



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2011)1982 final

Brussels, 20 December 2011

MINUTES
of the 1982nd meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 7 December 2011
(morning)

PV(2011)1982 final

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Single sitting: Wednesday 7 December 2011 (morning)

The sitting opened at 9.37 with Mr Barroso, President, in the chair.

Present:

Mr BARROSO	President	
Baroness ASHTON	High Representative/ Vice-President	
Ms REDING	Vice-President	
Mr ALMUNIA	Vice-President	
Mr KALLAS	Vice-President	
Mr TAJANI	Vice-President	Items 1 to 23 (in part)
Mr ŠEFČOVIČ	Vice-President	
Mr REHN	Vice-President	Item 23 (in part)
Mr POTOČNIK	Member	
Mr PIEBALGS	Member	
Mr BARNIER	Member	Items 1 to 23 (in part)
Ms VASSILIOU	Member	
Mr ŠEMETA	Member	
Mr DE GUCHT	Member	
Mr DALLI	Member	
Ms GEOGHEGAN-QUINN	Member	
Mr LEWANDOWSKI	Member	
Ms DAMANAKI	Member	
Ms GEORGIEVA	Member	
Mr OETTINGER	Member	Item 23 (in part)
Mr HAHN	Member	
Mr FÜLE	Member	
Mr ANDOR	Member	
Mr CIOLOŞ	Member	

Absent:

Ms KROES

Vice-President

Ms HEDEGAARD

Member

Ms MALMSTRÖM

Member

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

Mr POWER	A member of Ms KROES's staff
Mr VIS	Chef de cabinet to Ms HEDEGAARD
Ms ÅSENIUS	Chef de cabinet to Ms MALMSTRÖM

The following also sat in:

Mr LAITENBERGER	Chef de cabinet to the PRESIDENT	Item 23 (in part)
Mr ROMERO REQUENA	Director-General, Legal Service	
Mr VANDERSTEEN	Acting Director-General, DG Communication	
Mr DOENS	Head of the Commission Spokesperson Service	
Ms AHRENKILDE HANSEN	Commission Spokeswoman	
Mr THEBAULT	Head of the Bureau of European Policy Advisers	Items 1 to 23 (in part)
Mr SCHINAS	Bureau of European Policy Advisers	Item 23 (in part)
Mr CABRAL	Adviser hors classe in the PRESIDENT's office	
Ms SUTTON	A member of the PRESIDENT's staff	
Mr PESONEN	Chef de cabinet to Mr REHN	Item 23 (in part)
Mr LAHTI	A member of Mr REHN's staff	Item 23 (in part)

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

1. AGENDAS

(OJ(2011)1982/3; SEC(2011)1493/2)

The Commission took note of that day's agenda and of the tentative agendas for forthcoming meetings.

2. WEEKLY MEETING OF CHEFS DE CABINET

(RCC(2011)1982)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 5 December.

3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1981st MEETING

(30 NOVEMBER)

(PV(2011)1981; PV(2011)1981, PART II)

The Commission approved the minutes of its 1981st meeting.

4. MONITORING THE APPLICATION OF EUROPEAN UNION LAW

4.1. STATE AID – INDIVIDUAL CASES

(SEC(2011)1508/2)

The Commission adopted the decisions in SEC(2011)1508/2.

4.2. STATE AID – HORIZONTAL DOSSIER

Commission notice on the Framework on State Aid to Shipbuilding (C(2011)9051 to /3; SEC(2011)1524; SEC(2011)1525; SEC(2011)1526)

The Commission:

- adopted the notice in C(2011)9051/3;
- decided to publish it in the *Official Journal of the European Union* in order to inform the Member States and interested parties;
- authorised its publication as soon as possible on the websites of DG Competition, pending its publication in the *Official Journal of the European Union*;
- took note of the impact assessment, the summary thereof and the opinion of the Impact Assessment Board in SEC(2011)1524, SEC(2011)1525 and SEC(2011)1526.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED (SEC(2011)1494 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 28 November and 2 December.

5.2. EMPOWERMENT (SEC(2011)1495 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 28 November and 2 December.

5.3. DELEGATION AND SUBDELEGATION OF POWERS
(SEC(2011)1496 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 28 November and 2 December, as archived in e-Greffe.

5.4. SENSITIVE WRITTEN PROCEDURES
(SEC(2011)1497 AND/2)

The Commission took note of the sensitive written procedures for which the time limit expired between 5 and 9 December and of the finalisation written procedure initiated following the weekly meeting of Chefs de cabinet on 5 December.

6. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2011)1498/2)

ADMINISTRATIVE MATTERS
(PERS(2011)156/2)

6.1. DG ENLARGEMENT – AMENDMENT OF ORGANISATION CHART
AND APPOINTMENT OF AD15 PRINCIPAL ADVISER

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

- to create an AD15 post of Principal Adviser in DG Enlargement;
- to fill that post by transferring in the interest of the service under Article 97 of the Staff Regulations Mr Marc PIERINI, an AD15 official and currently Head of the EU Delegation in Turkey;
- to abolish this post after the departure of its holder.

These decisions would take effect on 1 January 2012.

**6.2. DG INFORMATION SOCIETY AND MEDIA – INTERNAL AND INTERINSTITUTIONAL (GRADE AD14/15) AND EXTERNAL (GRADE AD14 – EU-27) PUBLICATION OF VACANCY NOTICE FOR A DIRECTOR
(PERS(2011)116; PERS(2011)157)**

Having noted the information in item 2 of PERS(2011)156/2, the Commission, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms KROES, decided to authorise the publication, under Article 29(1)(a)(i) and (iii), 29(1)(b) and 29(2) of the Staff Regulations, of the vacancy notice in PERS(2011)157 for the post of Director, ‘Electronic Communications Policy’, in DG Information Society and Media.

This decision would take effect immediately.

**6.3. DG HUMAN RESOURCES AND SECURITY – DELTA AND PUL (PROJET URBAIN LOI) BUILDING PROJECTS IN BRUSSELS
(INFO(2011)1045)**

The Commission took note of the information note from Mr ŠEFČOVIČ in INFO(2011)1045.

**7. JOINT COMMUNICATION FROM THE COMMISSION AND THE HIGH REPRESENTATIVE OF THE EUROPEAN UNION FOR FOREIGN AFFAIRS AND SECURITY POLICY TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – GLOBAL EUROPE – A NEW APPROACH TO FINANCING EU EXTERNAL ACTION
(COM(2011)865 TO /3; RCC(2011)1028; RCC(2011)1037)**

Following its approval by the High Representative of the European Union for

Foreign Affairs and Security Policy, the Commission approved the joint Communication, as set out in COM(2011)865/3, for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, and, for information, to the national parliaments.

8. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE INSTRUMENT FOR PRE-ACCESSION ASSISTANCE (IPA II)

(COM(2011)838 TO /4; SEC(2011)1462; SEC(2011)1463; SEC(2011)1464; RCC(2011)1028; RCC(2011)1037)

The Commission adopted the proposal for a Regulation in COM(2011)838/4 for transmission to Parliament, the Council, the Economic and Social Committee, the Committee of the Regions and the national parliaments, together with the impact assessment and the summary thereof in staff working papers SEC(2011)1462 and SEC(2011)1463 respectively, 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)1464.

9. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING A EUROPEAN NEIGHBOURHOOD INSTRUMENT

(COM(2011)839 TO /4; SEC(2011)1466; SEC(2011)1467; SEC(2011)1468; RCC(2011)1028; RCC(2011)1037)

The Commission adopted the proposal for a Regulation in COM(2011)839/4 for transmission to Parliament, the Council, the Economic and Social Committee, the Committee of the Regions and the national parliaments, together with the impact assessment and the summary thereof in staff working papers SEC(2011)1466 and

SEC(2011)1467 respectively, 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)1468.

**10. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING A FINANCING INSTRUMENT FOR DEVELOPMENT COOPERATION
(COM(2011)840 TO /4; SEC(2011)1469; SEC(2011)1470; SEC(2011)1471; RCC(2011)1028; RCC(2011)1037)**

The Commission adopted the proposal for a Regulation in COM(2011)840/4 for transmission to Parliament, the Council, the Economic and Social Committee, the Committee of the Regions and the national parliaments, together with the impact assessment and the summary thereof in staff working papers SEC(2011)1469 and SEC(2011)1470 respectively, 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)1471.

