



EUROPEAN COMMISSION

SECRÉTARIAT GÉNÉRAL

PV(2009)1897 final

Brussels, 9 December 2009

MINUTES
of the 1897th meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 2 December 2009
(afternoon)

PV(2009)1897 final

TABLE OF CONTENTS

Attendance list	4-6
1. AGENDAS (OJ(2009)1897/3; SEC(2009)1624/2).....	9
2. WEEKLY MEETING OF CHEFS DE CABINET (SEC(2009)1897)	9
3. MINUTES OF 1896TH MEETING (24 NOVEMBER) (PV(2009)1896)	9
4. INTERINSTITUTIONAL RELATIONS.....	9
4.1. LEGISLATIVE MATTERS	9
4.2. RELATIONS WITH THE COUNCIL	10
4.3. RELATIONS WITH THE EUROPEAN PARLIAMENT	11
5. MONITORING THE APPLICATION OF COMMUNITY LAW	11
STATE AID – INDIVIDUAL CASES – RECAPITULATIVE LIST (SEC(2009)1640 AND /2)	11
6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS.....	11
6.1. WRITTEN PROCEDURES APPROVED (SEC(2009)1626 ET SEQ.).....	11
6.2. EMPOWERMENT (SEC(2009)1627 ET SEQ.)	12
6.3. DELEGATION AND SUBDELEGATION OF POWERS (SEC(2009)1628 ET SEQ.).....	12
6.4. SENSITIVE WRITTEN PROCEDURES (SEC(2009)1629 AND /2)	12
7. ADMINISTRATIVE AND BUDGETARY MATTERS (SEC(2009)1625/2)	13
OFFICE FOR INFRASTRUCTURE AND LOGISTICS – BRUSSELS – WORK ON THE SCHUMAN MULTIMODAL POLE IN CONNECTION WITH THE NEW RER LINE AND THE IMPACT OF THIS WORK ON THE COMMISSION (SEC(2009)1654/2)	13

8. DECISION BY THE COMMISSION PRESIDENT ON THE ORDER OF PRECEDENCE AND ORGANISATION OF RESPONSIBILITIES OF THE MEMBERS OF THE COMMISSION AND THE ARRANGEMENTS ON DEPUTISING FOR THE PRESIDENT (C(2009)9656)	13
9. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL – CONSEQUENCES OF THE ENTRY INTO FORCE OF THE TREATY OF LISBON FOR ONGOING INTERINSTITUTIONAL DECISION-MAKING PROCEDURES (COM(2009)665 TO /4; SEC(2009)1644)	14
10. RELATIONS WITH NON-MEMBER COUNTRIES.....	14
10.1. 12 TH EU-CHINA SUMMIT (NANJING, 30 NOVEMBER).....	14
10.2. VISIT TO THE REPUBLIC OF MOLDOVA (CHISINAU, 26 AND 27 NOVEMBER) (SEC(2009)1662).....	18
11. OTHER BUSINESS.....	19
"JUVENES TRANSLATORES" TRANSLATION CONTEST (SEC(2009)1659).....	19

Single sitting: Wednesday 2 December 2009 (afternoon)

The sitting opened at 15.06 with Mr BARROSO, President, in the chair.

It was attended by:

Mr BARROSO	President	
Baroness ASHTON	High Representative / Vice-President	Items 1 to 10 (in part)
Ms WALLSTRÖM	Vice-President	
Mr VERHEUGEN	Vice-President	
Mr BARROT	Vice-President	
Mr KALLAS	Vice-President	
Mr TAJANI	Vice-President	
Ms REDING		
Mr DIMAS		
Mr BORG		
Mr POTOČNIK		
Mr REHN		
Ms KROES		
Ms FERRERO-WALDNER		Items 1 to 10 (in part)
Mr PIEBALGS		
Ms KUNEVA		
Mr ORBAN		
Ms VASSILIOU		
Mr ŠEMETA		
Mr DE GUCHT		
Mr ŠEFČOVIČ		

Absent:

