



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2010)1911 final

Brussels, 31 March 2010

MINUTES
of the 1911th meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 24 March 2010
(morning)

PV(2010)1911 final

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Single sitting: Wednesday 24 March 2010 (morning)

The sitting opened at 9.12 with Mr BARROSO, President, in the chair. Items 23, 24 and 25 were chaired by Ms REDING.

Present:

Mr BARROSO	President	Items 1 to 22
Baroness ASHTON	High Representative/ Vice-President	
Ms REDING	Vice-President	Items 1 to 21 and 22 (in part) to 25
Mr ALMUNIA	Vice-President	
Mr KALLAS	Vice-President	Items 19 (in part) to 25
Ms KROES	Vice-President	
Mr TAJANI	Vice-President	Points 1 to 19 (in part)
Mr ŠEFČOVIČ	Vice-President	Points 1 to 22 (in part)
Mr POTOČNIK		
Mr REHN		Points 1 to 22 (in part)
Mr BARNIER		
Ms VASSILIOU		
Mr ŠEMETA		
Mr DALLI		
Ms GEOGHEGAN-QUINN		
Mr LEWANDOWSKI		
Ms DAMANAKI		
Ms GEORGIEVA		
Mr OETTINGER		Points 1 to 22 (in part)
Mr HAHN		
Ms HEDEGAARD		
Mr FÜLE		Items 1 to 19 and 22 (in part) to 25
Mr ANDOR		
Ms MALMSTRÖM		
Mr CIOLOŞ		Items 1 to 22

Absent:

Mr PIEBALGS

Mr DE GUCHT

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

Mr USTUBS	Deputy Chef de cabinet to Mr PIEBALGS	Items 1 to 22
Mr VANHEUKELEN	Chef de cabinet to Mr DE GUCHT	Items 1 to 20/21 (in part)

The following also sat in:

Mr LAITENBERGER	Chef de cabinet to the PRESIDENT	Items 19 (in part) to 22
Mr FRUTUOSO DE MELO	Deputy Chef de cabinet to the PRESIDENT	Items 1 to 22
Mr ROMERO REQUENA	Director-General, Legal Service	Points 1 to 19 (in part)
Mr HETSCH	Legal Service	Items 19 (in part) to 25
Mr SØRENSEN	Director-General, DG Communication	
Mr DOENS	Head of the Commission Spokesperson Service	Items 1 to 22
Ms AHRENKILDE HANSEN	Commission Spokeswoman	Points 1 to 22 (in part)
Mr SCHINAS	Bureau of European Policy Advisers	Items 1 to 22
Mr CABRAL	Adviser hors classe in the PRESIDENT's Office	Items 1 to 19
Ms MARTÍNEZ ALBEROLA	Adviser in the PRESIDENT's Office	Items 1 to 21
Mr MORRISON	Chef de cabinet to Baroness ASHTON	Items 19 (in part) to 22
Mr FITCH	Deputy Chef de cabinet to Mr KALLAS	Points 1 to 19 (in part)
Mr NOCIAR	Chef de cabinet to Mr ŠEFČOVIČ	Items 20 to 25
Mr PESONEN	Chef de cabinet to Mr REHN	Item 19
Mr LEMAÎTRE	Chef de cabinet to Mr LEWANDOWSKI	Items 20 to 22
Mr MORDUE	Chef de cabinet to Mr FÜLE	Item 22 (in part)

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

1. AGENDAS

(OJ(2010)1911/3; SEC(2010)318/2)

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(2010)1911)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 22 March.

3. APPROVAL OF THE MINUTES AND SPECIAL MINUTES OF THE 1908th, 1909th AND 1910th MEETINGS OF THE COMMISSION (9, 11 AND 17 MARCH)

(PV(2010)1908 AND /2; PV(2010)1909; PV(2010)1909, PART II; PV(2010)1910; PV(2010)1910, PART II)

The Commission approved the minutes of its 1908th, 1909th and 1910th meetings.

4. MONITORING THE APPLICATION OF EUROPEAN UNION LAW

STATE AID – INDIVIDUAL CASES

(SEC(2010)356/2)

The Commission adopted the decisions in SEC(2010)356/2.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED

(SEC(2010)320 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 15 and 19 March.

5.2. EMPOWERMENT

(SEC(2010)321 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 15 and 19 March.

5.3. DELEGATION AND SUBDELEGATION OF POWERS

(SEC(2010)322 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 15 and 19 March, as archived in e-Greffe.

5.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2010)323)

The Commission took note of the sensitive written procedures for which the time limit expired between 22 and 26 March.

6. APPOINTMENT OF THE GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT (EBRD) REPRESENTING THE EUROPEAN UNION

(SEC(2010)372)

The Commission:

- appointed Mr REHN, Member of the Commission responsible for Economic and Monetary Affairs, as the new Governor of the European Bank for Reconstruction and Development (EBRD) for the European Union, in place of Mr ALMUNIA, as indicated out in SEC(2010)372;
- instructed the Secretary-General to inform the Secretary-General of Parliament and the Secretary-General of the Council, before officially notifying the Secretary-General of the EBRD of this appointment.

- 7. RECOMMENDATION FOR A COUNCIL OPINION UNDER ARTICLE 5(3) OF COUNCIL REGULATION (EC) 1466/97 ON THE UPDATED STABILITY PROGRAMME OF LUXEMBOURG (2009-2014)**
(SEC(2010)341 AND /2; SEC(2010)351; SEC(2010)282; SEC(2010)352)
- 8. RECOMMENDATION FOR A COUNCIL OPINION UNDER ARTICLE 5(3) OF COUNCIL REGULATION (EC) 1466/97 ON THE UPDATED STABILITY PROGRAMME OF MALTA (2009-2012)**
(SEC(2010)348 AND /2; SEC(2010)351; SEC(2010)282; SEC(2010)352)
- 9. RECOMMENDATION FOR A COUNCIL OPINION UNDER ARTICLE 5(3) OF COUNCIL REGULATION (EC) 1466/97 ON THE UPDATED STABILITY PROGRAMME OF SLOVENIA (2009-2013)**
(SEC(2010)347 AND /2; SEC(2010)351; SEC(2010)282; SEC(2010)352)
- 10. RECOMMENDATION FOR A COUNCIL OPINION UNDER ARTICLE 9(3) OF COUNCIL REGULATION (EC) 1466/97 ON THE UPDATED CONVERGENCE PROGRAMME OF DENMARK (2009-2015)**
(SEC(2010)350 AND /2; SEC(2010)351; SEC(2010)282; SEC(2010)352)

