



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2010)1914 final

Brussels, 4th May 2010

MINUTES

**of the 1914th meeting of the Commission
held in Strasbourg
(Winston Churchill building)
on Tuesday 20 April 2010
(afternoon)**

PV(2010)1914 final

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Single sitting: Tuesday 20 April 2010 (afternoon)

The sitting opened at 13.05 with Mr BARROSO, President, in the chair. The discussion of item 12 was chaired by Ms REDING.

Present:

Mr BARROSO	President	Items 1 to 11
Baroness ASHTON	High Representative/Vice-President	Items 11 (in part) and 12
Ms REDING	Vice-President	
Mr ALMUNIA	Vice-President	Items 1 to 12 (in part)
Mr KALLAS	Vice-President	
Ms KROES	Vice-President	
Mr TAJANI	Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Mr POTOČNIK		
Mr PIEBALGS		Items 11 (in part) and 12
Mr BARNIER		
Mr ŠEMETA		
Mr DE GUCHT		Items 1 to 12 (in part)
Ms GEOGHEGAN-QUINN		
Mr LEWANDOWSKI		
Ms GEORGIEVA		Items 11 and 12
Mr OETTINGER		Items 1 to 12 (in part)
Mr HAHN		
Ms HEDEGAARD		
Mr FÜLE		Items 11 (in part) and 12
Mr ANDOR		
Ms MALMSTRÖM		
Mr CIOLOŞ		

Absent:

Mr REHN

Ms VASSILIOU

Mr DALLI

Ms DAMANAKI

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

Mr LAHTI	A member of Mr REHN's staff	Item 12
Mr HILL	A member of Ms VASSILIOU's staff	
Mr DEMICOLI	A member of Mr DALLI's staff	
Mr MARKOPOULIOTIS	Chef de cabinet to Ms DAMANAKI	

Assistent également à la séance :

Mr LAITENBERGER	Chef de cabinet to the PRESIDENT	Items 1 to 11
Mr ROMERO REQUENA	Director-General, Legal Service	
Mr SØRENSEN	Director-General, DG Communication	
Ms AHRENKILDE HANSEN	Commission Spokeswoman	
Mr SCHINAS	Bureau of European Policy Advisers	
Ms MARTÍNEZ ALBEROLA	Adviser in the PRESIDENT's Office	Items 1 to 11
Ms CORREIA	A member of Mr ŠEFČOVIČ's staff	Items 11 (in part) and 12

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

1. AGENDAS

(OJ(2010)1914/3; SEC(2010)429/2)

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)1914)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 19 April.

3. APPROVAL OF THE SPECIAL MINUTES OF THE 1911TH MEETING, THE MINUTES OF THE 1912TH MEETING AND THE MINUTES AND SPECIAL MINUTES OF THE 1913TH MEETING OF THE COMMISSION (24 MARCH, 31 MARCH AND 14 APRIL)

PV(2010)1911, PART II; PV(2010)1912; PV(2010)1913; PV(2010)1913, PART II)

The Commission approved the minutes of its 1911th, 1912th and 1913th meetings.

4. INTERINSTITUTIONAL RELATIONS (SEC(2010)412)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 16 April (SEC(2010)412).

It paid particular attention to the following points.

4.1. LEGISLATIVE MATTERS

i) Ordinary legislative procedure

(point 1.2 of the IRG record)

Preparation of agreement at first reading

- Structures for the management of the European satellite radio navigation programmes (Regulation) – TOŠENOVSKÝ report – 2009/0047 (COD)

The Commission authorised Mr TAJANI to pursue contacts with Parliament and the Council in order to reach agreement at first reading following the line set out in SPI(2010)18.

ii) Preparation for the April II part-session of Parliament

(point 1.3 of the IRG record)

Ordinary legislative procedure – Codecision – 1st reading

- Metrology (repeal of Council Directives 71/317/EEC, 71/347/EEC, 71/349/EEC, 74/148/EEC, 75/33/EEC, 76/765/EEC, 76/766/EEC and 86/217/EEC) (Directive) – WEISGERBER report – 2008/0227 (COD)

The Commission authorised Mr TAJANI 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 SP(2010)1552.

