



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2011)1961 final

Brussels, 1 June 2011

MINUTES
of the 1961st meeting of the Commission
held in Brussels
(Berlaymont)
on Tuesday 24 May 2011
(morning)

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Single sitting: Tuesday 24 May 2011 (morning)

The sitting opened at 09.09 with Mr Barroso, President, in the chair. Items 16 and 17 were chaired by Ms REDING.

Present:

Mr BARROSO	President	Items 1 to 15
Baroness ASHTON	High Representative/ Vice-President	
Ms REDING	Vice-President	Items 15 (in part) to 17
Mr ALMUNIA	Vice-President	Items 15 (in part) to 17
Mr KALLAS	Vice-President	Items 1 to 15
Ms KROES	Vice-President	
Mr TAJANI	Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Mr POTOČNIK	Member	
Mr REHN	Member	Items 1 to 17 (in part)
Mr PIEBALGS	Member	
Mr BARNIER	Member	Items 15 (in part) to 17
Mr ŠEMETA	Member	
Mr DE GUCHT	Member	Items 15 (in part) to 17 (in part)
Mr DALLI	Member	
Mr LEWANDOWSKI	Member	Items 1 to 15 (in part)
Ms DAMANAKI	Member	
Ms GEORGIEVA	Member	Items 15 (in part) to 17
Mr OETTINGER	Member	Items 1 to 17 (in part)
Mr HAHN	Member	Items 1 to 16 (in part)
Ms HEDEGAARD	Member	
Mr FÜLE	Member	
Mr ANDOR	Member	Items 1 to 15 (in part)
Ms MALMSTRÖM	Member	Items 1 to 16 (in part)
Mr CIOLOŞ	Member	

Absent:

Ms VASSILIOU

Member

Ms GEOGHEGAN-QUINN

Member

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

Ms CHRISTOPHIDOU	Deputy Chef de cabinet to Ms VASSILIOU	
Mr BELL	Chef de cabinet to Ms GEOGHEGAN-QUINN	Items 1 to 15

The following also sat in:

Mr LAITENBERGER	Chef de cabinet to the PRESIDENT	Items 1 to 15
Mr ROMERO REQUENA	Director-General, Legal Service	
Mr SØRENSEN	Director-General, DG Communication	Items 15 (in part) to 17
Mr DOENS	Head of the Commission Spokesperson Service	
Ms AHRENKILDE HANSEN	Commission Spokeswoman	
Mr THEBAULT	Head of the Bureau of European Policy Advisers	Items 15 (in part) and 16
Mr SOBRAL	A member of the PRESIDENT's staff	Items 1 to 15
Mr MORRISON	Chef de cabinet to Baroness ASHTON	
Mr PESONEN	Chef de cabinet to Mr REHN	Item 17 (in part)
Ms ARNOULD	A member of Mr PIEBALGS's staff	Item 16
Mr HOFFMEISTER	Deputy Chef de cabinet to Mr DE GUCHT	Items 1 to 15 (in part)
Mr QUINN	A member of Ms GEORGIEVA's staff	Items 1 to 15 (in part)
Mr MORDUE	Chef de cabinet to Mr FÜLE	Items 1 to 15
Ms TÖRÖK	Deputy Chef de cabinet to Mr ANDOR	Items 15 (in part) to 17

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

1. AGENDAS

(OJ(2011)1961/3; SEC(2011)601/2; SEC(2011)595)

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)1961)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Friday 20 May.

3. MINUTES OF 1960TH MEETING (18 MAY)

(PV(2011)1960)

The Commission held over approval of the minutes of its 1960th meeting for the following week.

4. INTERINSTITUTIONAL RELATIONS

4.1. LEGISLATIVE MATTERS

- i) Sexual abuse and exploitation of children and child pornography
(Directive) – ANGELILLI report - 2010/0064 (COD)**

The Commission approved the line set out in SI(2011)163.

- ii) **Single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and a common set of rights for third-country workers legally residing in a Member State (Council Directive) – MATHIEU report – 2007/0229 (CNS)**

The Commission approved the line set out in SI(2011)162.

- iii) **Management of spent nuclear fuel and radioactive waste (Council Directive) – JORDAN CIZELJ report – 2010/0306 (NLE)**

The Commission approved the line set out in SI(2011)166/2.

