



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

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Strasbourg, 7 September 2010

MINUTES

of the 1926th meeting of the Commission

held in Brussels

(Berlaymont)

on Tuesday 13 July

(morning)

PV(2010)1926 final

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Single sitting: Tuesday 13 July 2010 (morning)

The sitting opened at 9.04 with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	President	
Ms REDING	Vice-President	
Mr KALLAS	Vice-President	
Ms KROES	Vice-President	Items 9 to 11
Mr TAJANI	Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Mr PIEBALGS		
Ms VASSILIOU		
Mr ŠEMETA		Items 1 to 9/10/11 (in part)
Mr DE GUCHT		
Mr DALLI		
Ms GEOGHEGAN-QUINN		
Mr LEWANDOWSKI		
Ms DAMANAKI		
Ms GEORGIEVA		
Mr OETTINGER		Items 9 to 11
Mr HAHN		
Ms HEDEGAARD		
Mr ANDOR		
Ms MALMSTRÖM		
Mr CIOLOŞ		

Absent:

Baroness ASHTON

High
Representative/Vice-
President

Mr ALMUNIA

Vice-President

Mr POTOČNIK

Mr REHN

Mr BARNIER

Mr FÜLE

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

Mr BANNERMAN	A member of Baroness ASHTON's staff
Mr MARTÍNEZ MONGAY	Chef de cabinet to Mr ALMUNIA
Mr MALGAJ	Deputy Chef de cabinet to Mr POTOČNIK
Mr PESONEN	Chef de cabinet to Mr REHN
Ms JORNA	Acting Chef de cabinet to Mr BARNIER
Mr MORDUE	Chef de cabinet to Mr FÜLE

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 European Commission Spokesperson Service	
Ms AHRENKILDE HANSEN	Commission Spokeswoman	
Mr THEBAULT	Head of the Bureau of European Policy Advisers	
Mr FRUTUOSO DE MELO	Deputy Chef de cabinet to the PRESIDENT	Items 1 to 9/10/11 (in part)
Ms MARTÍNEZ ALBEROLA	Adviser in the PRESIDENT's office	
Mr KLAUS	A member of the PRESIDENT's staff	
Mr SADAUSKAS	Chef de cabinet to Mr ŠEMETA	Items 9/10/11 (in part)
Ms DARMANIN	Chef de cabinet to Mr DALLI	

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

1. AGENDAS

(OJ(2010)1926/3; SEC(2010)869/2)

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)1926)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Friday 9 July.

3. MINUTES OF 1925TH MEETING (6 JULY)

(PV(2010)1925)

The Commission approved the minutes of its 1925th meeting.

4. INTERINSTITUTIONAL RELATIONS

4.1. LEGISLATIVE MATTERS

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

(SP(2010)4618)

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)4618, drawn up following the July part-session of Parliament, the contents of which were noted.

ii) Follow-up to Parliament's July part-session and preparation of the Economic and Financial Affairs Council (Brussels, 13 July)

(SPI(2010)46; SPI(2010)47)

Ordinary legislative procedure – Codecision – Preparation of agreements at first reading

- Powers of the European Banking Authority, the European Insurance and Occupational Pensions Authority and the European Securities and Markets Authority (Directive) / Establishment of a European Banking Authority (Regulation) / Establishment of a European Insurance and Occupational Pensions Authority (Regulation) / Establishment of a European Securities and Markets Authority (Regulation) - SÁNCHEZ PRESEDÓ / GARCÍA-MARGALLO Y MARFIL / SKINNER / GIEGOLD reports – 2009/0161 (COD) / 2009/0142 (COD) / 2009/0143 (COD) / 2009/0144 (COD)

(13 July 2010)

The Commission authorised Mr BARNIER to pursue contacts with Parliament and the Council in order to encourage an agreement at first reading, following the line set out in SPI(2010)46.

- Macro-prudential oversight of the financial system and establishment of a European Systemic Risk Board (Regulation) / Specific tasks concerning the functioning of the European Systemic Risk Board (Decision) – GOULARD / TREMOSA I BALCELLS reports – 2009/0140(COD) / 2009/0141(CNS)

The Commission authorised Mr REHN to pursue contacts with Parliament and the Council in order to encourage an agreement at first reading, following the line set out in SPI(2010)47.