- 11. RECOMMENDATION FOR A COUNCIL OPINION UNDER ARTICLE 9(3) OF COUNCIL REGULATION (EC) 1466/97 ON THE UPDATED CONVERGENCE PROGRAMME OF HUNGARY (2009-2012)
(SEC(2010)349; SEC(2010)351; SEC(2010)282; SEC(2010)352)**
- 12. RECOMMENDATION FOR A COUNCIL OPINION UNDER ARTICLE 9(3) OF COUNCIL REGULATION (EC) 1466/97 ON THE UPDATED CONVERGENCE PROGRAMME OF LATVIA (2009-2012)
(SEC(2010)346 AND /2; SEC(2010)351; SEC(2010)282; SEC(2010)352)**
- 13. RECOMMENDATION FOR A COUNCIL OPINION UNDER ARTICLE 9(3) OF COUNCIL REGULATION (EC) 1466/97 ON THE UPDATED CONVERGENCE PROGRAMME OF LITHUANIA (2009-2012)
(SEC(2010)343; SEC(2010)351; SEC(2010)282; SEC(2010)352)**
- 14. RECOMMENDATION FOR A COUNCIL OPINION UNDER ARTICLE 9(3) OF COUNCIL REGULATION (EC) 1466/97 ON THE UPDATED CONVERGENCE PROGRAMME OF POLAND (2009-2012)
(SEC(2010)345 AND /2; SEC(2010)351; SEC(2010)282; SEC(2010)352)**
- 15. RECOMMENDATION FOR A COUNCIL OPINION UNDER ARTICLE 9(3) OF COUNCIL REGULATION (EC) 1466/97 ON THE UPDATED CONVERGENCE PROGRAMME OF THE CZECH REPUBLIC (2009-2012)
(SEC(2010)344 AND /2; SEC(2010)351; SEC(2010)282; SEC(2010)352)**
- 16. RECOMMENDATION FOR A COUNCIL OPINION UNDER ARTICLE 9(3) OF COUNCIL REGULATION (EC) 1466/97 ON THE UPDATED CONVERGENCE PROGRAMME OF ROMANIA (2009-2012)
(SEC(2010)342 AND /2; SEC(2010)351; SEC(2010)282; SEC(2010)352)**

The Commission adopted the recommendations for Council opinions concerning the updated stability programmes of Luxembourg (2009-2014), Malta (2009-2012) and

Slovenia (2009-2013), as set out in SEC(2010)341/2, SEC(2010)348/2 and SEC(2010)347/2 respectively, for transmission to the Council.

The Commission also adopted, subject to final revision, the recommendations for Council opinions concerning the updated convergence programmes of Denmark (2009-2015), Hungary (2009-2012), Latvia (2009-2012), Lithuania (2009-2012), Poland (2009-2012), the Czech Republic (2009-2012) and Romania (2009-2012), as set out in SEC(2010)350/2, SEC(2010)349, SEC(2010)346/2, SEC(2010)343, SEC(2010)345/2, SEC(2010)344/2 and SEC(2010)342/2 respectively, for transmission to the Council.

17. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS - REVIEWING THE WORKING TIME DIRECTIVE (COM(2010)106 TO /3; SEC(2010)340)

The Commission approved the communication, with a view to first-phase consultation of the social partners under Article 154 of the Treaty on the Functioning of the European Union, distributed as COM(2010)106/3, for transmission to the social partners at European Union level, together with a request for a response, and to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions and, for information, to the national parliaments.

18. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON COMBATING THE SEXUAL ABUSE, SEXUAL EXPLOITATION OF CHILDREN AND CHILD PORNOGRAPHY, REPEALING FRAMEWORK DECISION 2004/68/JHA (COM(2010)94 TO /6; SEC(2010)324)

On a proposal from the PRESIDENT, the Commission agreed that the proposal for a Directive set out in document COM(2010)94/6 would be adopted by the 'finalisation' written procedure, the deadline for which was Monday 29 March (PE/2010/1550).

19. INTERINSTITUTIONAL RELATIONS (SEC(2010)330)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 19 March (SEC(2010)330).

It paid particular attention to the following points.

19.1. LEGISLATIVE MATTERS

i) Ordinary legislative procedure

(point 1.2.1 of the IRG record)

- Protection of animals used for scientific purposes (Directive) – PARISH report – 2008/0211 (COD) – Finalisation of an agreement on Council position at first reading

The Commission authorised Mr POTOČNIK to pursue contacts with Parliament and the Council concerning the adaptation of the proposal to the Lisbon Treaty in order to facilitate agreement on a Council position at first reading following the line set out in SPI(2010)15/2.

- Indication by labelling and standard product information of the consumption of energy and other resources by energy-related products (Directive – recast) – PODIMATA report – 2008/0222 (COD) – Finalisation of an agreement on Council position at first reading

The Commission authorised Mr OETTINGER to pursue contacts with Parliament and the Council concerning the adaptation of the proposal to the Lisbon Treaty in order to facilitate agreement on a Council position at first reading following the line set out in SPI(2010)13.

- Energy performance of buildings (Directive – recast) – ȚICĂU report – 2008/0223 (COD) – Finalisation of an agreement on Council position at first reading

The Commission authorised Mr OETTINGER to pursue contacts with Parliament and the Council concerning the adaptation of the proposal to the Lisbon Treaty in order to facilitate agreement on a Council position at first reading following the line set out in SPI(2010)14.

