



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2009)1894 final

Brussels, 19 November 2009

MINUTES
of the 1894th meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 11 November 2009
(morning)

PV(2009)1894 final

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Single sitting: Wednesday 11 November 2009 (morning)

The sitting opened at 11.12 in the Jean Monnet room with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	President	
Ms WALLSTRÖM	Vice-President	Items 1 to 10/24 (in part)
Mr VERHEUGEN	Vice-President	
Mr BARROT	Vice-President	
Mr KALLAS	Vice-President	Items 1 to 24
Mr TAJANI	Vice-President	
Ms REDING		Items 1 to 10/24 (in part)
Mr DIMAS		
Mr ALMUNIA		Items 1 to 24
Mr POTOČNIK		
Mr REHN		
Mr KOVÁCS		
Ms KROES		Items 6, 10/24 (in part) and 25
Ms FISCHER BOEL		
Ms FERRERO-WALDNER		Items 6, 10/24 (in part) and 25
Mr McCREEVY		
Mr PIEBALGS		
Ms KUNEVA		
Mr ORBAN		
Ms VASSILIOU		
Baroness ASHTON		
Mr ŠEMETA		
Mr SAMECKI		Items 1 to 10/24 (in part)
Mr DE GUCHT		Items 1 to 10/24 (in part)
Mr ŠEFČOVIČ		

Absent:

Mr BORG

Mr ŠPIDLA

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

Mr KOEHLER	Chef de cabinet to Mr BORG
Ms SCHREIBER	Chef de cabinet to Mr ŠPIDLA

The following also sat in:

Mr LAITENBERGER	Chef de cabinet to the PRESIDENT	
Mr ROMERO REQUENA	Director-General, Legal Service	
Mr SØRENSEN	Director-General, DG Communication	
Ms AHRENKILDE HANSEN	Commission Spokeswoman	Items 1 to 10/24 (in part)
Mr ENGLISH	DG Communication – Commission Spokesman's Service	Items 10/24 (in part) and 25
Mr GASPAR	Acting Director-General, Bureau of European Policy Advisers	
Mr FRUTUOSO DE MELO	Deputy Chef de cabinet to the PRESIDENT	Items 1 to 9
Mr CABRAL	Adviser hors classe to the PRESIDENT	Items 1 to 24
Mr LEFFLER	Chef de cabinet to Ms WALLSTRÖM	
Mr STROHMEIER	Chef de cabinet to Ms REDING	Items 10/24 (in part) and 25
Ms RISO	A member of Mr ALMUNIA's staff	Items 1 to 24
Mr CHILD	Chef de cabinet to Ms FERRERO-WALDNER	Items 1 to 10/24 (in part)
Mr HEILBRONN	Deputy Chef de Cabinet to Ms FERRERO-WALDNER	Items 10/24 (in part)
Ms DRZEWOSKA	A member of Mr SAMECKI's staff	Items 1 to 8

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

The PRESIDENT paid tribute to Mr Giorgios CONTOGEORGIS, Member of the European Commission from 1981 to 1984, who died on 8 November 2009.

Mr CONTOGEORGIS, a committed European, had been in charge of relations with the European Communities in the government of Konstantinos Karamanlis. He had played a key role as chief negotiator in the run-up to the Treaty on Greece's accession to the European Communities. He had then served as the first Greek Member of the Commission, with responsibility for transport and fisheries.

On behalf of the European Commission and in his own name, the PRESIDENT offered his sincere condolences to the family and friends of Mr Giorgios CONTOGEORGIS.

* * *

1. AGENDAS

(OJ(2009)1894/3; SEC(2009)1508/2)

The Commission took note of that day's agenda and of the tentative agendas for forthcoming meetings.

The Commission proceeded to adopt the decision set out in item 6 of these minutes before the working breakfast which began at 8.00.

2. WEEKLY MEETING OF CHEFS DE CABINET

(SEC(2009)1894)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 9 November.

3. MINUTES OF 1893rd MEETING (4 NOVEMBER)
(PV(2009)1893)

The Commission approved the minutes of its 1893rd meeting.

4. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

4.1. WRITTEN PROCEDURES APPROVED
(SEC(2009)1510 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 2 and 6 November.

4.2. EMPOWERMENT
(SEC(2009)1511 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 2 and 6 November.

4.3. DELEGATION AND SUBDELEGATION OF POWERS
(SEC(2009)1512 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 2 and 6 November, as archived in e-Greffe.

4.4. SENSITIVE WRITTEN PROCEDURES
(SEC(2009)1513)

The Commission took note of the sensitive written procedures for which the time limit expired between 9 and 13 November.

5. GREEN PAPER ON OBTAINING EVIDENCE IN CRIMINAL MATTERS FROM ONE MEMBER STATE TO ANOTHER AND SECURING ITS ADMISSIBILITY

(COM(2009)624 TO /3; SEC(2009)1556)

The Commission approved the Green Paper in COM(2009)624/3, for transmission to the European Parliament, the Council, the Economic and Social Committee, the Committee of the Regions, and to the national parliaments.

