



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2011)1967 final

Brussels, 13 July 2011

MINUTES
of the 1967th meeting of the Commission
held in Strasbourg
(Winston Churchill building)
on Tuesday 5 July 2011
(afternoon)

PV(2011)1967 final

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Single sitting: Tuesday 5 July 2011 (afternoon)

The sitting opened at 13.06 with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	President	
Baroness ASHTON	High Representative/Vice- President	
Ms REDING	Vice-President	Items 7 and 8
Mr ALMUNIA	Vice-President	
Mr KALLAS	Vice-President	
Ms KROES	Vice-President	
Mr TAJANI	Vice-President	Items 1 to 8 (in part)
Mr ŠEFČOVIČ	Vice-President	
Mr POTOČNIK		
Mr REHN		
Mr BARNIER		Items 7 and 8
Ms VASSILIOU		
Mr ŠEMETA		
Mr DE GUCHT		
Mr DALLI		Items 7 (in part) and 8
Mr LEWANDOWSKI		
Ms DAMANAKI		
Ms GEORGIEVA		
Mr OETTINGER		
Mr HAHN		
Ms HEDEGAARD		
Mr FÜLE		
Ms MALMSTRÖM		

Absent:

Mr PIEBALGS

Ms GEOGHEGAN-QUINN

Mr ANDOR

Mr CIOLOŞ

(5 July 2011)

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

Ms SOEWARTA	A member of Mr PIEBALGS's staff
Ms ARANA ANTELO	Deputy Chef de cabinet to Ms GEOGHEGAN-QUINN
Mr CSEREY	A member of Mr ANDOR's staff
Mr VON WEDEL	A member of Mr CIOLOŞ's staff

The following also sat in:

Mr LAITENBERGER	Chef de cabinet to the PRESIDENT	
Mr ROMERO REQUENA	Director-General, Legal Service	
Mr VANDERSTEEN	Acting Director-General, DG Communication	
Ms AHRENKILDE HANSEN	Commission Spokeswoman	
Mr SCHINAS	Bureau of European Policy Advisers	
Ms VANNINI	Adviser in the PRESIDENT's Office	
Ms RIGHINI	A member of Mr ALMUNIA's staff	
Mr LAHTI	A member of Mr REHN's staff	Items 7 (in part) and 8

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

1. AGENDAS

(OJ(2011)1967/3; SEC(2011)859/2)

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)1967)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 4 July.

**3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1966TH MEETING
(29 JUNE)**

The Commission held over approval of the minutes of its 1966th meeting for the following week.

4. INTERINSTITUTIONAL RELATIONS

(SEC(2011)869)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 1 July (SEC(2011)869).

It paid particular attention to the following points.

4.1. LEGISLATIVE MATTERS

i) Ordinary legislative procedure

(point 1.2 of the IRG record)

Dossiers at Council first reading

- EU guarantee to the European Investment Bank against losses under loans and guarantees for projects outside the European Union (Decision) – KALFIN report – 2010/0101 (COD)

The Commission took note of note SI(2011)264 stating that the first reading in the Council marked the conclusion of this dossier.

ii) Preparation of Parliament's July part-session

(point 1.3 of the IRG record)

Ordinary legislative procedure – Codecision – first reading

- Short selling and certain aspects of credit default swaps (Regulation) – CANFIN report – 2010/0251 (COD)

The Commission approved the line set out in SP(2011)6045 and /2, further to notes SP(2011)5620 and /2 already approved by the Commission at its meeting on 29 June.

Ordinary legislative procedure – Codecision – first reading, Special legislative procedure – Consultation and non-legislative procedure

- Prevention and correction of macroeconomic imbalances (Regulation) – FERREIRA report – 2010/0281 (COD)
- Effective enforcement of budgetary surveillance in the euro area (Regulation) – GOULARD report – 2010/0278 (COD)
- Strengthening of the surveillance of budgetary positions and the surveillance and coordination of economic policies (Regulation) – WORTMANN-KOLL report – 2010/0280 (COD)
- Enforcement measures to correct excessive macroeconomic imbalances in the euro area (Regulation) – HAGLUND report – 2010/0279 (COD)

- Speeding up and clarifying the implementation of the excessive deficit procedure (Council Regulation) – FEIO report – 2010/0276 (CNS)
- Requirements for the budgetary frameworks of the Member States (Council Directive) – FORD report – 2010/0277 (NLE)

The Commission approved the line set out in SP(2011)5902, further to notes SP(2011)5361, SP(2011)5362, SP(2011)5363, SP(2011)5364, SP(2011)5365 and SP(2011)5366, already approved by the Commission at its meeting on 22 June.