- iv) **Signature of an Agreement between the European Union and the Government of the Federative Republic of Brazil on civil aviation safety / Signature and conclusion of an Agreement between the European Union and Canada on civil aviation safety (Council Decisions) – ȚICĂU reports - 2010/0144 (NLE) / 2009/0156 (CNS)**

The Commission approved the line set out in SI(2011)165/2.

4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

- v) **Programming of Council business**
(SI(2011)168)

The Commission took note of the information in SI(2011)168 on the Council meetings between 26 May and 8 June.

5. MONITORING THE APPLICATION OF EUROPEAN UNION LAW

STATE AID – INDIVIDUAL CASES **(SEC(2011)630/2)**

The Commission adopted the decisions in SEC(2011)630/2.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

6.1. WRITTEN PROCEDURES APPROVED

(SEC(2011)602 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 16 and 20 May.

6.2. EMPOWERMENT

(SEC(2011)603 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 16 and 20 May.

6.3. DELEGATION AND SUBDELEGATION OF POWERS

(SEC(2011)604 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 16 and 20 May, as archived in e-Greffe.

6.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2011)605 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 23 and 27 May and of the 'finalisation' written procedure initiated following the weekly meeting of Chefs de cabinet on 20 May.

In accordance with Article 13 of its Rules of Procedure and under the terms set out in SEC(2011)636, the Commission:

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- agreed that, given the need to adopt a decision at very short notice, data available to the Commission Member with responsibility for maritime affairs and fisheries confirming the probable exhaustion of quotas would be sent to the Legal Service, the Secretariat-General and the Directorate-General for the Environment two days before the empowerment was exercised.

7. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2011)606/2)

ADMINISTRATIVE MATTERS

(PERS(2011)55)

7.1. DG HUMANITARIAN AID AND CIVIL PROTECTION – APPOINTMENT OF AD16 DIRECTOR-GENERAL

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms GEORGIEVA, the Commission decided, under Article 7 of the Staff Regulations, to fill the post of Director-General of DG Humanitarian Aid and Civil Protection by transferring in the interest of the service Mr Claus SØRENSEN, an AD16 official and currently Director-General of DG Communication.

The Commission also decided under Article 27 of its Rules of Procedure, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms REDING, that Mr Jean-Pierre VANDERSTEEN, an AD15 official and currently Director, 'Resources' in DG Communication, would temporarily perform the duties of Director-General responsible for communication.

These decisions would take effect on 1 July 2011.

**7.2. DG INTERNAL MARKET AND SERVICES – APPOINTMENT OF
AD15/16 DEPUTY DIRECTOR-GENERAL
(PERS(2011)7 TO /6)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Deputy Director-General in DG Internal Market and Services (PERS(2011)7 to /3 and /5).

It took note of the opinions of the Consultative Committee on Appointments of 5 April and 3 May 2011 (PERS(2011)7/4 and /6).

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 BARNIER, it then decided to appoint Mr Pierre DELSAUX to the post.

This decision would take effect on 1 June 2011.

**7.3. DG COMMUNICATION – APPOINTMENT OF AD15 HEAD OF
REPRESENTATION OFFICE**

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms REDING, the Commission decided, under Article 7 of the Staff Regulations, to fill the post of Head of the Commission's Representation Office in Denmark (DG Communication) by transferring in the interest of the service Mr Jan Host SCHMIDT, an AD15 official and currently seconded in the interest of the service to the post of Head of the Commission's Representation Office in Denmark.

By way of derogation from the Commission decision on middle-management staff, the Commission also decided to upgrade to director level (AD14/15) the post of Head of its Representation Office in Denmark for the duration of Mr Jan Host SCHMIDT's posting.

This decision would take effect on 16 June 2011.

7.4. DG COMMUNICATION – DEFERRAL OF RETIREMENT AND EXTENSION OF THE TERM OF OFFICE OF AN AD14 HEAD OF REPRESENTATION OFFICE

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms REDING, the Commission decided:

- to make an exception to the rules on compulsory mobility in representation offices and to extend beyond six years, until 29 February 2012, the term of office of Mr Willy HELIN as Head of the Commission's Representation Office in Belgium (DG Communication);
- to approve, in the interest of the service under Article 52 of the Staff Regulations, the request by Mr Willy HELIN to defer his retirement until 29 February 2012.