6. COMMISSION DECISION ON A PROCEEDING UNDER ARTICLE 81 OF THE EC TREATY AND ARTICLE 53 OF THE EEA AGREEMENT (CASE COMP/38.589 – HEAT STABILISERS)

(C(2009)8682 TO /21; SEC(2009)1559; SEC(2009)1560)

The Commission:

- took note of the opinion of the Advisory Committee on Restrictive Practices and Dominant Positions of 15 October in C(2009)8682/3;
- took note of the final report of the Hearing Officer of 5 November in C(2009)8682/5;
- adopted, in the authentic languages (English, French and German), the decision set out in C(2009)8682/7 finding that the undertakings to which the decision was addressed had infringed Article 81 of the EC Treaty and Article 53 of the Agreement on the European Economic Area and imposing fines on these undertakings totalling €173 864 000;
- decided that the decision in C(2009)8682/9 to /21 would be notified to the undertakings concerned, together with the final report of the Hearing Officer;
- decided that the key parts of the Decision, together with the Advisory Committee's opinion and the Hearing Officer's final report, would be published

in the official languages of the Union in the *Official Journal of the European Union* (with business secrets and other confidential information removed);

- decided also to publish the decision on the internet (with business secrets and other confidential information removed).

7. RELATIONS WITH NON-MEMBER COUNTRIES

7.1. MEETING OF G-20 FINANCE MINISTERS AND GOVERNORS OF CENTRAL BANKS (ST ANDREWS, 6 AND 7 NOVEMBER) (SEC(2009)1584)

The Commission took note of the information note from Mr ALMUNIA in SEC(2009)1584.

7.2. FIRST MEETING OF THE EU-US ENERGY COUNCIL (WASHINGTON, 4 NOVEMBER) (SEC(2009)1583)

The Commission took note of the information note from Ms FERRERO-WALDNER, Mr PIEBALGS and Mr POTOČNIK, distributed as SEC(2009)1583.

7.3. VISIT TO CUBA (HAVANA, 2 TO 4 NOVEMBER) (SEC(2009)1580)

The Commission took note of the information note from Mr DE GUCHT in SEC(2009)1580.

8. INTERINSTITUTIONAL RELATIONS

(SEC(2009)1514)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 6 November (SEC(2009)1514).

It paid particular attention to the following points.

8.1. LEGISLATIVE MATTERS

i) Conclusion of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea (Council Regulation) – 2009/0038 (CNS) – Withdrawal of Commission proposal

(point 1.3 of the IRG record)

The Commission decided to withdraw the proposal for a regulation and to inform Parliament and the Council of this decision immediately, following the line set out in SI(2009) 265.

ii) Preparation for November I part-session of Parliament

(point 1.4 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 paid particular attention to the following:

Consultation

- List of the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (Council Regulation) – FAJON Report – 2009/0104 (CNS)

The Commission approved the line set out in SP(2009) 4796.

iii) Amendment of Regulation (EC) 1083/2006 on the European Regional Development Fund, the European Social Fund and the Cohesion Fund as regards simplification of certain requirements and as regards certain provisions relating to financial management (Council Regulation) – 2009/0107 (AVC)
(SI(2009)277)

The PRESIDENT introduced the item by referring to the compromise which seemed to be emerging within the Council bodies regarding the amendment of the general regulation on the Structural Funds following the proposal presented by the Commission last July.

He regretted this development, which might lead to a result that was much less far-reaching than the Commission's original proposals, which had been put forward as part of the ambitious response to the economic and financial crisis. Moreover the Commission had already modified its proposals last October in order to facilitate agreement within the Council.

The PRESIDENT recommended that careful consideration be given to the merits of accepting such a compromise by qualified majority, which would represent a further watering-down of the proposals, and felt that it was necessary also to check the soundness of the measures envisaged in terms of financial management and future budget discharge exercises. Finally he noted that the Council might ultimately come to support the Presidency compromise unanimously.

Mr SAMECKI reported on the state of discussions in the Council bodies and described the main elements of the compromise proposed by the Presidency, as set out in SI(2009)277. If no agreement was reached on this compromise soon, he felt there was a serious risk that the proposed measures would have only a very limited impact in the Member States worst affected by the crisis. The impact of the simplification measures would also be diminished if

application were delayed.

The Commission took note of this information and then held a brief exchange of views, covering the following main points:

- disappointment that the compromise which seemed to be emerging in the Council bodies lacked ambition and departed from the central elements of the proposals presented by the Commission;
- concern about the measures envisaged in the compromise, which might have the opposite effect to the intended aim of speeding up implementation of the cohesion programmes;
- a reminder of the temporary and exceptional nature of the proposed amendment regarding the management of the Structural Funds, which was justified because of the economic crisis;
- the need to reaffirm the principles of sound financial management in the proposed compromise; a reminder of Parliament's expectations in this regard, particularly in view of future budget discharge exercises.