4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

iii) Programming of Council business

(SI(2011)265)

The Commission took note of the information in SI(2011)265 on the Council meetings between 7 and 20 July.

4.3. RELATIONS WITH PARLIAMENT

iv) Preparation of July part-session of Parliament – Oral questions

(point 3.4 of the IRG record)

- H-220/11, H-224/11, H-225/11, H-226/11, H-227/11, H-228/11, H-231/11, H-234/11, H-235/11, H-237/11, H-239/11, H-240/11, H-241/11, H-242/11, H-244/11, H-246/11, H-247/11, H-249/11, H-251/11, H-252/11, H-253/11, H-254/11, H-255/11, H-257/11

The Commission approved the draft answers set out in SP(2011)5853 to /3, following the agreement reached between the Chefs de cabinet, and certain draft supplementary answers, revisions to answers and draft answers as set out in SP(2011)5853/4 *et seq.*

v) Action taken on non-legislative resolutions adopted by Parliament at its April part-session

(point 3.5.2 of the IRG record)

The Commission approved SP(2011)5857 to /3 on the action taken on the non-legislative resolutions adopted by Parliament at its April part-session, for transmission to Parliament.

vi) Action taken on legislative opinions and non-legislative resolutions adopted by Parliament at its May part-session

(point 3.5.3 of the IRG record)

The Commission approved document SP(2011)5858 on the action taken on the legislative opinions and non-legislative resolutions adopted by Parliament at its May part-session, for transmission to Parliament.

4.4. RELATIONS WITH THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, THE COMMITTEE OF THE REGIONS, THE EUROPEAN OMBUDSMAN AND NATIONAL PARLIAMENTS

vii) Participation of Members of the Committee of the Regions in international conferences

(point 4.3 of the IRG record)

- 17th Conference of the Parties to the United Nations Framework Convention on Climate Change (Durban, 28 November to 9 December)

The Commission approved the request to the PRESIDENT from Ms Mercedes Bresso, President of the Committee of the Regions, concerning the participation of three members of that Committee in the above meeting, with a reminder about the procedure to be followed.

viii) Action taken on opinions of the European Economic and Social Committee – First quarter 2011

(point 4.4 of the IRG record)

The Commission approved document SC(2011)24/2 on the action taken by the Commission on the opinions adopted by the European Economic and Social Committee during the first quarter of 2011, for transmission to that Committee.

ix) Follow-up to Committee of the Regions opinions – Forty-fourth report (December 2010 and January 2011 plenary sessions)

(point 4.5 of the IRG record)

The Commission approved the replies to the opinions adopted by the Committee of the Regions during its plenary sessions in December 2010 and January 2011, contained in the document distributed as SR(2011)17/2, for transmission to that Committee.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED

(SEC(2011)860 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 27 June and 1 July.

5.2. EMPOWERMENT

(SEC(2011)861 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 27 June and 1 July.

5.3. DELEGATION AND SUBDELEGATION OF POWERS
(SEC(2011)862 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 27 June and 1 July, as archived in e-Greffe.

5.4. SENSITIVE WRITTEN PROCEDURES
(SEC(2011)863 TO /3)

The Commission took note of the sensitive written procedures for which the time limit expired between 4 and 8 July and of the 'finalisation' written procedure initiated following the weekly meeting of Chefs de cabinet on 4 July.

**5.5. AD HOC EMPOWERMENT RELATING TO THE ROLE PLAYED BY
THE COMMISSION IN THE MONITORING OF CONDITIONALITY
ASSOCIATED WITH THE FINANCIAL SUPPORT TO GREECE
PROVIDED BY THE EURO AREA MEMBER STATES**
(SEC(2011)920)

The Commission decide to empower Mr REHN, Member of the Commission responsible for economic and monetary affairs, in agreement with the PRESIDENT, on its behalf and under its responsibility, to prepare, negotiate with the Greek authorities and sign, after approval by the lending Member States, the revisions to the memorandum of understanding setting out the detailed conditions of the financial support for Greece, which would be necessary after the adoption of the relevant Council Decision, under the terms set out in SEC(2011)920.