(20 April 2010)

- General provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund as regards simplification of certain requirements and as regards certain provisions relating to financial management (Regulation) – KIRILOV report – 2009/0107 (COD)

The Commission authorised Mr HAHN 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 SP(2010)1554.

- Macro-financial assistance to Ukraine (Decision) – MOREIRA report – 2009/0162 (COD)

The Commission authorised Mr REHN to pursue contacts with Parliament and the Council in order to reach agreement at first reading following the line set out in SPI(2010)19 and /2.

Special legislative procedure – Consultation

- Administrative cooperation and combating fraud in the field of value added tax (Council regulation – recast) – GARCÍA-MARGALLO Y MARFIL report – 2009/0118 (CNS)

The Commission authorised Mr ŠEMETA 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 following the line set out in SP(2010)1556 and /2.

- Common system of value added tax as regards the rules on invoicing (Council Directive) – CASA report – 2009/0009 (CNS)

The Commission authorised Mr ŠEMETA 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 following the line set out in SP(2010)2077.

4.2. RELATIONS WITH THE COUNCIL

iii) Programming of Council business

(SI(2010)105)

The Commission took note of the information in SI(2010)105 on the Council meetings between 22 April and 5 May.

iv) Preparation for Council meeting (Justice and Home Affairs) (Luxembourg, 22-23 April)

(point 2.1.3 of the IRG record)

- Initiative by the Member States for a Directive of the European Parliament and of the Council on the European Protection Order – 2010/0802 (COD)

The Commission approved the line set out in SI(2010)109/2.

- Establishment of an Agency for the operational management of large-scale IT systems in the area of freedom, security and justice – (Regulation) – COELHO report – 2009/0089 (COD)

The Commission approved the line set out in SI(2010)97.

v) Preparation for Council meeting (Foreign Affairs) (Luxembourg, 26 April)

(point 2.2.3 of the IRG record)

- Association agreements with countries of the Southern Caucasus

The Commission approved the line set out in SI(2010)95.

4.3. RELATIONS WITH PARLIAMENT

vi) Preparation for April II part-session of Parliament – Oral questions

(point 3.5 of the IRG record)

H-0113/10, H-0115/10, H-0117/10, H-0118/10, H-0119/10, H-0120/10,
H-0122/10, H-0124/10, H-0125/10, H-0127/10, H-0128/10, H-0129/10,

H-0130/10, H-0132/10, H-0133/10, H-0134/10, H-0137/10, H-0139/10, H-0140/10, H-0142/10, H-0145/10, H-0146/10, H-0148/10, H-0150/10, H-0152/10, H-0153/10, H-0155/10, H-0157/10, H-0161/10, H-0163/10, H-0165/10, H-0167/10, H-0168/10, H-0170/10, H-0172/10, H-0173/10, H-0175/10 and H-0177/10

The Commission approved the draft answers set out in SP(2010)1936 to /3, following the agreement reached between the Chefs de cabinet on the revision of a draft answer and on certain draft supplementary answers, revisions to answers and draft answers, as set out in SP(2010)1936/4 *et seq.*

vii) Action taken on non-legislative resolutions adopted by Parliament at its February I part-session

(point 3.6.2 of the IRG record)

The Commission approved the documents SP(2010)2011 and /2 on the action taken on the Parliament's non-legislative resolutions adopted at its February I part-session, for transmission to Parliament.

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

(point 3.6.3 of the IRG record)

The Commission approved document SP(2010)2013 on the action taken on the legislative opinions and non-legislative resolutions adopted by Parliament at its March I and II part-sessions, for transmission to Parliament.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. *WRITTEN PROCEDURES APPROVED*

(SEC(2010)431 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 12 and 16 April.

5.2. *EMPOWERMENT*

(SEC(2010)432 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 12 and 16 April.

