



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2010)1912 final

Strasbourg, 20 April 2010

MINUTES
of the 1912th meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 31 March 2010
(morning)

PV(2010)1912 final

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Single sitting: Wednesday 31 March 2010 (morning)

The sitting opened at 9.10 with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	President	
Mr ALMUNIA	Vice-President	
Mr KALLAS	Vice-President	
Ms KROES	Vice-President	
Mr TAJANI	Vice-President	
Mr ŠEFČOVIČ	Vice-President	Points 1 to 9 (in part)
Mr POTOČNIK		
Mr BARNIER		
Mr ŠEMETA		
Mr DE GUCHT		
Mr DALLI		
Ms GEOGHEGAN-QUINN		
Mr LEWANDOWSKI		
Ms DAMANAKI		
Mr OETTINGER		
Mr HAHN		
Ms HEDEGAARD		
Mr FÜLE		
Mr ANDOR		
Ms MALMSTRÖM		
Mr CIOLOŞ		

Absent:

Baroness ASHTON

High
Representative/Vice-
President

Ms REDING

Vice-President

Mr REHN

Mr PIEBALGS

Ms VASSILIOU

Ms GEORGIEVA

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

Mr MORRISON	Chef de cabinet to Baroness ASHTON
Ms HOFFMANN	Deputy Chef de cabinet to Ms REDING
Mr LAHTI	A member of Mr REHN's staff
Mr USTUBS	Deputy Chef de cabinet to Mr PIEBALGS
Ms SPANOU	Deputy Chef de cabinet to Ms VASSILIOU
Mr CHAIBI	A member of Ms GEORGIEVA's staff

The following also sat in:

Mr LAITENBERGER	Chef de cabinet to the PRESIDENT
Mr ROMERO REQUENA	Director-General, Legal Service
Mr SØRENSEN	Director-General, DG Communication
Mr DOENS	Head of the Commission Spokesperson Service
Ms AHRENKILDE HANSEN	Commission Spokeswoman
Mr CONDOMINES	Bureau of European Policy Advisers
Mr FRUTUOSO DE MELO	Deputy Chef de cabinet to the PRESIDENT
Ms CORREIA	A member of Mr ŠEFČOVIČ's staff
Mr SERVOZ	Secretariat-General

Secretary: Ms DAY, Secretary-General, assisted by Mr GENISSON, Head of Unit in the Secretariat-General.

1. AGENDAS

(OJ(2010)1912/3; SEC(2010)363/2)

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)1912)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 29 March.

3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1911TH MEETING (24 MARCH)

(PV(2010)1911)

The Commission approved the minutes of its 1911th meeting.

The Commission held over approval of the special minutes of its 1911th meeting for a later date.

4. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2010)365 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 22 and 26 March.

4.2. EMPOWERMENT

(SEC(2010)366 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 22 and 26 March.

4.3. DELEGATION AND SUBDELEGATION OF POWERS

(SEC(2010)367 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 22 and 26 March, as archived in e-Greffe.

4.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2010)368)

The Commission took note of the sensitive written procedures for which the time limit expired between 29 and 31 March.

5. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2010)364)

ADMINISTRATIVE MATTERS

(PERS(2010)28)

**5.1. DG INFORMATION SOCIETY AND MEDIA – APPOINTMENT OF
DIRECTOR-GENERAL**

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms KROES, the Commission decided, under Article 7 of the Staff Regulations, to fill the post of Director-General of DG Information Society and Media by transferring in the interest of the service Mr Robert MADELIN, an AD16 official and currently Director-General of DG Health and Consumers.

This decision would take effect on 1 April 2010.

5.2. *DG HEALTH AND CONSUMERS – APPOINTMENT OF DIRECTOR-GENERAL*

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr DALLI, the Commission decided, under Article 7 of the Staff Regulations, to fill the post of Director-General of DG Health and Consumers by transferring in the interest of the service Ms Paola TESTORI COGGI, an AD15 official and currently Deputy Director-General in DG Health and Consumers.