6. ADMINISTRATIVE AND BUDGETARY MATTERS**(SEC(2011)864)****ADMINISTRATIVE MATTERS****(PERS(2011)67)****6.1. DG HUMAN RESOURCES AND SECURITY – APPROVAL OF
TRANSFER IN THE INTEREST OF THE SERVICE IN ORDER TO
FILL AN AD13 HEAD OF EUROPEAN UNION DELEGATION POST
(PERS(2011)73)**

The Commission took note of the information in point 1 of PERS(2011) 67 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, decided to approve the proposal to transfer in the interest of the service, under Article 95(2) of the Staff Regulations, Mr Peter SORENSEN, currently Head of the European Union Delegation to the former Yugoslav Republic of Macedonia, to the post of Head of the European Union Delegation to Bosnia and Herzegovina; this approval would serve as a basis for the competent authority of the European External Action Service to make an appointment.

This decision would take effect immediately.

**6.2. DG HUMAN RESOURCES AND SECURITY – APPROVAL OF LISTS
OF CANDIDATES FOR HEAD OF EUROPEAN UNION DELEGATION
POSTS
(PERS(2011)74 TO /82)**

The Commission took note of the information in point 2 of PERS(2011)67 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, decided to approve the lists of candidates in PERS(2011)74 to 82 for the posts of Head of the European Union Delegations to India, Nicaragua, Turkey, the Swiss Confederation, the African Union, the International Organisations in Vienna, the Organisation for Economic Co-operation and Development (OECD) and the United Nations Educational, Scientific and Cultural Organisation (UNESCO) in Paris, and the Holy See, the Order of Malta and

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the United Nations Organisations in Rome; these lists would serve as a basis for the competent authority of the European External Action Service to make final appointments.

This decision would take effect immediately.

**6.3. DG MARITIME AFFAIRS AND FISHERIES – LIST OF CANDIDATES
FOR THE AD14 POST OF DIRECTOR OF THE EUROPEAN
FISHERIES CONTROL AGENCY
(PERS(2011)69 AND /2)**

Having noted the procedure followed, as set out in point 3 of PERS(2011)67, the Commission, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms DAMANAKI, decided:

- to approve the list of two candidates set out in point 3 of PERS(2011)67;
- to consider this list as the Commission proposal;
- to ask Ms DAMANAKI to communicate this list to the Administrative Board of the European Fisheries Control Agency.

These decisions would take effect immediately.

**6.4. DG ENLARGEMENT – INTERNAL PUBLICATION OF VACANCY
NOTICE FOR AD15/16 DEPUTY DIRECTOR-GENERAL
(PERS(2011)83)**

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr FÜLE, the Commission decided to authorise the publication, under Article 29(1)(a)(i) and (iii) of the Staff Regulations, of the vacancy notice in PERS(2011)83 for the post of Deputy Director-General of DG Enlargement.

This decision would take effect immediately.

6.5. DG COMMUNICATION – APPOINTMENT OF AD14 HEAD OF EUROPEAN COMMISSION 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 European Commission Representation in Latvia by transferring in the interest of the service, under Article 7 of the Staff Regulations, Ms Inna STEINBUKA, currently Director, ‘Social and information society statistics’, in DG Eurostat.

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 in Latvia for the duration of Ms STEINBUKA's posting.

This decision would take effect on 1 September 2011.

7. REFORM OF THE EU RULES APPLICABLE TO STATE AID IN THE FIELD OF SERVICES OF GENERAL ECONOMIC INTEREST (SEC(2011)904; SEC(2011)896)

The PRESIDENT introduced the general exchange of views on reforming the state aid rules applicable to services of general economic interest (SGEI) and asked Mr ALMUNIA to outline the main points of the background note circulated to the Members of the Commission.

Mr ALMUNIA drew attention to the communication adopted by the Commission on 23 March on reform of the state aid system which applied to SGEI. Following this communication, he had held a dialogue with the various stakeholders which had served to confirm the approach and guidelines presented and had laid the groundwork for the drafting of specific reform proposals.