5.3. *DELEGATION AND SUBDELEGATION OF POWERS*

(SEC(2010)433 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 12 and 16 April, as archived in e-Greffe.

5.4. *SENSITIVE WRITTEN PROCEDURES*

(SEC(2010)434 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 19 and 23 April and of the finalisation written procedures initiated following the weekly meeting of Chefs de cabinet on 19 April.

6. COMMISSION REGULATION ON THE APPLICATION OF ARTICLE 101 (3) OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION TO CATEGORIES OF VERTICAL AGREEMENTS AND CONCERTED PRACTICES

**(C(2010)2365 AND /2; SEC(2010)410; SEC(2010)413; SEC(2010)414;
SEC(2010)415; SEC(2010)417)**

7. GUIDELINES ON VERTICAL RESTRAINTS

**(SEC(2010)411 AND /2; SEC(2010)410; SEC(2010)413; SEC(2010)414;
SEC(2010)415; SEC(2010)417)**

The Commission:

- adopted the Block Exemption Regulation set out in C(2010)2365;
- adopted in principle the Guidelines set out in SEC(2010)411/2;
- empowered Mr ALMUNIA, Member of the Commission with responsibility for competition, in agreement with the PRESIDENT, to adopt the Guidelines in all the official languages following legal and linguistic revision;
- took note of the impact assessment, the summary thereof and the opinion of the Impact Assessment Board in staff papers SEC(2010)413, SEC(2010)414 and SEC(2010)415;
- decided that, once they had been adopted, the Commission Regulation and the Guidelines would be published in the *Official Journal of the European Union*;
- decided to send the Commission Regulation and the Guidelines, together with the impact assessment and the summary thereof, for information, to the Council, the European Parliament, the European Economic and Social Committee, the Committee of the Regions and the Court of Justice of the European Union, and to the national parliaments.

**8. PROPOSAL FOR A DECISION OF THE EUROPEAN PARLIAMENT AND
OF THE COUNCIL GRANTING A EUROPEAN UNION GUARANTEE TO
THE EUROPEAN INVESTMENT BANK AGAINST LOSSES UNDER**

LOANS AND GUARANTEES FOR PROJECTS OUTSIDE THE EUROPEAN UNION

(COM(2010)174 AND /2; SEC(2010)443 AND /2; SEC(2010)444; SEC(2010)445)

9. REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL ON THE MID-TERM REVIEW OF THE EXTERNAL MANDATE OF THE EUROPEAN INVESTMENT BANK

(COM(2010)173 AND /2; SEC(2010)442; SEC(2010)444; SEC(2010)445)

On a proposal from the PRESIDENT, the Commission agreed that the proposal for a Decision and the report in COM(2010)174/2 and COM(2010)173/2 respectively would be adopted by finalisation written procedure, the time limit for which was set at Wednesday 21 April 2010 (PE/2010/2414 and PE/2010/2415).

10. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, THE COMMITTEE OF THE REGIONS AND THE EUROPEAN DATA PROTECTION SUPERVISOR: DELIVERING AN AREA OF FREEDOM, SECURITY AND JUSTICE FOR EUROPE'S CITIZENS - ACTION PLAN IMPLEMENTING THE STOCKHOLM PROGRAMME

(COM(2010)171 TO /4; SEC(2010)440)

Ms REDING introduced the action plan to implement the Stockholm programme, *An open and secure Europe serving and protecting the citizens*, which was adopted by the European Council in December 2009 and sets out the priorities to be taken into account for the purposes of establishing a European area of freedom, security and justice over the next five years.

She was convinced that this action plan, containing over 170 practical measures with a detailed timetable, would help improve the freedom and security of citizens

in their cross-border movements, while at the same time making life easier for businesses, in particular small and medium-sized businesses. She mentioned in particular the speeding-up of bureaucratic and legal procedures and simplification of the cross-border recovery of debts, two measures which were designed to remove barriers and legal uncertainty for citizens and businesses.

