



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2010)1934 final

Brussels, 18 November 2010

MINUTES

of the 1934th meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday, 27 October 2010

(morning)

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Single sitting: Wednesday, 27 October 2010 (morning)

The sitting opened at 8.08 with Mr BARROSO, President, in the chair. It was suspended at 10.02 and resumed at 10.14.

Present:

Mr BARROSO	President	
Baroness ASHTON	High Representative/ Vice-President	Items 1 to 11 (in part)
Ms REDING	Vice-President	Items 1 to 12
Mr ALMUNIA	Vice-President	
Mr KALLAS	Vice-President	Items 1 to 11
Ms KROES	Vice-President	
Mr TAJANI	Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Mr PIEBALGS		Items 10 (in part) to 13
Mr BARNIER		Items 1 to 12
Ms VASSILIOU		
Mr ŠEMETA		
Mr DE GUCHT		Items 10 (in part) and 11 (in part)
Ms GEOGHEGAN-QUINN		
Ms GEORGIEVA		Items 1 to 11 (in part)
Mr OETTINGER		
Ms HEDEGAARD		
Mr FÜLE		
Mr ANDOR		
Ms MALMSTRÖM		
Mr CIOLOŞ		

Absent:

Mr POTOČNIK

Mr REHN

Mr DALLI

Mr LEWANDOWSKI

Ms DAMANAKI

Mr HAHN

The following sat in to represent absent Members of Commission:

Mr VANDENBERGHE	Chef de cabinet to Mr POTOČNIK	
Mr PESONEN	Chef de cabinet to Mr REHN	Items 1 to 10
Mr RITTER	A member of Mr REHN's staff	Items 11 to 13
Ms DARMANIN	Chef de cabinet to Mr DALLI	Items 1 to 10 (in part), and 11 (in part) to 13 (in part)
Mr BEHRNDT	Deputy Chef de cabinet to Mr DALLI	Items 10 (in part) and 11 (in part)
Mr LEMAÎTRE	Chef de cabinet to Mr LEWANDOWSKI	Items 1 to 10 (in part)
Mr SERAFIN	Deputy Chef de cabinet to Mr LEWANDOWSKI	Items 10 (in part) and 11
Mr WROBEL	A member of Mr LEWANDOWSKI's staff	Items 12 and 13
Mr MARKOPOULIOTIS	Chef de cabinet to Ms DAMANAKI	
Mr GAMBS	Chef de cabinet to Mr HAHN	Items 10 (in part) and 11 (in part)
Mr DE MICHELIS	Deputy Chef de cabinet to Mr HAHN	Items 1 to 10 (in part)

The following also sat in:

Mr LAITENBERGER	Chef de cabinet to the PRESIDENT	
Mr ROMERO REQUENA	Director-General, Legal Service	
Mr DOENS	Head of the Commission Spokesperson Service	
Ms AHRENKILDE HANSEN	Commission Spokeswoman	
Mr THEBAULT	Head of the Bureau of European Policy Advisers	
Mr SOBRAL	A member of the PRESIDENT's staff	Items 1 to 10
Ms SUTTON	A member of the PRESIDENT's staff	Item 11
Mr SELMAYR	Chef de cabinet to Ms REDING	Items 11 and 12

Ms JORNA	Acting Chef de cabinet to Mr BARNIER	Item 11
Mr VANHEUKELEN	Chef de cabinet to Mr DE GUCHT	Items 1 to 10 (in part)
Mr MORDUE	Chef de cabinet to Mr FÜLE	Items 1 to 10
Mr LEIGH	Director-General, DG Enlargement	Items 1 to 10
Mr SERVOZ	Secretariat-General	Item 12 (in part)
Mr GRITSCH	Secretariat-General	

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

1. AGENDAS

(OJ(2010)1934/3; SEC(2010)1245/2)

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

2. WEEKLY MEETING OF CHEFS DE CABINET

(SEC(2010)1934)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 25 October.

3. APPROVAL OF THE MINUTES OF 1933RD MEETING (19 OCTOBER)

(PV(2010)1933)

The Commission approved the minutes of its 1933rd meeting.

4. MONITORING THE APPLICATION OF EUROPEAN UNION LAW

STATE AID – INDIVIDUAL CASES

(SEC(2010)1283; SEC(2010)1280)

The Commission adopted the decisions in SEC(2010)1283.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED (SEC(2010)1247 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 18 and 22 October.

5.2. EMPOWERMENT (SEC(2010)1248 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 18 and 22 October.

5.3. DELEGATION AND SUBDELEGATION OF POWERS (SEC(2010)1249 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 18 and 22 October, as archived in e-Greffe.

5.4. SENSITIVE WRITTEN PROCEDURES (SEC(2010)1250 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 25 and 5 November and of the "finalisation" written procedures initiated following the weekly meeting of Chefs de cabinet on 25 October.

Regarding the written procedure PE/2010/7413, the deadline for which was 3 November, concerning the approval and signature of a cooperation agreement between the Commission and the European Investment Bank (EIB) in the field of climate action, the Commission took the opportunity to point

out that the Member responsible for the Budget and Financial Programming and the Directorate-General for Budget and the Member responsible for Economic and Monetary Affairs and the Directorate-General for Economic and Financial Affairs should be involved from the start of the negotiation of any financial agreement between the Commission and the EIB or any other financial institution.