He wanted at this stage to hold a discussion on the key principles of the reform, on

the understanding that these principles would then be reflected in new texts that would probably be laid before the Commission before the end of the year.

He explained that these proposals would be based on the guidelines set out in the communication of 23 March and that the proposed ‘package’ would consist of a communication, a decision and a new state aid framework applicable to SGEI. The aim of the communication would be to clarify key concepts – thereby providing stakeholders with better guidance and ensuring the proper application of state aid rules in this field – including in particular ‘SGEI’, ‘social services’ and ‘universal service’ as well as the concepts of ‘undertaking’ and ‘economic activity’, as defined in rulings by the European Court of Justice.

The decision would seek to simplify and add flexibility to the provision of small-scale, local public services and certain types of social services, in particular by introducing a new *de minimis* rule. It would also extend the scope of the exemption for social services – which currently covered hospitals and social housing only – to a much broader range of services designed to meet social needs. The decision should also lower the threshold for exemption from notification where a number of operators offered commercial services on a large scale, in order to take account of the views expressed by stakeholders, for whom the current SGEI decision, and in particular the thresholds it laid down, allowed too many relatively substantial compensation measures to escape scrutiny by the Commission.

Finally, he mentioned the current SGEI framework, which authorised compensation for all the costs incurred by the service provider, plus a reasonable profit margin; in some cases the costs for which service providers received compensation from Member States might be generated by low levels of efficiency in providing the service. The main changes to the current framework would be a more precise methodology for calculating compensation – based on the additional costs incurred in providing the SGEI – and the introduction of a compensation mechanism which would serve to encourage efficiency gains and hence prevent overcompensation.

During the exchange of views that followed, the Commission raised the following main points:

- broad support for the approach proposed in the background note, which reflected a strong desire to simplify and to concentrate state aid monitoring on major cases;
- the importance of SGEI for the people of Europe and the economy as a whole, and their added value in terms of developing the internal market;
- the importance of taking into account the efficiency and quality of service provision in the Commission's procedure for authorising state aid applicable to SGEI;
- in the state aid field as a whole, the need to take into account the goal of efficient public spending against a background of fiscal consolidation, as highlighted by the Commission in its annual growth survey and, more specifically, in the European semester;
- questions about the criteria used to define the concept of a 'well-run' undertaking so as to ensure that public service compensation did not exceed what was necessary for an efficient service provider; doubts too over how to assess indicators of efficiency gains;
- the need for reliable impact assessments confirming that the approach adopted was the right one;
- the importance of this reform for trade negotiations with non-member countries, as it served to clarify certain concepts; the need to take the external dimension into account, particularly with regard to candidate countries and potential candidates for EU membership and in the context of stabilisation and association agreements;
- concerning services with a strong environmental element, such as waste management or water treatment, the difficulties in applying the same principles and rules to services provided by local bodies and by multinational companies;

- a request that consideration be given to the specific features of certain Member States that had vast territories or isolated areas where it was important to maintain quality public services;
- a reminder of the link between the rules on state aid and those on public procurement.

Winding up the day's discussion, the PRESIDENT stressed that public services had an important place in the shared values of the Union and the European social model. He thanked the Commission Members for their contributions, noted the broad agreement on the simplification and clarification approach recommended by Mr ALMUNIA, and asked Mr ALMUNIA to continue work in the light of this exchange of views and to keep the Commission informed of subsequent stages in the preparations for reform of the state aid rules applicable to SGEI.

The Commission took note of this information and these conclusions and of Mr ALMUNIA's note in SEC(2011)904.

8. OTHER BUSINESS

LATEST ECONOMIC DEVELOPMENTS

Mr REHN reported on the Eurogroup meeting on Saturday 2 July, at which agreement had been reached on payment of the fifth tranche of aid under the financial support programme for Greece. The payment had been conditional on the adoption by the Greek Parliament of the whole package of measures agreed with the European Union, the European Central Bank and the International Monetary Fund (IMF). On 8 July the IMF was expected to confirm its agreement to pay its share of the fifth tranche.

He noted that one of the main issues in the Greek programme was privatisation: Greece had prepared a plan in this connection which included quarterly targets and set up a special fund to speed up the process and ensure that it was irreversible.