She felt that this action plan could provide European citizens with a safety net, no matter where they were, while respecting their rights but leaving national legal systems unchanged by building bridges between them based on mutual trust and recognition. This goal was being pursued through a system of exchanges between European lawyers and judges.

Companies of all sizes would benefit from the simplification of administrative formalities and the increase in legal certainty for their cross-border transactions as well as from the introduction of European legislation on contracts, which companies could opt to apply.

Ms REDING was also convinced that the action plan met the objective of improving the accessibility and efficiency of the European area of justice and security, which she was pursuing in close cooperation with Ms MALMSTRÖM in the home affairs field.

Ms MALMSTRÖM then presented the part of the action plan dealing with home affairs, stressing its importance in the years ahead in order to pursue a comprehensive security strategy.

She drew particular attention to the initiatives aimed at stepping up the fight against terrorism, particularly in connection with the international negotiations on systems for transferring financial messaging data and passenger data, in line with the principles of personal data protection and with an eye to the revision of the Data Retention Directive.

She also raised the question of combating crime, with special emphasis on the sexual abuse of children, human trafficking and cybercrime, most notably identity theft, which would now be made an offence.

The action plan also covered immigration issues, including the tightening of security at borders through an entry-exit system, the setting-up of a common European asylum system, formulation of a European approach to the protection of unaccompanied minors and encouragement for better cooperation between the Member States and greater solidarity.

She concluded by welcoming the action plan, which was very practical, addressed citizens' concerns and took advantage of the possibilities opened up by the Lisbon Treaty.

The PRESIDENT thanked Ms REDING and Ms MALMSTRÖM and the Members of the Commission concerned for this communication, which was being presented only a short time after the Commission had taken office and was in tune with the priorities set by the acting Council Presidency. He was pleased with the very practical proposals in the action plan, which promised an intensive work programme in the field of freedom, justice and security in the next five years.

He felt that the action plan was a useful adjunct to the Europe 2020 strategy, as it brought to the Commission's work the human dimension that was the hallmark of the EU's response to the crisis and, more generally, of the European social model. He welcomed this initiative which met the objectives of the Stockholm programme and covered the Commission's whole term of office, and which the Commission undertook to implement fully.

Following this presentation, the Commission approved the communication in COM(2010)171/4, subject to final linguistic revision, 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, for information, to the national parliaments.

11. OTHER BUSINESS

11.1. PROGRAMMING OF POLICY DEBATES

(SEC(2010)474)

The Commission took note of the information from the PRESIDENT in SEC(2010)474.

11.2. GROUPS OF COMMISSIONERS

(SEC(2010)475)

The Commission took note of the information from the PRESIDENT in SEC(2010)475.

11.3. IMPACT ON AIR TRANSPORT OF THE ASH CLOUD CAUSED BY THE ERUPTION OF THE EYJAFJOLL VOLCANO IN ICELAND

Mr KALLAS introduced the situation concerning air transport in Europe following the eruption of the Icelandic volcano Eyjafjöll and the action taken by the Commission to deal with the consequences of the eruption for air traffic, airlines and passengers.

Powers in this field lay first and foremost with the Member States, who were responsible for opening and closing their airspace, although on Monday morning Eurocontrol (The European Organisation for the Safety of Air Navigation) had, at the Commission's initiative, held a teleconference with the national regulators concerned in order to promote better cooperation between them.

Mr KALLAS pointed out that the system for air traffic control and flight authorisation was very different in the United States, where pilots are responsible for assessing whether or not they can fly, whereas in Europe national regulators have the power to authorise and ban flights. In this case, the national authorities took the appropriate decisions based on previous experience and precedent.

Any compromises on safety were unthinkable and, in the current situation, everything was being done to ensure the highest levels of safety for European citizens.

He then reported on his participation in the extraordinary meeting of transport ministers held on the afternoon of Monday 19 April, where the ministers had been clearly in favour of a coordinated European response to the crisis.

