

EUROPOLITICS

The European affairs daily |

Monday 8 June 2009 | N° 3767 | 37th year |

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FOCUS

Who will be who?

By Célia Sampol

No sooner are the last voting booths closed and the first election results published than the political groups start to unveil their ambitions for high-level positions, ahead of the European Parliament's inaugural plenary, on 14-15 July in Strasbourg. Britain's Graham Watson, leader of ALDE, will announce as of the morning of 8 June his candidacy for the head of the new assembly. He is the first MEP to officially put himself forward for this position, his aim being to play the transparency card. Regardless of whether or not he succeeds, he will leave the presidency of the Liberal group (*Europolitics* will publish an interview with Watson in its 9 June edition).

As for the head of the EPP-ED side, France's Joseph Daul, who should keep the reins of the group, also plans to make a press statement, on 8 June. He will probably confirm that José Manuel Barroso remains the EPP's candidate for the Commission presidency and say that the group will decide during the month of June who it will choose as candidate for the head of the assembly between Poland's Jerzy Buzek and Italy's Mario Mauro. As for the Socialists, it remains unclear who their candidates are for the head of the EP and the Commission. Other nominations are also being negotiated. See the Insight feature in this edition..

HEALTH

Debate on cross-border care rumbles on

By Marianne Slegers

Although eight full days have been devoted during the past five months to debating the draft directive on patients' rights in cross-border health care¹, the compromise text, as proposed by the Czech EU Presidency, still needs to be "further amended" and some "crucial issues" remain "outstanding". The European Commission has indicated that it continues to have "major concerns" regarding certain parts of the compromise text, which relate to the broadened definition of 'care' to be made subject to 'prior authorisation'. The Union's health ministers will discuss the draft, in public deliberation, on 9 June in Luxembourg. Securing a political agreement before the year's end will be a challenge for the upcoming Swedish EU Presidency.

The Czech compromise attempted to add a "new structure" to the text, "clarify" the responsibilities of the member states and make "consistent use" of definitions and several other key terms. These proposed changes were received positively "overall," says the progress report. However, other "crucial issues remain outstanding".

Most member states have expressed their preference for the directive to be limited to health care providers contracted to provide services to public health insurance or "otherwise defined" public systems only - although the Czechs had proposed that the directive should incorporate all health care "regardless of the status of the health care provider". A "significant" number of

member states have requested an "explicit exclusion of long-term care from the scope of the directive". This, however, might be against treaty rules and the ministers will discuss this issue in detail, on 9 June.

Member states have also called for the exclusion from the scope of the directive of organ transplantations and prevention programmes, such as vaccination. The principle of mutual recognition of prescriptions issued in other member states is "generally endorsed," but concerns remain on its implementation in practice.

A number of other "substantive issues" are to be taken up by the Swedes. Featured high on this 'to do' list is the clarification of the "actual content of key terms used," the scope of the directive and the exclusion of certain types of care. Furthermore, the member states are to hold in-depth discussions on "reasons for refusal to grant prior authorisation," the reimbursement of prescriptions, the provisions on cooperation on health care and the legal basis of the directive. The procedure of the draft is co-decision. The European Parliament's report was adopted on 23 April at first reading. ■

(1) *The draft directive's aim is to ensure safe and high-quality health care for all patients; to help patients exercise their rights to cross-border health care; and to promote cooperation between health systems. In particular, the case law of the EU Court of Justice (ECJ) has to be codified, in order to create legal certainty on reimbursement of costs for health care received abroad.*



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is published by EIS (Europe Information Service S.A.), subsidiary of SIAC group
Rue d'Arlon, 53
B-1040 Bruxelles

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Europolitics is published in French under the name *Europolitique*.
ISSN 1811-4121

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SPECIAL COVERAGE EUROPEAN ELECTIONS

Sunday, 7 June

EU-wide results will be announced late during the night of 7-8 June.

Monday, 8 June

In keeping with its analytic approach to EU policy developments, *Europolitics* will provide – via its website at www.europolitics.info - live reports from the European Parliament in Brussels during the day, offering updates, analyses and first reactions.

