



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2010)1902 final

Brussels, 27 January 2010

MINUTES
of the 1902nd meeting of the Commission
held in Strasbourg
(Winston Churchill building)
on Tuesday 19 January 2010
(afternoon)

PV(2010)1902 final

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Single sitting: Tuesday 19 January 2010 (afternoon)

The sitting opened at 13.15 with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	President
Baroness ASHTON	High Representative/ Vice-President
Ms WALLSTRÖM	Vice-President
Mr BARROT	Vice-President
Mr KALLAS	Vice-President
Mr TAJANI	Vice-President
Ms REDING	
Mr POTOČNIK	
Mr REHN	
Ms KROES	
Ms FISCHER BOEL	
Mr ŠPIDLA	
Ms KUNEVA	
Mr ORBAN	
Mr ŠEMETA	
Mr SAMECKI	
Mr DE GUCHT	
Mr ŠEFČOVIČ	

Absent:

Mr VERHEUGEN

Vice-President

Mr DIMAS

Mr ALMUNIA

Mr BORG

Mr KOVÁCS

Ms FERRERO-WALDNER

Mr McCREEVY

Mr PIEBALGS

Ms VASSILIOU

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

Mr PAPACONSTANTINOU	A member of Mr DIMAS's staff
Mr QUERO MUSSOT	Deputy Chef de cabinet to Mr ALMUNIA
Ms KIRCHNER	A member of Mr BORG's staff
Ms ARP	A member of Ms FERRERO- WALDNER's staff
Mr GARCÍA PORRAS	A member of Mr PIEBALGS's staff
Mr SEVERIS	A member of Ms VASSILIOU's staff

The following also sat in:

Mr LAITENBERGER	Chef de cabinet to the PRESIDENT
Mr ROMERO REQUENA	Director-General, Legal Service
Mr CARVOUNIS	Deputy Director-General, DG Communication
Ms AHRENKILDE HANSEN	Commission Spokeswoman
Mr GASPAR	Acting Director-General, Bureau of European Policy Advisers

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

1. AGENDAS

(OJ(2010)1902/3; SEC(2010)25)

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(2010)1902)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 18 January.

3. MINUTES OF 1901ST MEETING (13 JANUARY)

(PV(2010)1901)

The Commission approved the minutes of its 1901st meeting.

4. INTERINSTITUTIONAL RELATIONS

(SEC(2010)13)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 15 January (SEC(2010)13).

It paid particular attention to the following points.

4.1. LEGISLATIVE MATTERS

i) Comitology – Regulatory procedure with scrutiny – Procedure to be followed where the committee delivers no opinion or a negative opinion

(point 1.3 of the IRG record)

- Supplementing the Schengen Borders Code as regards the surveillance of the sea external borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders (Council Decision) – COM(2009)658

The Commission authorised Mr BARROT to support any Presidency compromise that could be adopted by qualified majority, following the line set out in note SI(2010)5.

ii) Preparation for Parliament's January part-session

(point 1.4 of the IRG record)

Special legislative procedure – Consultation

- Temporary suspension of autonomous Common Customs Tariff duties on imports of certain industrial products into the autonomous regions of Madeira and the Azores (Council Regulation) – HÜBNER report – 2009/0125 (CNS)

The Commission approved the line set out in SP(2010)131.

4.2. RELATIONS WITH THE COUNCIL

iii) Programming of Council business

(SI(2010)10)

The Commission took note of the information in SI(2010)10 on the Council meetings between 21 January and 3 February.

4.3. RELATIONS WITH PARLIAMENT

iv) Preparation for Parliament's January part-session – Oral questions

(point 3.4 of the IRG record)

H-0474/09, H-0475/09, H-0478/09, H-0480/09, H-0482/09, H-0483/09, H-0484/09, H-0485/09, H-0488/09, H-0490/09, H-0492/09, H-0493/09, H-0494/09, H-0497/09, H-0499/09, H-0501/09, H-0503/09, H-0505/09, H-0506/09, H-0001/10, H-0003/10, H-0006/10 and H-0007/10

The Commission approved the draft answers set out in SP(2010)95 to /4, 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(2010)95/5.

v) Action taken on non-legislative resolutions adopted by Parliament at its October II part-session

(point 3.6.2 of the IRG record)

The Commission approved document SP(2010)19 on the action taken on Parliament's non-legislative resolutions adopted at its October II part-session, for transmission to Parliament.

5. MONITORING THE APPLICATION OF EUROPEAN UNION LAW

INFRINGEMENTS

Memorandum concerning Case C-407/09 (Commission v Greece)

(SEC(2010)49)

The Commission approved the memorandum in SEC(2010)49.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

6.1. *WRITTEN PROCEDURES APPROVED*

(SEC(2010)27 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 11 and 15 January.

6.2. *EMPOWERMENT*

(SEC(2010)28 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 11 and 15 January.