The ministers had reached an agreement to reopen their national airspace gradually and in coordinated fashion, while complying with safety requirements; Eurocontrol had taken the decision on Tuesday morning to define three types of zones, depending on their degree of contamination by volcanic ash: first, the zones closest to the eruption area, which were to remain closed for obvious safety reasons; second, the zones where ash was present but where Member States would be able to decide to authorise flights in coordination with each other; and, lastly, zones not affected by volcanic ash which would not, in principle, be subject to any flight restrictions imposed by the Member States.

In a way, these measures anticipated the future implementation of the Single European Sky, in particular with regard to management issues. The situation also highlighted the need to develop both a coordinated European approach and intermodal transport systems, above all in relation to rail transport.

He concluded his presentation by noting that a group of Commissioners, chaired by himself, had been set up by the PRESIDENT with the task of assessing the economic consequences of the air transport crisis, although at this stage it was not possible to anticipate the measures that the Commission might take.

The PRESIDENT thanked Mr KALLAS for his action. He too stressed that responsibility for banning flights currently lay exclusively with the Member States and national regulators. He also confirmed that the Commission's top priority was safety, on which no compromise was possible.

It was for the Commission to develop a communication strategy to get these points across clearly.

Moreover, with regard to possible European aid, it was for the Commission to assess the different possible mechanisms, while fully complying with existing law. He was in favour of looking at what could be done in terms of state aid.

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

- the importance for the Commission of clarifying the responsibilities of all parties, in particular for the benefit of the media and public opinion;
- the need not to compromise on safety issues or air passengers' rights;
- the importance of encouraging coordination between Member States in the context of the current crisis and promoting the creation of the Single European Sky in the near future;
- the desire to look at what could be done to help the airline and tourist sectors overcome the consequences of the crisis;
- the reminder of the state aid measures taken by the Commission following the terrorist attacks on 11 September 2001 in order to compensate for the losses of the airline companies affected;
- the list of criteria that could be used to determine whether any compensation to the airline companies and airports affected was compatible with Article 107(2)(b) of the Treaty on the Functioning of the European Union, i.e. (i) the granting of aid to airline companies and airports by the Member States must be non-discriminatory, (ii) the aid must cover only the losses incurred during the period in which each national authority had suspended air traffic, (iii) the amount of aid granted to each airline company or airport concerned must be calculated objectively, taking into account the additional costs actually incurred,

savings made and financial losses during the period in which traffic was suspended, (iv) account should be taken of the cost of additional security measures caused directly by the volcanic eruption, and (v) the aid must not be used for other purposes, in particular to save or restructure the companies concerned;

- the reminder that the European Union Solidarity Fund had been set up in 2002 in order to deal with natural disasters and to express Union solidarity with affected regions on the basis of very precise criteria, and the fact that the objective criteria laid down in the existing rules did not allow the Fund to be used for the individuals or companies affected by the current airspace crisis and its consequences;
- the usefulness of initiating a debate from a European perspective on crisis management questions, regardless of the sector concerned and, in that context, the reminder about the Commission communication, expected in the last quarter of 2010, on enhancing the European Union's degree of preparedness and response capacity to disasters occurring inside and outside its borders in terms of civil protection, humanitarian aid and increased cooperation between civilian and military authorities;
- the advisability of a civil protection debate on the possibility of the pooling at European level of available national resources, including in the framework of enhanced cooperation;
- the usefulness of promoting better coordination of consular work and of considering harmonisation of the various insurance schemes;
- the interest in developing the intermodal capability of European transport, in particular in relation to rail transport, and of looking into the question of interconnection of travel agents and car hire companies, in the context of a natural disaster;
- the opportunity provided by the crisis for thinking about issues of sustainability, environmental protection and changing behaviour, in

particular in relation to travel;

- the reminder of the existing rules on customs manifests required to accompany the goods in question.

The PRESIDENT concluded by reiterating the importance for the Commission of clarifying the responsibilities of every stakeholder, both for airspace management and civil protection. He welcomed the request by the Member States for more coordination and consistency at European level, while noting that the European Union, given the size of its budget, could not in any event replace failing or inadequate national authorities.