This decision would take effect on 1 April 2010.

5.3. *OFFICE FOR ADMINISTRATION AND PAYMENT OF INDIVIDUAL ENTITLEMENTS – GRANTING OF MANAGEMENT ALLOWANCE TO AN AD15 OFFICIAL*

The Commission took note of the request by Ms Dominique DESHAYES, currently Principal Adviser in the Office for Administration and Payment of Individual Entitlements, to be retired with effect from 1 April 2010, and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, decided to maintain her entitlement to the management allowance for the period from 16 February 2010 to 31 March 2010, during which she had served as acting Director of the Office for Administration and Payment of Individual Entitlements.

This decision would take effect immediately.

The Commission thanked Ms Dominique DESHAYES for her services, in particular during the five years in which she had served as Director of the Office for Administration and Payment of Individual Entitlements.

**6. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL ON THE CITIZENS' INITIATIVE
(COM(2010)119 TO /3; SEC(2010)370; SEC(2010)371)**

Mr ŠEFČOVIČ presented the proposal for a Regulation on the citizens' initiative, which he was tabling for adoption. He thanked the departments involved for their work in preparing this important proposal, which was one of the priorities identified by the Spanish Council Presidency and was also eagerly awaited by European citizens, who had taken part in a wide-reaching public consultation, the results of which had helped to shape the Commission proposal.

The Treaty of Lisbon provided for the possibility of at least one million citizens from a significant number of Member States asking the Commission to formulate legislative proposals on matters within the framework of its powers. The present proposal set out the key aspects of implementation of the procedure, in particular the minimum number of Member States from which a request must come (one third of all EU Member States), the minimum number of signatures to be collected in each country (calculated according to the principle of degressive proportionality used to determine the number of MEPs), and the minimum age for taking part (the voting age for European elections). No restriction had been placed on the way statements of support were to be collected, in line with the unanimous views of the parties consulted.

He explained that the Commission would check the admissibility of initiatives at a relatively early stage, because it would be frustrating for the public if an initiative were rejected on the grounds of inadmissibility at the very end of the signature collection process. The check would therefore be carried out once 300 000 signatures had been collected from at least three Member States and the Commission would have two months in which to do this. The verification of the signatures themselves remained the responsibility of the national authorities. Finally, once all the signatures had been collected and verified, the Commission would have four months in which to decide how to respond to the initiative.

He wound up his presentation by expressing his conviction that the proposal on the table would help to promote public debate in Europe and added an important element of participatory democracy to the representative system that already existed. He thanked all the Commissioners for their support in the preparation of this proposal and hoped that it would be very well received by the Council and Parliament.

The Commission then held a brief exchange of views, stressing the relevance of the citizens' initiative but reiterating the need for caution to ensure that this important instrument was not misused, manipulated or targeted by fraud, particularly as regards the collection of signatures on-line.

Mr ŠEFČOVIČ replied to these comments by saying that he was aware of the potential risks of collecting signatures on-line, but noting firstly that all those consulted had been in favour of this method and secondly that steps had been taken to prevent misuse, for example at the point when the decision was taken to register an initiative, to deal with any initiatives that were offensive, frivolous or manifestly incompatible with the fundamental values of the Union. The systems for collecting signatures on-line would have to have proper security features, which would be the responsibility of the Member States, and the organisers would be responsible for the protection of personal data. Finally, given that the citizens' initiative was a new instrument at European level, a review clause had been included in the proposal, so that the system could be evaluated after five years and changes suggested, if necessary.

The PRESIDENT supported the new measure, which was a response to a requirement of the Lisbon Treaty, and thanked the departments involved for managing in such a short time to prepare a proposal which he felt was both fair and reasonable. He, too, was aware of the potential risks of misuse or manipulation and felt it would be up to the Commission to intervene in the event of controversial initiatives. This was, in his view, an issue that was intrinsic to participatory democracy, and it was important to have confidence in the public and encourage people to take a stand on European issues, in cooperation with the European Parliament.