**11. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – PREPARATION OF THE MULTIANNUAL FINANCIAL FRAMEWORK REGARDING THE FINANCING OF EU COOPERATION FOR AFRICAN, CARIBBEAN AND PACIFIC STATES AND OVERSEAS COUNTRIES AND TERRITORIES FOR THE 2014-2020 PERIOD (11TH EUROPEAN DEVELOPMENT FUND)
(COM(2011)837 TO /3; SEC(2011)1459; SEC(2011)1460; SEC(2011)1461; RCC(2011)1028; RCC(2011)1037)**

The Commission approved the Communication in COM(2011)837/3 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, and, for information, to the national parliaments, together with the impact study and the summary thereof in staff papers SEC(2011)1459 and SEC(2011)1460 respectively, the contents of which were noted.

It also took note of the opinion of the Impact Assessment Board on the above Communication, as set out in SEC(2011)1461.

**12. PROPOSAL FOR A COUNCIL DECISION ON RELATIONS BETWEEN THE EUROPEAN UNION ON THE ONE HAND, AND GREENLAND AND THE KINGDOM OF DENMARK ON THE OTHER
(COM(2011)846 TO /3; SEC(2011)1484; SEC(2011)1485; SEC(2011)1486; RCC(2011)1028; RCC(2011)1037)**

The Commission adopted the proposal for a Council Decision in COM(2011)846/3 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, and, for information, to the national parliaments, accompanied by the impact assessment and the summary thereof in staff working papers SEC(2011)1484 and SEC(2011)1485 respectively, the contents of which were noted.

It also took note of the opinion of the Impact Assessment Board on the above proposal for a Council Decision, as set out in SEC(2011)1486.

13. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING A PARTNERSHIP INSTRUMENT FOR COOPERATION WITH THIRD COUNTRIES

(COM(2011)843 TO /4; SEC(2011)1475; SEC(2011)1476; SEC(2011)1477; RCC(2011)1028; RCC(2011)1037)

The Commission adopted the proposal for a Regulation in COM(2011)843/4 for transmission to Parliament, the Council, the Economic and Social Committee, the Committee of the Regions and the national parliaments, together with the impact assessment and the summary thereof in staff working papers SEC(2011)1475 and SEC(2011)1476, 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)1477.

14. PROPOSAL FOR A EUROPEAN PARLIAMENT AND COUNCIL REGULATION ESTABLISHING A FINANCIAL INSTRUMENT FOR THE PROMOTION OF DEMOCRACY AND HUMAN RIGHTS WORLDWIDE (COM(2011)844 TO /3; SEC(2011)1478; SEC(2011)1479; SEC(2011)1480; RCC(2011)1028; RCC(2011)1037)

The Commission adopted the proposal for a Regulation in COM(2011)844/3 for transmission to Parliament, the Council, the Economic and Social Committee, the Committee of the Regions and the national parliaments, together with the impact assessment and the summary thereof in staff working papers SEC(2011)1478 and SEC(2011)1479, 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)1480.

15. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING AN INSTRUMENT FOR STABILITY

**(COM(2011)845 TO /3; SEC(2011)1481; SEC(2011)1482; SEC(2011)1483;
RCC(2011)1028; RCC(2011)1037)**

The Commission adopted the proposal for a Regulation in COM(2011)845/3 for transmission to Parliament, the Council, the Economic and Social Committee, the Committee of the Regions and the national parliaments, together with the impact assessment and the summary thereof in staff working papers SEC(2011)1481 and SEC(2011)1482, 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)1483.

**16. PROPOSAL FOR A COUNCIL REGULATION ESTABLISHING AN
INSTRUMENT FOR NUCLEAR SAFETY COOPERATION**

**(COM(2011)841 TO /3; SEC(2011)1472; SEC(2011)1473; SEC(2011)1474;
RCC(2011)1028; RCC(2011)1037)**

The Commission adopted the proposal for a Council Regulation in COM(2011)841/3 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, and, for information, to the national parliaments, together with the impact assessment and the summary thereof in staff working papers SEC(2011)1472 and SEC(2011)1473, the contents of which were noted.

It also took note of the opinion of the Impact Assessment Board on the above proposal for a Council Regulation, as set out in SEC(2011)1474.

**17. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL ESTABLISHING COMMON RULES AND
PROCEDURES FOR THE IMPLEMENTATION OF THE UNION'S**

INSTRUMENTS FOR EXTERNAL ACTION

(COM(2011)842 TO /4; RCC(2011)1028; RCC(2011)1037)

The Commission adopted the proposal for a Regulation in COM(2011)842/4 for transmission to Parliament, the Council, the Economic and Social Committee, the Committee of the Regions and the national parliaments.