4.2. RELATIONS WITH THE COUNCIL

iii) Programming of Council business

(SI(2010)206)

The Commission took note of the information in SI(2010) 206 on the Council meetings between 15 and 30 July.

4.3. RELATIONS WITH PARLIAMENT

iv) Results of Parliament's July part-session

(SP(2010)4603 TO /3)

The Commission took note of the information in SP(2010)4603 to /3 on the proceedings of the part-session of Parliament held in Strasbourg from 5 to 8 July.

v) Results of July part-session – Non-legislative matter

(point 3.1 of the record of the meeting of the Interinstitutional Relations Group held on 2 July; SEC(2010)792; SEC(2010)4565; SP(2010)4615)

- Framework agreement on relations between the European Parliament and the Commission

The Commission decided, subject to Parliament voting in favour of the revised draft framework agreement, to authorise the PRESIDENT and Mr ŠEFČOVIČ to approve the draft framework agreement annexed to SP(2010)4565 and to authorise the PRESIDENT to sign the revised framework agreement on behalf of the Commission, following the line set out in SP(2010)4615.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED

(SEC(2010)871 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 5 and 9 July.

5.2. EMPOWERMENT

(SEC(2010)872 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 5 and 9 July.

5.3. DELEGATION AND SUBDELEGATION OF POWERS

(SEC(2010)873 ET SEQ)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 5 and 9 July, as archived in e-Greffe.

5.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2010)874 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 12 and 16 July and of the finalisation written procedures initiated following the weekly meeting of Chefs de cabinet on 9 July.

6. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2010)870)

ADMINISTRATIVE MATTERS

(PERS(2010)91)

6.1. DG EMPLOYMENT, SOCIAL AFFAIRS AND EQUAL OPPORTUNITIES – APPOINTMENT OF AD14 DIRECTOR (EU-8)

(PERS(2009)58 TO /6)

The Commission had before it applications under Article 29(2) of the Staff Regulations for the post of Director, 'ESF, Monitoring of Corresponding National Policies I, Coordination' in the Directorate-General for Employment, Social Affairs and Equal Opportunities (PERS(2009)58 to /4).

It took note of the opinions of the Consultative Committee on Appointments of 29 January and 15 April (PERS(2009)58/5 and /6).

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The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr ANDOR, it then decided to appoint Ms Andriana SUKOVA-TOSHEVA to the post.

This decision would take effect on 1 August 2010.

6.2. DG EMPLOYMENT, SOCIAL AFFAIRS AND EQUAL OPPORTUNITIES – APPOINTMENT OF AD14/15 DIRECTOR (PERS(2009)142 TO /4)

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director, 'Social Protection and Integration' in the Directorate-General for Employment, Social Affairs and Equal Opportunities (PERS(2009)142 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 29 March and 27 May (PERS(2009)142/3 and /4).

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 ANDOR, it then decided to appoint Mr Georg FISCHER to the post.

This decision would take effect immediately.

6.3. DG EMPLOYMENT, SOCIAL AFFAIRS AND EQUAL OPPORTUNITIES – APPOINTMENT OF AD14/15 DIRECTOR (PERS(2009)130 TO /5)

The Commission had before it applications under Articles 29(1)(a)(i) and (iii) and 29(2) of the Staff Regulations for the post of Director, 'Social Dialogue, Social Rights, Working Conditions, Adaptation to Change' in the Directorate-General for Employment, Social Affairs and Equal Opportunities (PERS(2009)130 to /3).

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It took note of the opinions of the Consultative Committee on Appointments of 30 March and 27 May (PERS(2009)130/4 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 ANDOR, it then decided to appoint Mr Armindo SILVA to the post.

This decision would take effect immediately.

6.4. DG EMPLOYMENT, SOCIAL AFFAIRS AND EQUAL OPPORTUNITIES – APPOINTMENT OF AD14/15 DIRECTOR (PERS(2009)141 TO /4)

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director, 'Audit, Controls' in the Directorate-General for Employment, Social Affairs and Equal Opportunities (PERS(2009)141 and /3).

It took note of the opinions of the Consultative Committee on Appointments of 20 January and 25 February (PERS(2009)141/2 and /4).