The possibilities for financial aid should be examined and a robust and well-argued response, based on clear legal analysis, given to those Member States seeking aid.

Certain natural events were unpredictable and it was impossible to protect oneself against them. However, it was desirable to have a more detailed assessment of the different aspects of the consequences of the present crisis before drawing lessons for the future and proposing possible action to improve preparedness to respond to such situations. Mr KALLAS would head the group set up to assess the economic consequences of the crisis, and he would rely on the support of the other group members.

The Commission took note of this information.

12. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2010)430/3)

ADMINISTRATIVE MATTERS

(PERS(2010)45/3)

12.1. DG COMPETITION – APPOINTMENT OF AD14 DIRECTOR (EU-8)

(PERS(2009)76 TO /6)

The Commission had before it applications under Article 29(2) of the Staff Regulations for the post of Director, Markets and cases V: Health, Transport, Post and Other Services, in the Directorate-General for Competition (PERS(2009)76 to /4).

It took note of the opinions of the Consultative Committee on Appointments of 21 December 2009 and 4 March 2010 (PERS(2009)76/5 and /6).

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

This decision would take effect on 1 June 2010.

12.2. EU-12 RECRUITMENT TARGETS BEFORE THE END OF THE TRANSITION PERIODS – RESERVING SENIOR MANAGEMENT POSTS

The Commission noted the information at point 2 of PERS(2010)45/3 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, decided:

- to reserve the posts of Deputy Director-General in the Directorates-General for Competition, Internal Market and Services, Regional Policy, and Health and Consumer Protection for citizens of Latvian, Lithuanian or

Maltese nationality and to authorise Mr ŠEFČOVIČ to publish the relevant vacancy notices externally;

- in accordance with the Commission communication SEC(2007)592 setting EU-12 recruitment targets by Directorate-General, to reserve the posts of Director or posts of equivalent grade in the Directorates-General that have not yet reached their target for citizens of Bulgarian, Czech, Lithuanian, Polish, Romanian or Slovak nationality (EU-6), and to authorise Mr ŠEFČOVIČ to publish the relevant vacancy notices externally, particularly for the Member States for which the recruitment target has not yet been met; this applied to the following posts: Director, Markets and cases I: Energy and Environment, in DG Competition, Director, Ispra Site Management, in the Joint Research Centre, Principal Adviser on Institutional Issues, in the Secretariat-General, Principal Adviser responsible for the AFFAIR team: establishment, services, business law, movement of capital, transport, intellectual property and information society, in the Legal Service, Director, Rural Development Programmes I, in DG Agriculture and Rural Development, Director, Official Journal and Research, in the Publications Office, and Director, Resources, in DG Budget;
- in accordance with the Commission communication SEC(2007) 592 setting EU-12 recruitment targets by Directorate-General, to reserve the posts of temporary Principal Adviser in the Directorates-General that have not yet reached their target for citizens of Bulgarian, Czech, Lithuanian, Polish, Romanian or Slovak nationality (EU-6), and to authorise Mr ŠEFČOVIČ to publish the relevant vacancy notices externally, particularly for the Member States for which the recruitment target has not yet been met; these were posts created by the changes to the organisation charts in the spring 2010 package: Principal Adviser in DG Research, Principal Adviser in the EuropeAid Cooperation Office, Principal Adviser in DG Energy and Principal Adviser in DG Interpretation; these posts would be abolished when they fell vacant again;

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- to authorise Mr ŠEFČOVIČ, in agreement with the PRESIDENT and the Members of the Commission concerned to approve the corresponding vacancy notices.

These decisions would take effect immediately.