The PRESIDENT wound up the discussion by noting the Commission's support for reserving its position on the Presidency compromise, at least until the next meeting of the Permanent Representatives Committee (COREPER), and its preference not to amend its proposal, given the high probability of unanimous agreement in the Council on this compromise.

8.2. RELATIONS WITH THE COUNCIL

iv) Programming of Council business

(SI(2009)269)

The Commission took note of the information in SI(2009)269 on the Council meetings between 12 and 25 November.

- v) Voluntary partnership agreement between the European Community and the Republic of Ghana on forest law enforcement, governance and trade in timber products into the Community (Council Decision) – 2009/0126 (ACC) – Statement by the Commission**
(point 2.4 of the IRG record)

The Commission authorised its departments to make the statement set out in SI(2009)262 in the Council bodies.

8.3. RELATIONS WITH PARLIAMENT

- vi) Participation by Members of the European Parliament in international conferences**
(point 3.6 of the IRG record)

- Twenty-first regular meeting of the International Commission for the Conservation of Atlantic Tunas (CICTA / ICCAT) (Recife, 6 to 15 November)

The Commission decided to respond to the request from the President of the European Parliament, Mr BUZEK, to the PRESIDENT concerning the attendance of two MEPs at this conference and to reiterate the procedure agreed between the two institutions.

- The Hague Conference on Private International Law – Special Commission on the implementation of the 2007 Child Support Convention and of the Protocol on Applicable Law (The Hague, 10 to 17 November 2009)

The Commission decided to agree to the request from the President of the European Parliament, Mr BUZEK, to the PRESIDENT concerning the attendance of one MEP at this conference and to reiterate the procedure agreed between the two institutions.

**9. GREEN PAPER ON A EUROPEAN CITIZENS' INITIATIVE
(COM(2009)622 TO /3)**

The PRESIDENT presented the Green Paper on a European Citizens' Initiative he was tabling together with Ms WALLSTRÖM. He stressed that this was one of the most visible innovations introduced by the Lisbon Treaty and the one that most obviously affected citizens. It should therefore be given the highest possible priority in the process of implementing the Treaty once ratification had been completed.

He underlined the importance of holding a wide-ranging consultation on the European Citizens' Initiative on the basis of the discussions held so far in the Commission and in line with the resolution adopted by the European Parliament in May calling on the Commission to submit a legislative proposal on this matter. He hoped that following this consultation, a proposal for a regulation to implement the Citizens' Initiative could be drawn up as quickly as possible so that it could be adopted by the European Parliament and the Council by the end of 2010.

He highlighted the complexity of implementing such an initiative, particularly in view of the different practices in the Member States and the sensitive nature of certain questions. He also drew attention to the resulting political and practical constraints for the Commission. He emphasised that it was important to enable citizens to effectively exercise this new right conferred on them by the Treaty while at the same time pointing out that if citizens' initiatives required a political response from the Commission, it must retain the power to choose the initiatives that would effectively be implemented.

The PRESIDENT wound up by saying that the consultation on the European Citizens' Initiative would serve to gauge expectations and make significant progress with a view to drawing up a balanced legislative proposal, and that a green paper was an appropriate instrument for this purpose.

Ms WALLSTRÖM thanked the other Commissioners for their support and constructive contributions during the preparation of the Green Paper and of the public consultation that would follow. She pointed out that the European Citizens'

Initiative was one of the most important and tangible innovations to be introduced by the Lisbon Treaty. The consultation period was planned to run until the end of January 2010.

She considered that the Green Paper clearly presented the legal, administrative and practical issues raised in relation to the main features of the future regulation. These issues included: the minimum number of Member States from which citizens must come and of signatures to be collected per Member State, the minimum age required to support a citizens' initiative, the form and wording of a citizens' initiative, the conditions for the collection, verification and authentication of signatures and the time limit for collection, the requirements for organisers as regards transparency and funding, the time limit, if any, for the Commission to react to a citizens' initiative, and the question of multiple initiatives on the same subject.

She felt sure that the consultation to be launched would make it possible to draw up a relevant and balanced proposal for a regulation and pointed out that the next Council Presidency had already made this proposal a priority in its work programme.

Following these presentations, the Commission held a brief exchange of views during which it agreed on the importance of the initiative.

With regard to the timetable envisaged, in particular the adoption of the regulation by the end of 2010, Ms WALLSTRÖM explained that the drafting and decision-making process would require that length of time as the regulation was to be adopted by the co-decision procedure. She said that every effort would be made, including immediate publication of the Green Paper, to enable the new Commission to present a proposal as soon as possible.

The PRESIDENT concluded this exchange of views by reminding the meeting that once the Lisbon Treaty came into force, it was important to ensure that the necessary implementing measures were put in place as quickly and also as correctly as possible.

The Commission approved the Green Paper in COM(2009)622/3, for transmission

to the European Parliament, the Council, the Economic and Social Committee, the Committee of the Regions, and to the national parliaments.