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 ANDOR, it then decided to appoint Mr Carlo PETTINELLI to the post.

This decision would take effect immediately.

6.5. DG EMPLOYMENT, SOCIAL AFFAIRS AND EQUAL OPPORTUNITIES – APPOINTMENT OF AD14 DIRECTOR (PERS(2010)47 AND /2)

The Commission had before it applications for the post of Director of the European Foundation for the Improvement of Living and Working Conditions (Eurofound) (PERS(2010)47).

It took note of the opinions of the Consultative Committee on Appointments of 19 April and 27 May 2010 (PERS(2010)47 and /2).

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr ANDOR, it then decided to appoint Mr Juan MENÉNDEZ-VALDÉS to the post.

This decision would take effect on 1 December 2010.

6.6. *EUROSTAT – APPOINTMENT OF AD14/15 DIRECTOR*
(PERS(2010)7 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, 'Business statistics' in Eurostat (PERS(2010)7).

It took note of the opinions of the Consultative Committee on Appointments of 21 April and 3 June 2010 (PERS(2010)7/2 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 REHN, it then decided to appoint Ms Maria-Helena FIGUEIRA to the post.

This decision would take effect on 1 September 2010.

6.7. *DG COMMUNICATION – APPOINTMENT OF AD15 HEAD OF REPRESENTATION*

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms REDING, the Commission decided to fill the post of Head of the Commission Representation in Athens by transferring in the interest of the service under Article 7 of the Staff Regulations Mr Panayotis CARVOUNIS,

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AD15 official and currently Deputy Director-General in the Directorate-General for Communication.

It also decided to upgrade to director-general level (AD 15/16) the post of Head of the Commission Representation in Athens for the duration of Mr CARVOUNIS' posting.

This decision would take effect on 1 November 2010.

6.8. DG COMMUNICATION – APPOINTMENT OF AD15 HEAD OF REPRESENTATION

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms REDING, the Commission decided to fill the post of Head of the Commission Representation in Paris by transferring in the interest of the service under Article 7 of the Staff Regulations Ms Anne HOUTMAN, AD15 official and currently Director, 'General policy', in the Directorate-General for Energy.

It also decided to upgrade to director level (AD 14/15) the post of Head of the Commission Representation in Paris for the duration of Ms HOUTMAN's posting.

This decision would take effect on 1 September 2010.

6.9. DG COMMUNICATION – APPOINTMENT OF AD15 HEAD OF REPRESENTATION

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms REDING, the Commission decided to fill the post of Head of the Commission Representation in London by transferring in the interest of the service under Article 7 of the Staff Regulations Mr Jonathan SCHEELE, AD15 official and currently Director, 'Trans-European transport networks and smart transport', in the Directorate-General for Mobility and Transport.

It also decided to upgrade to director level (AD 14/15) the post of Head of the

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Commission Representation in London for the duration of Mr SCHEELE's posting.

This decision would take effect on 1 August 2010.

6.10. DG COMMUNICATION – APPOINTMENT OF AD14 HEAD OF REPRESENTATION

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms REDING, the Commission decided to fill the post of Head of the Commission Representation in Warsaw by transferring in the interest of the service under Article 7 of the Staff Regulations Ms Ewa SYNOWIEC, AD14 official and currently Director, 'Public procurement and intellectual property, bilateral trade relations', in the Directorate-General for Trade.

It also decided to upgrade to director level (AD 14/15) the post of Head of the Commission Representation in Warsaw for the duration of Ms SYNOWIEC's posting.

This decision would take effect on 1 October 2010.

6.11. DG COMMUNICATION – APPOINTMENT OF AD14 HEAD OF REPRESENTATION

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms REDING, the Commission decided to fill the post of Head of the Commission Representation in Vilnius by transferring in the interest of the service under Article 7 of the Staff Regulations Ms Natalija KAZLAUSKIENE, AD14 official and currently Director, 'Policy development', in the Directorate-General for Regional Policy.

It also decided to upgrade to director level (AD 14/15) the post of Head of the Commission Representation in Vilnius for the duration of Ms KAZLAUSKIENE's posting.

This decision would take effect on 1 September 2010.