19.2. RELATIONS WITH THE COUNCIL

ii) Programming of Council business

(SI(2010)83)

The Commission took note of the information in SI(2010)83 on the Council meetings between Thursday 25 March and Wednesday 7 April.**iii)**

Preparations for the European Council (Brussels, 25 and 26 March 2010)

The PRESIDENT ran through the points to be discussed by the European Council at its meeting on 25 and 26 March, in particular the Europe 2020 strategy and the prospect for relaunching the international negotiations on climate change post-Copenhagen. He also referred to the questions of stability within the eurozone and the budget situation in Greece. He observed that the European Council meeting was being held in an uncertain economic climate

and said that he intended to ask the Heads of State and Government to bear in mind that expectations were high and to send a clear and encouraging message to citizens and the markets.

In his recent contacts with the President of the European Council and Member States' representatives, he had emphasized the major challenges facing the Union and the need to take decisions which would preserve its vital interests in the medium and long term. He noted with satisfaction that the Council had welcomed the two initiatives, on the Europe 2020 strategy and the follow-up to the Copenhagen Conference, presented by the Commission in the run-up to the European Council. He was convinced that the European Council would agree with the priorities proposed by the Commission. He also said that he had stressed the scale of the implications of the situation in Greece.

Regarding the Europe 2020 strategy, the PRESIDENT noted that the Heads of State and Government had already expressed support for the Commission's analysis at their informal meeting on 11 February. The Council had in the meantime also expressed support for the principle of an integrated strategy based on the broad priorities identified by the Commission, which were aimed at intelligent, sustainable and inclusive growth, for the proposed flagship initiatives and for a stronger approach to governance, including in particular an enhanced role for the European Council and shared responsibility between Europe and the Member States for implementing the strategy.

He stressed the importance of establishing tangible objectives at EU level and asked his colleagues to continue their efforts to promote these objectives for the implementation of the Europe 2020 strategy.

He also drew attention to the active part the Member States themselves were expected to play in translating the strategy objectives into credible objectives at national level. He also pointed out that the aim of the proposed flagship initiatives was to support the implementation of the objectives both at European and at national level. He said that the Commission agreed with the

Member States on the importance of the subsidiarity principle and that he was optimistic that a solution could be found to the hitherto unresolved questions regarding the formulation of certain objectives, such as measures to combat poverty.

On the post-Copenhagen strategy to combat climate change, the PRESIDENT noted with satisfaction that the European Council seemed to welcome the main guidelines proposed by the Commission. He stressed the importance for the European Union of continuing to show leadership in this area. He called on the European Council to support the objective of making substantial progress at the Cancun Conference and of demonstrating, particularly to the developing countries, the European Union's commitment to “fast-start funding”.

He also stressed the importance of continuing to implement the 2020 objectives. He announced that before the June European Council the Commission would table an analysis of the implications of a possible further reduction in emissions beyond the 20% objective and of dovetailing such objectives with the Europe 2020 strategy. He also mentioned the importance of close cooperation between the Commission and the Member States in this field and the need for a well-prepared communication strategy for conveying the principal messages to the outside world.

As regards relations between the European Union and its strategic partners at international level, the PRESIDENT said that Baroness ASHTON would give a presentation on this matter to the European Council. For his part he wanted to speak at the working dinner on the preparatory work for the G20 Summit to be held in Toronto in June.

It particular he wanted to discuss in greater detail the way in which the EU was represented at meetings of the G8 and G20. He said that he had reached agreement with Mr van Rompuy on the distribution of tasks between the President of the European Council and himself.

The PRESIDENT considered that important tasks still remained before the G20 summit in June. As an example, he mentioned the need for progress on the regulation of certain key financial services, and in relation to managers of alternative investment funds, capitalisation of banks or own funds. He also stressed the importance of reaching an agreement on the introduction by 2011 of financial supervisory bodies, and stressed the advisability of the EU perhaps making a contribution to the G20's work, especially in relation to derivatives.

Regarding the other topics that would be discussed at the working dinner, the PRESIDENT said that Mr Felipe Gonzalez would report to the Heads of State and Government on the report of the Reflection Group on the future of the European Union, which was currently being prepared.

He also said that the President of the European Council had asked the Commission to contribute to a discussion on competitiveness in the European Union, and in the eurozone in particular, dealing not only with the Europe 2020 strategy but also the lessons to be learned from the current economic and financial situation and possible ways of strengthening economic governance.

On the budget situation in Greece, the PRESIDENT recalled the position set out by Mr REHN at the Eurogroup meeting on 15 March. He confirmed that the Commission was willing, if necessary, to develop a coordinated support instrument, based on a system of bilateral loans between Member States, in line with the "no bail-out" rule and subject to strict conditions, should the Member States support the creation of such an instrument. However, the question of whether an instrument of this type would be set up was still open at this stage.

Mr REHN then took the floor, stressing the importance of the economic items on the agenda for the forthcoming European Council, which was to discuss the questions of budgetary stability, macro-economic imbalances, and competitive imbalances between members of the eurozone. The European

Council seemed to broadly share the Commission's analysis on these various points.

He also felt that the Greek situation and the stability of the eurozone would be key topics of discussion at this European Council. He pointed out that the first measures adopted by the Greek Government were currently being implemented and that, without prejudging what might happen in the next few years, they should make it possible to achieve the goal of reducing the public deficit by four GDP points so as to reach 8.7% of GDP in 2010.

Secondly, Mr REHN emphasized that the Eurogroup discussions on possible financial support for Greece had concluded in favour, firstly, of introducing a coordinated financial support mechanism within the eurozone, subject to conditions, non-automatic, and to be applied in case of need, and secondly of a political decision that the European Council could take, given the urgency of the situation and the fact that the announcement of the creation of such a mechanism, even if it were not activated at this stage, might reassure the financial markets and public opinion. He stressed that this type of European framework for providing coordinated and conditional financial assistance would have to comply with Article 136 of the Treaty on the Functioning of the European Union and the rules of the stability and growth pact.