**10. COMMISSION OPINION UNDER ARTICLE 104(5) OF THE EC TREATY
ON THE EXISTENCE OF AN EXCESSIVE DEFICIT IN GERMANY
(SEC(2009)1543 AND /2; SEC(2009)1532; SEC(2009)1507; SEC(2009)1557)**

**COMMISSION RECOMMENDATION FOR A COUNCIL DECISION
UNDER ARTICLE 104(6) OF THE EC TREATY ON THE EXISTENCE OF
AN EXCESSIVE DEFICIT IN GERMANY
(SEC(2009)1544 AND /2; SEC(2009)1532; SEC(2009)1507; SEC(2009)1557)**

**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 GERMANY
(SEC(2009)1545 AND /2; SEC(2009)1532; SEC(2009)1507; SEC(2009)1557)**

Mr ALMUNIA presented to the Commission the series of opinions and recommendations concerning budgetary surveillance which are listed in items 10 to 24 of these minutes. The proposed recommendations were being put forward against the background of the strategy for emerging from the crisis and the principles approved to that end, as defined in the conclusions of the Council (Economic and Financial Affairs) of 20 October and the European Council of 29 and 30 October.

Referring to the Commission's autumn economic forecasts, Mr ALMUNIA said that the recovery measures would have to be maintained in 2010, while fiscal consolidation should begin or be continued in 2011. He also noted the mounting burden of debt, which would continue to grow even after Member States had begun to reduce their government deficits.

Turning to the proposed revised recommendations to France, Ireland, Spain, the

United Kingdom and Greece, Mr ALMUNIA recalled the conditions governing the Commission's assessment, under the rules of the Stability and Growth Pact, as to whether or not the initial recommendations had been followed by 'effective action' in the Member States concerned and whether unforeseen economic factors may have had a significant and unfavourable impact on the public finances of those Member States. He reported that the conditions in question had been met in the case of France, Ireland, Spain and the United Kingdom – so that the deadline for consolidating their public finances could be put back by one year – but not in the case of Greece; the Greek Government would have to send the Commission additional information in the coming weeks, on the basis of which the Commission would propose to move on to the next stage in the excessive deficit procedure within two months, as laid down in the Treaty.

As regards the proposed new recommendations to Austria, Belgium, the Czech Republic, Germany, Italy, the Netherlands, Portugal, Slovakia and Slovenia, Mr ALMUNIA said that the dates for beginning and completing consolidation differed according to the specific budgetary situation of each Member State concerned and that short-term flexibility would be accompanied by more stringent medium-term recommendations on debt, the budgetary framework and the long-term sustainability of their public finances.

He ended his presentation by highlighting the importance of a clear and coherent exit strategy and stressing the balanced nature of the proposed recommendations, which ensured that Member States in the same situation were treated equally.

The Commission then held an exchange of views, during which the following points in particular were raised:

- general support for the proposals presented, which were regarded as timely, necessary and balanced;
- the need for the rules of the Stability and Growth Pact to be applied;
- the fact that the recommendations might be of great help to the governments of the Member States concerned by encouraging them to take the necessary action

as soon as possible;

- a reminder of the risks to the euro in the event of any lasting deterioration of the Member States' public finances;
- a reminder of the consequences of Member States having excessive levels of government debt over a long period of time;
- the analysis which the financial markets made of the situation in each country;
- a request that more consideration be given to the sensitivity and political dimension of this issue, in particular as regards some aspects of the wording of the texts.

Mr ALMUNIA replied to the comments made, thanking the Commission members for their contributions. He was prepared to accept certain suggestions regarding wording, provided that they were balanced, observed the rules of the Stability and Growth Pact and applied to all Member States which were in the same situation.

Winding up the exchange of views, the PRESIDENT noted the Commission's support for all the opinions and recommendations and its agreement to make the changes to the English version of the following documents, in addition to a final general clean-up of some of the texts:

Recommendations pursuant to Article 104(6) of the EC Treaty

SEC(2009)1518/2, SEC(2009)1521/2, SEC(2009)1524/3, SEC(2009)1527/2, SEC(2009)1530/2, SEC(2009)1536, SEC(2009)1539/2, SEC(2009)1544/2 and SEC(2009)1547/2

- in the section entitled '*Recommendation to end the excessive deficit situation*', in the paragraph beginning with the words '*As regards the long-term sustainability*', the words '*high risks*' or '*medium risks*', as the case may be, were deleted and replaced with the words '*risks as stated by the Commission Communication^(*) on "Long-term sustainability of public finances for a*

*recovering economy" and endorsed by the ECOFIN Council^(**) on 10 November 2009*’;

^(*) Available at:

http://ec.europa.eu/economy_finance/publications/publication15996_en.pdf

^(**) Available at:

