



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2011)1960 final

Brussels, 1 June 2011

MINUTES
of the 1960th meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 18 May 2011
(morning)

PV(2011)1960 final

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Single sitting: Wednesday 18 May 2011 (morning)

The sitting opened at 10.38 with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	President	
Ms REDING	Vice-President	
Mr KALLAS	Vice-President	Items 1 to 11 (in part)
Ms KROES	Vice-President	
Mr POTOČNIK	Member	
Mr PIEBALGS	Member	
Mr BARNIER	Member	
Ms VASSILIOU	Member	Items 1 to 11 (in part)
Mr ŠEMETA	Member	
Mr DE GUCHT	Member	Items 1 to 11 (in part)
Mr DALLI	Member	
Ms GEOGHEGAN-QUINN	Member	Items 1 to 11 (in part)
Mr LEWANDOWSKI	Member	Items 1 to 11 (in part)
Ms DAMANAKI	Member	Items 1 to 11 (in part)
Ms GEORGIEVA	Member	Items 1 to 11 (in part)
Mr OETTINGER	Member	Items 1 to 11 (in part)
Mr HAHN	Member	
Ms HEDEGAARD	Member	
Mr FÜLE	Member	
Mr ANDOR	Member	
Ms MALMSTRÖM	Member	
Mr CIOLOŞ	Member	

Absent:

Baroness ASHTON

High Representative/
Vice-President

Mr ALMUNIA

Vice-President

Mr TAJANI

Vice-President

Mr ŠEFČOVIČ

Vice-President

Mr REHN

Member

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

Ms NIKOLAY	Adviser in Baroness ASHTON's office	Items 1 to 11 (in part)
Mr MARTÍNEZ MONGAY	Chef de cabinet to Mr ALMUNIA	
Mr CANGA FANO	Deputy Chef de cabinet to Mr TAJANI	
Mr NOCIAR	Chef de cabinet to Mr ŠEFČOVIČ	
Mr PESONEN	Chef de cabinet to Mr REHN	Items 1 to 11 (in part)

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	Items 1 to 11 (in part)
Mr THEBAULT	Head of the Bureau of European Policy Advisers	Items 1 to 11
Ms MARTÍNEZ ALBEROLA	Adviser in the PRESIDENT's Office	Items 1 to 12 (in part)
Mr SOBRAL	A member of the PRESIDENT's staff	Items 10 (in part) to 12
Ms SUTTON	A member of the PRESIDENT's staff	Items 10 (in part) and 11
Mr SELMAYR	Chef de cabinet to Ms REDING	Items 11 (in part) and 12
Mr BELL	Chef de cabinet to Ms GEOGHEGAN-QUINN	Items 11 (in part) and 12
Mr MARKOPOULIOTIS	Chef de cabinet to Ms VASSILIOU	Items 11 (in part) and 12
Ms ÅSENIUS	Chef de cabinet to Ms MALMSTRÖM	Items 10 (in part) to 12

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

1. AGENDAS

(OJ(2011)1960/3; SEC(2011)570/2)

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(2011)1960)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 16 May.

**3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1959TH MEETING
(10 MAY)**

(PV(2011)1959; PV(2011)1959, PART II)

The Commission approved the minutes of its 1959th meeting.

4. INTERINSTITUTIONAL RELATIONS

4.1. LEGISLATIVE MATTERS

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

(SP(2011)4236)

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(2011)4236, drawn up following the May part-session of Parliament, the contents of which were noted.

- ii) Establishment of common rules for direct support schemes for farmers under the common agricultural policy and certain support schemes for farmers, and support for rural development by the European Agricultural Fund for Rural Development (Regulations) (alignment – delegated acts / implementing acts) – DE CASTRO reports – 2010/0267 (COD) and 2010/0266 (COD)**

The Commission authorised Mr CIOLOŞ to pursue contacts with Parliament and the Council in order to reach agreement at first reading following the line set out in SI(2011)153/2 and 154/2.

- iii) European Year for Active Ageing (2012) (Decision) – KASTLER report – 2010/0242 (COD)**

The Commission approved the line set out in SI(2011)151.

- iv) Charging of heavy goods vehicles for the use of certain infrastructure – (Directive) – EL KHADRAOUI report – 2008/0147 (COD)**

The Commission approved the line set out in SI(2011)152.

- v) Economic governance package – FEIO / FORD / GOULARD / HAGLUND / WORTMANN-KOOL / FERREIRA reports – 2010/0277 (NLE) / 2010/0276 (CNS) / 2010/0278 to 0281 (COD)**

The Commission approved the line set out in SI(2011)158.