**6.12. DG HUMAN RESOURCES AND SECURITY – EXERCISE OF POWERS
CONFERRED ON THE APPOINTING AUTHORITY AND ON THE
AUTHORITY RESPONSIBLE FOR CONCLUDING CONTRACTS OF
EMPLOYMENT IN RESPECT OF SELECTION AND APPOINTMENT
PROCEDURES FOR NON-MANAGEMENT OFFICIALS**

The Commission took note of the information at point 12 of PERS(2010)91 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Baroness ASHTON decided:

- that, by way of derogation from Decision C(2010)3680 of 15 June 2010, the powers conferred by the Staff Regulations on the appointing authority and by the Conditions of Employment of Other Servants on the authority responsible for concluding contracts of employment in respect of selection and appointment procedures for non-management posts created or transferred as part of the establishment of the European External Action Service (EEAS), would be exercised by the Director-General for External Relations;
- to apply this derogation within the limits of the establishment plan for the EEAS set out in draft amending budget No 6 to the general budget 2010;
- to authorise Baroness ASHTON, in relation to the above-mentioned selection and appointment procedures for non-management posts, to depart, if necessary, from any relevant Commission decision, while at the same time ensuring that the selection procedures are conducted in accordance with the Staff Regulations and the Conditions of Employment of Other Servants.

These decisions would take effect immediately.

7. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON CONDITIONS OF ENTRY AND RESIDENCE OF THIRD-COUNTRY NATIONALS IN THE FRAMEWORK OF AN INTRA-CORPORATE TRANSFER

(COM(2010)378 TO /4; SEC(2010)884/2; SEC(2010)885; SEC(2010)886; SEC(2010)890)

8. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE CONDITIONS OF ENTRY AND RESIDENCE OF THIRD-COUNTRY NATIONALS FOR THE PURPOSES OF SEASONAL EMPLOYMENT

(COM(2010)379 TO /4; SEC(2010)887; SEC(2010)888/2; SEC(2010)889; SEC(2010)890)

The Commission agreed to amend recital (22) on page 16 of the English version of COM(2010)379/4 to read as follows:

"Third-country national seasonal workers should be granted equal treatment in respect of those branches of social security listed in Article 3 of Regulation (EC) No 883/04 on the coordination of social security systems. This Directive should not confer more rights than those already provided in existing EU legislation in the field of social security for third-country nationals who have cross-border interests between Member States. Furthermore, this Directive should not grant rights in relation to situations which lie outside the scope of that EU legislation such as, for example, to family members residing in a third country. This is without prejudice to the non discriminatory application by Member States of national legislation providing for de minimis rules on contributions to pension systems."

Subject to inclusion of the above amendment and to final linguistic revision, the Commission adopted the two proposals for Directives in COM(2010)378/4 and COM(2010)379/4, respectively, for transmission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the national parliaments, together with the impact assessments and

summaries thereof in the Commission staff papers distributed as SEC(2010)884/2, SEC(2010)885, SEC(2010)887 and SEC(2010)888/2 respectively, the contents of which were noted.

It also took note of the opinions of the Impact Assessment Board on the above proposals for Directives, as set out in SEC(2010)886 and SEC(2010)889.

9. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS ON THE FREEDOM FOR MEMBER STATES TO DECIDE ON THE CULTIVATION OF GENETICALLY MODIFIED CROPS

(COM(2010)380 TO /3; SEC(2010)893; SEC(2010)894)

10. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING DIRECTIVE 2001/18/EC AS REGARDS THE POSSIBILITY FOR THE MEMBER STATES TO RESTRICT OR PROHIBIT THE CULTIVATION OF GENETICALLY MODIFIED CROPS IN THEIR TERRITORY

(COM(2010)375 TO /4; SEC(2010)893; SEC(2010)894)

11. COMMISSION RECOMMENDATION ON GUIDELINES FOR THE DEVELOPMENT OF NATIONAL CO-EXISTENCE MEASURES TO AVOID THE UNINTENDED PRESENCE OF GENETICALLY MODIFIED CROPS IN CONVENTIONAL AND ORGANIC CROPS

(C(2010)4822 AND /2; SEC(2010)893; SEC(2010)894)

The PRESIDENT introduced the debate on items 9 to 11 on a comprehensive proposal for future EU policy on genetically modified crops by referring back to the political guidelines he had set out for the mandate of the new Commission in September 2009. He thanked Mr DALLI for his work in preparing this important

dossier, which had been carried out in a spirit of collective responsibility, and urged the Commission to engage in a frank and open exchange of views.