He highlighted the broader context of the present discussions on the possibility of creating a support mechanism and the technical arrangements for such a mechanism, and reminded the meeting that the Greek authorities were expecting a swift political decision in this regard. He said that a degree of convergence was emerging on the question of bilateral loans and on the possible involvement of the International Monetary Fund (IMF). He noted the excellent cooperation between the Commission and the IMF over recent weeks, but stressed that the consequences of any intervention by the Fund would have to be carefully thought through.

Finally, Mr REHN pointed out that Article 125 of the Treaty, prohibiting the assumption by the EU or a Member State of commitments entered into by one

or more Member States, applied to all Member States and not just the members of the eurozone. He added that one Member State could however provide a bilateral loan to another Member State and that this type of loan had already been used in the past.

Baroness ASHTON commented on the discussion to be held at the European Council on the follow-up to Copenhagen and the strategic partnerships to be developed with certain key international partners. She mentioned relations between the European Union and the United States, Russia and China, as well as the importance of strengthening dialogue with other major partners such as India, Brazil, and South Africa.

She noted that the Commission had deep economic relations with China, which was a vitally important trading partner, but regretted that political relations remained at too low a level. She hoped for a joined-up economic and political strategy in which the Commission would play its full part.

China shared the objective of the European Union in a multilateral world, which was to develop stable trading relations and consolidate economic growth.

She regretted the growing number of political statements about China, which were sometimes contradictory and generally ineffective, and argued for a coordinated European approach.

The Commission then held a debate during which the following aspects were raised:

On the Europe 2020 strategy:

- the importance of setting quantified objectives, including for the fight against poverty, and, more broadly, the importance of the social dimension that should not be played down in the conclusions of the European Council;

- the relevance of a productivity criterion in order to make it possible to improve productivity in the European Union;
- the need for each Member State to define its own national objectives within a broader European context;

On the follow-up to Copenhagen and strategic partnerships:

- the desire to have an overview of the different climate-change mechanisms, in particular financing mechanisms, being examined in the Commission and its departments;
- the importance of developing relations between the European Union and China in high-level dialogues and on specific issues, in particular action on climate change;
- the observation that the time seemed right to adopt a pragmatic approach to China and to boost confidence on the basis of mutual interests at stake, for example in the agro-food sector, and in relation to developing a quality policy;
- the European Union's cohesion policy to be held up as an example to promote a better global balance between the different regions of the world;
- the strategic importance of Africa for the European Union;

On Greece and the stability of the eurozone:

- the sensitivity of this issue and, given the urgency of the situation, the importance of the Commission preferring a coherent and practical European response for institutional and political reasons;
- the need to provide an immediate, pragmatic response and to develop long-term solutions to strengthen economic and monetary union;

- the case for a detailed analysis of the circumstances that triggered the Greek crisis and of the possible consequences for the Member State concerned and for the eurozone as a whole;
- the economic and financial weight of the Member States in the Bretton Woods institutions and the interest for the European Union of better exploiting this potential;
- questions surrounding the possible intervention by the IMF, the conditions, the measures and the types of assistance that the IMF would likely propose – in so doing relying solely on its own expertise in the matter – and the consequences for Greece and the eurozone;
- the importance of the Commission retaining a certain degree of control over the implementation and follow-up of any support mechanism, even in the event of IMF involvement;
- the usefulness of evaluating the possibility of establishing a European monetary fund in the longer term with a view to strengthening European capacity for action;
- the interest for Greece and for other Member States, in the current context, of better take-up of the European Social Fund;
- the attention to be paid to the potential repercussions of the Greek crisis on other European countries, including the Union's neighbours.

In response to the comments about Greece and the stability of the eurozone, Mr REHN stressed the importance of solidarity in the eurozone, which was at the heart of the European project. He underlined the need for a quick decision based on the current political and economic realities. He repeated his preference for concerted action by the eurozone Member States. He also underlined the importance of Greece continuing to implement the necessary structural reforms.

The PRESIDENT highlighted the importance of setting tangible objectives for the Europe 2020 strategy. The objectives currently on the table, which were based on the Commission proposal, were balanced; in particular, poverty was a relevant and important indicator that should be retained, if necessary using slightly different terms, if that could pave the way for an agreement. He also stressed the importance of education as an objective, especially given its central contribution to competitiveness in the European Union.

On the question of climate change and the follow-up to Copenhagen, the European Council was expected to broadly support the approach proposed by the Commission. As far as strategic partnerships were concerned, he hoped that Baroness ASHTON would impress on the Member States their essential role in developing and implementing a determinedly European approach.

With regard to eurozone stability, the European Union was the focal point of its international partners; it should be in a position to respond itself to any economic and financial problems affecting one of its Member States.

Greece had taken the measures requested at the European level, and the Commission and Council had evaluated the measures as positive. Moreover, at the informal meeting of Heads of State and Government on 11 February, all the Member States had declared themselves ready to take measures to ensure the stability of the eurozone, if necessary.

The current situation was difficult and the Commission had to act to bring together the positions of the Member States and promote a solution with the highest possible European input, even if it made provision for IMF involvement.

The eurozone Member States were responsible for the future of the eurozone. Beyond the individual case of Greece, the risks of contagion in the eurozone also had to be tackled; in this context, the Commission's responsibility was to ask the right questions and propose possible solutions, which it had.

Finally, he noted the excellent cooperation with the President of the European Council on this issue, and stressed the absolute need for discretion surrounding the discussions under way to devise a European solution.

The PRESIDENT concluded by reiterating the very sensitive nature of the issue and by recalling that there were two main messages to get across, namely an appeal for solidarity between Member States and to their sense of responsibility.

The Commission took note of this information.

iv) International agreements

(point 2.3 of the IRG record)

- Conclusion by the European Union of the Convention on the international recovery of child support and other forms of family maintenance (Council Decision) – MAŠTÁLKA report – 2009/0100 (CNS)

The Commission authorised Ms REDING to accept the splitting of the proposal, following the line set out in note SI(2010)75.