6. COMMISSION REPORT TO PARLIAMENT, THE COUNCIL, THE ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – EU CITIZENSHIP REPORT 2010 – DISMANTLING THE OBSTACLES TO EU CITIZENS' RIGHTS

(COM(2010)603 TO /4; SEC(2010)1241; SEC(2010)1256)

7. COMMISSION REPORT TO PARLIAMENT, THE COUNCIL AND THE ECONOMIC AND SOCIAL COMMITTEE UNDER ARTICLE 25 TFEU ON PROGRESS TOWARDS EFFECTIVE EU CITIZENSHIP 2007-2010

(COM(2010)602 TO /4; SEC(2010)1241; SEC(2010)1256)

8. COMMISSION REPORT TO PARLIAMENT, THE COUNCIL, THE ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS ON THE ELECTION OF MEMBERS OF THE EUROPEAN PARLIAMENT (1976 ACT AS AMENDED BY DECISION 2002/772/EC, EURATOM) AND ON THE PARTICIPATION OF EUROPEAN UNION CITIZENS IN ELECTIONS FOR THE EUROPEAN PARLIAMENT IN THE MEMBER STATE OF RESIDENCE (DIRECTIVE 93/109/EC)

(COM(2010)605 TO /4; SEC(2010)1241; SEC(2010)1256)

The Commission approved the reports in COM(2010)603/4, COM(2010)602/4 and COM(2010)605/4 for transmission to Parliament, the Council, the Economic and Social Committee, the Committee of the Regions and, for information, to the national parliaments.

9. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2010)1246/3)

ADMINISTRATIVE MATTERS
(PERS(2010)151/3)

Following the decisions taken by Baroness ASHTON on 25 October to appoint Mr Pierre Vimont to the post of Executive Secretary-General and Mr David O'Sullivan to the post of Chief Operating Officer of the future European External Action Service, Mr ŠEFČOVIČ submitted to the Commission for decision the transfer of senior management officials Mr David O'SULLIVAN, Mr Jean-Luc DEMARTY and Mr José Manuel SILVA RODRIGUEZ to the posts of Director-General of External Relations, Director-General of Trade and Director-General of Agriculture and Rural Development respectively (items 9.16, 9.17 and 9.18 of these minutes).

Mr ŠEFČOVIČ announced that the Members of the Commission concerned had agreed on the decisions to transfer activities and organisational entities of the Unified External Service (SEU) and to redeploy some of its staff (item 9.5 of these minutes).

9.1. DG INTERNAL MARKET AND SERVICES – APPOINTMENT OF AN AD15 DEPUTY DIRECTOR-GENERAL

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr BARNIER, the Commission decided to fill the post of Deputy Director-General of DG Internal Market and Services by transferring in the interest of the service, under Article 7 of the Staff Regulations, Ms Nadia CALVIÑO, AD15 official and currently Deputy Director-General with responsibility for Mergers and Antitrust in DG Competition.

This decision would take effect on 1 November 2010.

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9.2. DG RESEARCH – TERMINATION OF INTERNAL, INTERINSTITUTIONAL AND EXTERNAL SELECTION PROCEDURES FOR AN AD14/15 PRINCIPAL ADVISER (PERS(2009)125 TO /6)

The Commission took note of the information in paragraph 2 of PERS(2010)151/3 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms GEOGHEGAN-QUINN, decided to terminate the internal and interinstitutional selection procedure COM/2009/2390 and the external selection procedure COM/2009/10222 for a post of AD14/15 Principal Adviser in DG Research, regarding the post of director of the European Research Council Executive Agency (ERCEA), without making an appointment.

This decision would take effect immediately.

9.3. AMENDMENT OF ORGANISATION CHARTS – 2010 AUTUMN PACKAGE (SEC(2010)1306/3; SEC(2010)1307; SEC(2010)1308; SEC(2010)1309; SEC(2010)1310; SEC(2010)1311; SEC(2010)1312; SEC(2010)1313/3)

Having noted the information in paragraph 3 of PERS(2010)151/3, the Commission took note of SEC(2010)1306/3.

9.4. DG EUROPEAID / DG DEVELOPMENT – MERGER OF THE EUROPEAID AND DEVELOPMENT DIRECTORATES-GENERAL (SEC(2010)1306/3)

The Commission took note of the information in paragraph 1 of SEC(2010)1306/3 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, Mr PIEBALGS and Mr FÜLE, decided:

- to merge the EuropeAid Directorate-General (DG AIDCO) and the Development Directorate-General (DG DEV), without prejudice to the transfers already decided from DG DEV to the European External Action

Service;

- to rename the new merged DG "EuropeAid Development and Cooperation Directorate-General (DG DEVCO)";
- to authorise the PRESIDENT, Mr ŠEFČOVIČ, Mr PIEBALGS and Mr FÜLE to adopt by simplified procedure the supplementary decisions concerning the organisation chart of the new DG with regard to senior management, middle management and adviser posts, related staff transfers and the effective starting date;
- to request the Secretariat-General and the Directorates-General for Budget and Human Resources and Security to examine, together with the EuropeAid Development and Cooperation DG, the synergies to be gained from this merger and how the EuropeAid Development and Cooperation DG could carry out possible new resource management and coordination responsibilities with regard to staff posted in EU Delegations and in the new institutional framework in the external relations field.

9.5. DG EXTERNAL RELATIONS – TRANSFER OF ACTIVITIES AND ORGANISATIONAL ENTITIES OF THE UNIFIED EXTERNAL SERVICE (SEU) AND REDEPLOYMENT OF SOME OF ITS STAFF (SEC(2010)1306/3)

The Commission took note of the information in paragraph 1 of SEC(2010) 1306/3 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, Baroness ASHTON, Mr PIEBALGS and Mr LEWANDOWSKI, decided:

- to attach all posts and jobs of Commission staff in Delegations "en bloc", with their organisational entity, to their respective external relations DGs in the Commission, at the latest by 31 December 2010, without changing actual staff postings and without prejudice to their responsibilities;
- to attach to the respective Directorates-General, by 31 December 2010 at

the latest, all posts and jobs previously made available to the Unified External Service by DGs from outside the external relations family, without changing actual staff postings and without prejudice to their responsibilities;