He acknowledged that the issue of genetically modified organisms (GMOs) was sensitive and highly charged and that the inevitable reactions to the Commission proposals were to be expected from both supporters of such crops, who feared for the working of the internal market, and opponents who feared that the way would be opened more generally to GMO crops.

He said that the role of the Commission was definitely not to take sides in this debate, but to ensure the creation of a sensible and realistic legal framework. This was why the status quo could no longer be maintained: the current situation had resulted in a stalemate, with the Member States that wanted to license the cultivation of GMO crops in their territory being prevented from doing so by the countries that opposed it, which had no alternative but to block the European authorisation system as a whole. The Commission itself had absolutely no room for manoeuvre, caught as it was between the legal obligation to issue authorisations endorsed by the European Food Safety Authority (EFSA) and the criticism which had been levelled against it by both sides for its stance in this debate. All of which sent a very negative message to businesses, the scientific community and society as a whole about the incentives for innovation in Europe.

The aim of these proposals was therefore to transform this very difficult situation into a win-win scenario, both from the point of view of maintaining a Europe-wide authorisation system based on scientific data and for the Member States, which would now be free to decide whether to authorise or prohibit these crops in their territory. The Commission would then be able to fulfil its role with complete objectivity, and innovation could proceed in all areas. This was therefore a proposal that truly promoted subsidiarity.

The PRESIDENT wound up his introduction by endorsing the approach chosen by Mr DALLI, which was to employ legislation to deal with such a sensitive dossier. This would ensure that the new framework enjoyed full democratic legitimacy, by making all parties face up to their responsibilities. He was well aware of the

differences of opinion on this subject, but was equally convinced that the proposal as it stood struck the right balance for reconciling these conflicting positions. He therefore hoped that the Commission would collectively support Mr DALLI in the months to come.

Mr DALLI presented the content of the dossier, which he regarded as a strategic initiative to bring objectivity to the debate, not only about genetically modified crops but also about other areas of innovation in general. In so doing he was fulfilling his commitment to present a practical initiative aimed at combining the European authorisation system, based on scientific data, with the freedom for Member States to authorise, restrict or prohibit GMO cultivation in all or part of their territory.

These proposals were in line with the political guidelines presented by the PRESIDENT in September 2009 and were a response to the request from the Environment Council which, in its conclusions of December 2008 and June 2009, had called for a solution to the issue of GMO cultivation that would be acceptable to all the Member States.

He explained that the dossier consisted of a communication from the Commission setting out this more flexible approach, a new recommendation on the co-existence of genetically modified crops and conventional and organic crops, to replace the recommendation dating from 2003 with immediate effect, and a proposal for a Regulation amending the Directive on GMO cultivation to allow Member States to restrict or prohibit such cultivation in their territory.

The new approach was thus intended to give rapid and immediate effect to the Member States' freedom of decision, allowing them the necessary flexibility to manage the accidental presence of GMOs in their territory and to take into account specific local, regional and national factors when adopting measures on the co-existence of crops, for example by reducing the threshold for the accidental presence of GMOs in other crops which had until now been 0.9%. The new approach should also give Member States legal certainty for the long term when they decided on genetically modified cultivation on grounds other than those based

on a scientific assessment of the health and environmental risks.

He reiterated the principles that had guided his approach, particularly the need for the EU to lead the way in various fields of innovation in the long-term interests of the public and the economy in general, while recognising the public's legitimate expectation that the Commission would guarantee a rigorous assessment based on scientific criteria. The Commission also had to respond to the concerns – or even fears – about innovation and thus provide a sound framework of safety measures and information about both the benefits and the risks. This applied equally to other promising areas of innovation, such as nanotechnologies and synthetic biology.

He also mentioned the principles of the internal market and international trade and assured Members that there was no question of derogating from these.

Finally, he referred on the one hand to the principle of the Member States having full responsibility for their decisions on how to apply the new approach and, on the other, to the principle of the scientific basis underlying the authorisations issued at EU level, which had to be further strengthened in terms of environmental risk assessment, monitoring requirements and the publication of reports on and evaluations of the system's implementation.