These decisions would take effect immediately.

7.5. DG COMMUNICATION – EXTENSION OF THE TERM OF OFFICE OF AN AD12 HEAD OF REPRESENTATION OFFICE

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms REDING, the Commission decided, for the sake of continuity of service, to make an exception to the rules on compulsory mobility in representation offices and to extend beyond six years, until 31 December 2011, the term of office of Ms Andrea MATISOVA as Head of the Commission's Representation Office in Slovakia (DG Communication).

This decision would take effect immediately.

7.6. EU-2 RECRUITMENT TARGET BEFORE THE END OF THE TRANSITIONAL PERIOD – PLACING IN RESERVE AND PUBLICATION OF SENIOR MANAGEMENT POSTS, AND AMENDMENT OF ORGANISATION CHART

The Commission took note of the information at point 6 of PERS(2011)55 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, decided to reserve the following posts, with a view to their publication, for Bulgarian or Romanian nationals:

- the post of Adviser *hors classe* and head of the temporary task force in charge of developing new measures to improve future stability in the agricultural sector (milk package) in DG Agriculture and Rural Development; this post would be maintained after the departure of the incumbent, Mr Lars HOELGAARD, and then abolished when the future holder left the post;
- the post of Adviser *hors classe* in Eurostat, which was created on a temporary basis and would be abolished at the latest when the future holder left the post;
- the vacant posts of Principal Legal Adviser in the Legal Service, Principal Adviser in the Secretariat-General and Principal Adviser in DG Research and Innovation.

These decisions would take effect immediately.

8. COMMISSION DECISION RELATING TO A PROCEEDING PURSUANT TO ARTICLE 23 OF COUNCIL REGULATION (EC) 1/2003 ON THE IMPLEMENTATION OF THE RULES ON COMPETITION LAID DOWN IN ARTICLES 81 AND 82 OF THE TREATY (CASE COMP/39.796 – SUEZ ENVIRONNEMENT AND LYONNAISE DES EAUX – BREACH OF SEAL) (C(2011)3640 TO /5)

The Commission:

- took note of the opinion of the Advisory Committee on Restrictive Practices and Dominant Positions of 2 May in C(2011)3640/3;
- took note of the final report of the Hearing Officer of 3 May in C(2011)3640/4;
- adopted, in the authentic language (French), the decision in C(2011)3640/5 finding that the companies to which the decision was addressed had infringed Article 23(1)(e) of Regulation (EC) 1/2003 and imposing a fine of EUR 8 million on those companies jointly and severally;
- decided that the decision in C(2011)3640/5 would be notified to the companies concerned, together with the final report of the Hearing Officer;
- decided that the key parts of the decision, together with the Advisory Committee's opinion and the Hearing Officer's final report, would be published in the official languages of the Union in the *Official Journal of the European Union* (with business secrets and other confidential information removed);
- decided also to publish the decision on the internet (with business secrets and other confidential information removed).

**9. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – A SINGLE MARKET FOR INTELLECTUAL PROPERTY RIGHTS – BOOSTING CREATIVITY AND INNOVATION TO PROVIDE ECONOMIC GROWTH, HIGH QUALITY JOBS AND FIRST CLASS PRODUCTS AND SERVICES IN EUROPE
(COM(2011)287 TO /4; SEC(2011)609)**

The Commission approved the Communication in COM(2011)287/4 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, and, for information, to the national parliaments.

**10. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON ENTRUSTING THE OFFICE FOR HARMONISATION IN THE INTERNAL MARKET (TRADE MARKS AND DESIGNS) WITH CERTAIN TASKS RELATED TO THE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS, INCLUDING THE ASSEMBLING OF PUBLIC AND PRIVATE SECTOR REPRESENTATIVES AS A EUROPEAN OBSERVATORY ON COUNTERFEITING AND PIRACY
(COM(2011)288 TO /3; SEC(2011)612; SEC(2011)613; SEC(2011)614; SEC(2011)609)**

The Commission adopted the proposal for a Regulation in COM(2011)288/3 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, and to the national parliaments, together with the impact assessment and the summary thereof in staff working papers SEC(2011)612 and SEC(2011)613, the contents of which were noted.