- to take note that the Directors-General of these home DGs would decide, in accordance with the established rules, to which units in their DG these organisational entities and staff would be attached;
- to request the Director-General of Human Resources and Security, in agreement with the Directors-General concerned, to implement these decisions and to inform all staff belonging to the organisational entities to be transferred either to the European External Action Service or within the Commission;
- to request the Director-General of DG Budget, in agreement with the Directors-General concerned, to adjust the internal rules on the implementation of the 2011 budget with a view to sub-delegating (i) payments made from headquarters to Commission staff in Delegations under heading 5 of the multiannual financial framework to the Office for the Administration and Payment of Individual Entitlements (PMO), and (ii) all other expenditure relating to Commission staff in Delegations also under heading 5 of the MFF to the EuropeAid Development and Cooperation DG;
- to request the Directors-General involved in the management of the External Service to draw up a proposal for a system that ensures coherent management of staff resources in Delegations, reflecting the respective Appointing Authority responsibilities of the European External Action Service (EEAS) and the Commission as well as the responsibilities of Heads of Delegation (in accordance with Article 5 of the Council Decision establishing the organisation and functioning of the EEAS – 2010/427/EU); this system should, as far as possible, preserve the principles of unified and integrated management of staff resources in

Delegations set out in Commission Decision C(2002)5370.

These decisions would take effect immediately.

9.6. CREATION OF A SERVICE RESPONSIBLE FOR FOREIGN POLICY INSTRUMENTS

(SEC(2010)1306/3; SEC(2010)1307)

The Commission took note of the information in paragraph 1 of SEC(2010)1306/3 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Baroness ASHTON, decided:

- to create the "Foreign Policy Instruments Service" (FPIS) as a new Commission service;
- to create a Director-equivalent post to head the new service;
- to transfer four units: RELEX.I.2 "Financial and Budgetary Matters, Relations with the Court of Auditors", RELEX DDG1.A.2 "Crisis Response and Peace Building", RELEX DDG1.A.3 "CFSP Operations" and RELEX I.5 "Information and Communication" and the corresponding staff, including an adviser post within RELEX.I, from DG RELEX to the new service;
- to transfer the responsibility for election observation missions and the corresponding staff in AIDCO.F.2 "Central management of thematic budget lines under EIDHR (European Instrument for Democracy and Human Rights) and IfS (Instrument for Stability)" to the new service;
- to adopt the organisation chart of the new Commission service as set out in SEC(2010)1307.

These decisions would take effect on 1 January 2011.

**9.7. DG COMPETITION – AMENDMENT OF ORGANISATION CHART
(SEC(2010)1306/3)**

The Commission took note of the information in paragraph 1 of SEC(2010)1306/3 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr ALMUNIA, decided to increase the quota of structural adviser posts from four to six.

These decisions would take effect on 1 December 2010.

**9.8. DG HUMANITARIAN AID (ECHO) – AMENDMENT OF ORGANISATION CHART
(SEC(2010)1306/3; SEC(2010)1308)**

The Commission took note of the information at paragraph 1 of SEC(2010)1306/3 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms GEORGIEVA, decided:

- to increase the quota of structural adviser posts from one to two;
- to create a new unit following the split of the existing unit ECHO.B.3 "Human Resources, Field Offices and Operational Security" into ECHO.C.1 "Human Resources, Security, Document Management" and ECHO.C.4 "Field Network, Transport and Logistics";
- to adopt the new organisation chart set out in SEC(2010)1308.

This decision would take effect on 16 January.

**9.9. DG EMPLOYMENT, SOCIAL AFFAIRS AND EQUAL OPPORTUNITIES / DG JUSTICE – TRANSFER OF ACTIVITIES AND ORGANISATIONAL ENTITIES AND AMENDMENT OF ORGANISATION CHART
(SEC(2010)1306/3; SEC(2010)1309)**

The Commission took note of the information in paragraph 1 of

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SEC(2010)1306/3 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, Ms REDING and Mr ANDOR, decided:

- to transfer the Directorate EMPL.G "Equality between Men and Women, Action against Discrimination, Civil Society" and the corresponding units and staff, including support staff from horizontal units (five officials and one contract agent), from DG Employment to DG Justice;
- to change the name of DG Employment, Social Affairs and Equal Opportunities to DG Employment, Social Affairs and Inclusion in order to reflect the change in the Directorate-General's mandate;
- to adopt the new organisation chart of DG Justice set out in SEC(2010)1309.
- These decisions would take effect on 1 January 2011.

**9.10. DG EMPLOYMENT, SOCIAL AFFAIRS AND EQUAL OPPORTUNITIES - AMENDMENT OF ORGANISATION CHART AND APPOINTMENT OF A PRINCIPAL ADVISER
(SEC(2010)1306/3; SEC(2010)1310)**

The Commission took note of the information in paragraph 1 of SEC(2010)1306/3 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr ANDOR, decided:

- to create a post of Principal Adviser;
- to transfer in the interest of the service, under Article 7 of the Staff Regulations, Ms Viktorija ŠMATKO, currently Director of Directorate EMPL.C, "ESF, Monitoring of Corresponding National Policies III", to the post;
- to adopt the new organisation chart set out in SEC(2010)1310 (see also paragraph 9.9, second indent, above).

These decisions would take effect on 1 January 2011.

9.11. DG ENERGY – AMENDMENT OF ORGANISATION CHART
(SEC(2010)1306/3; SEC(2010)1311)

The Commission took note of the information in paragraph 1 of SEC(2010)1306/3 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr OETTINGER, decided:

- to abolish two units by (i) merging units ENER.DDG1.C.3 "Energy Efficiency of Products and Intelligent Energy – Europe" and ENER.DDG1.C.4 "Energy Efficiency" into one unit ENER.DDG1.C.3 "Energy Efficiency and Intelligent Energy" and by (ii) merging units ENER.A.1 "Strategy, Programming, Delivery and Infringements" and ENER.A.2 "Energy Observatory, Economic Analysis and Impact Assessment" into one unit ENER.A.1 "Energy Policy, Programming and Observatory, Economic Analysis and Infringements";
- to increase temporarily the quota of adviser posts by creating two non-structural adviser posts; these posts would be abolished at the latest in 2012;
- to convert one of the existing posts of Principal Adviser into a temporary post of Principal Adviser to allow for the secondment in the interest of the service of a senior official called upon to assume temporary duties in the Private Office of a Member of the Commission; to abolish this post at the end of the secondment of the official concerned when that official moves to another post;
- to adopt the new organisation chart set out in SEC(2010)1311.

