



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2012)1991 final

Brussels, 7 March 2012

MINUTES
of the 1991st meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 22 February 2012
(morning)

PV(2012)1991 final

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Single sitting: Wednesday 22 February 2012 (morning)

The sitting opened at 8.47 with Mr Barroso, President, in the chair.

Present:

Mr BARROSO	President	
Ms REDING	Vice-President	
Mr ALMUNIA	Vice-President	Items 8 (in part) to 10
Mr KALLAS	Vice-President	
Ms KROES	Vice-President	
Mr TAJANI	Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Mr REHN	Vice-President	
Mr PIEBALGS	Member	
Mr BARNIER	Member	
Ms VASSILIOU	Member	
Mr ŠEMETA	Member	
Mr DE GUCHT	Member	Items 8 (in part) to 10
Mr DALLI	Member	
Ms GEOGHEGAN-QUINN	Member	
Mr LEWANDOWSKI	Member	
Ms DAMANAKI	Member	
Ms GEORGIEVA	Member	
Mr OETTINGER	Member	
Mr HAHN	Member	
Ms HEDEGAARD	Member	
Mr FÜLE	Member	
Mr CIOLOŞ	Member	

Absent:

Baroness ASHTON

High Representative/
Vice-President

Mr POTOČNIK

Member

Mr ANDOR

Member

Ms MALMSTRÖM

Member

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

Ms CASTAGNOLI	Adviser in Baroness ASHTON's office
Mr VANDENBERGHE	Chef de cabinet to Mr POTOČNIK
Ms GAGO	Chef de cabinet to Mr ANDOR
Ms ÅSENIUS	Chef de cabinet to Ms MALMSTRÖM

The following also sat in:

Mr LAITENBERGER	Chef de cabinet to the PRESIDENT	
Mr ROMERO REQUENA	Director-General, Legal Service	
Mr PAULGER	Director-General, DG Communication	
Mr DOENS	Head of the Commission Spokesperson Service	
Ms KOTTOVA	DG Communication – Commission Spokesman's Service	
Mr THEBAULT	Head of the Bureau of European Policy Advisers	Items 1 to 8
Mr SCHINAS	Bureau of European Policy Advisers	Items 9 and 10
Ms MARTÍNEZ ALBEROLA	Adviser in the PRESIDENT's Office	Items 9 and 10
Ms SUTTON	A member of the PRESIDENT's staff	Items 9 and 10
Mr KONIECKI	A member of the PRESIDENT's staff	Items 1 to 8
Mr MARTÍNEZ MONGAY	Chef de cabinet to Mr ALMUNIA	Items 1 to 8 (in part)
Mr PESONEN	Chef de cabinet to Mr REHN	Items 1 to 8, and 10
Mr LEVIE	A member of Mr DE GUCHT's staff	Items 1 to 8 (in part) and 9
Mr DE MICHELIS	Deputy Chef de cabinet to Mr HAHN	Items 1 to 8

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

1. AGENDAS

(OJ(2012)1991/3; SEC(2012)119/2)

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(2012)1991)

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

**3. APPROVAL OF THE MINUTES OF THE 1989TH AND 1990TH
COMMISSION MEETINGS (8 AND 14 FEBRUARY)**

(PV(2012)1989; PV(2012)1990)

The Commission approved the minutes of its 1989th and 1990th meetings.

4. INTERINSTITUTIONAL RELATIONS

4.1. LEGISLATIVE MATTERS

- i) Export and import of dangerous chemicals (Regulation – recast) –
JORGENSEN report – 2011/0105 (COD)
(SI(2012)64)**

The Commission approved the line set out in SI(2012)64.

ii) Action to be taken on Parliament's legislative opinions and resolutions of a legal nature
(SP(2012)140)

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(2012)140, drawn up following the February II part-session of Parliament, the contents of which were noted.

4.2. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

iii) Programming of Council business
(SI(2012)66)

The Commission took note of the information in SI(2012)66 on the Council meetings between 23 February and 7 March.

4.3. RELATIONS WITH PARLIAMENT

iv) Results of February II part-session
(SP(2012)115; SP(2012)116)

The Commission took note of the information in SP(2012) 115 and SP(2012)116 on the proceedings of the part-session of Parliament held in Strasbourg from 13 to 16 February.