It also took note of the opinion of the Impact Assessment Board on the above proposal for a Regulation, as set out in SEC(2011)614.

11. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON CERTAIN PERMITTED USES OF ORPHAN WORKS

(COM(2011)289 TO /4; SEC(2011)615 AND /2; SEC(2011)616/2; SEC(2011)617; SEC(2011)609)

The Commission adopted the proposal for a Directive in COM(2011)289/4 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, and to the national parliaments, together with the impact assessment and the summary thereof in staff working papers SEC(2011)615 and /2 and SEC(2011)616/2, the contents of which were noted.

It also took note of the opinion of the Impact Assessment Board on the above proposal for a Directive, as set out in SEC(2011)617.

12. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL CONCERNING CUSTOMS ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS

(COM(2011)285 TO /3; SEC(2011)597; SEC(2011)598; SEC(2011)599; SEC(2011)609)

The Commission adopted the proposal for a Regulation in COM(2011)285/3 for transmission to Parliament, the Council and the European Data Protection Supervisor, and, for information, to the national parliaments, together with the impact assessment and the summary thereof in staff working papers SEC(2011)597 and SEC(2011)598, the contents of which were noted.

It also took note of the opinion of the Impact Assessment Board on the above proposal for a Regulation, as set out in SEC(2011)599.

**13. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – A DIALOGUE FOR MIGRATION, MOBILITY AND SECURITY WITH THE SOUTHERN MEDITERRANEAN COUNTRIES
(COM(2011)292 TO /3; SEC(2011)618; SEC(2011)619)**

The Commission approved the Communication in COM(2011)292/3 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, and, for information, to the national parliaments.

**14. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EC) 539/2001 LISTING THE THIRD COUNTRIES WHOSE NATIONALS MUST BE IN POSSESSION OF VISAS WHEN CROSSING THE EXTERNAL BORDERS OF MEMBER STATES AND THOSE WHOSE NATIONALS ARE EXEMPT FROM THAT REQUIREMENT
(COM(2011)290 TO /3; SEC(2011) 618; SEC(2011) 619)**

The Commission adopted the proposal for a Regulation in COM(2011)290/3, for transmission to Parliament and the Council, and to the national parliaments.

15. JOINT COMMUNICATION FROM THE COMMISSION AND THE HIGH REPRESENTATIVE OF THE UNION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – A NEW RESPONSE TO A CHANGING NEIGHBOURHOOD

(COM(2011)303 TO /4; SEC(2011)637; SEC(2011)638; SEC(2011)639; SEC(2011)640; SEC(2011)641; SEC(2011)642; SEC(2011)643; SEC(2011)644; SEC(2011)645; SEC(2011)646; SEC(2011)647; SEC(2011)648; SEC(2011)649; SEC(2011)650 AND /2; SEC(2011)651; SEC(2011)652; SEC(2011)659)

The PRESIDENT introduced the debate on the review of the European Union's neighbourhood policy, seven years after its official launch, by saying that the exercise should be viewed in the light of the historic events that had recently taken place on the southern shores of the Mediterranean. Its presentation was also timely in the light of the forthcoming G8 summit in Deauville, which would be looking at the situation in that part of the world later that week, and the summit of the Eastern Partnership, to be held in Warsaw in September. He reminded Members of the political markers laid down in the joint communication from the Commission and the High Representative of 8 March, which aimed to build a partnership for democracy and shared prosperity with the societies of the southern Mediterranean, and sought to promote inclusive development in the region.

Outlining the main aspects of the neighbourhood policy review, the PRESIDENT referred again to the idea of 'more for more', on which the new approach was based. He explained the principle of stricter conditionality, which had been retained, mentioned the instruments and means intended to secure genuine results, and highlighted the significant additional funding that would increase the budget for the new neighbourhood policy by €1.24 billion by means of transfers and redeployment, over and above the €5.7 billion already earmarked for the period 2011 to 2013. He thanked Baroness ASHTON and Mr FÜLE for the excellent proposal they were tabling for the Commission's approval that day.

The PRESIDENT then opened the actual debate by announcing that agreement had already been reached on the text of the communication, with the exception of a single point, which was the reference to Article 49 of the Treaty on European Union (TEU), relating to the conditions for accession to the European Union of European States that applied for membership. He hoped that the Members of the Commission would find a balanced and politically appropriate solution during the debate.