These decisions would take effect on 1 January 2011.

9.12. DG ENVIRONMENT / DG CLIMATE ACTION – AMENDMENT OF ORGANISATION CHARTS

(SEC(2010)1306/3; SEC(2010)1312)

The Commission took note of the information in paragraph 1 of SEC(2010)1306/3 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT, Mr POTOČNIK and Ms HEDEGAARD, decided:

- to abolish one of the units of the Shared Resource Directorate ENV/CLIMA by merging units ENV-CLIMA.SRD.2 "Finance" and ENV-CLIMA.SRD.3 "Financial Processing and Assistance" into a new unit ENV-CLIMA.SRD.2 "Finance"; this was in line with the decision to abolish one unit in DG Environment, adopted on 17 February 2010 by simplified procedure;
- to increase the quota of structural adviser posts in DG Environment from 4 to 5;
- to adopt the new organisation charts set out in SEC(2010)1312.

These decisions would take effect on 1 January 2011.

9.13. DG INFORMATION SOCIETY AND MEDIA - AMENDMENT OF ORGANISATION CHART AND APPOINTMENT OF A PRINCIPAL ADVISER

(SEC(2010)1306/3)

The Commission took note of the information in paragraph 1 of SEC(2010)1306/3 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms KROES, decided:

- to create a temporary post of Principal Adviser;
- to transfer to that post in the interest of the service, under Article 7 of the Staff Regulations, Mr Florin LUPESCU, currently Director of Directorate INFSO.H "ICT Addressing Societal Challenges" in

DG Information Society and Media;

- to abolish this temporary post at the latest by the end of 2011.

This decision would take effect on 1 November 2010.

**9.14. DG RESEARCH – AMENDMENT OF ORGANISATION CHART
(SEC(2010)1306/3; SEC(2010)1313/3)**

The Commission took note of the information in paragraph 1 of SEC(2010)1306/3 and, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Ms GEOGHEGAN-QUINN, decided:

- to change the name of the Directorate-General for Research to "Directorate-General for Research and Innovation" to better reflect the mission of this Directorate-General;
- to abolish Directorates RTD.T "Relations with the REA Agency; Marie Curie, SME and NEST, Policy and Actions" and RTD.L "Science, Economy and Society";
- to create a temporary post of Principal Adviser in charge of a task force on "Legal and Institutional Affairs" and to transfer to that post in the interest of the service, under Article 7 of the Staff Regulations, Ms Mary MINCH, currently Director of Directorate RTD.D "International Cooperation" in the same Directorate-General;
- to create a temporary post of Principal Adviser in charge of a task force on "Societal Aspects of Research and Innovation" and to transfer to that post in the interest of the service, under Article 7 of the Staff Regulations, Mr Jean-Michel BAER, currently Director of Directorate RTD.L "Science, Economy and Society" in the same Directorate-General;
- to abolish these two temporary posts of Principal Adviser upon the departure of their holders;

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- to abolish the post of Principal Adviser responsible for the European Research Council created in conjunction with the publication of the vacancy notice for the post of Principal Adviser seconded as Director of the European Research Council Executive Agency (ERCEA);
- to abolish two units in total;
- to increase the quota of structural adviser posts from seven to nine;
- to adopt the new organisation chart set out in SEC(2010)1313/3.

This decision would take effect on 1 January 2011.

**9.15. DG COMPETITION – APPOINTMENT OF AN AD15/16 DEPUTY DIRECTOR-GENERAL
(PERS(2010)80 TO /4)**

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, Competition (PERS(2010)80 and /2).

The Commission took note of the opinions of the Consultative Committee on Appointments of 11 and 12 October 2010 (PERS(2010)80/3 and /4).

The Commission proceeded to compare the applicants' qualifications for the post. It also considered their ability, efficiency and conduct in the service. On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr ALMUNIA, it then decided to appoint Mr Gert-Jan KOOPMAN to the vacant post.

This decision would take effect on 1 November 2010.

9.16. DG EXTERNAL RELATIONS – APPOINTMENT OF AD16 DIRECTOR-GENERAL

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Baroness ASHTON, the Commission decided to fill the post of

Director-General of DG External Relations by transferring in the interest of the service under Article 7 of the Staff Regulations Mr David O'SULLIVAN, AD16 official and currently Director-General of DG Trade.

This decision would take effect on 15 November 2010.

9.17. DG TRADE - APPOINTMENT OF AD16 DIRECTOR-GENERAL

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr DE GUCHT, the Commission decided to fill the post of Director-General of DG Trade by transferring in the interest of the service under Article 7 of the Staff Regulations Mr Jean-Luc DEMARTY, AD16 official and currently Director-General of DG Agriculture and Rural Development.

This decision would take effect on 1 January 2011.

9.18. DG AGRICULTURE AND RURAL DEVELOPMENT – APPOINTMENT OF AD16 DIRECTOR-GENERAL

On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr CIOLOŞ, the Commission decided to fill the post of Director-General of DG Agriculture and Rural Development by transferring in the interest of the service under Article 7 of the Staff Regulations Mr José Manuel SILVA RODRIGUEZ, AD16 official, currently adviser hors classe and formerly Director-General of DG Research.

This decision would take effect on 1 January 2011.

**10. POLICY DEBATE ON ENLARGEMENT POLICY
(SEC(2010)1301)**

The PRESIDENT launched the policy debate on enlargement policy by noting the difficult economic and social context in which it occurred and which would affect the way it was perceived by citizens from Europe and from candidate countries.