6.3. *DELEGATION AND SUBDELEGATION OF POWERS*

(SEC(2010)29 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 11 and 15 January, as archived in e-Greffe.

6.4. *SENSITIVE WRITTEN PROCEDURES*

(SEC(2010)30 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 18 and 22 January and of the 'finalisation' written procedure initiated following the weekly meeting of Chefs de cabinet on 18 January.

7. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2010)26)

ADMINISTRATIVE MATTERS
(PERS(2010)6)

**7.1. DG HUMAN RESOURCES AND SECURITY – AMENDMENT OF
DECISION C(2007) 5730 OF 30 NOVEMBER 2007 ON THE EXERCISE
OF THE POWERS CONFERRED BY THE STAFF REGULATIONS ON
THE APPOINTING AUTHORITY AND BY THE CONDITIONS OF
EMPLOYMENT OF OTHER SERVANTS ON THE AUTHORITY
RESPONSIBLE FOR CONCLUDING CONTRACTS OF EMPLOYMENT
(C(2010)184)**

The Commission took note of the information at point 1 of PERS(2010)6 and, on a proposal from Mr KALLAS, in agreement with the PRESIDENT, decided to adopt the decision in C(2010)184 amending Decision C(2007)5730 of 30 November 2007 on the exercise of the powers conferred by the Staff Regulations on the appointing authority and by the Conditions of employment of other servants on the authority responsible for concluding contracts of employment.

This decision would take effect immediately.

**7.2. DG AGRICULTURE AND RURAL DEVELOPMENT –
REINSTATEMENT AND TRANSFER IN THE INTEREST OF THE
SERVICE OF AN AD15 OFFICIAL**

The Commission took note of the information set out at point 2 of PERS(2010)6 and on a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms FISCHER-BOEL, decided:

- to reinstate Ms Patricia BUGNOT, an AD15 official, in the post of Principal Adviser in the Secretariat-General following her secondment in the interest of the service to the post of Chef de cabinet to Mr ORBAN;

- to transfer her in the interest of the service under Article 7 of the Staff Regulations to the post of Director, Audit of Agricultural Expenditure, in DG Agriculture and Rural Development.

These decisions would take effect on 1 February 2010.

**7.3. SECRETARIAT GENERAL – ACTIVITIES OF A MEMBER OF THE COMMISSION AFTER LEAVING OFFICE
(SEC(2010)51)**

The Commission approved the communication in SEC(2010)51 concerning the activities planned by Ms FERRERO-WALDNER after leaving the Commission. Without prejudice to the confidentiality requirement referred to in the above communication, the Commission concluded that the activities in question were compatible with the second paragraph of Article 245 of the Treaty on the Functioning of the European Union.

**8. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – OPTIONS FOR AN EU VISION AND TARGET FOR BIODIVERSITY BEYOND 2010
(COM(2010)4 TO /4; SEC(2010)33)**

The Commission approved the communication in COM(2010)4/4 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, and, for information, to the national parliaments.

9. RELATIONS WITH NON-EU COUNTRIES

SITUATION IN HAITI FOLLOWING THE EARTHQUAKE ON 12 JANUARY 2010

(SEC(2010)54)

The PRESIDENT spoke about the terrible tragedy caused by the earthquake in Haiti on 12 January and the massive international effort to bring aid to the victims. He noted that the Commission was taking part in this effort, in particular through humanitarian aid under the responsibility of Mr DE GUCHT, and the Monitoring and Information Centre (MIC) under the responsibility of Mr DIMAS, coordinated by Baroness ASHTON, who had chaired an extraordinary Foreign Affairs Council meeting on this subject on Monday 18 January. He asked Baroness ASHTON and Mr DE GUCHT to report on the current situation on the ground and the aid efforts by the European Union.

Pointing out that this was the worst natural disaster in Haiti's history, Baroness ASHTON said that this was also the first time since the entry into force of the Lisbon Treaty that the EU had been called upon to mobilise a comprehensive response to this type of crisis. She praised the Commission and Council officials for their efforts, saying that her coordinating role meant that she was in regular contact with the various organisations concerned, in particular the United States Secretary of State, the UN, the Spanish Council Presidency, the Foreign Ministers of the EU Member States most concerned, in particular France, and the "Friends of Haiti" in the Organisation of American States. She also explained her decision, based on a UN request, not to go to Haiti in the first few days following the earthquake.

She reported on the outcome of the extraordinary meeting of the Foreign Affairs Council on 18 January, focusing on the amounts of aid granted or planned and the role of the Commission and Member States, the coordination mechanism and the request for a rapid deployment of police and gendarmerie forces to underpin the current operations.

She also provided some details concerning the latest information available on

casualties (estimated at this stage at 75 000 people but which could rise to 200 000), the injured and those left homeless, and concerning the loss of life among employees of international organisations, in particular non-government organisations, the UN and the Commission Delegation, which had lost one staff member. The port infrastructure and official buildings had also been destroyed, and more generally there were security risks and challenges in terms of the needs of an already vulnerable people.