- vi) Solutions for a unified patent litigation system – The way forward after Opinion 1/09 of the Court of Justice of the European Union**

The Commission approved the line set out in SI(2011)150/2.

4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

vii) Programming of Council business

(SI(2011)156)

The Commission took note of the information in SI(2011)156 on the Council meetings between 19 May and 1 June.

4.3. RELATIONS WITH PARLIAMENT

viii) Results of Parliament's May part-session

(SP(2011)3987; SP(2011)3988)

The Commission took note of the information in SP(2011)3987 and SP(2011)3988 on the proceedings of the part-session of Parliament held in Strasbourg from 9 to 12 May.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED

(SEC(2011)571 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 10 and 13 May.

5.2. EMPOWERMENT

(SEC(2011)572 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 10 and 13 May.

5.3. DELEGATION AND SUBDELEGATION OF POWERS

(SEC(2011)573 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 10 and 13 May, as archived in e-Greffe.

5.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2011)574 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 16 and 20 May and of the "finalisation" written procedures initiated following the weekly meeting of Chefs de cabinet on 16 May.

6. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2011)575)

ADMINISTRATIVE MATTERS

(PERS(2011)53)

EUROPEAN ANTI-FRAUD OFFICE – LAUNCH OF PROCEDURE FOR APPOINTING MEMBERS OF THE SUPERVISORY COMMITTEE

(SEC(2011)611)

The Commission approved SEC(2011)611 and authorised the Member of the Commission responsible for the fight against fraud to take, on behalf of the Commission and under its responsibility, the measures set out in that document to launch the procedure to appoint successors to the current members of the Supervisory Committee of the European Anti-Fraud Office.

This decision would take effect immediately.

- 7. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – STRENGTHENING VICTIMS' RIGHTS IN THE EU**
(COM(2011)274 AND /2; SEC(2011)580; SEC(2011)581; SEC(2011)582; SEC(2011)583; SEC(2011)584)

- 8. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON MUTUAL RECOGNITION OF PROTECTION MEASURES IN CIVIL MATTERS**
(COM(2011)276 AND /2; SEC(2011)580; SEC(2011)581; SEC(2011)582; SEC(2011)583; SEC(2011)584)

- 9. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING MINIMUM STANDARDS ON THE RIGHTS, SUPPORT AND PROTECTION OF VICTIMS OF CRIME**
(COM(2011)275 AND /2; SEC(2011)580; SEC(2011)581; SEC(2011)582; SEC(2011)583; SEC(2011)584)

The Commission:

- adopted the Communication in COM(2011)274/2;
- adopted the proposal for a Regulation and the proposal for a Directive in COM(2011)276/2 and COM(2011)275/2;
- decided to send the Communication to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions and, for information, to the national parliaments, and to send the proposal for a Regulation and the proposal for a Directive to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions and to the national parliaments, together with the impact study and summary thereof in staff working papers SEC(2011)580 and SEC(2011)581, the contents of which were noted;

- also took note of the opinion of the Impact Assessment Board on the Communication and the two legislative proposals, as set out in SEC(2011)582.

10. RELATIONS WITH NON-MEMBER COUNTRIES

RELATIONS BETWEEN THE EU AND AFRICA

Mr PIEBALGS began by reporting on his recent visit to Sudan, the main aim of which had been to encourage the parties to engage in a political dialogue with the European Union, in particular on development aid. He had taken advantage of his visit to express the EU's full support for the independence of South Sudan when it came into effect on 7 July 2011. In this context he felt that the EU should step up its development aid effort, in close cooperation with the Member States. He also spoke about the problems of the safety of people and property, and relayed the concerns expressed by representatives of South Sudan that conflicts might break out with the Republic of Sudan as the declaration of independence approached. Mr PIEBALGS also mentioned the difficult negotiations under way between the Republic of Sudan and South Sudan on the future of the Abyei region. Lastly, he stressed the importance for the EU of supporting the efforts of the African Union on all outstanding issues in the negotiations on a comprehensive peace agreement for South Sudan.

Mr PIEBALGS then spoke about his mission to Côte d'Ivoire and his meeting with Mr Alassane Ouattara during which he had confirmed the EU's political support for his presidency, his government and the Ivorian people. He noted President Ouattara's commitment to a process of national reconciliation through the work of a truth and reconciliation commission. President Ouattara had also announced his intention to move ahead rapidly with demobilisation and the reintegration of militia members.

Turning to his visit to Guinea, Mr PIEBALGS noted that the political authorities there appreciated the role played by the EU. He stressed the positive effect that

European development aid could have on stabilisation and economic growth in Guinea. He also mentioned the prospect of general elections, which might be held towards the end of the year.