Baroness ASHTON referred to the fortunate timing of the communication and placed it in the context of the recent political developments in the EU's eastern and southern neighbourhoods. She stressed that the proposed new neighbourhood policy was targeted above all at civil society in the countries concerned and aimed to support the emergence of real democracies and respond to political and economic needs. The EU would be judged on the effectiveness of this strategy. Mutual accountability was a key principle of the new policy, and the neighbourhood countries themselves were urging the European Union to ensure that its aid was really targeted at the people. She thanked the Commission Members who had helped to produce this valuable policy document and reiterated that Europe had to follow through on its commitments.

Mr FÜLE said he was proud to have participated in the drafting of such an ambitious strategic communication, which had the full support of the PRESIDENT, whom he thanked. He alluded to the Commission communication of 8 March 2011 and said that the review of the neighbourhood policy provided a clear response to the changes under way in the EU's southern and eastern neighbours and drew lessons from the past. He outlined the main points of the review. He placed particular emphasis on the introduction of a greater degree of differentiation between partner countries so that each could develop its links with the European Union according to its own aspirations, needs and capacities, and on stricter conditionality associated with European support, in order to ensure that countries built solid and effective democracies. Finally, he set out the different forms that increased EU support could take, from funding to improved market access, from investment support to measures to facilitate mobility. He spoke of the communication's long-term vision of close political and economic cooperation

leading to gradual economic integration into the EU's internal market, thus offering a major incentive to introduce genuine reforms.

Mr FÜLE also spoke of his desire to set up an instrument for measuring the effective implementation of the communication and monitoring its results, which would hopefully become apparent before the end of this Commission's term of office. The PRESIDENT took up this last point and said that implementation was indeed an essential issue which would be the subject of in-depth monitoring and discussion between the Members of the Commission responsible for external relations and himself.

Turning to the question on which the Commission Members still had to reach agreement, namely the reference to Article 49 TEU in Section 3.1 on strengthening the Eastern Partnership, Mr FÜLE suggested a compromise solution which entailed amending the second and fourth paragraphs of Section 3.1 by inserting a reference to Articles 2 and 3 TEU – on the values and aims of the European Union – and highlighting the progressive nature of the economic integration of partner countries in the EU's internal market. He also suggested changing the order of the paragraphs in the interests of logic.

There followed a discussion in which the following main points were raised:

General aspects

- general support for the communication, which was unanimously praised for its high quality, for the principles it articulated, particularly on differentiation and stricter conditionality, for its valid aim of contributing to real stability in the European Union's immediate neighbourhood, and for the timing of its presentation, which was felt to be particularly fortunate;
- the coherence of the communication and the way it tied in with the proposals the Commission had adopted that day on migration, mobility and security with partner countries in the southern Mediterranean;

- the need to stress that the communication was addressed in equal measure to the EU's partner countries on its southern and eastern borders, and also to make the point that the EU understood the special problems facing southern European Member States;
- the suggestion that the text of the communication include, in relation to the Eastern Partnership, a comment to the effect that the European Union would like to enhance the visibility of the partnership and the political dialogue with these partners;
- a call for the financial resources being made available under the new neighbourhood policy approach to be allocated pragmatically, taking into account the real situation of the partner countries in the south and the east;
- support for maintaining the "asymmetrical" nature of the trade concessions envisaged in section 2.2 of the document, given that this was standard practice and was an integral part of the trade negotiations;
- with regard to the current negotiations on a detailed and comprehensive free trade agreement with Ukraine, satisfaction that the process was well under way and the hope that it would conclude in the second half of the year, albeit mitigated by the current trends in the country as regards respect for the principles of democracy;
- recognition of the importance given in the Communication to employment and the social dimension and emphasis of the need to cooperate with neighbouring countries in order to ensure the convergence of their rules with those of the European Union;
- a comment that, in the field of transport policy, the conditions were in place for implementing the new policy approach; the need, with regard to the cooperation in agricultural matters proposed in the Communication, for a balance between food production and commercial farming; the need to address the fight against crime, in particular smuggling on the EU's borders;

- the hope that the communication measures carried out would strike the right tone;
- the need to correct a number of minor technical errors in the financial statement;

Specifically with regard to the compromise proposal made by Mr FÜLE concerning Article 49 of TEU