Following this exchange of views the Commission approved the proposal for a Regulation in COM(2010)119/3 for transmission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the European Data Protection Supervisor, and to the national parliaments, for information, together with the results of the public consultation in staff paper SEC(2010)370, the contents of which were noted.

7. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS - COMMISSION WORK PROGRAMME 2010 (COM(2010)135 AND /2)

The PRESIDENT introduced the communication on the 2010 work programme, which he was tabling for approval, pointing out that it served in equal measure as an internal programming tool and as a means of flagging up the Commission's priorities.

The late start to the Commission's term of office had resulted in the process of preparing the work programme having to be speeded up. However, there had been widespread agreement on the priorities and on the choice of initiatives. In this respect it was appropriate that the programme should place special emphasis on the 'Europe 2020' strategy and its flagship initiatives.

The PRESIDENT also felt that the programme struck a good balance, presenting new initiatives that focused on the interests and concerns of citizens. On the external relations front, he explained that Baroness ASHTON would have to develop a general approach, to be reflected in future programmes.

In terms of structure, the programme consisted of an initial list of strategic initiatives which the Commission was committed to adopting in 2010 and a second list of proposals (some of which were also of strategic importance), which it had

undertaken to work on but which could be adopted only after an impact assessment had been carried out and only if they were ready and good enough to be adopted. There were no specific commitments regarding the timing of initiatives on this second list.

The PRESIDENT noted the advantages of having this second list cover a number of years, which made it possible to include work in progress on important issues that required more detailed preparation, to spread the workload over the Commission's whole term of office and to launch the cooperation process for major cross-cutting initiatives that were in the pipeline. He said that he would return to the question of setting up groups of Commissioners after Easter and he also intended to hold regular policy debates.

It was important that all the proposals in Annex 1 be put into action in 2010, as a firm commitment had been made to that end, thereby raising expectations in the European Parliament and elsewhere. These proposals would also have to be of a high quality and be given special attention from a political angle.

By contrast he noted the indicative nature of the second list, which was much longer and reflected more than just the political priorities. Work on the proposals on that list would have to be monitored carefully in order to see whether all of them should be completed.

The PRESIDENT laid special emphasis on the multiannual financial framework, for which the Commission had undertaken to present a proposal in the first half of 2011. Given the timeframe, work would have to start immediately, beginning with the budget review planned for July. He felt that this exercise should serve to lay down guidelines for examining existing programmes, assessing what had worked well or less well and exploring new avenues.

In particular, Mr CIOLOŞ and Mr HAHN would each prepare an analysis of their respective fields of responsibility. As part of this debate on the financial framework, the Commission would have to prove that its proposals offered added value, whether they followed on from existing programmes or presented new features.

The PRESIDENT pointed out that in 2011 the situation would be different and the Commission would be able to set to work on preparing its work programme at a relatively early stage. The general approach should also be different, with a major debate on the state of the Union being launched in September. Mr ŠEFČOVIČ had begun to discuss the details in negotiations on renewing the framework agreement between the Commission and the European Parliament.

He concluded by highlighting the ambitious nature of the work programme and thanking the Members of the Commission for their contributions and for the political drive they had shown, while stressing that it was particularly important to adopt a disciplined approach, given the present debate on the balance between - and respective roles of - the various institutions. It would be useful to draw up a scoreboard to monitor progress on the work programme and it was important to ensure that proposals were spread evenly over time and not concentrated at certain times of the year, as this posed administrative difficulties, among other things in terms of communication.