18. PROPOSAL FOR A COUNCIL DECISION ON THE POSITION TO BE ADOPTED BY THE EUROPEAN UNION WITHIN THE ACP-EU COUNCIL OF MINISTERS CONCERNING THE MULTIANNUAL FINANCIAL FRAMEWORK FOR THE PERIOD 2014 TO 2020 OF THE ACP-EU PARTNERSHIP AGREEMENT

(COM(2011)836; SEC(2011)1459; SEC(2011)1460; SEC(2011)1461; RCC(2011)1028; RCC(2011)1037)

The Commission adopted the proposal for a Council Decision in COM(2011)836 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, and, for information, to the national parliaments, together with the impact assessment and the summary thereof in staff working papers SEC(2011)1459 and SEC(2011)1460, the contents of which were noted.

It also took note of the opinion of the Impact Assessment Board on the above proposal for a Council Decision, as set out in SEC(2011)1461.

19. COMMISSION DECISION ON A PROCEEDING UNDER ARTICLE 101 OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION AND ARTICLE 53 OF THE EEA AGREEMENT (CASE COMP/39600 – REFRIGERATION COMPRESSORS)

(C(2011)8923 TO /6; RCC(2011)1041)

The Commission:

- took note of the opinion of the Advisory Committee on Restrictive Practices and Dominant Positions of 5 December in C(2011)8923/3;
- took note of the final report of the Hearing Officer of 5 December in C(2011)8923/4;
- adopted in the authentic language (English) the decision in C(2011)8923/5 finding that the companies to which the decision was addressed had infringed Article 101 of the Treaty on the Functioning of the European Union and Article 53 of the Agreement on the European Economic Area, requiring the parties to put an end to the infringements immediately and imposing on some of these companies fines totalling EUR 161 198 000;
- decided that the decision in C(2011)8923/6 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).

20. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN CENTRAL BANK, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, THE COMMITTEE OF THE REGIONS AND THE EUROPEAN INVESTMENT BANK – AN ACTION PLAN TO IMPROVE ACCESS TO FINANCE FOR SMEs (COM(2011)870 AND /2; SEC (2011)1527 AND /2; RCC(2011)1035

The Commission approved the communication in COM(2011)870/2 for transmission to Parliament, the Council, the European Central Bank, the Economic

and Social Committee, the Committee of the Regions and the European Investment Bank, and, for information, to the national parliaments, together with the document in staff working paper SEC(2011)1527/2, the contents of which were noted.

21. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON EUROPEAN VENTURE CAPITAL FUNDS (COM(2011)860 AND /2; SEC(2011)1515 AND /2; SEC(2011)1516; SEC(2011)1517; SEC(2011)1523; RCC(2011)1035)

The Commission adopted the proposal for a Regulation in COM(2011)860/2 for transmission to Parliament, the Council, the European Central Bank, the Economic and Social Committee, the Committee of the Regions and the national parliaments, and, for information, to the European Data Protection Supervisor, together with the impact assessment and the summary thereof in staff working papers SEC(2011)1515/2 and SEC(2011)1516, 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)1517.

22. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON EUROPEAN SOCIAL ENTREPRENEURSHIP FUNDS (COM(2011)862 AND /2; SEC(2011)1512 AND /2; SEC(2011)1513; SEC(2011)1514; SEC(2011)1523; RCC(2011)1035)

The Commission adopted the proposal for a Regulation in COM(2011)862/2 for transmission to Parliament, the Council, the European Central Bank, the Economic and Social Committee, the Committee of the Regions and the national parliaments, and, for information, to the European Data Protection Supervisor, together with the impact assessment and the summary thereof in staff working papers

SEC(2011)1512/2 and SEC(2011)1513, 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)1514.

23. INTERINSTITUTIONAL RELATIONS (RCC(2011)1031)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 2 December (RCC(2011)1031).

It paid particular attention to the following points.

23.1. LEGISLATIVE MATTERS

i) Ordinary legislative procedure

(point 1.2 of the IRG record)

Dossiers at Parliament first reading

- Establishing technical requirements for credit transfers and direct debits in euros (Regulation) – ESSAYAH report – 2010/0373 (COD)

The Commission approved the line set out in SI(2011)458/2.

- Deposit guarantee schemes (Directive – recast) – SIMON report – 2010/0207 (COD)

The Commission approved the line set out in SI(2011)450/3.