- the prudence and political judgement called for by certain Commission Members, who warned against the confusion and unrealistic expectations that could be prompted by the reference to Article 49 of the TEU and against the misinterpretations to which this reference could give rise, the negative political signal it would send to partner countries, the re-opening of the public debate on the geographical limits of Europe and the probable negative reaction of public opinion in most Member States in the current difficult political and economic context; the suggestion of several options to resolve this difficulty, namely to remove this reference, to replace it or to add to it a reference to Articles 2 and 3 and/or Article 8 of the TEU, or even to move the reference to Article 2 TEU to Section 1 of the Communication on the support for democracy, thus further highlighting the values of the European Union;
- the support of a number of Commissioners for the compromise solution put forward by Mr FÜLE, which they considered to be balanced; some of them stressed the strong incentive for certain neighbouring countries offered by the prospect of joining the European Union and the importance of not ruling out this possibility by negatively prejudging the medium- or long-term outcome, which was by definition uncertain;
- the wish expressed by some Members to maintain the wording initially contained in the Communication since they felt that a reference to Article 49 of the TEU did not entail any new commitment by the European Union.

In their replies, Baroness ASHTON and Mr FÜLE underlined the guarantees offered by the conditionality of the partnerships envisaged and, more broadly, by the EU treaties.

The PRESIDENT concluded by noting the Commissioners' agreement to the introduction of the following amendments in the English version of COM(2011)303/4:

- **on page 14, the second paragraph in section 3.1 was amended to read as follows:**

'Some EaP countries attach great importance to their European identity and the development of closer relations with the EU enjoys strong public support. The values on which the European Union is built – namely freedom, democracy, respect for human rights and fundamental freedoms, and the rule of law – are also at the heart of the process of political association and economic integration which the Eastern Partnership offers. These are the same values that are enshrined in article 2 of the European Union Treaty and on which both article 8 and article 49 are based.' ;

- **on page 14, the fourth paragraph in section 3.1 was amended to read as follows:**

'Association Agreements (AAs), most of which include DCFTAs, offer each Eastern Partnership country the opportunity to choose the level of ambition it wishes to pursue in driving forward integration and reform. With sustained commitment and support by the EU, partner countries can use the Agreement for regulatory and institutional convergence. They include alignment with EU laws, norms and standards leading progressively to economic integration in the internal market.'

On a proposal from the PRESIDENT, subject to inclusion of the above amendments and to a final linguistic revision of the text, in particular the financial statement, the Commission agreed that the joint Communication in COM(2011)303/4 would be formally adopted by the 'finalisation' written procedure, the deadline for which was Wednesday 25 May (PE/2011/3598).

16. RELATIONS WITH NON-MEMBER COUNTRIES

SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO

Mr DE GUCHT referred to the correspondence he had had with Baroness ASHTON and Mr PIEBALGS on the situation in the Democratic Republic of the Congo and expressed his concerns regarding the preparation and holding of presidential and general elections in that country towards the end of the year. In particular he raised questions about the new electoral law and the revision of the constitution aimed at changing the voting system for the presidential election. He stressed the need to ensure that the elections were free and democratic and wondered about the advisability and implications of the EU's financial contribution to the preparation of these elections.

Baroness ASHTON pointed out that the European Union, its Member States and the international community were determined to support the stabilisation of the Democratic Republic of Congo and its electoral process and that Europe's financial contribution would be paid gradually, in instalments, following detailed technical and political assessments. She also noted the EU's intention to send a mission to observe the elections in the Democratic Republic of the Congo and promised to keep the Commission Members regularly informed of developments there.

Mr PIEBALGS highlighted the importance of the forthcoming elections to support and develop stable and effective government institutions, which the Congo needed. He added that the EU funding was part of a negotiated international arrangement and gave his assurance that the EU would assess very carefully how the forthcoming elections were conducted.

Winding up the discussion, Ms REDING suggested that the Members concerned continue their discussions on this subject and asked them to keep the Commission informed of any developments.

The Commission took note of this information.

17. OTHER BUSINESS

17.1. LATEST ECONOMIC DEVELOPMENTS

Mr REHN began by referring to the recent decision on the agreement to provide financial support to Portugal, pointing out that this support, which totalled €78 billion, had been agreed on the basis of the Commission's proposals.