The Commission then held a discussion, during which the following points were brought to the fore:

- the importance of making an early start on collective preparations for proposals that had a budgetary impact by setting up immediately a consultation and cooperation process, so that progress could be made even ahead of the debate on the budget review;
- the case for holding policy debates in order to prepare initiatives thoroughly and guarantee their success; in this context, a special request to hold a policy debate on the question of on-line gambling;
- the tight timetable for drawing up the 2010 work programme and the desire to have a longer consultation period in subsequent years, so that the balance to be struck between different policies could be examined in detail;
- the importance of ensuring that the work programme tied in with other policy documents presented by the Commission, in particular the

'Europe 2020' strategy;

- wide support for developing inter-sectoral working procedures for the preparation of high-impact, cross-disciplinary initiatives, and in particular the setting-up of groups of Commissioners;
- the importance of the proposal to revise the Directive on energy taxation, its strategic nature, its links with the climate agenda, the expectations of the Spanish Council Presidency, of the future Belgian Council Presidency, of the European Parliament and of citizens in this field, and the need for a policy debate on this issue as soon as possible;
- the importance of including phases of major initiatives that formed part of a longer cycle - as was the case in agriculture - among the Commission's policy priorities, for the sake of visibility and easier comprehension;
- the connection between the quality of initiatives and of the work carried out in impact assessments, the efforts made to take into account the views of the different stakeholders in the sectors concerned, and the Commission's ability to communicate on its proposals both beforehand and afterwards;
- the need to look closely at how to finance the components of this ambitious work programme, in particular the possible need for additional appropriations or the scope for carrying out transfers between priorities;
- in presenting the programme to the outside world, the importance of stressing its flexibility and the scope for adjusting it to any needs that might arise in the years ahead;
- the need to highlight the work already carried out by this Commission since it took office and, in general, the importance of proper communication in the Member States about the Commission's activities and initiatives, in particular through its Representations;
- in relation to proposals that had a particularly high impact, the need for specific

communication tools, particularly vis-à-vis national parliaments, in order to stimulate debate at an early stage and, where necessary, inject a sense of perspective.

Replying to these various comments, the PRESIDENT confirmed that he planned to hold various policy debates in the Commission to ensure that certain major initiatives in the pipeline were thoroughly prepared, fully consistent and enjoyed collective support. Nevertheless, this type of debate should be reserved for priority issues that cut across a number of policy areas. In the weeks ahead he would make his intentions known as regards the setting-up of groups of Commissioners and the plans for policy debates.

He acknowledged that the work programme needed to be fully consistent with the Commission's main strategic lines of action, particularly in the long term; efforts to improve such consistency would be made in future programmes. Noting the large number of initiatives in Annex 2, he asked the Commission Members to ensure that the work of the departments under their responsibility was of a high quality, that the proposals could be introduced by the deadlines announced and that there was proper preparation within the Commission. The work programme allowed enough leeway to cope with unexpected needs, but the initiatives it contained had to go through the Commission's general decision-making process. The PRESIDENT also agreed that attention would have to be paid to the budgetary aspects of the work programme so that it could be properly implemented.

It was vital to have effective communication on what the work programme meant and the initiatives it contained, both upstream and at the implementation stage, which was sometimes long after adoption, particularly in the case of directives which might be transposed into national law several years later. There was a need here for proper communication with national parliaments which, under the Lisbon Treaty, were directly involved in European decisions. He felt that this matter could be studied in more detail, in collaboration with Ms REDING and the Spokesperson's Service.

He ended by expressing satisfaction at the excellent work that had gone into

preparing the work programme - despite the tight deadlines - which showed that the new Commission had been operating effectively since it took office.

Following this exchange of views, the Commission adopted, subject to final linguistic revision, its work programme for 2010 in COM(2010)135/2 for transmission 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.

8. INTERINSTITUTIONAL RELATIONS

8.1. *LEGISLATIVE MATTERS*

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

(SP(2010)1558)

The Commission decided to empower the Commission Members responsible for the sectors in question, in agreement with the PRESIDENT and Mr ŠEFČOVIČ 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(2010)1558, drawn up following the March II part-session of Parliament, the contents of which were noted.