- Tasks entrusted to the Office for Harmonisation in the Internal Market (trade marks and designs) relating to the protection of intellectual property rights, including the assembling of public and private sector representatives as a European Observatory on Counterfeiting and Piracy (Regulation) – MASIP HIDALGO report – 2011/0135 (COD)

The Commission approved the line set out in SI(2011)462.

- Alignment package (committee procedure) – Amendment of Council Regulation (EC) 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (Regulation) / Amendment of Council Regulation (EC) 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers (Regulation) / Amendment of Council Regulation (EC) 1290/2005 on the financing of the common agricultural policy and repeal of Council Regulation (EC) 165/94 and Council Regulation (EC) 78/2008 (Regulation) / Common organisation of agricultural markets and specific provisions for certain agricultural products ('Single CMO Regulation') (Regulation) – DE CASTRO and LA VIA reports – 2010/0266 (COD) / 2010/0267 (COD) / 2010/0365 (COD) / 2010/0385 (COD)

The Commission approved the line set out in SI(2011)457/2.

- Amendment of Council Regulation (EC) 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) – DE CASTRO report – 2010/0266 (COD)

The Commission approved the line set out in SI(2011)460/2.

ii) Preparation of Parliament's December part-session

(point 1.3 of the IRG record)

Ordinary legislative procedure – Second reading

- 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 (Directive) – MATHIEU report – 2007/0229 (COD)

The Commission took note of SP(2011)8685, further to note SI(2011)249, which it had already approved on 29 June.

- Provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement Area (Regulation) – RIVELLINI report – 2009/0129 (COD)

The Commission approved the line set out in SP(2011)8686.

- Amendment of Council Directive 78/660/EEC on the annual accounts of certain types of companies as regards micro-entities (Directive) – LEHNE report – 2009/0035 (COD)

The Commission approved the line set out in SP(2011)8688 and /2.

Under Article 13 of its Rules of Procedure, the Commission also empowered Mr BARNIER, in agreement with the PRESIDENT and Mr ŠEFČOVIČ and any other members associated, to adopt its opinion on the amendments together with any amended proposals, on the basis of the line set out in SP(2011)8688 and /2, once Parliament had given its opinion, and transmit them to the Council in accordance with Article 294(7)(c) of the Treaty on the Functioning of the European Union.

Ordinary legislative procedure – First reading

- Right to information in criminal proceedings (Directive) – SIPPEL report – 2010/0215 (COD)

The Commission approved the line set out in SP(2011)8689 and /2, further to note SI(2011)403, which it had already approved on 15 November.

- Amendment of Council Regulation (EC) 1698/2005 as regards certain provisions relating to financial management for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability (Regulation) – DE CASTRO report – 2011/0209 (COD)

The Commission took note of SP(2011)8691, further to notes SI(2011)405 to /3, which it had already approved on 15 November.

- Amendment of Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption (Directive) - PERELLÓ RODRÍGUEZ report – 2010/0254 (COD)

The Commission approved the line set out in SP(2011)8692, further to note SI(2011)371/2, which it had already approved on 19 October.

- Amendment of Regulation (EC) 648/2004 as regards the use of phosphates and other phosphorous compounds in household laundry detergents (Regulation) – NEWTON DUNN report – 2010/0298 (COD)

The Commission approved the line set out in SP(2011)8693, further to note SI(2011)420, which it had already approved on 15 November.

Non-legislative procedure

- Conclusion of a Protocol setting out the fishing opportunities and financial compensation provided for in the Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco (Council Decision) – HAGLUND report – 2011/0139 (NLE)

The Commission approved the line set out in SP(2011)8695 and /3.

- Conclusion of a Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Uzbekistan, of the other part, extending the provisions of that Agreement to bilateral trade in textiles – CUTAŞ report – 2010/0323 (NLE)

The Commission approved the line set out in SP(2011)8696 and /2.

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

(SP(2011)8698)

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)8698, drawn up following the November II part-session of Parliament, the contents of which were noted.

23.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

iv) Programming of Council business

(SI(2011)461)

The Commission took note of the information in SI(2011)461 on the Council meetings between 8 and 21 December.

v) Preparation for European Council (Brussels, 8 and 9 December)

The PRESIDENT opened the discussion by stressing the importance of the forthcoming European Council on 8 and 9 December. He then went through the agenda for that meeting.