19.3. RELATIONS WITH PARLIAMENT

v) Action taken on legislative opinions and non-legislative resolutions adopted by Parliament at its February I and II part-sessions

(point 3.6.2 of the IRG record)

The Commission approved document SP(2010)1339 on the action taken by the Commission on Parliament's legislative opinions and non-legislative resolutions adopted at its February I and II part-sessions, for transmission to Parliament.

vi) Participation by Members of the European Parliament in international conferences

(point 3.7 of the IRG record)

- International Conference on the reconstruction of Haiti (New York, 31 March)

The Commission decided to agree to the request to the PRESIDENT from Mr Jerzy Buzek, President of Parliament, concerning the attendance of three Members of the European Parliament at the above-mentioned conference, with a reminder about the procedure to be followed.

- Hague Conference on Private International Law (The Hague, 7-9 April)

The Commission decided to agree to the request to the PRESIDENT from Mr Jerzy Buzek, President of Parliament, concerning the attendance of one Member of the European Parliament at the above-mentioned conference, with a reminder about the procedure to be followed.

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

vii) Action taken on opinions of the European Economic and Social Committee – fourth quarter 2009

(point 4.2 of the IRG record)

The Commission approved documents SC(2010)7 and /2 on the action taken by the Commission on the opinions adopted by the European Economic and Social Committee during the fourth quarter of 2009, for transmission to that Committee.

20. PROPOSAL FOR A COUNCIL DECISION AUTHORISING ENHANCED COOPERATION IN THE AREA OF THE LAW APPLICABLE TO DIVORCE AND LEGAL SEPARATION

(COM(2010)104 AND /2; SEC(2010)334; SEC(2010)335)

21. PROPOSAL FOR A COUNCIL REGULATION IMPLEMENTING ENHANCED COOPERATION IN THE AREA OF THE LAW APPLICABLE TO DIVORCE AND LEGAL SEPARATION

(COM(2010)105 AND /2; SEC(2010)334; SEC(2010)335)

Ms REDING introduced the two legislative proposals in items 20 and 21 of these minutes, which were designed to authorise and implement enhanced cooperation in relation to the law applicable to divorce and legal separation. The proposals were important in view of the growing number of international marriages – around 300 000 per year – and would therefore improve the legal protection of European citizens.

She also stressed their significance from an institutional angle, as they were the first proposals establishing enhanced cooperation under a procedure introduced by the Treaty of Amsterdam in 1997 to overcome possible institutional deadlock by allowing a number of Member States to go ahead with proposals that were in the Community interest but were being blocked by a minority of Member States.

She explained that the enhanced cooperation must take place within the framework of the European Treaties and of the EU institutions, which would play their customary institutional roles in terms of decision-making, while the expenditure incurred in enhanced cooperation would be shared among the participating Member States. Lastly, she stressed that the aim of enhanced cooperation was to overcome difficulties and not to be divisive and that such measures had to be used as a last resort and to remain open to participation by other countries and, eventually, by all the EU Member States.

The present initiative had been prompted by a request from a number of Member States, which she felt merited a positive response from the Commission

given its obvious added value for the EU. She pointed out that the proposals were related to freedom of movement and sought to alleviate the problems facing international couples, particularly as regards the choice of court and applicable law. She felt that the initiative would help increase legal certainty and predictability, particularly for the more vulnerable spouse and for children, as it allowed couples to choose which country's rules applied in the event of divorce and, in the event of disagreement, laid down a common method for courts to decide which law applied, based on the principle of habitual residence.

She was convinced of the value of this initiative and noted that ten other Member States might join those which had made the request, once the proposals had been adopted and put into effect.

At the end of this presentation, the Commission:

- adopted the proposal for a Council Decision set out in COM(2010)104/2 for transmission to the European Parliament and the Council and, for information, to the national parliaments;
- adopted the proposal for a Council Regulation set out in COM(2010)105/2 for transmission to the European Parliament, the Council and the European Economic and Social Committee and to the national parliaments;
- decided to withdraw its proposal of 17 July 2006 for a Council Regulation amending Regulation (EC) 2201/2003 as regards jurisdiction and introducing rules concerning applicable law in matrimonial matters after notification to the Council and the European Parliament, upon the adoption by the Council of the Decision authorising enhanced cooperation in the area of the law applicable to divorce and legal separation.

22. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2010)319/2)

ADMINISTRATIVE MATTERS

(PERS(2010)25/2)

22.1. DG ECONOMIC AND FINANCIAL AFFAIRS – APPOINTMENT OF AD14/15 DIRECTOR

(PERS(2009)96 TO /3)

The Commission had before it an application under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director, Macrofinancial Stability, in the Directorate-General for Economic and Financial Affairs (PERS(2009)96).

It took note of the opinions of the Consultative Committee on Appointments of 22 October 2009 and 21 January 2010 (PERS(2009)96/2 and /3).

The Commission proceeded to consider the applicant's qualifications for the post. It also considered his ability, efficiency and conduct in the service. On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr REHN, it then decided to appoint Mr John BERRIGAN to the post.

This decision would take effect on 1 April 2010.

22.2. DG HEALTH AND CONSUMERS – APPOINTMENT OF AD14/15 DIRECTOR

(PERS(2009)97 TO /3)

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director, General Affairs, in the Directorate-General for Health and Consumers (PERS(2009)97).

It took note of the opinions of the Consultative Committee on Appointments of 20 January and 25 February (PERS(2009)97/2 and /3).

The Commission 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 ŠEFČOVIČ, in agreement with the PRESIDENT and Mr DALLI, it then decided to appoint Mr Matthew HUDSON to the post.

This decision would take effect on 1 April 2010.

**22.3. DG HEALTH AND CONSUMERS – APPOINTMENT OF AD14/15
DIRECTOR (EU-27)
(PERS(2009)70 TO /5)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) and 29(2) of the Staff Regulations for the post of Director, Food and Veterinary Office, in the Directorate-General for Health and Consumers (PERS(2009)70 to /3).

It took note of the opinions of the Consultative Committee on Appointments of 12 and 25 February (PERS(2009)70/4 and /5).

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr DALLI, it then decided to appoint Mr Michael SCANNELL to the post.

This decision would take effect on 1 April 2010.