5. MONITORING THE APPLICATION OF EUROPEAN UNION LAW

STATE AID – INDIVIDUAL CASES
(SEC(2012)130/2)

The Commission adopted the decisions in SEC(2012)130/2.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

6.1. WRITTEN PROCEDURES APPROVED

(SEC(2012)120 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 13 and 17 February.

6.2. EMPOWERMENT

(SEC(2012)121 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 13 and 17 February.

6.3. DELEGATION AND SUBDELEGATION OF POWERS

(SEC(2012)122 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 13 and 17 February, as archived in e-Greffe.

6.4. SENSITIVE WRITTEN PROCEDURES

(SEC(2012)123 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 20 and 24 February.

7. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2012)124)

ADMINISTRATIVE MATTERS

(PERS(2012)27)

**7.1. EUROSTAT – APPOINTMENT OF AD14/15 DIRECTOR
(PERS(2011)113 TO /6)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii), 29(1)(b) and 29(2) of the Staff Regulations for the post of Director, ‘Social Statistics’, in Eurostat (PERS(2011) 113 to /4).

It took note of the opinions of the Consultative Committee on Appointments of 13 December 2011 and 12 January 2012 (PERS(2011) 113/5 and /6).

The Commission proceeded to compare the applicants’ qualifications for the post. On a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr ŠEMETA, it then decided to appoint Mr Eduardo BARREDO CAPELOT to the post.

This decision would take effect on 1 March 2012.

**7.2. DG MOBILITY AND TRANSPORT – LIST OF CANDIDATES FOR THE
AD14 POST OF EXECUTIVE DIRECTOR OF THE EUROPEAN
MARITIME SAFETY AGENCY (EMSA)
(PERS(2011)155 AND /2)**

Having noted the procedure followed, as set out in point 2 of PERS(2012)27, the Commission, on a proposal from Mr ŠEFČOVIČ, in agreement with the PRESIDENT and Mr KALLAS, decided:

- to approve the list of three candidates set out in point 2 of PERS(2012) 27;
- to consider this list as the Commission proposal;
- to ask Mr KALLAS, Member of the Commission with responsibility for transport, to communicate this list to the Administrative Board of the European Maritime Safety Agency.

These decisions would take effect immediately.

**8. PROPOSAL FOR A COUNCIL DECISION SUSPENDING COMMITMENTS FROM THE COHESION FUND FOR HUNGARY
(COM(2012)75 TO /3; RCC(2012)16)**

The PRESIDENT began by stating that the proposal for a Council Decision suspending commitments from the Cohesion Fund for Hungary submitted that day to the Commission for adoption was a direct consequence of the recommendation which had already been adopted by the Commission when it concluded that Hungary had not taken the credible action required to tackle its excessive deficit, giving rise to the Council Decision of 24 January 2012.

He took the view that the time had now come to move on to the next stage of the measures provided for in such circumstances, which were consistent with stronger economic governance, and that it was up to the Commission to assume its responsibilities, in line with the new powers granted to it by the Member States.

He regretted that this decision came at a time when a number of other issues were the subject of bilateral talks with Hungary, but he emphasised that Hungary had not acted effectively following the warnings and recommendations addressed to it. He added that a number of other Member States, on which such decisions might also have been made, had acted in time and taken the difficult, but necessary measures required in order to reduce their government deficits.

While acknowledging that the suspension of commitments from the Cohesion Fund was not the ideal approach, he noted that it was the only means at the Commission's disposal to encourage a State which is not a member of the euro area to take action. He recalled in this respect that the Commission had made proposals with a view to obtaining a broader range of instruments for macroeconomic conditionality, but, for the time being, it needed to make full use of the instruments available to it.

The PRESIDENT emphasised the room for manoeuvre afforded the Commission by the Regulation concerning the Cohesion Fund, by enabling it to suspend in all or in part commitments for the following year, i.e. 2013 in that instance. He pointed out that a suspension decision could have covered commitments over several years, but

in this case the decision came at a time when there was only one year left in the existing financial perspective.

He also noted that the Commission did not want to see the Cohesion Fund commitments for Hungary suspended and stated with particular emphasis that, with this in mind, the decision taken on that day, ten months prior to its application on 1 January 2013, left the Hungarian authorities with enough time to take the necessary corrective measures.

