the crisis.

The Commission then held a discussion, during which the following points were raised:

- the positive signs emerging from these forecasts, but also the need for caution given the sharp differences apparent at microeconomic level in certain sectors that had been particularly badly affected by the crisis, such as manufacturing, and the serious impact on jobs and unemployment; the need, therefore, to examine specific measures with the Member States, for example for small and medium-sized businesses;
- questions about what was driving the recovery and, in particular, the relative contribution of domestic demand and external factors; questions also about how the EU's situation compared with the trends in the American and world economies; the importance of acting now to stimulate recovery through trade with the emerging economies in particular;
- the question of reforming the financial sector and the possibility that anti-competitive practices by the banks might be hampering the revival in lending;
- the need also to take account of the effects of certain aspects of the recovery plans that were still to come, and to emphasise measures to tackle public deficits.

Mr ALMUNIA replied to these comments, saying that he shared the concerns about the impact of the crisis on the different sectors of the real economy, particularly employment. He felt that measures should be introduced that would strengthen the labour market and prevent the development of structural unemployment; this meant continuing to implement structural reforms to complement the fiscal stimulus measures. He referred to the differences between the Member States, related in particular to the specifics of their national recovery plans, and the impact of the recovery in the United States and Asia, and particularly China. He emphasised the

importance of reforming the financial markets and ensuring that the profits made by the financial institutions were invested in consolidating their capital rather than distributed in the form of dividends. Finally he said that the question of public deficits would be dealt with in the forecasts published in November, and a big increase in public debt could be expected as a result of the fiscal stimulus package, unless these measures were followed by action by the Member States to consolidate their public finances.

Following this exchange of views on the economic forecasts Mr VERHEUGEN described the situation in the automobile industry, and in particular the recent decision by the American car-maker General Motors (GM) to sell 55% of its Opel subsidiary to the Canadian car-parts manufacturer Magna and its partner, the Russian bank Sberbank, with GM retaining a 35% share and the remaining 10%, going to the European employees. The new firm resulting from the sale would be presenting a restructuring plan covering several sites and several Member States, and hence several potential sources of State aid. The Commission would have to examine this plan under the competition and State aid rules and a vigilant and rigorous approach would be needed. Finally he mentioned the political aspect of the case and the involvement of a Russian bank as a shareholder in the company.

Baroness ASHTON provided details of the trade dispute between the United States and China about tyres and described the implications in terms of the WTO rules and its potential consequences for China's relations with its western partners.

The Commission took note of this information.

11. INTERINSTITUTIONAL RELATIONS

(SEC(2009)1184)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 11 September (SEC(2009)1184).

It paid particular attention to the following points:

11.1. RELATIONS WITH THE COUNCIL

i) Programming of Council business

(SI(2009)209)

The Commission took note of the information in SI(2009)209 on the Council meetings between 17 and 30 September.

11.2. RELATIONS WITH PARLIAMENT

ii) Preparation of Parliament's September part-session – Oral questions

(point 3.4 of the IRG record)

H-0260/09, H-0261/09, H-0263/09, H-0265/09, H-0266/09, H-0268/09, H-0269/09, H-0272/09, H-0274/09, H-0275/09, H-0276/09, H-0277/09, H-0279/09, H-0281/09, H-0283/09, H-0285/09, H-0288/09, H-0289/09, H-0291/09, H-0293/09, H-0294/09, H-0296/09, H-0297/09, H-0299/09, H-0301/09

The Commission approved the draft answers set out in SP(2009)3894 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)3894/4 *et seq.*

iii) Latest developments at the European Parliament

(point 3.6 of the IRG record)

The PRESIDENT referred to the speech he would be making that day at the plenary session of the European Parliament, which would be followed by a debate. He saw this exchange of views on the eve of the vote confirming the President of the next Commission as a good opportunity to develop the key points set out in the political guidelines he had presented during his meetings with the political groups in Parliament.

He reiterated his conviction that the ‘party’ of the Commission must be

Europe and that cooperation between the institutions was more vital than ever not only to tackle the challenges facing Europe, such as the economic crisis and climate change, but also to drive forward the European project and realise the vision of an enlarged Europe that was stronger and more cohesive.

Lastly, he thanked the members of the Commission for their support and suggestions over the previous few days.

The Commission took note of this information.

iv) Participation by Members of Parliament in international conferences

(point 3.8 of the IRG record)

- United Nations Climate Change Conference (Copenhagen, 7-18 December)

The Commission decided to respond positively to the request received by the PRESIDENT from Mr PÖTTERING, former President of Parliament, concerning the participation of fifteen Members of Parliament in the above-mentioned conference. However, it also decided that, for logistical reasons, it would not be possible to grant the request made by Mr BUZEK, current President of Parliament, to Mr BARROSO for a separate meeting room to be made available in the European Union pavilion.

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

v) Follow-up to Committee of the Regions opinions – November 2008 and February 2009 sessions

(point 4.1 of the IRG record)

The Commission approved the replies to the opinions adopted by the Committee of the Regions during the sessions in November 2008 and February 2009, contained in the document distributed as SR(2009)19/2, for

transmission to the Committee of the Regions.

11.4. OTHER BUSINESS

vi) Report from the European high-level group on nuclear safety and waste management

(point 5.1 of the IRG record)

The Commission authorised Mr PIEBALGS to send the European Parliament and the Council, on behalf of the Commission, the report from the European High-Level Group on nuclear safety and waste management, together with the letter presenting its observations, following the line set out in note SI(2009)206.

12. TRENDS IN THE MEMBER STATES

Ms WALLSTRÖM reported on the main results of her visit to Ireland on 10 and 11 September, during which she had met business groups, women's organisations and national and local media. She had also taken part in public meetings in Dublin and other towns where the campaign for the referendum on the Lisbon Treaty was now in full swing. She had planned these visits as question-and-answer sessions, allowing her to provide explanations based among other things on the text of the Commission publication 'Your guide to the Lisbon Treaty', of which 80 000 copies had now been distributed in English and Irish. She gave her impressions of the visit and urged caution with regard to the opinion poll findings on voting intentions. She outlined the main messages she had conveyed at these meetings, including the support Ireland had received from the European Union in order to tackle the crisis, particularly from the European Investment Bank and the European Central Bank. With an eye to forthcoming visits by Commission members to Ireland, she stressed the importance of meeting the local media.

The Commission took note of these points and held a brief exchange of views focusing among other things on the uncertainty over voting intentions in the

referendum and the caution that should be exercised in this regard, the impact which the economic crisis could have on public opinion, but also the benefits of well-known figures from outside the world of politics playing an active part in the campaign.

The Commission also discussed the political situation in the Czech Republic.

The Commission took note of this information.

13. OTHER BUSINESS (CONTINUED)

STATE OF PLAY IN THE EUROPEAN SATELLITE RADIONAVIGATION PROGRAMME GALILEO (SEC(2009)1226)

Mr TAJANI briefly presented his information note on progress in the Galileo programme. A brief exchange of views ensued, which Ms WALLSTRÖM wound up by saying that no decision was taken on the basis of this note and that, if any new information were to emerge that had a budgetary impact, the matter would have to be brought before the Commission through the appropriate channels.

The Commission took note of this point and of the information note from Mr TAJANI in SEC(2009)1226.

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The meeting closed at 14.49.