**22.4. SECRETARIAT-GENERAL – AMENDMENT OF ORGANISATION
CHART AND APPOINTMENT OF AD15 PRINCIPAL ADVISER**

The Commission, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, decided:

- to create a principal adviser post in the Secretariat-General to coordinate the activities of the task force set up by the PRESIDENT, in agreement with Mr ŠEFČOVIČ, to examine the contribution of new technologies to

greater efficiency and to better services for external players and Commission staff;

- to transfer to that post in the interest of the service under Article 7 of the Staff Regulations, Mr Martin POWER, AD15 official and currently Principal Adviser in the Directorate-General for Competition;
- to abolish this post when the mandate of the task force expired.

This decision would be backdated to 15 March 2010.

22.5. DG COMPETITION – AMENDMENT OF ORGANISATION CHART

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr ALMUNIA, the Commission decided to abolish the post of Principal Adviser in the Directorate-General for Competition, which would become vacant following the transfer in the interest of the service under Article 7 of the Staff Regulations of Mr Martin POWER (see item 22.4 of these minutes).

This decision would take effect immediately.

22.6. DG EDUCATION AND CULTURE – RENEWAL OF THE TERM OF OFFICE OF THE EXECUTIVE DIRECTOR OF THE EUROPEAN CENTRE FOR THE DEVELOPMENT OF VOCATIONAL TRAINING

Having taken note of the information in point 6 of PERS(2010)25/2, the Commission, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms VASSILIOU, decided to renew the term of office of the Director of the European Centre for the Development of Vocational Training (CEDEFOP), Ms Aviana-Maria BULGARELLI, for a period of five years with effect from 16 October 2010, to regard this as a Commission decision under Article 6 of Council Regulation (EC) 337/75, and to ask the Commission Member responsible to communicate this decision to the Management Board of CEDEFOP.

These decisions would take effect immediately.

22.7. INITIAL COMMUNICATION UNDER ARTICLE 50 OF THE STAFF REGULATIONS

The Commission decided to initiate the procedure laid down in Article 50 of the Staff Regulations with respect to an AD15 official.

22.8. DG HUMAN RESOURCES AND SECURITY – APPOINTMENT OF SPECIAL ADVISER

(PERS(2010)26)

The Commission took note of the information set out in point 8 of PERS(2010)25/2 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Baroness ASHTON, authorised Mr ŠEFČOVIČ to approve the appointment of Mr Poul Skytte CHRISTOFFERSEN as special adviser to Baroness ASHTON and authorised the Director-General for Human Resources and Security to implement that decision by signing a contract on behalf of the authority empowered to conclude contracts of employment.

This decision would be backdated to 15 March 2010.

OTHER MATTERS**22.9. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING COUNCIL REGULATION (EC, EURATOM) 1605/2002 ON THE FINANCIAL REGULATION APPLICABLE TO THE GENERAL BUDGET OF THE EUROPEAN COMMUNITIES, AS REGARDS THE EUROPEAN EXTERNAL ACTION SERVICE**

(COM(2010)85 AND /2; SEC(2010)257)

22.10. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING THE STAFF REGULATIONS OF OFFICIALS AND THE CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS OF THE EUROPEAN COMMUNITIES AS REGARDS THE EUROPEAN EXTERNAL

ACTION SERVICE***(SEC(2010)280 TO /3)***

The PRESIDENT introduced the discussion of the two documents submitted concerning the creation of the European External Action Service (EEAS), referring to the points still pending after the policy debate on this matter at the Commission meeting on Thursday 11 March. He welcomed the agreement that had now been reached by the Commission Members most directly concerned both on the proposal for a Regulation amending the Financial Regulation and the proposal for a Regulation amending the Staff Regulations of Officials and the Conditions of Employment of Other Servants.

He said that Baroness ASHTON, as High Representative of the Union for Foreign Affairs and Security Policy, intended in the coming days to submit to the Council her proposal on the organisation and operation of the EEAS in accordance with the Treaty on European Union, and reiterated the Commission's wish to provide all the necessary support to this proposal as long as it took on board certain important institutional points.

The PRESIDENT expressed his satisfaction that after this meeting the Commission would be able to launch the consultation procedure with staff representatives on the necessary amendments to the Staff Regulations of Officials and the Conditions of Employment of Other Servants. He noted that the draft proposal contained provisions on the appointment of heads of delegation whereby the Commission would approve a list of pre-selected candidates, after which the final decision would be taken by the High Representative.

He also considered that the Commission should be able to adopt the proposal for a Regulation amending the Financial Regulation once agreement had been reached on the procedures for the financial management entrusted to staff at the delegations, which had been set out in a specific document. Approval had also been secured on the principle that

certain financial instruments coming under budget heading IV would be implemented by a financial team (*cellule financière*) within the Commission under the authority of Baroness ASHTON.

The PRESIDENT asked Baroness ASHTON to explain how she intended to formulate to the Council her proposals on the programming of development aid and on other specific matters, for example the opening and closing of delegations, the instructions to be given to heads of delegation and the handling of the external aspects of European internal policies.

He thanked all the Commission Members for their constructive contributions to the debate on all these matters and felt sure that the proposals would constitute a sound basis for the creation of the EEAS. He asked the Commission to support Baroness ASHTON in submitting her proposal to the Council for a decision after consulting the European Parliament. He stressed that although, pursuant to the Treaty, the Commission would not have to approve the proposal until later, it should from now on provide it with all the necessary support.

Baroness ASHTON thanked all the Commission Members for their cooperation and support for her efforts to reconcile the views of the three institutions on this complex matter. She was optimistic that continued efforts would secure support for her proposal.

As regards the proposal for a Regulation amending the Financial Regulation and the draft proposal for a Regulation amending the Staff Regulations of Officials and the Conditions of Employment of Other Servants, she was pleased that consensus had been reached on the formulation of the proposals concerning the role of the High Representative in appointments and the Commission's function and responsibility in financial management.