He ended his presentation by highlighting the importance of the EU's relations with the African Union. Representatives of regional organisations would also be present when the African Union Commission visited the European Commission on 1 June.

A brief exchange of views was held during which the following points were raised:

- the importance of the forthcoming visit of the African Union Commission to the European Commission; the need to step up regional cooperation in Africa; the role which the EU could play in helping the various African regions develop areas of economic and commercial cooperation;
- satisfaction that a large number of African countries had taken part in the recent ministerial conference held by the Commission on the future of partnership agreements on fisheries.

Mr FÜLE took the floor to speak about his recent visit to Algeria and the development of relations between that country and the EU, with particular emphasis on implementation of the association agreement. Algeria had initiated political and social reforms, involving civil society, which had now been speeded up following recent developments in neighbouring countries. The EU had been invited to send observers for the forthcoming general election. Mr FÜLE concluded with the observation that Algeria could play an active role in European neighbourhood policy.

Ms GEORGIEVA reported on her visit to Israel and the Occupied Territories, mentioning the developments in inter-Palestinian reconciliation and the possible formation of a government of national unity.

Winding up, the PRESIDENT stressed that it was important for every Member of the Commission to play an active part in preparing the visit of the African Union Commission to Brussels on 1 June, and asked them to hold detailed discussions with

their counterparts.

The Commission took note of this information.

11. OTHER BUSINESS

GOVERNANCE OF THE SCHENGEN AREA

The PRESIDENT introduced this item by asking Ms MALMSTRÖM to report on the main results of the Justice and Home Affairs Council on 12 May and on the latest developments concerning the functioning of the Schengen system.

Ms MALMSTRÖM spoke of the recent events affecting the Schengen system, in particular the situation in Italy and France following the influx of migrants from the southern Mediterranean, the demand for assurances from some Member States concerning Romania and Bulgaria's accession to the Schengen area and the recent announcement by Denmark that it intended to re-establish certain border controls.

She highlighted the importance of free movement of persons within the Schengen area, which represented a major achievement of European integration that must be vigorously defended. She pointed out that this achievement implied effective control of external borders and reaffirmed the need for better governance of the Schengen area in order to boost the confidence essential for its proper management.

The Commission must take the initiative and present specific measures to reinforce governance of the Schengen system on the basis of the rules currently in force. Under these rules it was already possible to temporarily reintroduce internal border controls in certain exceptional circumstances. She therefore proposed that the Commission should draw up guidelines and/or recommendations to promote greater convergence in the interpretation and implementation of the current rules.

She also suggested introducing a monitoring and evaluation mechanism to enable the common rules to be correctly and uniformly applied. She reminded the meeting that a proposal for enhancing the Schengen evaluation system had been submitted in

November and said that in the coming weeks she intended to submit to the Commission a revised proposal that would take account of recent developments.

She stressed the need to define clearly the exceptional circumstances under which internal border controls could be re-established and how long they could remain in place. She had outlined all these suggestions and ideas to the Justice and Home Affairs Council on 12 May.

In this context, the Member States were unanimous in their defence of the Schengen acquis and the principle of free movement of persons, although some of them had expressed more nuanced positions as regards reinforcing governance of the system while others emphasised national competence in matters of security or thought that the Member States should set up a kind of steering committee on the Schengen agreements before taking the decision to reintroduce internal border controls. It was her conviction that a national approach did not provide the solution and that the Commission must play a key role in the governance and monitoring of the Schengen system.

As regards the next steps to be taken, Ms MALMSTRÖM confirmed that a revised proposal was being drawn up on a monitoring and evaluation mechanism, in which the Commission would have a major role to play. She would also propose a mechanism for suspending the Schengen rules in exceptional circumstances. With regard to the measures taken in Italy and France, explanations had been requested and guidelines and recommendations could be submitted to approve common working practices. Referring once again to the measures planned by Denmark, which might have consequences for the Schengen acquis and for the free movement of persons, she mentioned the PRESIDENT's recent letter to the Danish Prime Minister and the contacts made to request further information and clarifications.

In conclusion, she said that matters relating to the Schengen area would doubtless feature on the agenda of the June European Council, which would be focusing on the issue of migration. Given the highly sensitive nature of these issues, it would be an opportunity for the Commission to defend the Schengen system calmly but

firmly, to protect an *acquis* that was an integral part of the European project, and to reinforce the European approach in the long term.