He stressed the need to apply conditions which would enable renewed consensus in favour of enlargement, namely consolidation, conditionality and communication and hoped that the ongoing process of negotiation with candidate countries would continue, but at the same pace as the results of the reforms carried out by these countries and duly taking into account the European Union's capacity to integrate new Member States.

The PRESIDENT concluded his introduction by remarking that, regardless of discussions on the documents which will soon be adopted, today's debate took place at the ideal time to take stock of progress already made, to identify problems in the ongoing process and to have an informal discussion on its future direction.

Mr FÜLE also mentioned the difficult economic context; in his opinion, the Commission should carry out the ongoing process with rigour and objectivity. He recalled the information note issued under his authority and, referring to the files prepared for adoption on 9 November, stressed the importance of quality and credibility, both for these files and for those which would be submitted later, until the end of this Commission's term of office.

He emphasised that this credibility was essential both within the Union, through strict adherence to the Copenhagen criteria, and outside, in respect of candidate countries. He thanked Mr REHN for the work done under the previous Commission and highlighted in particular the efforts made since 2006 to improve consolidation, thus enabling each negotiation chapter to be opened on the basis of clear criteria.

Mr FÜLE also mentioned some of the policy issues of the decisions prepared for adoption on 9 November, explaining the specific situation of each candidate country.

An in-depth debate by the Commission followed, during which, in addition to support for the work done by Mr FÜLE and its orientations, the following main issues were highlighted:

- the current political and economic climate that was not conducive to enlargement but the importance, nevertheless, of pursuing enlargement in a

realistic, dynamic, ambitious, determined and prudent manner, while strictly adhering to the criteria in force and bearing in mind the lessons learnt from previous enlargements;

- the importance of credible and reliable criteria for assessing candidate countries;
- the importance for candidate countries to recognise the major issues and the *acquis* of European policies;
- the support which could be extended by the Commission and Member States to candidate countries, to help them meet the criteria;
- the importance of providing European citizens with concrete, understandable, efficient and proactive communication detailing enlargement policy accomplishments and its benefits in Member States.

The PRESIDENT concluded the policy debate by emphasising the sensitive nature of the issue and its significance, as well as the need to learn from past enlargements and their consequences for today's European Union. The Commission could not ignore problems of acceptance and perception and it was of great importance that both the European Union's current capacity for integration and its longer-term strategic interests be taken into account.

On a more operational note, he considered that the ongoing process must continue, in accordance with the renewed consensus on these issues and that it was necessary in this context to use clear criteria to open and close the different chapters.

The PRESIDENT noted that today's comments and debates would be duly included in the strategic documents and the individual country documents prepared by Mr FÜLE for adoption by the Commission on 9 November.

The Commission took note of the results and conclusions of the policy debate and of the information note from Mr FÜLE in SEC(2010)1301.

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The meeting was suspended at 10:02 and resumed at 10:14.

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11. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – TOWARDS A SINGLE MARKET ACT – FOR A HIGHLY COMPETITIVE SOCIAL MARKET ECONOMY – 50 PROPOSALS FOR IMPROVING OUR WORK, BUSINESS AND EXCHANGES WITH ONE ANOTHER (COM(2010)608 TO /5; SEC(2010)1255)

Introducing the discussion, the PRESIDENT reminded the meeting that relaunching the single market had been one of his policy priorities for his new term of office and that, at the same time, he had highlighted the need to better address citizen's concerns with regard to exercising their rights. He placed the current discussion in the context of the reports on citizenship, which had been presented in parallel by Mrs REDING and formed a whole with the document on the single market.

The single market was undoubtedly one of the European Union's success stories and one of its major assets. Its mutual benefits could not be underestimated, which is why the Commission had defended it so vigorously during the economic and financial crisis, in order to prevent a return to protectionist tendencies and to ensure that a level playing field was maintained. He stressed the significant untapped potential for smart, sustainable and inclusive growth, and the benefits that companies and citizens could derive from the single market. It should be a springboard for the implementation of the Europe 2020 strategy and provide the infrastructure and the setting for its key initiatives.

The Communication followed on from the report on the single market entrusted to Mario Monti in October 2009, which the Commission had discussed with its author in July. It was on this basis that Mr BARNIER was presenting the Communication,

as an important stage in a process that had only just begun, particularly since it signalled the start of a debate on the 50 proposals with the main stakeholders, the European Parliament, the Member States and the social partners. He hoped that the debate would lead to an agreement that priority should be given to the main proposals to boost growth and employment, in the run-up to the 20th anniversary of the single market.

The Commission would return to this dossier at the beginning of 2011 to take stock of the public consultation and to draw appropriate conclusions for a final work programme with a limited number of priorities and a clear focus.

He was convinced that relaunching the single market would benefit all players, whether they be businesses or citizens, the latter having several overlapping interests as employees, consumers, citizens and, more generally, members of society. To achieve this objective, a balanced approach should be maintained. This involved, on the one hand, continuing to open up those markets with the greatest potential for growth, such as business services and e-commerce, and, on the other hand, ensuring clear rules for high-quality public services. He also mentioned matters related to tax coordination and the implementation of the Directive on the posting of workers.

The proposals were therefore part of a balanced approach, which had been present since the creation of the single market and must still serve as the basis for ensuring that citizens and businesses continued to trust and support the single market.

Mr BARNIER presented the Communication which he was submitting to the Commission for approval, and emphasised that it was the product of collective work involving many Members since the single market, by its very nature, cut across practically all areas of EU policy. He also set it against the backdrop of the economic and financial crisis, which had undermined growth and employment and hence public confidence.

In this difficult economic and political climate, and faced with global competition, it was necessary to acknowledge the weaknesses of the single market, arising from an

ageing population and declining competitiveness, but also to make the most of its strengths, especially the men and women who made it work, and to tap its potential for growth and competitiveness. He was convinced that the relaunch should be based on liberalisation, while also providing support to companies, whatever their size, and to citizens, as consumers and workers.