Tuesday, 9 June

Europolitics will provide more detailed coverage of the election aftermath in its daily edition dated 9 June, available via the web from 19:00 on 8 June.

FINANCIAL SERVICES**Criticism mounts of investment fund manager proposals**

By Ruth Milligan

Concern is growing within the alternative investment fund industry over draft proposals for a directive on alternative investment fund managers (AIFM). The draft is being seen as a knee-jerk reaction to the financial crisis, which, warn UK hedge fund managers, could force big fund operations to move to Switzerland or New York.

Many industry commentators are critical of the political impetus for the measures, saying the directive was motivated by a desire to find a scapegoat for the financial crisis. Political belief that alternative investment funds were to blame for the crisis is misplaced, argue industry experts. Moreover, the proposals were rushed out without adequate consultation and contain provisions that are inappropriate for the industry.

For Florence Lombard, director of the Alternative Investment Management Association, the directive contained "ill-considered provisions, which are impractical and may prove unworkable. The unintended consequences

may put thousands of jobs under threat and slow down any economic recovery".

Dick Saunders, chief executive of the UK Investment Management Association, writing in the *FT*, notes that the directive would, perversely, impose requirements on selling to professional investors which are higher than those applied to consumer investment sales under UCITS. He also states that many of the provisions are inconsistent with other EU legislation. The directive would cover all funds that are not included in UCITS and handle portfolios over a threshold of €100 million. As well as hedge funds and private equity, this covers real estate and infrastructure funds and commodity funds (see *Europolitics* 3744)

BACKGROUND

The proposals, published on 29 April, seek to bring hedge funds and private equity into the regulatory watch zone. Previously, such funds, though covered by some provisions of financial legislation, such as MiFID, had not been subject to specific regulation.

The pre-financial crisis mainstream view was that such funds fared better without regulation, operating as playgrounds for sophisticated professional investors, who could take care of themselves - unlike the consumer, who was likely to buy a UCITS. Also, the 'light' regulation regime under which they worked allowed for flexibility, innovation and thus maximum profitability. This all changed in the run-up to the financial crisis, when alternative investment funds were making huge acquisitions and huge profits. A number of venerable European companies were bought up by US-based funds and an anti-alternative funds sentiment began to grow in which private equity funds were famously described as 'locusts'. The European Parliament joined in with MEPs Poul Nyrup Rasmussen (PES, Denmark) and Klaus-Heiner Lehne (EPP-ED, Germany), running a concerted campaign for specific legislation on hedge funds and private equity. This led to a consultation announced by Commissioner Charlie McCreevy, on 1 December 2008, and to the April AIFM proposals. ■



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FINANCIAL SERVICES

Supervisory bodies report on delegation of tasks

By Ruth Milligan

The three European financial supervisory bodies - CEBS, CEIOPS and CESR - have published joint conclusions on the delegation of responsibilities and tasks by financial supervisors. Financial supervision in Europe is a complex structure of different bodies, national and supra-national, which must work in cooperation and report to each other. The question of who does what task and who is primarily responsible is a crucial one, and will continue to be so under the new supervisory structure proposed in the de Larosière report to be discussed at the June Ecofin Council.

The issue also came to prominence following the Madoff affair, when there was little clarity as to which financial body was responsible for checking the reliability of the funds.

In their conclusions, published on 2 June, the committees separate their examination of tasks from that of responsibilities. For tasks, there is delegation of specific, well-defined pieces of work to another authority (delegate) with the obligation to report back, but where full political responsibility for decisions rests with the delegating authority. The committees conclude that tasks are to be delegated on the basis of agreements, which could be multilateral or bilateral, sec-

toral, from home to host authority or on a case by case basis. The delegation should accord with 15 key principles, including sufficient legal basis, efficiency and proportionality, accountability, good arrangements for reporting and should be both voluntary and temporary. For the delegation of responsibilities, however, the committees do not reach concrete conclusions. In a separate report, they conclude that further work is needed given the existing different obligations contained in EU and in national law. ■

See www.ebs.org/Publications/Other-Publications/Others.aspx

JUSTICE COUNCIL

Member states want more accountability in EU drug strategy

By Costin Gagu

Analysing the EU's new action plan on drugs for 2009-2012, the Union's ministers of justice stressed the lack of accountability of "standardised key indicators" related to drug supply reduction and law enforcement output in Europe.