Mr ALMUNIA

Mr KOVÁCS

Ms FISCHER BOEL

Mr McCREEVY

Mr ŠPIDLA

Mr SAMECKI

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

Mr QUERO MUSSOT	Acting Chef de cabinet to Mr ALMUNIA
Ms TÖRÖK	A member of Mr KOVÁCS's staff
Ms NAESAGER	Deputy Chef de cabinet to Ms FISCHER BOEL
Ms DE BASALDUA	Deputy Chef de cabinet to Mr MCCREEVY
Ms SCHREIBER	Chef de cabinet to Mr ŠPIDLA
Mr KOLINSKI	A member of Mr SAMECKI's staff

The following also sat in:

Mr LAITENBERGER	Chef de cabinet to the PRESIDENT	
Mr ROMERO REQUENA	Director-General, Legal Service	
Ms AHRENKILDE HANSEN	Commission Spokeswoman	
Mr GASPAR	Acting Director-General, Bureau of European Policy Advisers	
Mr HEILBRONN	Deputy Chef de cabinet to Ms FERRERO-WALDNER	Items 10 (in part) and 11

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

The PRESIDENT opened the first meeting of the Commission since the entry into force of the Lisbon Treaty on 1 December 2009. He welcomed the appointment of Baroness ASHTON as High Representative of the European Union for Foreign Affairs and Security Policy and as Vice-President of the Commission, and congratulated her on her hearing earlier in the day before the European Parliament Committee on Foreign Affairs. This new position was an important innovation in the Treaty and involved major challenges. He assured Baroness ASHTON of the support of the entire Commission.

Considerable efforts would have to be made during the current transition period as institutional continuity would have to be ensured while making adjustments in line with the new Treaty, which involved additional responsibilities for the European Parliament and the Commission. It was important to make European citizens aware of the changes arising from the Treaty, with the emphasis on three main messages: the EU's determination, as demonstrated by its completion of the ratification process despite the problems encountered, the possibilities and instruments in the new Treaty that would ensure a more democratic and more effective Europe, and the importance of adopting an open-minded approach to citizens' concerns and global challenges.

The PRESIDENT referred to the ceremony held in Lisbon the previous day to mark the entry into force of the Treaty, during which he had underlined the objectives to be pursued, in particular in relation to the role of the Commission in the new institutional set-up. These new ambitions must now be reflected in practice, with the Commission maintaining a clear role in this transition period.

He referred to his announcement on 27 November concerning the allocation of portfolios to the new Commission Members, welcoming the renewal of the mandates of a number of Members of the current Commission which would make it possible to establish a core group with experience which would be useful for the new team taking up office. He asked all Members to contribute to a smooth handover by providing support to the new Commissioners in tackling the challenges and risks arising from their respective portfolios, and in particular with regard to the political changes as a result of the Treaty, namely the increasing political role of the European Parliament as part of the reinforcement of representative democracy enshrined in Article 10 of the Treaty on European Union. He had scheduled three seminars with the Commissioners-designate on

8 and 21 December and 7 January 2010 to examine in depth certain political issues relating to the preparation of their hearings before the European Parliament.

The Treaty of Lisbon would make significant improvements to the role of the EU and of the Commission in particular, and all Commissioners should contribute actively to ensuring a smooth transition so that they are in a position to take up the major challenges facing them.

Baroness ASHTON thanked the PRESIDENT and Commission Members, together with the Secretary-General and the Cabinets, in particular the PRESIDENT's Cabinet, for their full support in preparing this transition.

The PRESIDENT underlined the historic nature of the post of High Representative of the EU for Foreign Affairs and Security Policy and Vice-President of the Commission, and of the establishment of the European external action service. He hoped that the entire Commission would support Baroness ASHTON in this task to ensure its success up until the end of the new Commission's term of office.

He concluded by reiterating the importance of the main innovations in the Treaty, in particular as regards the creation of the post of President of the European Council and the new powers and enhanced role of the European Parliament and Commission. He emphasised the crucial role of the Commission in promoting the European general interest, set down in Article 17 of the Treaty on European Union, and the need to establish a doctrine right away covering the role of the Commission and based on the principles of fair cooperation between the institutions, complementarity between the action of Member States and the Commission, and commitment with respect to European responsibilities.

* * *

1. AGENDAS

(OJ(2009)1897/3; SEC(2009)1624/2)

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)1897)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 30 November.

3. MINUTES OF 1896TH MEETING (24 NOVEMBER)

(PV(2009)1896)

The Commission approved the minutes of its 1896th meeting.