He took as his starting point the conclusions of Mr Monti's report and the latter's analysis that the single market was now both increasingly necessary and increasingly unpopular. It was on the basis of this insight that he had worked together with many members of the Commission to produce this original document, the aim of which was to propose an action plan, submit it for broad public consultation with a view to arriving at practical initiatives by the end of 2012, and thus to make the anniversary of the single market a dynamic celebration. He pointed out, however, that while the finalised proposals in the context of the Single Market Act would be presented next February, each member retained full responsibility for his or her own initiatives.

He explained that the communication being presented today comprised 50 proposals for helping to restore growth and competitiveness, and that it involved all the relevant stakeholders - large and small enterprises, consumers and workers – the aim being to make the single market the economic platform in Europe for all initiatives in the field, be they at European, national or local level. He noted that the Commission's 50 proposals met two essential criteria: (i) they would enable Europeans to work, exchange and innovate more effectively, and (ii) they respected the values of the social market economy in fostering more open and smart growth and, more generally, human progress.

He thanked the members of the Commission for the very lively debate which had preceded the presentation of the communication and which had contributed numerous proposals of use to enterprises and consumers alike. He also returned to an idea that he considered to be an indispensable condition for confidence in these proposals, that is, the incorporation of a social clause when drawing up the documents that would implement them.

He said this communication would be incorporated in a publication to be used for public consultation. It was to be drawn up over the next four months on the basis of these proposals, and indicators would be developed to check progress and the positive impact of the proposals during the course of their implementation, particularly their contribution to the success of the "Europe 2020" strategy.

The Commission then proceeded to hold an in-depth discussion, in the course of which the following issues were raised:

- the appropriateness of the proposals set out in the communication, particularly as regards their contribution to implementing the "Europe 2020" strategy, especially measures to boost employment, competitiveness, the real sustainable economy, innovation, SMEs (in particular their access to capital), cross-border trade, e-commerce, education and mobility, and enlargement and neighbourhood policy; there were, it should be noted, some comments on the fact that there were so many proposals;
- the need to highlight the benefits of the single market and to demonstrate in concrete terms its positive and dynamic contribution to restoring competitiveness, growth and employment, and hence the Commission's role in engaging in effective communication so as to restore and boost citizens' confidence in the opportunities offered by the single market to enterprises and consumers alike;
- the importance, particularly at a time of unprecedented budgetary restrictions in the Member States, of emphasizing both competitiveness and the social dimension of the single market, given that the objectives of competitiveness and social development are not mutually contradictory; the balance that needs to be struck as regards certain messages concerning the protection of social rights (including those relating to posted workers) which are in any case enshrined in the Treaty and the Charter of Fundamental Rights of the European Union;
- the importance of establishing priorities among the many measures proposed, providing specific information about their implementation and the expected

outcomes, and linking them with other Commission initiatives, particularly the key initiatives set out in the "Europe 2020" strategy; the importance, in this context, of the successive stages of the process which would enable priorities to be identified from among the proposals put forward at this stage;

- the appropriateness of certain initiatives concerning, in particular, services of general interest, and concern for ensuring their compatibility with the Commission's state aid competences; the digital market, including the importance of making progress on issues relating to illegal e-commerce; relations between enterprises, especially as regards the food supply chain, and as regards class actions; in addition, the importance of including orphan works in initiatives relating to intellectual property;
- the excellent joint preparatory work carried out in drawing up this communication, but also the importance of having the documents available more promptly in future in all the Commission's working languages, particularly where complex documents that are politically very important are concerned.

Mr BARNIER thanked the members of the Commission for their input. He pointed out that the method proposed was a gradual one based on submitting a number of proposals for wide-ranging discussion before entering into any firm commitments on specific priorities. He acknowledged that there was a degree of apathy as regards the single market and stressed the importance of instilling renewed confidence in its potential. He said that the large number of specific proposals should be seen in the context of the key initiatives covered by the "Europe 2020" strategy, the links being indicated in the annex to the communication.

The proposals were aimed above all at restoring growth and boosting the Union's competitiveness, for which purpose indicators needed to be developed, but noted that this did not mean the social dimension should be neglected, as the proposals concerned had a direct bearing on citizens' everyday lives. It was therefore important to him that this dimension should be taken into account appropriately in the initiatives concerned and, in particular, that the Commission should take care to analyse the social impact of single market legislation.

He came back to certain specific initiatives, with a particular emphasis on services of general interest. He confirmed that the aim was to continue with the liberalisation of these services, while at the same time complying with state aid rules, explaining liberalisation, and listening to the concerns to which it could give rise. There was also a need to add a reference to the ongoing work in preparation for an initiative on orphan works.

The PRESIDENT recalled the way in which the communication had been drawn up, starting from Mr Monti's report on the re-launch of the single market, which the Commission had discussed at length, and including the adoption of the communication, resulting in a new period of consultation which would lead to a further Commission debate and, finally, to a definitive draft document which would constitute a Single Market Act. This Act would aim to create a highly competitive social market economy, while at the same time complying in full with the Treaty.

He also recalled that the communication had a cross-cutting aspect which reflected the symbolic dimension of the single market for the Union as a whole and for the various key initiatives comprising the "Europe 2020" strategy. In particular, the fact that the two were consistent with one another must be strongly underlined. However, it would be necessary, at the end of the consultation period, to identify priorities among the proposals put forward at this stage, while bearing in mind the fact that they must be balanced and must meet the objective pointed out by Mr Monti, that is, reconciling Europeans with the single market.

As regards the overall balance of the communication, he thought it inappropriate to take up a defensive position on the single market. Rather, the aim must be to continue removing the remaining internal obstacles while at the same time guaranteeing respect for fundamental rights, including social rights. He wanted this balance to be appropriately reflected by the text. It should also be conveyed in the public communication to be issued on the proposals concerned, to ensure that the aim of the Single Market Act was properly understood: to restore companies' competitiveness so as to benefit citizens, while also protecting workers' rights, thus creating a genuine social market economy.