During a meeting in Luxemburg, on 5 June, they emphasised the "need for developing a comprehensive and coherent EU strategy to measure crime and criminal justice". In terms of administrative regulations, it has been agreed that the Council should review the progress

made in the area of drug-related crime at least once a year based on the annual report of the European Commission.

The Council considered that there is a need to explore additional information sources related to drug supply reduction that have not been sufficiently exploited at European level, eg surveying websites that offer illicit psychoactive substances for other than medicinal purposes. The ministers also want more data to be made available on the drug availability in the EU and on the amount of drugs and assets related to drugs reported by law enforcement agencies.

The Council stressed that the EU's drug strategy and drugs action plan by 2012 should make better use of the existing information and monitoring mechanisms at national as well as European and international level.

These conclusions are a reaction to the final evaluation report of the previous EU drug action plan for 2005-2008, which was already stressing the lack of a strategy. The new plan identifies five "key priorities": reducing demand for drugs and raising public awareness; mobilising European citizens; reducing the supply of drugs; improving international cooperation; and improving understanding of the drug problem. ■

JUSTICE COUNCIL**Ministers ponder fundamental principles for European contract law**

By Nathalie Vandystadt in Luxembourg

What could be more ordinary than signing a contract? Signing a cross-border contract can nevertheless prove to be a far more complicated matter. The EU is currently exploring options for the creation of a common frame of reference for European contract law. The aim is to agree at least on certain definitions, fundamental principles, such as contractual freedom, and the development of 'model rules'. The ministers adopted conclusions on all these items, on 5 June in Luxembourg.

To minimise differences between contract law from one member state to the next, the Council mentions the 'fundamental principles' that should appear in a common European frame of reference, eg the principles of freedom of contract (autonomy of the parties), legal certainty, binding force of the contract and fair dealing, which includes the concepts of good faith and reasonable behaviour.

Businesses and individuals alike are

obliged to sign contracts in their day-to-day existence and this act increasingly takes place at European level.

The goal: to minimise differences in contract law between member states

The Commission will be in charge of developing this common frame of reference for European contract law.

CONSUMER LAW

On the definitions of key concepts of contract law to feature in the European framework, the Council's experts are still hesitant. These should "relate directly" to general contract law. Certain definitions relating to consumer contracts should be a priority as this area represents an "important part" of the EU *acquis* in contract law. The frame of reference must also be "coherent" with the October 2008 directive on consumer rights,

which aims to build Europeans' confidence in cross-border purchases via internet or sales outlets. The Council conclusions nonetheless note that "it is recognised that the two proposals are separate and pursue objectives that may not always be identical".

The 'model rules' will be inspired by both the fundamental principles and the definitions agreed. They will be general in nature in order to be applicable to all contracts and all contractual situations. The Council does not, however, rule out the possibility of establishing more specific rules, especially on consumer contract law.

The form the frame of reference may take has not been decided. One thing is certain, however: it will not be a binding instrument. It will simply be a set of guidelines that the Council, the European Parliament and the Commission will use as a source of inspiration for the adoption of legislative proposals. ■

The conclusions are available at www.europolitics.info > Search = 251090

ROAD TRANSPORT**New cabotage rules may be applied earlier in France**

By Isabelle Smets

The European Commission should no longer put off announcing to France whether or not it accepts - and it is likely not to - its request to temporarily restrict road cabotage activities on its territory. France officially made a request in this direction at the beginning of May (see *Europolitics* 3757), at the time when a transition period was coming to an end which did not, until now, allow road hauliers from Poland, Hungary, the Czech Republic, Slovakia, Latvia, Lithuania and Estonia to undertake cabotage activities in France (ie to transport goods between two French cities, following an international journey). Since 1 May, the seven countries have been authorised to carry out cabotage activities across the EU, whereas the French road hauliers' association, the *Fédération Française des Transporteurs Routiers* (FNTR), points out that the opening up of cabotage routes will further aggravate "unfair

competition" to the extent that "businesses in this country are working at far lower social and fiscal costs than those of Western Europe". France therefore asked the Commission to activate the safeguard clause anticipated in Regulation 93/3118, which makes it possible to restrict cabotage possibilities "in the event of a serious disturbance in the internal market".