Mr ŠEFČOVIČ thanked Baroness ASHTON for her constructive cooperation and briefly presented the draft proposal for a Regulation amending the Staff Regulations of Officials and the Conditions of

Employment of Other Servants. With regard to the appointment of heads of delegation, the draft proposal now required the Commission to approve a list of pre-selected candidates, with the final choice ultimately being made by the High Representative. It was also proposed to reinforce the authority of the heads of delegation over delegation staff as a whole, including Commission officials, in administrative, organisational and financial management matters. He felt that the draft proposal had been well prepared and merited the Commission's support with a view to starting the process of consultation with staff representatives as soon as possible.

Mr LEWANDOWSKI, taking the floor, welcomed the agreement secured on the proposal for a Regulation amending the Financial Regulation and the possibility that rapid progress could be made on these matters. He referred in particular to the agreement on arrangements for the financial management tasks to be entrusted to staff at delegations, for cost sharing and for the management of certain expenditure, as set out in a specific document the text of which was as follows:

“Creation of EEAS: Delegations’ Budget and accounting issues

1. Delegations

a) Payment of salaries and rights of staff

- *the PMO will pay salaries and allowances for all officials and contract agents working in delegations covered by the establishment plans of the EEAS and the Commission. This includes contract agents funded from "ex-BA" budget lines, whose salaries are paid centrally. The transfer of relevant staff currently performing these tasks from Relex K4 to PMO would preserve its know-how could deliver economies of scale.*
- *the Commission and the EEAS will agree arrangements to ensure the equal treatment of officials and contract agents from their respective establishment plans, including in particular the determination of individual rights and obligations under Annex X of the staff regulations.*

b) Shared costs

In the interest of simplified and efficient budget management in Delegations, the following shall apply:

- EEAS will be responsible for the functioning and management of the delegations and as such will pay all invoices related to these tasks from its budget.*
- the EEAS will invoice the Commission for its share of such costs – the amount will be agreed annually in advance and before the annual budget is adopted by the Budgetary Authority. This will be done in a Service Level Agreement (SLA) which may cover several years. Annual amounts remain indicative in nature and do not prejudice any decision the Budgetary Authority might take in the context of the annual budgetary procedure.*
- the issue of the frequency (between a minimum of once a year and a maximum of once per quarter) and timing of such invoices needs to be finalised. Given the cashflow constraints of the EEAS, such invoicing will take place in advance on the basis of estimates agreed in the SLA, rather than after the expenditure is incurred. The amounts will be made available to the EEAS in due time to permit the allocation of the budget to the delegations for execution with effect from 1st January of the year in question.*
- the EEAS will treat this revenue as assigned revenue¹ so as to provide it with the necessary credits to commit and pay such expenditure. ABAC will be adapted to use assigned revenue in delegations.*

¹ *The amounts will be credited either to a special line to be included in the budget of EEAS for the Commission's contribution to the Administrative costs of delegations, or on each of the lines in the EEAS budget concerned by the expenditure in question. A separate line may be created for the reception of the EDF contribution to the administrative costs of the ACP delegations.*

- *the issue of how EEAS can report on the implementation of the Commission monies will be agreed in the SLA as well as the year-end clearing of amounts paid by the Commission versus actual expenses incurred on their behalf.*

c) "Ex-BA" expenditure

- *the "ex-BA" funded expenditure at delegation level (local staff salaries, housing of contract agents in delegations, missions, etc.) will be paid by the delegations.*
- *as with shared costs, these costs will be invoiced to the Commission (same process of SLA and agreement during budget process, timing of invoicing, etc.).*
- *as above, the issue of reporting and year-end clearing process for these monies must be agreed in the SLA.*

2. Foreign Policy Financial Instruments Service under the direct responsibility of the High Representative as Vice-President of the Commission

- *as part of the Commission, the service to be created will follow the Commission's budgeting process and procedures.*
- *it will be responsible for managing the following foreign policy instruments: CFSP budget, IfS, ICI, EOM's and press and public diplomacy).*
- *the service should be physically co-located with its counterpart staff in the EEAS.*

3. Transitional arrangements relating to accounting and treasury

- *for a transitional period, the Commission's Accounting Officer could be nominated as EEAS accounting officer so that the EEAS can use the*

existing accounting and treasury systems (with a separate company code). Supplementary staff would be needed for these services within DG BUDG.

- *the situation would be reviewed on the basis of the status report foreseen in 2012.*

The abovementioned system, if agreed rapidly (in particular in view of the required adaptations of the accounting system) may be implemented on the basis of SLAs and of the annual budget process, as from 1st January 2011. It does not require changes to the Financial Regulation beyond the ones already proposed.”

Baroness ASHTON underlined the importance of the aforementioned arrangements for financial management, which combined rigorous financial control and flexibility to ensure that these arrangements were implemented effectively.

Turning to the question of the opening and closing of delegations, she said that the Commission and Council must play a role here and that she had made provision for such decisions to be taken in agreement with the Commission. She also confirmed that it would be possible for Commissioners to give direct instructions to heads of delegations.

As regards the external aspects of internal policies, Baroness ASHTON emphasised that this area would continue to be one of the competences of the Commission members concerned and said that the function of overall coordination to ensure consistency would be the responsibility of a special unit of the EEAS, stressing that it would be at the service of the PRESIDENT and the Commissioners and would respect the Commission's powers.

Lastly, concerning the question of the programming of development aid, she referred to the concerns expressed with regard to spheres of competence and the wish to provide as effective a response as possible on the ground

while avoiding the duplication of tasks and safeguarding the prerogatives of the development Commissioner.

She said that in this regard her proposal should provide for the transfer of all the geographical desks in the field of development to the European External Action Service with a view to bringing together all the geographical desks in the same body. She stressed that while the development Commissioner would continue to fully assume the overall responsibility for coordinating development policy, the programming of this policy would be the joint work of the Commissioner and the High Representative. She thanked Mr PIEBALGS and Mr FÜLE for their support in developing the overall structure of the EEAS, which she considered to be the option most likely to obtain a consensus, particularly at Council level.