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ecofin/111025.pdf

SEC(2009)1518/2, SEC(2009)1521/2, SEC(2009)1527/2, SEC(2009)1530/2, SEC(2009)1536, SEC(2009)1544/2 and SEC(2009)1547/2

- in the section entitled ‘*Recommendation to end the excessive deficit situation*’, in the paragraph beginning with the words ‘*Against this background*’, the words ‘*, cyclical conditions permitting*’ were added before the words ‘*and accelerate*’;

SEC(2009)1539/2

- in the section entitled ‘*Recommendation to end the excessive deficit situation*’, in the paragraph beginning with the words ‘*Against this background*’, the words ‘*at the latest*’ were deleted before the words ‘*by 2013*’ and the words ‘*, cyclical conditions permitting*’ were added before the words ‘*and accelerate*’;

Recommendations pursuant to Article 104(7) of the EC Treaty

SEC(2009)1551/3, SEC(2009)1552/2 and SEC(2009)1553/2

- in the section entitled ‘*Recommendation to end the excessive deficit situation*’, in the paragraph beginning with the words ‘*As regards the long-term sustainability*’, the words ‘*high risks*’ or ‘*medium risks*’, as the case may be, were deleted and replaced with the words ‘*risks as stated by the Commission Communication^(*) on "Long-term sustainability of public finances for a recovering economy" and endorsed by the ECOFIN Council^(**) on 10 November 2009*’;

^(*) Available at:

http://ec.europa.eu/economy_finance/publications/publication15996_en.pdf

^(**) Available at:

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ecofin/111025.pdf

SEC(2009)1519/2, SEC(2009)1522/2, SEC(2009)1525/3, SEC(2009)1528/2, SEC(2009)1531/2, SEC(2009)1537/2, SEC(2009)1540/2, SEC(2009)1545/2, SEC(2009)1548/2, SEC(2009)1550/2, SEC(2009)1551/3, SEC(2009)1552/2 and SEC(2009)1553/2

- in the recital beginning with the words ‘*As regards the long-term sustainability*’, the words ‘*high risks*’ or ‘*medium risks*’, as the case may be, were deleted and replaced by the words ‘*risks as stated by the Commission Communication^(*) on "Long-term sustainability of public finances for a recovering economy" and endorsed by the ECOFIN Council^(**) on 10 November 2009*’;

^(*) Available at:

http://ec.europa.eu/economy_finance/publications/publication15996_en.pdf

^(**) Available at:

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ecofin/111025.pdf

SEC(2009)1519/2

- in Article (2) of the Recommendation, in the second line of indent (b), the words ‘, *cyclical conditions permitting*’ were added before the words ‘*and accelerate*’;
- in Article (5) of the Recommendation, the numbering was deleted and the paragraph realigned on the left;

SEC(2009)1522/2

- in Article (2) of the Recommendation, in the second line of indent (b), the words ‘, *cyclical conditions permitting*’ were added before the words ‘*and accelerate*’;
- in Article (4) of the Recommendation, the numbering was deleted and the paragraph realigned on the left;

SEC(2009)1545/2

- in Article (2) of the Recommendation, in the second line of indent (c), the words ‘, *cyclical conditions permitting*’ were added before the words ‘*and accelerate*’;

- in Article (5) of the Recommendation, the numbering was deleted and the paragraph realigned on the left;

SEC(2009)1525/3, SEC(2009)1531/2, SEC(2009)1537/2, SEC(2009)1540/2, SEC(2009)1548/2, SEC(2009)1550/2 and SEC(2009)1553/2

- in Article (1) of the Recommendation, the words ‘*as rapidly as possible and at the latest*’ were deleted;
- in Article (2) of the Recommendation, in the second line of indent (c), the words ‘, *cyclical conditions permitting*’ were added before the words ‘*and accelerate*’;
- in Article (5) of the Recommendation, the numbering was deleted and the paragraph realigned on the left;

SEC(2009)1551/2

- in Article (1) of the Recommendation, the words ‘*as rapidly as possible and at the latest*’ were deleted;
- in Article (2) of the Recommendation, in the second line of indent (c), the words ‘, *cyclical conditions permitting*’ were added before the words ‘*and accelerate*’;
- in Article (7) of the Recommendation, the numbering was deleted and the paragraph realigned on the left;

SEC(2009)1528/2 and SEC(2009)1552/2

- in Article (1) of the Recommendation, the words ‘*as rapidly as possible and at the latest*’ were deleted;
- in Article (2) of the Recommendation, in the second line of indent (c), the words ‘, *cyclical conditions permitting*’ were added before the words ‘*and accelerate*’;
- in Article (6) of the Recommendation, the numbering was deleted and the paragraph realigned on the left.

Subject to the inclusion of the above amendments in SEC(2009) 1544/2 and SEC(2009) 1545/2, the Commission adopted:

- the opinion in SEC(2009) 1543/2, for transmission to the Council;
- the recommendation in SEC(2009) 1544/2, for transmission to the Council;
- the recommendation in SEC(2009) 1545/2, for transmission to the Council.