First he mentioned the signing of the Treaty on the Accession of Croatia, which would be an important milestone both for Croatia itself and for Europe as a whole. He thanked all those who had helped bring the negotiations to a successful conclusion. The European Council would also be examining the next stages in the enlargement process. The PRESIDENT would continue to argue for Serbia to be given candidate status, as the Commission had recommended back in October, and for a positive signal to be sent in relation to Montenegro. He felt that the technical groundwork and preparations for the negotiating framework should begin now even if some Member States needed additional assurances before negotiations were formally launched.

The Heads of State or Government would also be taking stock of progress made since the February European Council in the field of energy, which was vital to the future prosperity and security of the European Union. The PRESIDENT intended to encourage European leaders to step up efforts to complete the internal energy market and reach the energy efficiency target set by the Commission for 2020. He also hoped that progress would be made on

the external dimension of energy policy following on from the Communication on that subject approved by the Commission in September 2011.

Thirdly, he raised the question of growth, which was a key item on the agenda of the European Council. He reminded the meeting that, following his presentation of potential sources of growth at the previous European Council in October, he had been asked to draw up a progress report for the Heads of State or Government on the Euro Plus Pact, even though it was still in its infancy and the commitments it contained still had to be defined. He felt that this matter tied in closely with the Annual Growth Survey and regretted that little had been done to follow up the Commission's recommendations and the commitments made in the Euro Plus Pact. He would therefore be insisting on the need to implement the measures agreed on and to translate words into action. He would also be asking the other members of the European Council to support fast-track procedures for the adoption of certain Commission proposals, given their urgency.

The PRESIDENT acknowledged that the European Council on 8 and 9 December would again be dominated by the crisis: the situation remained difficult and the summit had generated very high expectations. He called for realism, as a structural crisis could not be resolved by adopting structural measures from one day to the next: in his view the efforts to tackle the crisis resembled more of a marathon than a sprint. However, he believed that the outcome of the European Council could genuinely restore confidence if the EU were to set out clearly what measures it intended to take in the short and medium term and how they would be put into effect.

The PRESIDENT turned to the interim report on strengthening the economic union, which on 26 October the Heads of State or Government had commissioned from Herman Van Rompuy, President of the European Council, working together with the President of the Eurogroup, Jean-Claude Juncker, and himself. This document contained several measures that had long been recommended by the Commission, in particular the six instruments

on economic governance adopted in November (the ‘six-pack’), the proposals recently presented by the Commission on the basis of Article 136 of the Treaty on the Functioning of the European Union, European stability bonds, the strengthening of safety nets, country-by-country recommendations and the possibility of revising the Treaty.

The PRESIDENT noted that the main challenge facing the European Council was to strike a fair balance between these different factors, and between short and medium term measures. He also stressed the need for an unambiguous commitment to fiscal discipline, rigorous implementation of programmes and sound economic governance. The PRESIDENT felt that such measures could already be implemented now, without revising the Treaty; in particular he would be recommending swift and full implementation of the ‘six-pack’ legislation on economic governance. He would also be asking the European Council to support the incoming Danish Presidency with a view to adopting quickly two recent proposals by the Commission based on Article 136 of the current Treaty, which would lay the foundations for a fiscal pact.

He then expounded further on the idea of a new fiscal pact, which he felt should be accompanied by decisive steps to bolster European mechanisms for dealing with crises. He urged the EU to use all the tools at its disposal to show that it was capable of acting in real time to tackle the crisis and restore growth, in particular by using the leverage effect of the European Financial Stability Facility and by finalising and strengthening the European Stability Mechanism, while ensuring that the International Monetary Fund had sufficient resources. He added that, if the Member States gave a firm commitment to apply fiscal discipline, central banks might also be expected to make their contribution to the overall process.

Turning specifically to the question of revising the Treaty, the PRESIDENT referred to a series of bilateral consultations held the previous week with all the Member States. At these consultations he had upheld the principles agreed by all the Commission Members during their policy debate the previous week, namely that any Treaty revision should (i) reinforce the European Union, (ii)

be based on the existing European institutions, (iii) maintain the coherence between the euro area and the European Union as a whole, and (iv) strike a good balance between discipline, solidarity, convergence and growth.

Welcoming the support expressed for these principles, he considered that if the conditions laid down by the Commission were met, a Treaty revision would be a sign of Europe's irreversible commitment to the euro, despite the lively debate surrounding the form such a revision would take.