The PRESIDENT wound up his introduction by asking Mr REHN and Mr HAHN to present the proposed decision and, more particularly, to explain clearly the criteria taken into account in calculating the amount concerned by the suspension, the forthcoming measures that the Hungarian Government would need to take to exit the excessive deficit procedure and how exactly the suspension of the Cohesion Fund commitments would work.

Mr REHN indicated that the excessive deficit procedure opened with respect to Hungary was unrelated to criticism of a number of decisions recently taken in that country. He also pointed out that Hungary had had an excessive government deficit since its accession and that this situation had already been discussed by the Commission in the past. In any event, he noted that the final date by which Hungary was supposed to take effective action to reduce its excessive deficit was 2011 and the Council had clearly indicated, as of July 2009, that it would have to be corrected in a sustainable manner. However, as Mr REHN explained, the Hungarian authorities' attempts to correct the deficit had been limited to a series of one-off, short-term measures amounting to the equivalent of around 10% of the country's gross domestic product, which could not be characterised as sustainable. He stated that the Council consequently concluded on 24 January 2012, for the fourth time, that Hungary had not taken effective action within the meaning of Article 126(8) of the Treaty on the Functioning of the European Union (TFEU).

He then turned to the suspension of part of the Cohesion Fund commitments for the country, noting that, until now, there had not been a penalty mechanism of equal effect for all Member States, irrespective of whether or not they were in the euro

area; previously there had been a constant toing and froing between application of paragraph 8 of Article 126 TFEU and application of paragraph 7 of the same Article, which stipulated that further recommendations should be issued and a further deadline fixed if effective and sustainable measures were not taken. Mr REHN welcomed the fact that, thanks to the economic governance ‘six-pack’, there was now a penalty mechanism of equal effect for all Member States.

With respect to the procedure itself, Mr REHN explained that it was triggered by a Council Decision adopted pursuant to Article 126(8) TFEU. He pointed out that this Decision applied only to the existing infringement, with no retroactive effect, although this would have been legally possible. He added that suspension of the Cohesion Fund commitments was the only means available to the European Union to encourage Hungary to correct its excessive deficit, while explaining that, in agreement with Mr HAHN, he had promised to define a simple, just and proportional approach to ensure that the suspension decision was as fair as it was effective.

For his part, Mr HAHN emphasised the fact that the proposal was an unprecedented measure, hence the importance of developing a sound and understandable method that could be applied generally, rather than having to be adapted to one Member State or the other. That was why he suggested establishing a correlation between the suspension conditions laid down in the regulation establishing the Cohesion Fund and the new excessive deficit procedure adopted as part of the economic governance ‘six-pack’, a correlation that would lead to an equitable outcome for all Member States, both within and without the euro area. He explained that the method used would have to ensure that the suspension was both effective, by allowing the substantive implementation of the excessive deficit procedure, and proportionate, taking into account the relative importance of the Cohesion Fund for the economy of the Member State concerned.

He thus indicated that the proposal was for the suspension to be set to cover 50% of the allocation from the Cohesion Fund to Hungary for 2013, without exceeding a maximum level of 0.5% of its gross domestic product. He then announced that the amount of commitment appropriations for which the suspension was suggested was

around €495 million, or € 495 184 000 to be precise, equivalent to slightly less than a third of the €1.7bn that Hungary could obtain from the Cohesion Fund in 2013. He further indicated that this Decision concerned the ongoing 2007-2013 financial perspective and not the future multiannual financial framework, for which the mechanisms to take account of macroeconomic conditionality would be different.

The Commission then held a discussion during which the following points emerged:

- broad support for the principle and content of the proposal;
- the fact this decision was a test of the Commission's credibility – the first of its kind – hence the need to go ahead and implement the new powers conferred on it under the new economic governance legislation (the 'six-pack');
- the importance of ensuring that there was collective ownership of the proposal for a decision and the groundwork preceding it;
- the need to distinguish clearly in the Commission's communication efforts between this measure and other current dossiers concerning Hungary;
- wide support for the choice of methodology, which was regarded as a clear and sound way of setting the proposed amount of Cohesion Fund commitments to be suspended and at the same time established a fair parallel with the penalties applicable to euro-area Member States with an excessive deficit;
- a reminder that, according to the Cohesion Fund regulation, commitments could be suspended in full or in part;
- the fact that this proposal should come as no surprise to the Member State in question following the Council's previous recommendations and the entry into force of the 'six-pack' measures tightening up the effectiveness of the excessive government deficit procedure;
- although the methodology was the right one, questions about the ceiling applied, given the importance of the Cohesion Fund for the Hungarian economy, and about the impact on projects already under way; it was worth

considering options that involved a lower ceiling in relation to gross domestic product;