Under the terms of the agreement, the European Union would, by the middle of June, pay an initial instalment of approximately €12 billion, divided equally between the European Financial Stability Facility and the European financing facility, while the International Monetary Fund would pay approximately €6 billion. Mr REHN went on to say that once the general elections in Portugal were over, a review mission would visit the country to examine the situation, hold talks with the new government and start to prepare for the formal examination which would begin at the end of July or beginning of August.

On the situation in Ireland, Mr REHN noted that the Economic and Financial Affairs Council had, like the Commission, concluded that the programme agreed and implemented was on the right track, paving the way for the payment in the near future of a €3 billion loan from the Union.

Mr REHN said that the situation in Greece had also been discussed at length at these meetings. In particular, the IMF representative had mentioned a number of specific rules whereby, for the institution to be able to continue to provide financial assistance, the Member State in question, notwithstanding the efforts it had already made, must be more proactive in following its programme of reform and fiscal consolidation.

He said that he had spoken at these meetings of the need to continue the current review mission and felt that, before any further decision was taken by

the Eurogroup, the Greek government must continue in the long term the economic reforms on which it had embarked and implement its programme of privatisation quickly.

He also mentioned the discussions between ministers on future financial support for Greece and reminded the meeting that the coming weeks would be particularly crucial in this respect.

Finally, he highlighted the positive aspects in the form of the approval of the reduction in interest rates and the extension of deadlines, as agreed at the European Council in March.

Mr REHN also informed the meeting that the Eurogroup had held a brief discussion on amendments to the framework agreement on the European Financial Stability Facility, with a view to increasing its actual lending capacity, although, at the request of some Member States, the decision could not be approved until the June European Council, together with the draft treaty establishing the future European Stability Mechanism.

He also noted the unanimous support for Mr Mario Draghi, currently Governor of the Italian Central Bank, as successor to Mr Jean-Claude Trichet as the head of the European Central Bank from 1 November 2011, stating that this Council recommendation would be put before the European Council for adoption in June, after the European Parliament and the Executive Board of the European Central Bank had been consulted.

Mr REHN presented a favourable assessment of the negotiating brief given by the Economic and Financial Affairs Council to the Presidency in Office of the Union for the forthcoming trialogues with the European Parliament on the six proposals on the reform of European economic governance and felt that, once these routine trialogues were over, an agreement should be reached in time for the next meeting of the European Council.

Finally, he added that an agreement had been reached with regard to the results of the bank stress tests whereby, before publication of the results of the

tests, expected next month, each Member State would set up a credible protection system and fix time limits for dealing with any weaknesses revealed by these tests.

Mr REHN concluded by stressing the importance of the decisions to be taken in June on a variety of dossiers.

Ms REDING thanked Mr REHN for the work carried out. In the brief discussion that followed the following matters were highlighted:

- questions concerning the position of the International Monetary Fund in its participation in the programmes providing financial support to certain Member States;
- questions regarding the respective importance of public and private claims on public debt of certain Member States and the possible change in this ratio;
- recognition of the fact that some Member States were facing a difficult economic, political and social situation and that any outside intervention aimed at helping these countries financially was inevitably a sensitive matter, since it involved a number of demands, albeit justified, regarding the measures to be taken by their governments;
- a desire for greater consistency in the interventions and the demands of the different players.

Mr REHN replied to questions and said that he would provide the Members of the Commission with more comprehensive information when the decisions for June were ready.

The Commission took note of this information.

17.2. CYBER SECURITY

Mr ŠEFČOVIČ spoke briefly about the recent cyber attacks on the European institutions and the Commission in particular. He said that the Commission had reacted immediately by taking all appropriate measures to ensure the security of its electronic connections and applications. A rapid response team had been set up at interinstitutional level which would carry out tests on the configuration of the systems in place, starting in June.

Ms KROES welcomed the good cooperation among the institutions which had led to the formation of the rapid response team, a round-the-clock operational structure with the main aim of ensuring the security of existing electronic systems.

Ms REDING stressed the importance of having such an operational structure, in view of the risks and given that such attacks on the institutions' electronic systems and networks were very likely to be repeated in the future. She asked that the Directors-General and cabinets be informed and thanked those who had helped establish the structure.

The Commission took note of this information.

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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 11.44.