Baroness ASHTON pointed out that 21 Member States had already responded to the appeal for assistance to deal with these effects of the disaster by making available emergency teams. A team of experts and one liaison officer were already in Haiti to deal with priorities in the coming days and weeks. She herself would go to Washington the following day to determine, in consultation with US Secretary of State Hilary Clinton and UN Secretary-General Ban Ki-Moon, the timetable for future operations, and to prepare an international donor conference and assess long-term needs.

Mr DE GUCHT referred to the information note on the extraordinary Foreign Affairs Council of 18 January which described the aftermath of the earthquake in Haiti, highlighting the good cooperation with the Council in organising this first crisis management operation under the Lisbon Treaty. The situation on the ground was improving steadily despite the extent of the damage and security challenges. Relief had been organised at international level, involving the UN, and a Security Council Resolution might well be adopted.

Distinguishing between immediate humanitarian aid, provided by means of automatic procedures and very competent teams, and the long-term challenge of restoring the State, given the physical destruction of the administrative infrastructure and the death of a large number of senior officials, Mr DE GUCHT said that a team of experts would be sent to Haiti to assess short and long-term needs regarding the rehabilitation and reconstruction of government institutions. He ended by saying that he himself was going to Haiti the following day, where he would also be in contact with the Dominican Republic authorities.

The Commission then turned to the European Union's role in responding to the humanitarian crisis, in particular the fact that the European GMES satellite communication system had been made available to all the international teams, which had been particularly useful since most communications had been cut. It also underlined the importance of establishing an international contingency plan to ensure an immediate response to any future disasters.

The PRESIDENT thanked the Commission members and the departments and Cabinets concerned for mobilising to deal with the first humanitarian crisis which the EU had had to respond to since the entry into force of the Lisbon Treaty, pointing out that it was essential to be consistent and effective and to highlight the work of the EU. He welcomed the efforts made by Baroness ASHTON, Mr DE GUCHT and Mr DIMAS and their departments to ensure coherence, efficiency and visibility, in terms of citizens, of the action taken by the EU, in addition to that of the Member States.

While the top priority was to respond to the humanitarian crisis, it was important to start preparing for the future as of now. The crisis had demonstrated the need for proper cooperation and coordination of efforts. The PRESIDENT had in fact commissioned a report on civil protection back in 2006 from the then former Commission Member, Mr Michel Barnier, and when assigning responsibilities to the incoming Commission had created a portfolio for "International cooperation, humanitarian aid and crisis response" in close cooperation with the Vice-President and High Representative of the EU for Foreign Affairs and Security Policy. He hoped that Mr DE GUCHT's visit to Haiti would help ensure efficient European action and would highlight the collective efforts made by the EU and its Member States.

The PRESIDENT concluded by paying tribute, on behalf of the Commission, to Ms Pilar JUÁREZ BOAL, a European Commission official and head of operations at the Port-au-Prince Delegation who had been representing the Commission at a UN meeting at the time of the earthquake and who was still reported missing.

The Commission took note of this information and of the note from

Baroness ASHTON and Mr DE GUCHT, in association with Mr DIMAS, set out in SEC(2010)54.

10. OTHER BUSINESS

The PRESIDENT informed the members that Ms Rumania Jeleva had that day withdrawn her candidacy for the post of European Commissioner and had also resigned from her current post as Bulgarian Foreign Minister. Following discussions with the Bulgarian authorities, Ms Kristalina Georgieva had been proposed to replace her, as a designated member of the future Commission.

He explained that the process of appointing the new Commission was continuing but would be delayed by this development, although he himself planned to meet Ms Georgieva this week and approval of her appointment was expected to be fast-tracked. He reminded the meeting that, after his agreement, Ms Georgieva would first have to complete a written questionnaire, then attend a hearing before the European Parliament, which would have to vote in favour of her appointment before the revised list of Commissioners-designate could be endorsed by the Council. Discussions were under way with the European Parliament and the Council, but had not yet concluded. It was possible that the vote on the composition of the new Commission as a whole would be on 9 February, which would mean that it would take up office on 10 February.

The PRESIDENT understood the difficulties that this delay would cause for the outgoing members, since they would have to defer starting their new activities, and promised to keep them informed of developments.

The question was raised whether, given the extension of the period of management of current business, the Commission could hold a discussion to prepare the informal European Council meeting on 11 February on the replacement of the Lisbon strategy. In reply the PRESIDENT referred to the principle of institutional continuity and the meetings still to be held by the present Commission, but said that

it was for the next Commission to take the formal decisions concerning the “EU 2020” strategy.

He emphasised that this was an exceptional situation, referring in particular to the significant delay between the start of the term of the new European Parliament in July 2009 and the formation of the new Commission.

He expected the European Parliament to support the new composition that included Ms Georgieva, so as to enable the new Commission to start work as soon as possible and the outgoing members to take up their new commitments.

The Commission took note of this information.

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The meeting closed at 13.57.