- the need to stress that this was a measure aimed at encouraging rather than penalising the Member State; the importance of drawing attention to the time Hungary would have in which to take appropriate measures to avoid the proposed suspension;
- alongside the fiscal consolidation measures currently being recommended at European level, the importance of also spreading the word about the positive measures the Commission was taking to promote growth.

Replying to these comments, Mr REHN explained that the Council had concluded in January that the Hungarian authorities' response to its 2009 recommendation had been inadequate and that Hungary had not taken effective measures to bring its deficit below 3% of GDP in the long term. This applied to 2011 and subsequent years, and he pointed out that the one-off measures that had served to improve Hungary's budgetary figures in 2011 and 2012 would not lead to a sustainable correction of the deficit, as they masked a serious deterioration in the structural balance; the deficit was expected to exceed the benchmark percentage again in 2013. In view of these facts, there could be no doubt that the measures taken by Hungary were inadequate.

He reiterated, however, that the proposed measures were preventive rather than punitive. The Commission would recommend that the Council adopt a new recommendation to correct the excessive deficit, and over the next six months it would become apparent whether Hungary's efforts to correct its excessive deficit were effective and whether the suspension could then be lifted. He added that the suspension affected only 5.7% of the total amount of Cohesion Fund assistance allocated to Hungary for the period 2007-2013. In his view, this amount was fair and proportionate compared with the 0.2% of GDP which a euro-area Member State subject to the excessive deficit procedure would have to deposit, and which would be converted directly into a fine if it failed to comply with the Council's recommendations.

Mr HAHN confirmed that the methodology used was proportionate, comparing the amount of the suspension – which concerned only aid received by Hungary from the Cohesion Fund – with the total amount of Structural Fund resources. He added that, if the commitments were deferred until 2015, the time available in which to absorb them would gradually diminish, hence the need for Hungary to take the requisite measures quickly.

Winding up, the PRESIDENT recalled the Commission's discussion in January on applying the excessive deficit procedure to Hungary; the task now was to implement the economic governance measures which had introduced the principle of sanctions in order to guarantee the sustainability of public finances. It was vital to ensure equal treatment and he stressed that any other Member State in a comparable situation would be treated in the same way as Hungary. He considered that the principle of collective decision-making had been safeguarded in particular by the fact that it had been left entirely up to the College itself to set the amount of the proposed suspension.

On the question of how to communicate this decision, he insisted that Hungary would have ample time to avoid the suspension, as the aim of the deficit procedure, under the 'six-pack' measures, was precisely to deter rather than to punish. He also stressed the Commission's firm commitment to growth, particularly through initiatives such as the Connecting Europe Facility and its proposals for bonds to finance projects. Nevertheless, most of the levers for boosting growth and competitiveness were in the hands of the Member States. Lastly, in reply to a question, he mentioned the letter which he and the President of the European Council had received from the leaders of certain Member States concerning the measures to be taken to stimulate growth. He was prepared to supply answers to this question as part of the preparations for the next European Council.

Following this discussion, the Commission adopted the proposal for a Council decision in COM(2012) 75/3, for transmission to the Council.

9. RELATIONS WITH NON-MEMBER COUNTRIES

9.1. ANTI-COUNTERFEITING TRADE AGREEMENT (ACTA) – STATE OF PLAY (INFO(2012)12/2)

The PRESIDENT introduced the topic, commenting on the intensity and scale of the public debate and the organised campaign against the Anti-Counterfeiting Trade Agreement (ACTA). There were those in particular who felt that the agreement would lead specifically to an unwarranted restriction on freedom of expression and democracy on the Internet, and would distort the reasonable balance between intellectual property rights and other fundamental rights.