8.2. *RELATIONS WITH THE COUNCIL*

ii) Programming of Council business

(SI(2010)89)

The Commission took note of the information in SI(2010)89 on the Council meetings between 1 and 14 April.

iii) Results of the meeting of the European Council (Brussels, 25 and 26 March)

(SI(2010)100)

The PRESIDENT reported on the results of the European Council meeting in Brussels on 25 and 26 March. He recapitulated the major issues at stake, in particular the questions linked to the stability of the euro area and the budgetary situation in Greece. He was satisfied with the outcome of the discussions in this respect, which met the essential expectations of both citizens and the markets. It had been necessary to reconcile the sometimes divergent positions expressed before the European Council.

The agreement reached on the mechanism to preserve the financial stability of the euro area included important features proposed by the Commission. In particular, he referred to the role of the institutions in any activation of the mechanism and to the European framework within which it fell.

In general, he stressed the importance of preserving the 'Community method', continued in the Treaty of Lisbon, and of equality between the Member States, and the leading role that the Commission had to play in the formulation of European Union policies.

The PRESIDENT indicated that the Commission would remain closely involved in setting up the task force referred to in the conclusions of the European Council, which must present to the Council the measures needed to reach the objective of an improved crisis resolution framework and better budgetary discipline, and would also pay particular attention to the long-term aspects, including, if necessary, possible changes to the Treaty. In addition, the Commission would, in the near future, have to present measures to improve coordination within the euro area.

He stressed the importance, in particular with regard to the euro, of a convergence of views between the Member States but also solidarity between them. In this context, he underlined the responsibility of the Commission,

which had to ensure that the European perspective was correctly taken into account and that the rights of all the Member States were respected.

With regard to the 'Europe 2020' strategy, the PRESIDENT highlighted the urgency and need for reform, which had led the Commission to propose this initiative.

The Commission's proposal had been warmly welcomed. He nonetheless recognised the importance and sensitivity for the Member States of the question of the objectives to be reflected and attained at national level. Although quantified objectives concerning employment, research and development, climate and energy enjoyed strong support, discussions had to continue on two objectives, namely education, an objective for which more precise figures would be defined at the European Council in June, and the fight against poverty, the objective which had been the most discussed at the level of the Heads of State and Government.

The PRESIDENT noted that social policy and cohesion were among the powers shared between the Union and the Member States, as defined by the Treaty. It was therefore for the Member States to reach an agreement on these issues, also in relation to social inclusion and the fight against poverty, which were not limited to the questions of creating new jobs or the fight against unemployment; the European Union had to send a clear message about its action to help the most vulnerable.

Over the coming months, the Commission would continue to support the efforts by the Member States to formulate their own objectives, consistent with the level of ambition agreed at the European Council. However, it was for the Member States alone to translate the objectives in the strategy to national level. Moreover, at the European Council, the Member States had endorsed the proposals on governance.

He also highlighted how important the European Council's timetable was for the Commission - a number of meetings on the main issues were already

scheduled until January 2011. The Commission's work programme already took account of these meetings.

With regard to the fight against climate change, which had also been discussed at length at the European Council, the PRESIDENT noted that two important aspects of this issue would be the subject of Commission initiatives in the next few months: first, the consequences of a possible additional reduction in emissions above the 20% target to reach a possible new target of 30% and, second, the questions linked to the problem of carbon leakage.

He stressed the importance of particularly attentive monitoring of these questions and the central role that the Commission had to play in the discussions, in obtaining a new European consensus, and in the international negotiations. In this context, he welcomed the fact that the Member States and the Commission agreed on the next stages of the process.

With regard to the preparatory work for the next G20 Summit in Toronto in June, the PRESIDENT felt that the meeting of the European Council to be held before the G20 Summit should allow the Member States to formalise the Union's position and ensure a consensus on the agreed objectives. With this in mind, he pointed out that it was important for the Commission to continue the discussions with all the Member States in order to formulate and present specific proposals for the G20.