During a brief discussion, the Commission also mentioned the following aspects:

- the question of the discharge procedure after the new service had been set up;
- management of the European Development Fund;
- the need for a 'direct' line between the Commissioners in charge of European policies with an external dimension and heads of delegation;
- the possibility of disagreements in the procedure for appointing heads of delegation;
- questions about the extent of the European Parliament's possible involvement in the procedure for appointing heads of delegation and the possibility of the Commission meeting certain heads of delegation;
- the need for clarification of the planned arrangements for deputising for the High Representative; the advantages in certain cases of having representation from both the Commission and the rotating Council

Presidency, and positive past experiences in that respect.

Replying to the various comments made, Baroness ASHTON confirmed that the Commission would retain responsibility vis-à-vis the European Parliament regarding discharge for financial instruments within its remit. She also confirmed that agreement had been reached on the management of the European Development Fund and that direct contacts would be possible between Members of the Commission and the delegations concerning their areas of competence. On the question of the appointment of heads of delegation, she stressed that the Commission would be involved, as it would endorse the list of pre-selected candidates; this should make it possible to avoid any divergence of views when it came to the final decision. She also explained that there were no plans for heads of delegations to attend formal hearings before the European Parliament's Foreign Affairs Committee, although informal meetings would be possible with some of them once they had been appointed and before they took up their posts. Finally, on the question of deputising arrangements, she felt that for matters falling within the Commission's remit she should be replaced in her absence by Members of the Commission, while for matters relating to foreign policy and common security, the rotating Council Presidency or possibly other Foreign Ministers would be called on.

The PRESIDENT welcomed the information presented by Baroness ASHTON, which should be reflected in the draft decision to be laid before the Council. The Commission would express its views on this draft once it had been referred by the Council following an opinion from the European Parliament. He felt that the proposed structure should enable operations to run smoothly in the long term. He said that the Commission had taken note of Baroness ASHTON's intentions and asked her to send her proposal to the Commission Members as soon as it was available. Finally, he wished her every success in her work.

Following this exchange of views, the Commission:

- adopted the proposal for a Regulation set out in COM(2010)85 for transmission to the European Parliament, the Council and the Court of Auditors and, for information, to the national parliaments;
- took note of the staff paper distributed as SEC(2010) 257;
- took note of the procedures for financial management with regard to the delegations as presented by Mr LEWANDOWSKI, the text of which could be found on pages 35 to 38 of these minutes;
- took note of the draft proposal for a Regulation in SEC(2010)280 and /3 and authorised Mr ŠEFČOVIČ to begin immediately consultations on this basis with the trade unions and staff associations, the Staff Committee and the Staff Regulations Committee.

**23. COMMISSION REGULATION ON THE APPLICATION OF ARTICLE 101(3) OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION TO CERTAIN CATEGORIES OF AGREEMENTS, DECISIONS AND CONCERTED PRACTICES IN THE INSURANCE SECTOR
(C(2010)1746 TO /3; SEC(2010)325; SEC(2010)326; SEC(2010)327; SEC(2010)329)**

**24. COMMUNICATION FROM THE COMMISSION ON THE APPLICATION OF ARTICLE 101(3) OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION TO CERTAIN CATEGORIES OF AGREEMENTS, DECISIONS AND CONCERTED PRACTICES IN THE INSURANCE SECTOR
(COM(2010)100 TO /3; SEC(2010)328; SEC(2010)329)**

The Commission:

- adopted the Regulation on the application of Article 101(3) of the Treaty on the Functioning of the European Union in C(2010)1746/3;
- took note of the impact assessment and the summary thereof in staff papers SEC(2010)325 and SEC(2010)326;
- took note of the opinion of the Impact Assessment Board on the above Commission Regulation, as set out in SEC(2010)327;
- approved the communication in COM(2010)100/3;
- decided to send the Regulation and the Communication, for information, to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the national parliaments.

**25. RECOMMENDATION FROM THE COMMISSION TO THE COUNCIL TO AUTHORISE THE OPENING OF NEGOTIATIONS BETWEEN THE EU AND THE UNITED STATES OF AMERICA FOR AN AGREEMENT TO MAKE AVAILABLE TO THE UNITED STATES TREASURY DEPARTMENT FINANCIAL MESSAGING DATA TO PREVENT AND COMBAT TERRORISM AND TERRORIST FINANCING
(SEC(2010)315 TO /4 ; SEC(2010)324)**

Ms MALMSTRÖM briefly presented the recommendation which she was presenting to the Commission for adoption, underscoring first of all the major interest in this subject in the media. She reminded the meeting that the need for an agreement governing the transfer of financial messaging data between the United States and the European Union had arisen following the establishment by the United States Treasury Department of the Terrorist Finance Tracking Program (TFTP) in the wake of the terrorist attacks of 11 September 2001. The programme involved the transfer of personal data to the US Treasury via SWIFT, a company with its registered offices in Belgium.

She pointed out that an interim agreement had been signed between the United States and the European Union in 2009, which had subsequently been rejected by the European Parliament in February 2010, primarily for reasons linked to the respect of fundamental rights.

Ms MALMSTRÖM emphasised the fact that the new agreement was to provide more robust guarantees in this respect, particularly with regard to the right to redress, and underscored the benefits of the agreement for both the European Union and the United States. She explained that a regular review process was also provided for in relation to these guarantees and that data requests would have to be approved by a judicial authority.

Ms MALMSTRÖM explained more specifically that, in response to the criticisms formulated by the European Parliament in its September 2009 resolution, the new agreement was to expressly restrict the transfer of personal data to the purposes of fighting terrorism only, regulate the transfer of data to third countries in a stringent manner and ensure the reciprocity of the process between the United States and the European Union, including a guarantee that the United States would cooperate in the event that a programme similar to the TFTP were introduced by the EU.

Ms MALMSTRÖM hoped that authorisation to open negotiations would be given by the Council as soon as possible. She had worked with the Spanish Council Presidency to this end and reported a number of positive exchanges with the European Parliament. She also referred to the intensive work undertaken with the US authorities and noted that the latter had stated their willingness to open negotiations with a view to signing an agreement by the summer.

Following this presentation, the Commission adopted the recommendation in SEC(2010) 315/4, for transmission to the Council.

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

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The meeting closed at 12.37.