4. INTERINSTITUTIONAL RELATIONS

4.1. LEGISLATIVE MATTERS

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

(SP(2009)5132)

The Commission decided to empower the Commission Members responsible for the sectors in question, in agreement with the PRESIDENT and Ms WALLSTRÖM and, if necessary, with the other Members concerned, to adopt the amended proposals for transmission to Parliament and the Council, as set out in SP(2009)5132, drawn up following the November II part-session of Parliament, the contents of which were noted.

ii) Co-decision procedure – Preparation of agreement at first reading
(SPI(2009)92)

- European Regional Development Fund – Eligibility of housing measures in favour of marginalised communities (Regulation) – VAN NISTELROOIJ report – 2009/0105 (COD)

The Commission authorised Mr SAMECKI to pursue contacts with the co-legislators in order to reach an agreement at first reading, following the line set out in note SPI(2009)92. The Commission's formal position on the Council Presidency compromise would be reserved for a subsequent decision by the next Commission.

iii) Consultation procedure – Preparation of Permanent Representatives Committee (COREPER) meeting (3 December)
(SI(2009)306)

- Allocation of financial intermediation services indirectly measured (FISIM) for the establishment of the gross national income (GNI) used for the purposes of the European Communities' budget and its own resources (Council Decision) – DEHAENE report – 2009/0068 (CNS)

The Commission approved the approach set out in SI(2009)306.

4.2. RELATIONS WITH THE COUNCIL

iv) Programming of Council business
(SI(2009)310)

The Commission took note of the information in SI(2009)310 on the Council meetings between 3 and 16 December.

4.3. RELATIONS WITH THE EUROPEAN PARLIAMENT

v) Results of November II part-session

(SP(2009)5022 to /3)

The Commission took note of the information in SP(2009)5022 to /3 on the proceedings of the part-session of Parliament held in Strasbourg from 23 to 26 November.

vi) Presence of Members of the Commission at Question Time during Parliament's January 2010 part-session

(SP(2009)5227)

The Commission approved document SP(2009)5227 setting out the list of Commission Members to be present at Question Time during Parliament's January 2010 part-session, for transmission to Parliament.

5. MONITORING THE APPLICATION OF COMMUNITY LAW

STATE AID – INDIVIDUAL CASES – RECAPITULATIVE LIST (SEC(2009)1640 AND /2)

The Commission adopted the decisions in SEC(2009)1640/2.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

6.1. WRITTEN PROCEDURES APPROVED (SEC(2009)1626 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 23 and 27 November.

6.2. EMPOWERMENT

(SEC(2009)1627 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 23 and 27 November.

6.3. DELEGATION AND SUBDELEGATION OF POWERS

(SEC(2009)1628 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 23 and 27 November, as archived in e-Greffe.

6.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2009)1629 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 30 November and 4 December and of the “finalisation” written procedure initiated following the weekly meeting of Chefs de cabinet on 30 November.

7. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2009)1625/2)

ADMINISTRATIVE MATTERS

(PERS(2009)145/2)

***OFFICE FOR INFRASTRUCTURE AND LOGISTICS – BRUSSELS – WORK
ON THE SCHUMAN MULTIMODAL POLE IN CONNECTION WITH THE
NEW RER LINE AND THE IMPACT OF THIS WORK ON THE
COMMISSION***

(SEC(2009)1654/2)

The Commission took note of the information in SEC(2009)1654/2 and authorised Mr KALLAS, Member of the Commission responsible for administrative affairs, to sign on its behalf.

**8. DECISION BY THE COMMISSION PRESIDENT ON THE ORDER OF
PRECEDENCE AND ORGANISATION OF RESPONSIBILITIES OF THE
MEMBERS OF THE COMMISSION AND THE ARRANGEMENTS ON
DEPUTISING FOR THE PRESIDENT**

(C(2009)9656)

The Commission had before it the memorandum from the PRESIDENT in C(2009)9656. It took note of:

- the portfolio changes for the present Commission decided on by the PRESIDENT;
- the departmental responsibilities of the Commission Members concerned by the portfolio changes, as detailed in the annex to the decision;
- the order of precedence of the Commission Vice-Presidents laid down by the PRESIDENT;

- the arrangements on deputising for the PRESIDENT.

9. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL – CONSEQUENCES OF THE ENTRY INTO FORCE OF THE TREATY OF LISBON FOR ONGOING INTERINSTITUTIONAL DECISION-MAKING PROCEDURES (COM(2009)665 TO /4; SEC(2009)1644)

The Commission approved the communication in COM(2009)665/3 and /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.

10. RELATIONS WITH NON-MEMBER COUNTRIES

10.1. 12TH EU-CHINA SUMMIT (NANJING, 30 NOVEMBER)

The PRESIDENT reported on the 12th EU-China Summit which had been held in Nanjing on Monday 30 November and on his meeting in Beijing the following day with the Chinese President, Hu Jintao.

He began by referring to the positive impact which the appointment of the High Representative of the Union for Foreign Affairs and Security Policy and the two-and-a-half-year mandate of the President of the European Council should have on the EU's external representation and the defence of European interests, given that the six-month rotating presidency had so far not allowed the EU to consolidate its position in relation to partners such as China.

He felt that progress had been made at the Summit itself and it had been constructive in confirming the renewed Chinese commitment to its relationship with the European Union, after the unfortunate postponement of

the 11th Summit, which had been due to take place during the French Presidency but was deferred to the Czech Presidency.

He had also been invited to a private bilateral meeting and working dinner before the Summit by the Prime Minister, Wen Jiabao, and this had been an opportunity for an open discussion in a friendly atmosphere.

The PRESIDENT reported that the Chinese were interested in the entry into force of the Lisbon Treaty and the changes it would bring and had congratulated both him and the President of the European Council on this development. He felt that a special line of communication had been established between the Commission and the Chinese authorities.

The discussions at the Summit and in the private meetings with the Chinese Prime Minister had focused mainly on climate change and economic relations, as well as relations between the two partners in general. The atmosphere during the talks had been positive, and he was pleased to note that the Chinese had rejected the idea of a "G2" establishing a special relationship with the United States.

On the specific issues, however, he noted a hardening of the Chinese position, and in particular a very negative response to the calls for a revaluation of their currency, as well as considerable disappointment at what they saw as an insufficiently enthusiastic response from the EU to China's announcement of its intention to reduce its carbon intensity by 40 to 45% by 2020.

The PRESIDENT stressed the positive nature of his meeting with the Chinese President and the evident desire to maintain good relations with the European Union.

However, he expressed concerns about the restrictions on freedom of expression in China. He felt that future relations with China, which the EU hoped would be constructive, would remain extremely complex, and he concluded that the results of the Summit were mixed. In particular he deplored the fact that the joint declaration had not included all of the

statements agreed at the dinner with the Prime Minister.

Ms FERRERO-WALDNER also noted the increasingly assured positions being adopted by the Chinese. However, she was pleased by their rejection of a "G2" format and their stated preference for multilateral relations specifically including the European Union. The dialogue on human rights remained difficult and the Chinese reacted by accusing the Europeans of violations on their side too. As regards the content of the joint declaration, particularly on the matter of institutionalising the high-level trade dialogue, she felt that the Chinese needed further time for reflection. She concluded by emphasising the importance of the Summit.

The discussion that followed focused on the following points:

- the growing assurance shown by the Chinese in their relations with the EU on other occasions too, but also their concerns about the idea of a "G2" and their doubts about Europe's willingness to institutionalise the high-level trade dialogue;
- the positive nature of the interest shown by China in the quality of its relationship with the European Union;
- the desire for more details about the discussions on climate change;
- the apparent deterioration of the human rights situation in China and the way the Chinese had shifted from being on the defensive to criticising respect for human rights in Europe; the importance of the next Commission holding a general discussion of these issues at the earliest opportunity and adopting a line on this subject.

The PRESIDENT stressed how difficult the human rights question was and mentioned the dissatisfaction caused in China by the recent European Parliament resolution on the treatment of the Tibetan and Uyghur minorities. The European Union needed to adopt a common line in order to avoid bilateral tensions between China and certain Member States. Consequently

these issues would have to be examined both within the Commission and in conjunction with the Member States. This was an area in which the High Representative of the Union for Foreign Affairs and Security Policy and the President of the European Council could help to develop a coherent position.

On climate change, the PRESIDENT said that the figures announced by the Chinese regarding their intentions in terms of reducing their carbon intensity were a step in the right direction, broadly speaking, but were insufficient, and he had asked them to explore the possibilities for maximum flexibility in this area. This request had not been well received and the Chinese rejected both the idea of a binding limit and the prospect of any international monitoring in this field, and called instead on the EU to do more to help reduce the effects of climate change, including providing more financial support.