Looking ahead to the next few weeks, Mr REHN said that the Eurogroup, the European Central Bank and the IMF had agreed on the need for a new programme to replace the existing one. It was expected that the main details of the new programme would be agreed by the end of August or the beginning of September. It was extremely important that this new programme be implemented rigorously and that the technical, economic and political risks of a programme of this scale be forestalled and minimised when the measures involved were identified and quantified. He believed in any event that the onus was on Greece itself to ensure that it was properly implemented.

Mr REHN felt that the administrative and technical constraints existing in Greece constituted one of the difficulties, and that the technical assistance planned by the Commission would therefore contribute to the correct implementation of the programme.

He also underlined the importance for the programme's success of consensus in Greek society and among politicians, saying that it was unfortunate in this context that the main Greek opposition party had voted against the medium-term budget strategy.

Lastly, Mr REHN referred to the question of the private sector's involvement and to the progress achieved in talks with the banking sector, which seemed ready to cooperate in this area. He added that the talks must nevertheless continue in order to find the right balance between the desire of the parties concerned to limit the impact of their involvement and the efforts of the Commission and the euro-area Member States to ensure the sustainability of Greek public finances. The matter would be discussed at the Eurogroup's next meeting on Monday 11 July.

The PRESIDENT noted that, in the conclusions of its last meeting, the European Council had welcomed his proposal to develop synergies between the programme of loans to Greece and the European structural funds, and that it had invited the Commission to prepare a comprehensive programme of technical assistance for Greece together with Member States. He stressed the importance in this respect of

implementing every measure that might help to stimulate growth and employment in the country.

The PRESIDENT noted that the Commission's preparations for appropriate technical assistance measures were well under way. He announced that he had decided to set up a task force within the Commission to deal with these issues, which he wanted Mr REHN to chair. The task force would work closely with the Greek authorities and the other Member States on coordinating the technical assistance Greece needed to implement the economic programme agreed and to facilitate and speed up the payment of European structural funds as much as possible.

He believed that, on this basis, the conditions were in place for responding positively to the European Council's invitation and, given the difficulty of the task, asked his cabinet, Mr REHN's cabinet and the Secretariat-General to work together to ensure that this initiative, which involved several Directorates-General, was a complete success. The work would involve assessing what was restricting the use of funds on the spot in Greece and would include, if necessary, exploring ways of speeding up the provision of funding, as had been agreed by the Commission in the recent discussions on the multiannual financial framework.

He reiterated the importance of the task force's mission and asked each Member of the Commission involved to apply themselves with energy and determination.

The following points in particular were raised in the ensuing discussion:

- the gravity of the situation and the urgent need to address it;
- the importance of the measures agreed, which demonstrated Europe's commitment to helping one of its own and the need for Member States to be rigorous and determined when applying the budgetary discipline rules;
- questions concerning the level of Greek public debt and its sustainability, and various scenarios on this subject;

- the problems encountered in the completion of projects and the absorption of structural funds by Greece, and a desire that the proposed simplification, in tandem with suitable controls, would improve the way funds are used and foster growth and employment in Greece;
- renewed concerns about credit-rating agencies, the lack of transparency in the way they are governed, and their excessive influence, and the desire for greater supervision of their activities to be introduced in the near future.

Mr REHN underlined the need to prioritise technical assistance to Greece and, in this connection, welcomed the setting-up of the task force which would help the Members of the Commission to coordinate their work on the issue.

He once again stressed how important it was for Greece that civil society, political parties and the ruling authorities showed courage and a readiness to take the right decisions and to support them.

He also underlined the progress achieved by the European Union over the last year on economic and budgetary governance and said that the impact of the Greek crisis on other Member States in the euro area should not be ignored.

The PRESIDENT thanked Mr REHN for his efforts in recent weeks and the Members of the Commission for supporting his decision to set up a task force to facilitate technical assistance to Greece.

He further added that the current demands on Greece and its political class were particularly urgent and that it was essential that the decisions adopted were supported and implemented. He concluded by stating that the Commission must hold its course and keep up its aid and encouragement to Greece to implement the new programmes as agreed.

The Commission took note of this information and these conclusions.

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The meeting closed at 14.48.