He therefore felt that the Court of Justice of the European Union should be asked to confirm the Commission's position in this matter, namely that ACTA was consistent and compatible with the Treaties and with the Charter of Fundamental Rights of the European Union. He suggested that that day's discussion should consider that point, but also the question of when would be an appropriate time to refer the matter to the Court, and the possibility of consulting Parliament and the Council with a view to adopting a common approach in this matter. He recalled in this connection the decision to sign ACTA, adopted unanimously by the Council in December 2011, and the most recent resolution on the agreement voted on by Parliament in November 2010.

The PRESIDENT felt in addition that the discussion should also look at the lessons to be learned from this experience and how the Commission could best anticipate and deal with such situations in the future. Although the Commission had provided the necessary technical assistance and information throughout the negotiations and the conclusion of ACTA – thus ensuring that the process was completely transparent – it now found itself the focus of criticism for every possible negative aspect of the agreement.

He referred in this connection to the deafening silence from other interested

parties – industry and creative artists in general – who would benefit from ACTA. He expressed regret that some groups and organisations were today completely absent from the public debate on an international agreement which was broadly to their advantage, when they had been able in the past to take part in campaigns to defend their interests vis-à-vis the Commission.

Finally, the PRESIDENT expressed the hope that the discussion would also touch upon the more general question of the Commission's relations with the other institutions and the Member States, when the Commission was left with the task of defending single-handedly the final outcome of negotiations which they had all taken part in and supported.

Mr DE GUCHT referred to the information memo circulated under his authority – which had been the subject of INFO(2012)12/2 – and recalled briefly that this agreement was the result of an initiative adopted by Japan in 2006, supported by the United States in 2007, and for which the Council had given the Commission a broad negotiating brief in 2008, leaving the Member States responsible for the part of the agreement that dealt with criminal penalties for infringing intellectual property rights.

He pointed out first of all that he had persuaded the European Union's international partners – not without difficulty – to make public the reports on the negotiations, and that it was therefore wrong to accuse the Commission of failing to ensure that the process as a whole was fully transparent.

In the case of the European Parliament, he noted that this dossier had been highly controversial for a number of years. At the three debates in plenary he had attended, Parliament had each time voted in favour of a resolution supporting the agreement, although the most recent resolution had been adopted by a narrow 16-vote margin in the face of opposition from a number of political groups.

He noted that opposition had increased in the run-up to January's planned vote in the US Congress on two legislative initiatives – the *Stop Online*

Piracy Act (SOPA) and the *Protect Intellectual Property Act (PIPA)* – aimed at increasing the protection of intellectual property rights on the Internet; in the end the vote had not been held, following a hostile campaign by social networks and the loss of White House support.

Despite the signature of ACTA in January by the Commission, the Union Presidency and twenty-one other Member States, the intense media campaign which was unleashed in Europe, instigated largely by the social networks, had since led a number of Union Heads of State or Government to decide to delay signature or ratification of the agreement by their national parliaments. He added that the campaign had also had a considerable influence on Members of the European Parliament and, following recent contacts with various political groups, he now felt it would be difficult to muster a majority in favour of ACTA within the EP.

Mr DE GUCHT considered that the absence of a vote in favour in the European Parliament or failure by the Member States to ratify the agreement would have a very damaging effect on the Union's credibility in trade policy and other areas such as intellectual property rights.

Notwithstanding repeated statements by the Commission that ACTA would not in any way alter the Community *acquis* or existing EU law, Mr DE GUCHT noted that the dossier had reached a political deadlock and the Court of Justice would have to be asked for its opinion on the compatibility of ACTA with the European Treaties, and in particular with the Charter of Fundamental Rights.

In his view, the Commission should also carry on its efforts to provide explanations and continue its discussions with the European Parliament next week and with the European Trade Ministers at their meeting of 16 March.

Ms REDING agreed with Mr DE GUCHT's comments, but felt the matter should be referred to the Court as quickly as possible in order to defuse the issue and continue the debate on better terms. She referred to recent case law

of the Court of Justice on fundamental rights and the possible balance between them and hoped that the European Court would say whether or not the balance achieved by ACTA between intellectual property rights and other freedoms and fundamental rights was legally acceptable.

She also stressed the responsibility of the other institutions and mentioned, in particular, that, with regard to criminal penalties, the negotiations had been led by the acting EU Presidency. She felt that lessons needed to be learned in terms of political communication. Ms REDING also questioned the silence of those concerned by the protection of intellectual property rights and, more generally, the existence of a majority in the Council and Parliament in favour of reforming the current Directive on intellectual property rights. In any case, the revision needed to be undertaken with care.