Winding up the discussion, the President said that at the end of the consultation period the Commission would receive a revised document focusing on those proposals which were specific to the single market as such and which had not yet been put forward or finalised. He also acknowledged the Commission's support for the memorandum and the fact that it agreed to the French version of COM(2010)608/5 being amended in such a way as to correspond to the text below:

– **The title of the communication reads as follows:**

"Towards a Single Market Act – For a highly competitive social market economy – 50 proposals for improving our work, business and exchanges with one another";

– **On page 9, the heading of proposal No 2 reads as follows:**

"Proposal No 2: In 2011 the Commission will submit a proposal for a framework Directive on the management of copyrights, with the aim of opening up access to online content by improving the governance, transparency and electronic management of copyright. The Commission will also be proposing a Directive on orphan works.";

– **On page 12, the text following proposal No 9 reads as follows:**

"Creating a single market for business services is still a challenge, despite the Services Directive. The report "Towards more efficient and fairer retail services in the internal market for 2020"¹ illustrates this. In this context, the coexistence of an array of divergent rules laid down at national level with a view to regulating this sector, in particular with regard to unfair practices, can create serious obstacles to the smooth operation of the retail market. An initiative geared towards business-to-business relations would make it possible to protect the different operators in the supply chain while enabling the gradual emergence of a more efficient and fairer single wholesale and retail market while meeting consumers' and manufacturers' expectations regarding competitive prices. The Commission's work

¹ Report dated 5.7.2010. See http://ec.europa.eu/internal_market/retail/docs/monitoring_report_en.pdf.

on the competitiveness of the agri-food industry has shown that there is a need for action in this respect."

- **On page 20, a sentence reading as follows is added at the end of the third paragraph of Section 2.1 ("Improving public services and key infrastructure"):**

"The Commission will continue to evaluate and possibly revise the decision and the framework on public service compensation (often referred to as 'the Altmark package')";

- **On page 21, the first indent, containing the text which appears on page 20, is deleted;**
- **On page 23, the heading of proposal No 29 reads as follows, the next paragraph being deleted:**

"Proposal No 29: Pursuant to its new strategy for the effective implementation of the Charter of Fundamental Rights by the European Union², the Commission will ensure that the rights guaranteed in the Charter, including the right to take collective action, are taken into account. The Commission will first of all conduct an in-depth analysis of the social impact of all proposed legislation concerning the single market."

Following the insertion of the above amendments and subject to a final overall linguistic revision and the incorporation of the corresponding amendments in the annex, the Commission adopted the communication set out in COM(2010)608/5 and decided to forward it to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, and, for information, the national parliaments.

² "Strategy for the effective implementation of the Charter of Fundamental Rights by the European Union", COM(2010)573 final, 19.10.2010.

**12. COMMISSION COMMUNICATION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, THE COMMITTEE OF THE REGIONS, AND THE EUROPEAN DATA PROTECTION SUPERVISOR – COMMISSION'S WORK PROGRAMME FOR 2011
(COM(2010)623 AND /2)**

The PRESIDENT introduced the communication setting out the Commission's second work programme of its current term of office, which he was tabling for approval. He thanked all the Members for their valuable contributions, acknowledging the considerable effort that had gone into focusing the programme on the priorities.

He believed the work programme for 2011 represented a translation into practice of his State of the Union address to Parliament in Strasbourg on 7 September, stressing that in view of the sluggish recovery from the crisis, the Commission must do everything in its power to bolster that recovery and gear Europe for the future by proposing and promoting the necessary reforms.

This programme was the first under the new framework agreement with Parliament and he noted that the intensive dialogue with Parliament had shown an encouraging degree of convergence, which should provide a solid basis for their future work together. He reminded Members that the Commission's aim was to cooperate closely with Parliament and the Council so as to produce swift political results on proposals of particular significance for the recovery and reform of Europe's economy.

He highlighted the ambitious nature of the programme for the coming year. Europe had to act in the areas where it could offer real added value and therefore had to concentrate its efforts on the political priorities and in particular on rapid and resolute implementation of the "Europe 2020" strategy.

He acknowledged that this had required careful selection of the initiatives to be included in the work programme and it had not been possible to include all the initiatives suggested. However, he stressed the importance of this approach in order

to send a clear message as to what the priorities were and so ensure the added value of the Commission's action. He therefore urged the members to give their full backing to what was a clearly targeted work programme.

The PRESIDENT concluded by noting that the Commission endorsed the communication and approved the following modifications to the English text of COM(2010)623/2:

- **on page 8, the fourth paragraph of section 2.6 (*Tapping the potential of the Single Market for growth*) should read:**

"The Commission will take a number of concrete steps including proposals for an Alternative Dispute Resolution (ADR) mechanism to facilitate the resolution of consumer problems in the EU and continuing the work on collective redress on the basis of the public consultation launched in 2010.";

- **on page 8, the third paragraph of Chapter 3 (*PURSUING THE CITIZENS' AGENDA: FREEDOM, SECURITY AND JUSTICE*) should read:**

"As part of its efforts at strengthening citizens' rights in 2011, the Commission will propose a legal instrument on European Contract Law."

Subject to incorporation of the above amendments and a final general clean-up of the text — plus the addition of a new initiative number 31 on neighbourhood policy in Annex II, part 2011, and the renumbering of initiative number 43 in Annex II, part 2012-2014, which becomes number 51 — the Commission approved the communication contained in COM(2010)623/2 and decided to transmit it to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the European Data Protection Supervisor, and to the national Parliaments for information.