12.3. AMENDMENT OF ORGANISATION CHARTS – 2010 SPRING PACKAGE

(SEC(2010)460/3; SEC(2010)461; SEC(2010)462; SEC(2010)463; SEC(2010)464; SEC(2010)465; SEC(2010)466; SEC(2010)467; SEC(2010)468; SEC(2010)469; SEC(2010)470; SEC(2010)471; SEC(2010)472/3)

Having noted the information in point 3 of PERS(2010)45/3 and in SEC(2010)460/3, the Commission:

- approved the amendment of the organisation charts of DG Competition, DG Climate Action, the Internal Audit Service, DG Justice, Freedom and Security, DG Internal Market and Services, DG Health and Consumer Protection, DG Enlargement, DG Education and Culture, DG Energy, the Joint Research Centre, DG Research, DG Regional Policy, EuropeAid Cooperation Office, DG Humanitarian Aid, DG Budget, DG Communication, DG Interpretation, and the Secretariat-General, and, in the case of the secondment of senior managers to the cabinets in the interest of the service, DG Energy and DG Competition; these organisation charts were set out in SEC(2010)460/3, SEC(2010)461, SEC(2010)462, SEC(2010)463, SEC(2010)464, SEC(2010)465, SEC(2010)466, SEC(2010)467, SEC(2010)468, SEC(2010)469, SEC(2010)470, SEC(2010)471 and SEC(2010)472/3;
- noted the changes to the organisation charts of DG Taxation and Customs Union, the European Personnel Selection Office and DG External Affairs, to be adopted by simplified written procedure, as set out in point 2 of SEC(2010)460/3.

These decisions would take effect immediately.

OTHER MATTERS

12.4. STATE OF PLAY AND CHALLENGES FACING HUMAN RESOURCES MANAGEMENT AT THE COMMISSION

Using a PowerPoint presentation and tables handed out at the meeting, Mr ŠEFČOVIČ presented the state of play regarding human resources management at the Commission and explained the main challenges that would have to be dealt with and the constraints that would have to be faced in the coming years. He emphasised in particular (1) the need to achieve the targets set for the recruitment of nationals from the most recent Member States to join the European Union, and to take into account the large number of people retiring in the coming years, both at senior management level and among the staff as a whole; (2) the principle of zero staff growth and the implications of this in terms of human resources management, and (3) the need to scrupulously respect the legal framework and take interinstitutional developments and relations with the budget authority into consideration.

Mr ŠEFČOVIČ referred to the main Commission staff figures: the number employed was approximately 35 000, not counting external service providers. The European public service numbered between 50 000 and 55 000 if staff in the other institutions and agencies were included. While most members of Commission staff were permanent officials, the 2004 administrative reform had resulted in an increase in the proportion of temporary and contract posts. There had been a considerable rise – about 10 000 – in the number of Commission staff members in the past ten years because of the increase in tasks and successive enlargements, but recruitment was now subject to the principle of zero staff growth.

Describing the breakdown in staff between officials and temporary staff members, and between administrators and assistants, he pointed out that although no quotas had been established, it was important to respect a certain

geographical balance and remedy any imbalances that existed. There was also a slight geographical imbalance at senior and middle management levels.

Turning to the agreed targets for the recruitment of nationals of the "new" Member States, Mr ŠEFČOVIČ said that while the targets had generally been reached, more effort was required in relation to senior management posts. Priorities had been set to fill posts intended for the nationals of certain Member States whose recruitment targets had not yet been reached. He thanked the departments which had helped free the necessary posts.

Mr ŠEFČOVIČ said that, given the age pyramid at the Commission, it was clear, based on estimations of retirements in certain staff categories in the coming years, that 40% of directors-general and deputy directors-general would leave during the present Commission's term of office, while 60% of all management staff would retire by 2018. The breakdown in terms of sex, age and nationality would also pose a challenge when filling the posts freed as a result of these retirements. It was important to monitor these figures to avoid any imbalance, particularly at management level. Succession must be organised properly so that there was no shortfall in quality. The human resources departments would provide regular updates of the situation.

M. ŠEFČOVIČ went on to describe the improvements made to the staff selection and recruitment process, praising the reforms carried out by Mr KALLAS during the previous Commission's term of office. The Commission now had a very competitive selection system, the length of which had been significantly shortened, based on the evaluation of abilities rather than knowledge. While the latest competition had attracted almost 52 000 candidates, he was concerned about the low number of candidates from certain "old" Member States.