He highlighted the quality of cooperation with the President of the European Council, Mr Herman Van Rompuy, and hoped that the Commission would continue to work closely with him, stressing the importance of such cooperation for the future work of the European Council.

The Commission then held an exchange of views which focused on the following aspects:

On the budgetary situation in Greece and the stability of the euro area:

- the repeated support for maintaining the principles of the 'Community method', in particular with regard to the questions associated with the stability of the euro area, bearing in mind that only such an approach could guarantee that the interests of all the Member States would be protected;
- the Commission's leading role in formulating proposals and the importance of effective, high-quality cooperation with the Council and the European Council;
- the importance, when setting up the task force composed of representatives of the Member States, the Presidency of the Council, and the European Central Bank, of ensuring that the institutional balance and the division of responsibilities between the Commission and the other institutions were maintained;
- the satisfaction with the realistic nature of the agreement obtained on the mechanism for preserving the stability of the euro area, which provided a credible safety net, and the support for IMF involvement even if the agreement in question was rather vague in some places;
- the need for careful monitoring of implementation of the measures set out in the statement by the Heads of State and Government of the euro area, and of the details of the agreed mechanism;
- the priority granted in the Commission's work programme to the rapid implementation of measures to strengthen economic governance and facilitate an exit from the crisis, and the timeliness of having a discussion in the Commission in the near future on the financial sector's contribution to the exit from the crisis;
- the substantial burden of public debt in the European Union, in particular in the context of the economic crisis, and the importance of a return to the

principle of balanced budgets in order to ensure the stability of the euro area and of the European currency, and the interest in examining these questions in greater detail in a general debate in the Commission;

On the 'Europe 2020' strategy:

- the need for the Commission to pursue its contacts with the Member States in order to highlight the importance of quantified objectives, including in relation to poverty and social inclusion, in particular regarding the measures to help the most disadvantaged;

On the follow-up to Copenhagen and relations with non-member countries, including the preparation of the G20 Summit:

- the usefulness of having regular updates on the international situation in Commission meetings;
- the need to improve the visibility in non-member countries of action by the Commission and the other institutions by making use of the network of EU delegations; the importance of good communication with the delegations when setting up the External Action Service;
- the particular attention to be paid to follow-up of social and employment questions at G20 level and in the preparatory meetings at ministerial level.

The PRESIDENT concluded the discussion by repeating his satisfaction with the results of the European Council, whose conclusions largely matched the Commission's objectives. He stressed that the agreement reached on the stability of the euro area was pragmatic and necessary; he and Mr REHN had worked actively for the agreement during the meeting of the European Council and the preparations for it.

In agreement with Mr REHN, he announced that on 14 April the Commission would hold a policy debate on coordination and economic governance of the euro area, in particular with a view to preparing the informal meeting of Finance Ministers to be held in Madrid on 16 and 17 April.

He also reiterated how important it was for the Commission to play an active role in setting up the task force that would examine the measures needed to reach the objective of an improved crisis resolution framework and better budgetary discipline.

He raised the proposals that the Commission would have to present on the fight against climate change, and the need to strengthen dialogue with the Union's strategic partners, China in particular. He noted the coherence provided by the Treaty of Lisbon concerning the external representation of the European Union, including in international fora, the allocation of tasks proposed in this context by Mr Van Rompuy and himself and supported by the European Council, and the importance for the external representation of the European Union of the function of the High Representative and Vice-President of the Commission. The Commission would revisit these questions during a policy debate when the time was right.

He called on the Members of the Commission and their departments to provide attentive follow-up to the conclusions of the European Council.

The Commission took note of this information.

8.3. *RELATIONS WITH PARLIAMENT*

iv) Results of March II part-session

(SP(2010)1618)

The Commission took note of the information on Parliament's part-session held in Brussels on 24 and 25 March, set out in SP(2010)1618.

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The meeting closed at 11.35.