**11. COMMISSION OPINION UNDER ARTICLE 104(5) OF THE EC TREATY
ON THE EXISTENCE OF AN EXCESSIVE DEFICIT IN AUSTRIA
(SEC(2009)1517 AND /2; SEC(2009)1532; SEC(2009)1507; SEC(2009)1557)**

**COMMISSION RECOMMENDATION FOR A COUNCIL DECISION
UNDER ARTICLE 104(6) OF THE EC TREATY ON THE EXISTENCE OF
AN EXCESSIVE DEFICIT IN AUSTRIA
(SEC(2009)1518 AND /2; SEC(2009)1532; SEC(2009)1507; SEC(2009)1557)**

**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 AUSTRIA
(SEC(2009)1519 AND /2; SEC(2009)1532; SEC(2009)1507; SEC(2009)1557)**

Subject to the inclusion in SEC(2009)1518/2 and SEC(2009)1519/2 of the amendments mentioned in item 10 of these minutes, the Commission adopted:

- the opinion in SEC(2009)1517/2, for transmission to the Council;
- the recommendation in SEC(2009)1518/2, for transmission to the Council;
- the recommendation in SEC(2009)1519/2, for transmission to the Council.

**12. COMMISSION OPINION UNDER ARTICLE 104(5) OF THE EC TREATY
ON THE EXISTENCE OF AN EXCESSIVE DEFICIT IN BELGIUM
(SEC(2009)1546; SEC(2009)1532; SEC(2009)1507; SEC(2009)1557)**

**COMMISSION RECOMMENDATION FOR A COUNCIL DECISION
UNDER ARTICLE 104(6) OF THE EC TREATY ON THE EXISTENCE OF
AN EXCESSIVE DEFICIT IN BELGIUM
(SEC(2009)1547 AND /2; SEC(2009)1532; SEC(2009)1507; SEC(2009)1557)**

**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 BELGIUM
(SEC(2009)1548 AND /2; SEC(2009)1532; SEC(2009)1507; SEC(2009)1557)**

Subject to the inclusion in SEC(2009)1547/2 and SEC(2009)1548/2 of the amendments mentioned in item 10 of these minutes, the Commission adopted:

- the opinion in SEC(2009)1546, for transmission to the Council;
- the recommendation in SEC(2009)1547/2, for transmission to the Council;
- the recommendation in SEC(2009)1548/2, for transmission to the Council.

**13. COMMISSION OPINION UNDER ARTICLE 104(5) OF THE EC TREATY
ON THE EXISTENCE OF AN EXCESSIVE DEFICIT IN ITALY
(SEC(2009)1523; SEC(2009)1532; SEC(2009)1507; SEC(2009)1557)**

**COMMISSION RECOMMENDATION FOR A COUNCIL DECISION
UNDER ARTICLE 104(6) OF THE EC TREATY ON THE EXISTENCE OF
AN EXCESSIVE DEFICIT IN ITALY
(SEC(2009)1524 TO /3; SEC(2009)1532; SEC(2009)1507; SEC(2009)1557)**

**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 ITALY
(SEC(2009)1525 TO /3; SEC(2009)1532; SEC(2009)1507; SEC(2009)1557)**

Subject to the inclusion in SEC(2009)1524/3 and SEC(2009)1525/3 of the amendments mentioned in item 10 of these minutes, the Commission adopted:

- the opinion in SEC(2009)1523, for transmission to the Council;
- the recommendation in SEC(2009)1524/3, for transmission to the Council;
- the recommendation in SEC(2009)1525/3, for transmission to the Council.

**14. COMMISSION OPINION UNDER ARTICLE 104(5) OF THE EC TREATY
ON THE EXISTENCE OF AN EXCESSIVE DEFICIT IN THE
NETHERLANDS**

(SEC(2009)1520 AND /2; SEC(2009)1532; SEC(2009)1507; SEC(2009)1557)

**COMMISSION RECOMMENDATION FOR A COUNCIL DECISION
UNDER ARTICLE 104(6) OF THE EC TREATY ON THE EXISTENCE OF
AN EXCESSIVE DEFICIT IN THE NETHERLANDS**

(SEC(2009)1521 AND /2; SEC(2009)1532; SEC(2009)1507; SEC(2009)1557)

**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 THE NETHERLANDS**

(SEC(2009)1522 AND /2; SEC(2009)1532; SEC(2009)1507; SEC(2009)1557)

Subject to the inclusion in SEC(2009)1521/2 and SEC(2009)1522/2 of the amendments mentioned in item 10 of these minutes, the Commission adopted:

- the opinion in SEC(2009)1520/2, for transmission to the Council;
- the recommendation in SEC(2009)1521/2, for transmission to the Council;
- the recommendation in SEC(2009)1522/2, for transmission to the Council.