She concluded by highlighting the rising influence of social networks on the Internet and the need for the Commission to take account of this in its communication policy and in dealing with various dossiers. Instructions had already been given to the communication units in the Directorates-General.

Ms KROES emphasised her battle against Internet piracy and recalled her wish, expressed during the preparation of ACTA and reflected in the final text, that the Community *acquis* in this area should not be affected in any way by the new agreement, so as to retain as much leeway as possible for a debate within the EU on the revision of the Directive on intellectual property rights.

While she was in favour of referring the matter to the Court of Justice, she stressed that, given the time taken for it to respond, the Commission should already decide on the best course of action for the interim.

She was in favour of Commission action demonstrating clearly that it was committed to enforcing intellectual property rights, but that it also supported legal distribution, which was the most effective way to combat piracy.

In order to do this, the Commission needed to be ambitious and create a legal framework promoting the development of online legal offers. She hoped the

Commission would receive proposals concerning the Directive on collective management of copyright and the revision of the 2001 copyright Directive, which were expected in 2012 and should enable harmonisation and simplification of these rights.

As regards the planned revision of the 2004 Directive on enforcement of intellectual property rights, the Commission needed to adopt a prudent and balanced approach to this politically delicate exercise, and take account of existing texts on the protection of data and privacy in the areas of telecoms and fundamental rights.

She concluded by stressing the need for appropriate communication on the agreement, without waiting for the Court's opinion, targeted particularly at the various stakeholders involved and social networks. The Commission urgently needed to table the expected legislative proposals on intellectual property and copyright.

Mr BARNIER was also of the opinion that the key role of social networks in public debate in Europe forced the Commission to think carefully about adapting some of its means of communication and that Members should discuss the matter as soon possible.

He recalled that the creative industries were important for relaunching growth in Europe and that it was essential to protect intellectual property rights in this regard. Freedom of expression was a fundamental right to be respected and fostered, but it could not be regarded as a licence to steal other people's property.

In respect of ACTA, he was in favour of referring the matter to the Court as planned and stressed that this dossier was very different from the future proposal on enforcing intellectual property rights, which he intended to prepare in an open and balanced manner.

Mr BARNIER pointed out that he had asked his departments to consider proposals on the protection of industrial secrets and non-food geographical

indications. Work was progressing well and the Commission would soon receive all of the legislative proposals planned for this year.

He concluded by welcoming the creation in Alicante of a European Observatory on Counterfeiting and Piracy within the Office for Harmonisation in the Internal Market. It offered a platform for facilitating joint action, the exchange of experiences and informations, and the dissemination of best practices on control.

The PRESIDENT thanked Mr DE GUCHT, Ms REDING, Ms KROES and Mr BARNIER for their comments. As time was short because of the imminent arrival of H.E. Mr Demetris Christofias, President of the Republic of Cyprus, he decided the debate on ACTA would be continued at a future meeting of the Commission. Nevertheless, he noted that all Members agreed on the principle of referring the matter to the Court of Justice of the European Union regarding the agreement's compatibility with the treaties and the Charter of Fundamental Rights. There was also agreement on the mandate to be given to Mr DE GUCHT to explore with the other institutions the possibility of joint action with regard to the Court of Justice.

The Commission took note of this information and of Mr DE GUCHT's note in INFO(2012)12/2, and on a proposal from the PRESIDENT agreed on the principle of referring the matter to the Court of Justice and decided to entrust Mr DE GUCHT with a mandate to explore the possibility of joint action with the other institutions in this area.

**9.2. 12TH EU-INDIA SUMMIT (NEW DELHI, 10 FEBRUARY)
(INFO(2012)13)**

The Commission took note of the information from the PRESIDENT in INFO(2012) 13.

9.3. 14TH EU-CHINA SUMMIT (BEIJING, 14 FEBRUARY)
(INFO(2012)14)

The Commission took note of the information from the PRESIDENT in INFO(2012) 14.

10. OTHER BUSINESS

LATEST ECONOMIC DEVELOPMENTS

Mr REHN spoke very briefly on certain aspects of the agreement reached on private-sector involvement in the support for Greece, in particular as regards bonds held by the European Union.

The Commission took note of this information.

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

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The meeting closed at 11.24.