He went on to present the various conceivable options for a Treaty revision, starting with a fully-fledged revision under the ordinary procedure in Article 48 of the Treaty on European Union, which would be the most long drawn-out and uncertain option since it would involve establishing a convention, ensuring the full involvement of the European Parliament, submitting the revision to an intergovernmental conference for approval and obtaining ratification in the twenty-seven Member States. He emphasised, in this case, the concessions that some Member States could ask for in return for ratification, warning that these concessions might prove to be unacceptable.

Referring to another possible option of an intergovernmental treaty between seventeen or more Member States, he expressed serious reservations from the institutional and legal point of view. An intergovernmental treaty could not define parallel procedures as these might interfere with the collective arrangements for implementing EU legislation, and there would be clear limits as to the role that the Commission and Court of Justice could play in this. For his part, he was continuing to advocate the Community method.

Lastly, a third option was to revise Protocol No 12 of the Treaty on the Functioning of the European Union on the excessive deficit procedure, which had the advantage of being a simplified procedure involving a unanimous Council decision, following consultation of the European Parliament and the European Central Bank, and which could be accompanied by measures to be adopted under secondary law. The PRESIDENT referred to the other advantages of this kind of revision, namely speed, saying that if this option

were adopted, the Commission would present the necessary legislative proposal as soon as possible. The second advantage was that it would not rule out a parallel or subsequent revision of the Treaty in line with Article 48 of the Treaty on European Union.

He ended his introduction by firmly stressing that if the Member States chose to revise the Treaty, they would bear huge responsibility: that of ensuring that it led to an effective outcome. He also underlined the need for the Commission to continue clearly stating its position, principles and conditions in this debate.

Mr ŠEFČOVIČ then reported on the deliberations of the General Affairs Council meeting of 5 December. He outlined the Member States' positions and those of the President of the European Council, the President of Parliament and the Commission, which was firmly attached to the principles of preserving the Community method and the coherence between the 27 Member States and the euro area. He also put these positions into perspective in terms of the political context of certain Member States and the European political scene.

Mr REHN turned to the macroeconomic situation, explaining the current difficulties, the developments in terms of sovereign debt in the euro area, and the encouraging political signs in Member States experiencing particular tension. The European Financial Stability Facility would have to be reinforced in 2012 and the progress achieved at the Eurogroup meeting on 29 November should be consolidated in relation to the leverage effect of this fund. He also drew attention to the possibility of bringing forward to 2012 the entry into force of the European Stability Mechanism. He warned against a Treaty revision that could lead to divisions between the twenty-seven Member States against a political background exacerbated by euro-sceptic, populist trends which favoured an intergovernmental approach. It was more important than ever for the Commission to continue making constructive proposals, to mobilise Member States in favour of the Community method and to pay particular attention to the quality of the communication activities on the day

after the European Council.

The Commission then held an in-depth discussion during which the following main points were raised:

- the importance of ensuring coherence between the 27 Member States and the euro area, and the key role of the Community method;
- the value of properly assessing the possibilities offered by the current Treaty before embarking on a revision, and the need for firm political will to implement these possibilities; in this context, questions about the practical added value of revision given the measures already taken, in particular the six instruments recently adopted on economic governance (the ‘six-pack’) and the proposals based on Article 136 of the Treaty on the Functioning of the European Union, and a reminder of the other possibilities offered by the current Treaty which could further reinforce economic governance;
- the solution, preferred by all the speakers, of taking a careful look at potential legal avenues for proceeding with ‘autonomous’ amendments, for instance by having recourse to the second subparagraph of Article 126(14) of the Treaty on the Functioning of the European Union in order to replace Protocol No 12 on the excessive deficit procedure;
- as regards revision of the Treaty by availing of Article 48 of the Treaty on European Union, the need to ensure that Member States assumed their responsibilities in relation to the ratification process and the risks arising from a revision, however limited, and questions as to whether a Treaty revision was advisable and feasible given the time needed to complete this process, the uncertainty about the outcome and the consequences of these factors of instability on the general economic and political situation;
- the need to be realistic and at the same time to take into account the movement of Member States towards Treaty revision and the positions adopted by the biggest Member States;