**15. COMMISSION OPINION UNDER ARTICLE 104(5) OF THE EC TREATY
ON THE EXISTENCE OF AN EXCESSIVE DEFICIT IN PORTUGAL
(SEC(2009)1526 AND /2; SEC(2009)1532; SEC(2009)1507; SEC(2009)1557)**

**COMMISSION RECOMMENDATION FOR A COUNCIL DECISION
UNDER ARTICLE 104(6) OF THE EC TREATY ON THE EXISTENCE OF
AN EXCESSIVE DEFICIT IN PORTUGAL
(SEC(2009)1527 AND /2; SEC(2009)1532; SEC(2009)1507; SEC(2009)1557)**

**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 PORTUGAL
(SEC(2009)1528 AND /2; SEC(2009)1532; SEC(2009)1507; SEC(2009)1557)**

Subject to the inclusion in SEC(2009)1527/2 and SEC(2009)1528/2 of the amendments mentioned in item 10 of these minutes, the Commission adopted:

- the opinion in SEC(2009)1526/2, for transmission to the Council;
- the recommendation in SEC(2009)1527/2, for transmission to the Council;
- the recommendation in SEC(2009)1528/2, for transmission to the Council.

**16. COMMISSION OPINION UNDER ARTICLE 104(5) OF THE EC TREATY
ON THE EXISTENCE OF AN EXCESSIVE DEFICIT IN THE CZECH
REPUBLIC**

(SEC(2009)1535; SEC(2009)1532; SEC(2009)1507; SEC(2009)1557)

**COMMISSION RECOMMENDATION FOR A COUNCIL DECISION
UNDER ARTICLE 104(6) OF THE EC TREATY ON THE EXISTENCE OF
AN EXCESSIVE DEFICIT IN THE CZECH REPUBLIC**

(SEC(2009)1536; SEC(2009)1532; SEC(2009)1507; SEC(2009)1557)

**COMMISSION RECOMMENDATION FOR A COUNCIL
RECOMMENDATION, IN ACCORDANCE WITH ARTICLE 104(7) OF
THE EC TREATY, WITH A VIEW TO BRINGING AN END TO THE
SITUATION OF AN EXCESSIVE GOVERNMENT DEFICIT IN THE
CZECH REPUBLIC**

(SEC(2009)1537 AND /2; SEC(2009)1532; SEC(2009)1507; SEC(2009)1557)

Subject to the inclusion in SEC(2009)1536 and SEC(2009)1537/2 of the amendments mentioned in item 10 of these minutes, the Commission adopted:

- the opinion in SEC(2009)1535, for transmission to the Council;
- the recommendation in SEC(2009)1536, for transmission to the Council;
- the recommendation in SEC(2009)1537/2, for transmission to the Council.

**17. COMMISSION OPINION UNDER ARTICLE 104(5) OF THE EC TREATY
ON THE EXISTENCE OF AN EXCESSIVE DEFICIT IN SLOVAKIA
(SEC(2009)1538; SEC(2009)1532; SEC(2009)1507; SEC(2009)1557)**

**COMMISSION RECOMMENDATION FOR A COUNCIL DECISION
UNDER ARTICLE 104(6) OF THE EC TREATY ON THE EXISTENCE OF
AN EXCESSIVE DEFICIT IN SLOVAKIA
(SEC(2009)1539 AND /2; SEC(2009)1532; SEC(2009)1507; SEC(2009)1557)**

**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 SLOVAKIA
(SEC(2009)1540 AND /2; SEC(2009)1532; SEC(2009)1507; SEC(2009)1557)**

Subject to the inclusion in SEC(2009)1539/2 and SEC(2009)1540/2 of the amendments mentioned in item 10 of these minutes, the Commission adopted:

- the opinion in SEC(2009)1538, for transmission to the Council;
- the recommendation in SEC(2009)1539/2, for transmission to the Council;
- the recommendation in SEC(2009)1540/2, for transmission to the Council.

**18. COMMISSION OPINION UNDER ARTICLE 104(5) OF THE EC TREATY
ON THE EXISTENCE OF AN EXCESSIVE DEFICIT IN SLOVENIA
(SEC(2009)1529; SEC(2009)1532; SEC(2009)1507; SEC(2009)1557)**

**COMMISSION RECOMMENDATION FOR A COUNCIL DECISION
UNDER ARTICLE 104(6) OF THE EC TREATY ON THE EXISTENCE OF
AN EXCESSIVE DEFICIT IN SLOVENIA
(SEC(2009)1530 AND /2; SEC(2009)1532; SEC(2009)1507; SEC(2009)1557)**

**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 SLOVENIA
(SEC(2009)1531 AND /2; SEC(2009)1532; SEC(2009)1507; SEC(2009)1557)**

Subject to the inclusion in SEC(2009)1530/2 and SEC(2009)1531/2 of the amendments mentioned in item 10 of these minutes, the Commission adopted:

- the opinion in SEC(2009)1529, for transmission to the Council;
- the recommendation in SEC(2009)1530/2, for transmission to the Council;
- the recommendation in SEC(2009)1531/2, for transmission to the Council.