He raised again the principle of zero growth and the impact this would have for the Commission since any new post created would have to be offset elsewhere. This issue formed part of the coming interinstitutional debate on the multiannual financial framework and the salary adjustment method.

Drawing the Commission's attention to the need to be cautious in relation to requests for the creation of new posts, he asked his colleagues and the departments for which they were responsible to go along with the screening process conducted before new resources were granted and to help pool resources for certain priority areas.

Mr ŠEFČOVIČ ended by mentioning the question of overheads arising from administrative support and coordination, which the European Parliament was monitoring closely. A balance must be struck between reducing these overheads significantly and ensuring that sufficient resources were available to meet financial control requirements and ensure the necessary technical support, for instance for translation.

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

- the relevance of measures to ensure a geographical balance in relation to candidates from the "new" Member States that had not yet achieved their recruitment target, in particular at senior management level; the importance, however, of respecting the same balance for nationals of the "old" Member States;
- the need to ensure equal opportunities for candidates, in particular as regards the language of the recruitment procedure and gender equality;
- the importance of placing emphasis on specific abilities during the recruitment procedure, of giving more credit for previous experience and of taking into account the length of such experience when deciding on the level of recruitment;
- in spite of recognising the need to take various types of balances into account during recruitment, the obligation to comply with quality requirements in the case of both internal and external applications; the case for putting merit before seniority and emphasising the significance of

continuing training in career development; the relevance, therefore, of a measure to permit the rapid promotion of talented young recruits;

- the concern to ensure good budget implementation and, as a result, the availability of the necessary administrative resources; the importance, from this point of view, of the risk involved in reducing overheads too much; the need to agree with the European Parliament on a methodology and common definitions in this domain;
- the importance of encouraging departments to draw up priorities for the reallocation of posts and of having an evaluation tool for this purpose;
- the still sensitive nature of the issue of career appraisal reports;
- a question about the approach adopted with respect to seconded national experts.

Ms REDING underlined the importance of keeping control over budget management given the principle of zero tolerance prevailing in this area and emphasised the resources needed in order to achieve this objective. Needs arising from retirement must be planned properly, from a long-term perspective, and the expertise of the "old" Member States must be preserved while at the same time attracting young talent. It was a combination of these various factors – age, gender balance and geographical balance – which made up the added value of the European public service.

Mr ŠEFČOVIČ replied to the various comments, underlining the need to work together to comply with the principle of zero growth of human resources.

Recruitment procedures would be held each year from now on, with a competition for administrators each spring, one for linguists each summer and one for assistants each autumn. Competitions were now open to final-year students, and examination centres had been set up outside the European Union as well. There were constraints as regards the use of the official EU languages

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during the recruitment process, therefore it was necessary to resort to the Commission's working languages during the second phase of the process, in other words the languages that would actually be used when working at the Commission.

A number of senior management posts (director-general, deputy director-general and principal adviser) had already been reserved for the nationals of certain Member States that had not yet reached their recruitment targets, and priorities would continue to be established for the other Member States concerned. Mr ŠEFČOVIČ shared the Commission's concern to ensure a gender balance, which must be reinforced during the selection procedure. He underlined the budget constraints affecting the recruitment of seconded national experts.

The screening procedure prior to allocating additional posts was useful to assess real needs. These procedures were carried out quickly, fairly and transparently, and in cooperation with the departments concerned.

Mr ŠEFČOVIČ agreed that, given the average length of time it took for promotion, it would be useful to examine ways that would enable promotion to be speeded up in line with the rules in force. He also acknowledged the importance of continuing efforts on career appraisal in order to solve disputes and consider improvements internally.

Lastly, he agreed fully with the Commission's view that it was important to have the necessary resources for translation and financial control.

The Commission took note of this information.

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The meeting ended at 15.22.