- the need to weigh up carefully the consequences of revision for the cohesion of the Union, particularly if the euro area Member States, possibly joined by some others, were to take initiatives outside the framework of the Treaty in order to negotiate a new intergovernmental treaty;
- if an intergovernmental treaty were advocated by some Member States, the importance of ensuring that, in line with the Community method, the negotiation concerned only the measures needed to resolve the crisis and not the nature or very existence of the European Union; in this context, comments by some that the Commission should dissociate itself clearly from any attempt at an intergovernmental solution to the problem, while others pointed to the need for a pragmatic approach in order to ensure the Commission continued to play a key role at inter-institutional level;
- a general comment on the difficulty for citizens and non-EU countries to understand the decision-making mechanisms within the European Union, a difficulty that would be aggravated in the event of a new inter-governmental level; hence, the importance of good communication on the results of the summit;
- if Protocol No 12 were opted for, the need to reinforce the democratic control mechanisms and, since budgetary powers were key to national sovereignty, the need to ensure that national parliaments were associated in a balanced fashion with European economic governance;
- in the event of a revision of Protocol No 12 annexed to the current Treaty, a reminder of the imbalances between the Member States' balances of payments and the consequences of this in terms of competitiveness;
- whichever option was chosen, concerns about the future of the cohesion policy and the necessary solidarity among the Member States.

The PRESIDENT thanked the Commission Members for their comments. He

reminded them that international relations were the result of compromises and drew their attention to the extremely careful wording of the draft interim report 'Towards a Stronger Economic Union' to be presented by Mr Van Rompuy at the forthcoming European Council.

It was important to be realistic and at the same time to emphasise the responsibilities of the political actors involved, and first and foremost of the Member States. The behaviour of some of these countries in the past, and their failure to take action, had served to aggravate the crisis and undermine the confidence of the financial markets.

He felt that from now on the most important thing was to find a solution that would respect and even strengthen the institutions and the Community method. Given the current state of play in the various Member States, the most likely scenario would be a Treaty revision or, if this were blocked by one of the Member States, the prospect of an intergovernmental treaty among the euro area countries, which might be joined by certain other Member States.

At this stage, the main priority was to preserve the European Union and the coherence of the euro area. He stressed that should an intergovernmental treaty be envisaged by the Member States, or by some of them, the Commission must adopt a clear position in the debate. He pointed out that this was not the scenario the Commission hoped for and nor was it set out in the draft interim report to be presented by the President of the European Council.

He also stressed the importance of good communication with the public, in particular to make clear that each European Council was a link in the chain of a long and complex decision-making process and no one summit could resolve the current problems.

He reminded the meeting, too, of the important dates coming up in the short term, in January 2012, in terms of financing the Member States' sovereign debt, noting that, provided confidence was restored by reinforced discipline

and structural reforms of their economies, the real wealth of these countries should obviate the need to call on non-EU States or international financial institutions.

He also underlined the importance of the ‘new fiscal pact’ to ensure that the European Central Bank would ultimately be able to take action, if necessary, and to reassure financial markets.

Referring in conclusion to the main political options, in terms of Treaty revision, to be settled at the European Council, the PRESIDENT assured the meeting that he would do his best to defend the Community method, which was the only means of preserving the integrity of the European Union.

The Commission took note of this information.

- vi) Commission recommendation to the Council to authorise the Commission to negotiate a Convention of the Council of Europe on the protection of the rights of broadcasting organisations**
(point 2.4 of the IRG record)

The Commission approved the line set out in SI(2011)459.

23.3. RELATIONS WITH PARLIAMENT

- vii) Results of November II part-session**
(SP(2011)8703; SP(2011)8704)

The Commission took note of the information in SP(2011)8703 and SP(2011)8704 on the proceedings of the part-session of Parliament held in Brussels from 30 November to 1 December.

- viii) Action taken on non-legislative resolutions adopted by Parliament at its September I part-session**
(point 3.3.1 of the IRG record)

The Commission approved documents SP(2011)8668 and /2 on the action taken on the non-legislative resolutions adopted by Parliament at its September I part-session, for transmission to Parliament.

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

(point 3.3.2 of the IRG record)

The Commission approved document SP(2011)8697 on the action taken on the legislative opinions and non-legislative resolutions adopted by Parliament at its October I and II part-sessions, for transmission to Parliament.

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

x) Participation by Ms KROES at a meeting of a committee of inquiry of the Dutch Parliament (The Hague, 7 December)

(point 4.3 of the IRG record)

The Commission authorised Ms KROES to give evidence before the committee of inquiry of the Dutch Parliament, following the line set out in SNP(2011)7.

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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 12.01.