Having presented the content of the proposals, Mr DALLI turned to the prospects for their adoption at interinstitutional level and pointed out that the extensive involvement of the different Commission departments had made it possible to achieve the right balance. He firmly believed that this balance would be a valuable asset when he presented the proposals to Parliament later that day and then to the Environment and Agriculture Councils on 27 September and 14 October respectively.

The Commission expressed broad support for this proposal, which was considered to be balanced, moderate and realistic, and highlighted the following points in particular:

- the appropriateness of an approach that respected the principle of subsidiarity and conferred on the Member States both freedom and responsibility with

regard to genetically modified crops while fully maintaining the European Union authorisation system based on scientific criteria;

- the appropriateness of the approach, too, in terms of consumers' and farmers' choice concerning GMOs, and the basis for making this choice in terms of the co-existence of conventional, organic and genetically modified crops and their traceability in the food chain;
- the importance, nevertheless, of ensuring that this approach, which was justified in this case, did not have negative implications for the internal market or other areas and that it was implemented with full respect for Court of Justice case law; the need to assess its effectiveness and its implementation by the Member States in five years' time; in this respect, however, for the sake of the players concerned, the need to guarantee the legal certainty of the current system;
- the importance for the Commission of giving unanimous support to these proposals in the forthcoming interinstitutional process while ensuring that adequate and objective information was provided to the public, the undertakings concerned and non-governmental organisations, in particular in the Member States where this was a highly sensitive issue, in order to restore the rational dimension of the debate and re-establish it on a scientific footing;
- the need for these proposals to provide an approach based on scientific criteria and, more generally, the importance of finding a way out of the current impasse in order to place the Union once again in the mainstream of international development and innovation;
- the benefit of genetically modified crops for developing countries and their potential to combat food shortages;
- the need to point out the importance of the labelling requirements for foodstuffs, in particular imported products, for example in the fisheries sector, since these requirements were essential to ensure consumers' freedom of choice and the equal treatment of Member States vis-à-vis one another and non-EU countries;

- the importance of reinforcing the competence and the expertise of EFSA in the area of authorisation.

Mr DALLI thanked the Commissioners for their support for these proposals. Since politics was the art of the possible, he considered that the Commission was assuming its responsibilities with regard to a political issue that needed to be addressed dispassionately and firmly, by listening to and involving all the stakeholders - undertakings and non-governmental organisations. In his view, the proposals would provide stakeholders with legal certainty and improve the operation of the single market in this sector by unlocking it while requiring the Member States to face up to their responsibilities. Lastly, he stressed the importance of good communication of this issue to the outside world, in particular to consumers.

The PRESIDENT once again thanked Mr DALLI for the work carried out and for the energy he had clearly put into this highly sensitive dossier by proposing a moderate, viable, rational and political solution that was the best response the Commission could currently give to the problems surrounding the question of GMO production in the European Union. These proposals constituted a balanced compromise that, as such, should have a favourable reception at the Council and open the way for fruitful discussions with the European Parliament.

He also pointed out that by specifically applying the principle of subsidiarity, the proposals enabled each Member State's democratically expressed wishes to be taken into account. Court of Justice case law accepted that this subsidiarity principle meant that Member States could implement the rules of the internal market in different ways on the basis of territoriality.

He stressed that the Commission fully retained its role in the authorisation of GMOs and that what was proposed would enable the internal market to operate more effectively and transparently while requiring the Member States to face up to their political responsibilities. Lastly, he referred to the rules in force since 1999 on the labelling of products containing GMOs and underlined the importance of developing research in the sector aimed at addressing food requirements in developing countries.

The PRESIDENT wound up by discussion by noting the Commission's support for Mr DALLI's proposals.

Following this discussion, the Commission:

- approved the communication in COM(2010)380/3 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, and, for information, to the national parliaments;
- adopted the proposal for a Regulation in COM(2010)375/4, for transmission to the European Parliament, the Council, the Economic and Social Committee, the Committee of the Regions and the national parliaments;
- adopted the recommendation in C(2010)4822/2 for notification to the Member States and publication in the Official Journal of the European Union.

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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 10.07.