The Commission then held a discussion during which, in addition to broad support for the action and approach set out by Ms MALMSTRÖM, the following points were raised:

- the need for the Commission to take a firm stance in pointing out and defending the fundamental principles underpinning the European Union, in particular the four freedoms, and to firmly support the Schengen system;
- a concern that the Commission must pay close attention to how these issues relating to the Schengen area were communicated and how they were perceived by public opinion, given the sensitivities and the political context in the different Member States; the importance, too, of raising awareness of the fact that the European Union was the most appropriate level for finding solutions to the common problems facing the Member States and for responding to people's concerns;
- the political situation in certain Member States affected by recent events impacting the Schengen area;
- the desirability for the Commission of launching an in-depth discussion, even if this meant taking risks, on how to respond politically when key European achievements such as the Schengen area or the euro were being called into question, and of initiating a wide-ranging debate and political discussion within the Commission on the rise of populism and nationalism in Europe;
- the importance of safeguarding the Schengen *acquis* and rejecting any return to closed-off national borders, which would not be a genuine solution, and, consequently, the need to strengthen the governance of the Schengen area through more cooperation, coordination and trust;
- the need for caution regarding any changes to existing legislation on the Schengen area so that basic principles are not called into question;

- the need, in the context of the current economic crisis, to demonstrate more clearly that EU policy approaches are consistent with the ‘Europe 2020’ strategy, particularly by explaining that protecting the Schengen *acquis* will have positive effects on growth and the labour market in terms of increasing opportunities for European citizens;
- the importance of ensuring a high degree of stability at the external borders;
- the possibility of cooperating with other Member States, for example through the secondment of experts, and contacts and exchanges of experience between national competent authorities, so as to boost mutual trust in the management of the Schengen system.

The PRESIDENT welcomed the positive reaction of the Member States to the Commission communication on migration adopted on 4 May 2011, and alluded to the preparation of several major initiatives in this area in the run-up to the June European Council. The European Council would focus on the most important short-term measures relating to security and the other consequences of irregular migratory flows, and was also likely to discuss the governance of the Schengen area. The Commission would have to be ready to put forward specific proposals after the European Council, taking into account the latter’s conclusions. All options should be kept open for the moment, it being understood that the Schengen *acquis* could not be weakened or called into question. The closure of borders in response to isolated pressures was unacceptable. Such measures also jeopardised another cornerstone of the European Union, the internal market, which brought considerable benefits to all Member States. Regarding the Danish measures, he reported on his discussions with the Prime Minister and thanked Ms HEDEGAARD for helping to explain the Commission’s position. Ms MALMSTRÖM was asked to keep the Commission regularly informed of developments on this front.

Recalling the constant need to combat nationalist and populist rhetoric in Europe, the PRESIDENT proposed that the College hold a policy seminar on 30 and 31 August 2011. This would be an opportunity to discuss the problem and to contribute to his state of the Union speech to Parliament in September. It was totally

unacceptable for the foundations and principles of the European Union to be called into question, and the Commission had to continually drive home the idea that European integration did not offer only economic and material benefits to Member States and their citizens, but also protected fundamental freedoms in a region that had chosen a common destiny.

The Commission took note of this information.

12. RELATIONS WITH NON-MEMBER COUNTRIES (CONTINUED FROM ITEM 10)

STATE OF PLAY OF ACCESSION NEGOTIATIONS BETWEEN CROATIA AND THE EUROPEAN UNION

Mr FÜLE reported on the ongoing accession negotiations with Croatia and highlighted that 30 of the 35 chapters had already been provisionally closed. He welcomed the major progress made on chapter 23, justice and fundamental rights, which might also be closed soon.

Noting that these chapters represented a critical mass, while emphasising the need to clarify certain points and confirm the progress made, he expressed his desire for the Commission, at one of its forthcoming meetings, to discuss the final stages of Croatia's accession process.

He pointed out that he would discuss the progress made at a working breakfast with COREPER on Thursday 19 May.

In the brief discussion that followed the following points were raised:

- the determination with which Croatia had undertaken and completed the necessary reforms, particularly in areas related to chapter 23 of the accession negotiations;

- the importance of conducting well-founded and credible accession negotiations in the face of existing misgivings, particularly among the general public in the EU, about the prospect of further enlargements of the Union;
- the need to use the political impetus on Croatia to forge ahead and further the European perspective of the other countries in the Western Balkans;
- the importance of avoiding any ‘double standards’, especially with regard to justice and fundamental rights, and of ensuring equality of treatment between candidate countries and Member States.

The PRESIDENT thanked Mr FÜLE for his efforts and confirmed that the Commission would soon return to the accession process with Croatia. He stressed that the Commission needed to keep the initiative in this area and make appropriate proposals to the Council.

The Commission took note of this information.

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The meeting closed at 12:48.