**19. 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 SPAIN
(SEC(2009)1553 AND /2; SEC(2009)1532; SEC(2009)1507; SEC(2009)1557)**

Subject to the inclusion of the amendments mentioned in item 10 of these minutes, the Commission adopted the recommendation in SEC(2009)1553/2, for transmission to the Council.

**20. 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 FRANCE
(SEC(2009)1550 AND /2; SEC(2009)1532; SEC(2009)1507; SEC(2009)1557)**

Subject to the inclusion of the amendments mentioned in item 10 of these minutes, the Commission adopted the recommendation in SEC(2009)1550/2, for transmission to the Council.

**21. 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 IRELAND
(SEC(2009)1551 AND /2; SEC(2009)1532; SEC(2009)1507; SEC(2009)1557)**

Subject to the inclusion of the amendments mentioned in item 10 of these minutes, the Commission adopted the recommendation in SEC(2009)1551/2, for transmission to the Council.

**22. 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 THE UNITED KINGDOM
(SEC(2009)1552 AND /2; SEC(2009)1532; SEC(2009)1507; SEC(2009)1557)**

Subject to the inclusion of the amendments mentioned in item 10 of these minutes, the Commission adopted the recommendation in SEC(2009)1552/2, for

transmission to the Council.

23. COMMISSION RECOMMENDATION FOR A COUNCIL DECISION ESTABLISHING, IN ACCORDANCE WITH ARTICLE 104(8) OF THE EC TREATY, WHETHER EFFECTIVE ACTION HAS BEEN TAKEN BY GREECE IN RESPONSE TO THE COUNCIL RECOMMENDATION OF 27 APRIL 2009 PURSUANT TO ARTICLE 104(7) OF THE EC TREATY (SEC(2009)1549 AND /2; SEC(2009)1532; SEC(2009)1507; SEC(2009)1557)

Subject to final linguistic revision, the Commission adopted the recommendation in SEC(2009)1549/2, for transmission to the Council.

24. COMMISSION RECOMMENDATION FOR A COUNCIL OPINION UNDER ARTICLE 5(3) OF COUNCIL REGULATION (EC) NO 1466/97 ON THE UPDATED STABILITY PROGRAMME OF BELGIUM (2008-2012) (SEC(2009)1554 AND /2; SEC(2009)1507; SEC(2009)1557)

The Commission adopted the recommendation for a Council opinion on the updated stability programme of Belgium as set out in SEC(2009)1554, for transmission to the Council.

25. OTHER BUSINESS

**25.1. VISIT TO GREECE AND TURKEY (ATHENS AND ANKARA, 4 AND 5 NOVEMBER)
(SEC(2009)1579)**

The Commission took note of the information note from Mr BARROT set out in SEC(2009)1579.

25.2. SITUATION CONCERNING THE A(H1N1) INFLUENZA PANDEMIC

Ms VASSILIOU reviewed the situation regarding the A(H1N1) influenza pandemic, both within the European Union and in certain neighbouring countries.

The situation in Ukraine was worrying: declared cases of A(H1N1) flu had passed the one million mark. A large number of patients had had to be hospitalised, and the death rate was rising. Ms VASSILIOU referred to the work of the European Union's Health Security Committee, explaining that the mechanism of the Monitoring and Information Centre (MIC), the operational part of the Community's civil protection mechanism in DG Environment, had been activated. She thanked the departments under the responsibility of Mr DIMAS for their cooperation, saying that several Member States had offered to help Ukraine via this mechanism, in addition to the support provided bilaterally and through the North Atlantic Treaty Organisation (NATO).

She then turned to the measures envisaged by some of Ukraine's EU neighbours which feared the spread of the pandemic to their populations, in particular the announcement of the closure of border crossing points with Ukraine and the establishment of screening and quarantine arrangements. Her department had questioned this approach as such measures were not only costly and ineffective, but also ran counter to the opinions issued by the European Centre for Disease Prevention and Control (ECDC) and the World Health Organisation (WHO).

Information regarding the situation in the European Union was, unfortunately, incomplete as several Member States were no longer communicating data that was in fact required by Community legislation on communicable diseases. Based on the figures available, however, it could be seen that there had been a regular increase in the number of cases of the disease, hospitalisations and deaths.

Turning to the vaccination programmes set up in Member States, Ms VASSILOU said that she had been in contact with the authorities of countries which had no vaccine stocks with a view to helping them produce the documents needed for joint public procurement procedures.

Lastly, Ms VASSILIOU referred to the recent request for assistance sent by the Bulgarian Government to the Commission and the Council Presidency, asking for extra supplies of antivirals. The Health Security Committee had forwarded this request to the Member States and the MIC had been mobilised to supply logistical support. However, to date, only one Member State had responded positively to this request.

The PRESIDENT thanked Ms VASSILIOU for her presentation and for the action taken. Close coordination between Member States was important to maintain the European Union's capacity to react effectively to the spread of the A(H1N1) influenza.

The Commission took note of this information.

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

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The meeting closed at 12.38.