13. INTERINSTITUTIONAL RELATIONS

13.1. LEGISLATION

i) Follow-up to Parliament's legislative opinions

(SP(2010)7365 and /2)

The Commission decided to empower the Members of the Commission responsible for the sectors concerned, in agreement with the PRESIDENT, Mr ŠEFČOVIČ, and any other Members concerned, to adopt the amended proposals and transmit them to the European Parliament and the Council, as set out in SP(2010)7365/2, which was drawn up following Parliament's part-session of 18 to 21 October 2010, and took note of that document.

ii) Follow-up to Parliament's October II part-session

Special legislative procedure – Budget conciliation

- Budget for 2010 and financing banana accompanying measures (BAM)

The Commission approved the approach set out in SPI(2010)65.

- Budget for 2011 and financing ITER

The Commission approved the approach set out in SPI(2010)66/2.

13.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

iii) Council work schedule

(SI(2010)275)

The Commission took note of the information on the schedule of the Council's work from Thursday 28 October to Wednesday 10 November 2010, as set out in SI(2010)275.

iv) Preparations for the European Council (Brussels, 28 and 29 October 2010)

The PRESIDENT turned to the forthcoming meeting of the European Council in Brussels on Thursday and Friday of the current week, the agenda for which included economic governance, the G20 summit in Seoul, and the Cancún Climate Change Conference, plus the European Union's preparations for bilateral summits with the United States, Ukraine, Russia, India and Africa.

His message to the Heads of State or Government would be that the European Council should, for the first three items, focus not only on what still remained to be done but also on what had already been achieved. In his view, the Union had made very rapid progress in these three areas and this should not be forgotten; in addition, it was important for the European Union to speak with one voice on the international stage.

As regards economic governance, the PRESIDENT pointed to the substantial and valuable work done over the past six months and the constructive and active role played by the Commission in prompting progress on these issues. The Commission's legislative proposals already on the table before the Council would serve as a working basis for the next steps.

In this connection he praised the work done by Mr REHN, highlighting his solid and significant contribution as the Commission's representative on the *task force* chaired by Mr Herman Van Rompuy. He welcomed the group's final report, which incorporated very many of the Commission's ideas and proposals, while noting that on some issues, for example the arrangements for Council involvement in the decision-making process in the event of sanctions, the Commission's proposals went further than those of the *task force*.

In his view, the priority now was to keep up the current momentum and bolster the consensus achieved within the *task force*. In this context, he hoped that the European Council's conclusions would invite both the Council and the European Parliament to examine the Commission's legislative proposals as a

matter of priority so that they could be adopted before the summer of 2011, and he informed the Commission that he would discuss this with the President of the European Council, Mr Van Rompuy.

The PRESIDENT also believed that the European Council ought to agree on the next stage, and especially on replacing the current temporary crisis resolution mechanism by a more permanent mechanism before 2013. Referring to the statements made by some Member States on the possibility of amending the Treaties accordingly, he felt that this approach, even if the amendments were limited, would be slow and would not guarantee ratification in the Member States.

He therefore hoped that the Heads of State or Government would focus first on substantive issues, such as the consequences of a permanent mechanism, its structure, and how it would operate as an instrument of last resort in the general European interest. He felt that the Commission was well placed to begin reflection in this sensitive and highly political area and told Members that he had already asked Mr REHN to embark on the task.

With regard to the G20 summit in Seoul, on which he had circulated a briefing note the previous week, the PRESIDENT made the point that the European Council ought to draw attention to the importance of the G20 and to the leading role played by the European Union in lending it credibility, ideas, and direction. He told the meeting that he had agreed with M. Van Rompuy on the principle of a joint letter from both of them to the Heads of State or Government so that the European Council would be able to prepare a common Union position for the negotiations.

He also believed that the G20 was of huge importance for the Union, which must continue devoting its efforts to it, and that the European Council should reflect on the best way of assisting the French Presidency in 2011 and think about developing a common approach on supporting economic recovery and implementing the financial reforms decided by the G20, something the European Union could be proud of in terms of its progress and decisions.

As regards combating climate change, the third item on the European Council's agenda, he recalled that the goal of the Cancún Conference was to take balanced decisions that would keep up the momentum towards an international framework aimed at keeping the rise in global temperature below two degrees [centigrade] Celsius. The letter he had written to Mr Van Rompuy and all the Heads of State or Government had met with a very positive reception and he hoped that the European Council would be able to avoid divisions, enabling the Union to present a united front and put forward a coherent position at Cancún.

Turning lastly to the forthcoming bilateral summits, the President reported that he agreed with Mr Van Rompuy that the European Council was the appropriate place to define the strategic guidelines, but pointed out that the lessons learned from the recent summit with China must not be forgotten. He would also remind the Member States on Thursday that in their bilateral contacts they had to remain fully consistent with what had been agreed at European level, as this was the only way to help the European Union's negotiators and to make the best use of the leverage granted by the Treaty of Lisbon.

The Commission took note of the PRESIDENT's statement.

13.3. RELATIONS WITH THE EUROPEAN PARLIAMENT

v) Outcome of Parliament's October II part-session

(SP(2010)7278 to /3)

The Commission took note of the report on Parliament's part-session of 18 to 21 October 2010 in Strasbourg (SP(2010)7278 to /3).

13.4. OTHER BUSINESS

vi) Code of conduct for Commissioners

The PRESIDENT reminded the Commission that in line with its 2009 policy guidelines, and following the signature of the framework agreement with the

European Parliament, a revision of the code of conduct for Commissioners was in preparation. He stated that he would write to Members in the next few days, sending them the draft version of the revised code of conduct individually in order to collect their comments on the proposed changes.

He told them that their comments would be discussed at a Commission meeting at the same time as the draft itself. He added that Mr ŠEFČOVIČ would outline the thrust of the draft to the European Parliament's Committee on Budgetary Control in the afternoon of 9 November.

The Commission took note of this information.

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The Commission's other deliberations on certain items of the agenda are recorded in the special minutes.

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The meeting closed at 13.34