The PRESIDENT acknowledged that the Chinese were making major efforts, particularly in developing renewable energies, and were demonstrating a genuine willingness to tackle climate change, but were not prepared, for reasons connected with national sovereignty, to accept binding limits. The Chinese had linked the efforts to be made by the United States to those they would be making themselves. He regretted that the Chinese had refused to include in the joint declaration the target of reducing global warming to 2 degrees Celsius and was worried about the very firm stance adopted by the Chinese Prime Minister ahead of the Copenhagen Conference.

A second discussion was held, during which the following points were raised:

- the importance of the national sovereignty argument in the rejection by the Chinese of any idea of an international verification mechanism, but also the practical reasons behind it;
- the fact that India had accepted such a mechanism, and the example this might set;
- the fact that the target presented for reducing carbon intensity was purely relative, given the recent increase in carbon intensity;

- the link between the American position and the efforts the Chinese would be willing to make;
- the problem posed by China's choice of the carbon intensity criterion, ruling out any comparison with other countries' figures, which were based on the Kyoto Protocol;
- the high political price that would be paid in the event of the failure of the Copenhagen Conference, particularly among young people, who felt very strongly about this issue;
- the fact that the European Union had adopted the most ambitious targets for reducing its greenhouse gas emissions and was alone in having adopted binding targets.

The PRESIDENT returned to the question of possible progress by India, recalling the positive nature of the talks at the last Summit between the European Union and India. Relations between China and India were highly complex, but the efforts made by one country could act as a stimulus to the other.

He, too, pointed out that in terms of tackling climate change the European Union, along with New Zealand, was alone in having set itself binding targets, so it should not find itself on the defensive. This period was critical for the outcome of the conference, but he still felt that an agreement could be reached at Copenhagen.

The Commission took note of this information.

**10.2. VISIT TO THE REPUBLIC OF MOLDOVA (CHISINAU, 26 AND 27 NOVEMBER)
(SEC(2009)1662)**

The Commission took note of the information note from Ms FERRERO-WALDNER set out in SEC(2009)1662.

11. OTHER BUSINESS

"JUVENES TRANSLATORES" TRANSLATION CONTEST ***(SEC(2009)1659)***

Mr ORBAN informed the Members of the Commission that the *"Juvenes translatores"* translation contest had been held for the third year running. He had launched the contest three years earlier and it had proved to be a real success in terms of generating a European dynamic.

He reported that 3 000 pupils representing 599 schools from throughout the European Union had competed in this third contest, which took place on 24 November, and even more would have liked to have been able to take part in this challenge, which involved translating a text from a source language of choice to a target language of choice from any of the twenty-three official languages of the European Union. He explained that the prize for the winners of this contest was a two-day visit to Brussels, which included a prize-giving ceremony with the Member of the Commission responsible for multilingualism.

Mr ORBAN also felt that this contest represented much more for the European Union and that it was a project that benefited all those who took part. It had proved to be an excellent instrument for promoting the Union and increasing awareness of its activity. Participating in a contest on a European scale, where young people from all over the Union faced the same tests, served to reinforce their European identity and their interest in the areas of competence that concerned them directly.

As well as encouraging pupils and teachers from the entire Union to take an interest in a European subject, the contest highlighted the work of the Commission's translators and sparked interest in a possible career as a professional translator within the institutions, an interest which some participants had clearly expressed.

Mr ORBAN was pleased that this project, which started as an experiment, with few resources but great ambitions, had turned out to be a real success on a European

scale. He stressed that the contest, which is eagerly awaited each year, carried and spread the Commission's European message by giving citizens a concrete example of the Commission's policies.

He thought that the "*Juvenes translatores*" contest also showed the positive impact for the Commission's services of launching specific projects that were well-proportioned, well-prepared and oriented towards the citizens of the Union.

Mr ORBAN concluded his presentation by pointing out that the success of this contest once again showed that European civil society was ready to rally around common values and shared challenges, and by passing on the expectations and the enthusiasm that he had noticed during his travels around the European Union over the last three years.

The Commission took note of these observations and of Mr ORBAN's briefing note in SEC(2009)1659.

*

* *

The meeting closed at 16.04.