A working meeting between the cabinets of Antonio Tajani, the commissioner for transport, and Dominique Bussereau, the French secretary of state for transport, took place on 4 June, which did not, however, lead to an official response from the Commission. According to the cabinets of Tajani and Bussereau, the Commission should no longer delay in giving its official opinion (a Transport Ministers' Council, to be held on 11 June in Luxembourg, will bring together all the parties concerned). The response is likely to be negative. Recently, on several occasions, Commissioner Tajani warned against protectionist measures, which could

be taken by member states to protect themselves from the effects of the crisis. During a meeting with the road transport sector, on 20 April, the director-general of DG Transport also played for time: "The closure of transport markets to new hauliers or to non-resident hauliers is not a response and will only serve to delay a real response to the crisis".

On the other hand, the Commission is prepared to envisage other solutions for France, such as an earlier implementation of new cabotage rules, which should not normally enter into force before next year. These new rules, recently adopted at European level, limit to three the number of cabotage operations permitted following international transportation. A communication published after the 4 June meeting indicates that the Commission and France have agreed "to examine how to apply, as quickly as possible, the new European rules on cabotage and on improving controls via greater European harmonisation". ■

EUROPEAN ELECTIONS

Commission to check if Dutch broke rules

By Célia Sampol

The European Commission called the Dutch authorities to order, on 5 June, for having published the results of the European elections, which took place on 4 June in the Netherlands, that very evening. The executive asked for “clarifications” and will “check if there has been a violation of Community law” – which in principle leads to infringement proceedings.

The rules, set out in the 1976 act, ban national public authorities from publishing official results before the

last voting booths have closed in all EU member states, which for these elections is Portugal at 22:00 on 7 June. The aim is to emphasise the European character of the poll and not influence voters who have not yet voted. The Commission reminded all governments of these rules, on 20 May.

The Dutch authorities published the results in the evening of 4 June, presenting them as ‘provisional figures’. National law obliges these municipalities to make the results public as soon as possible.

In principle, EU law should prevail

over national law. A spokesperson for the European Commission explained that the ban is for the official publication of “all results, be they preliminary, incomplete or local”. Nor should the authorities pass these results onto journalists or survey institutes.

To recall, the published results suggest a victory for the Party for Freedom of the right-wing populist parliamentarian Geert Wilders, in second place behind the Christian Democrats. The United Kingdom also voted, on 4 June, in the European elections but the authorities have not violated Community rules. ■

EU/ACP

ACP states organise cooperation in fisheries

By Anne Eckstein

The global fisheries crisis, fleet overcapacity, depletion of resources, illegal fishing, market access problems, piracy and the impact of climate change on the marine environment and economy are the many challenges facing the African, Caribbean and Pacific (ACP) countries. The ACP fisheries ministers, meeting from 2 to 5 June in Brussels, decided to create a ministerial-level mechanism for coordination and cooperation on fisheries as a way of coping with these many challenges in common. The mechanism will involve monitoring of fishing activities and trade cooperation with the ACP’s partners, first and foremost the European Union. In this context, it is expected to promote the creation of an EU-ACP high-level joint fisheries body.

“The ACP fisheries ministers expressed their serious concern over the escalation of the global fisheries crisis due to global fleet overcapacity, and illegal, unregulated and unreported (IUU) fishing, the collapse of earnings from global resources and the constant decrease in global fish stocks, combined with sustained demand for fishery products and the malfunctioning of fisheries management models,” declared Joel Morgan, minister for natural resources, the environment and transport of the Republic of Seychelles, who chaired this first session of the ACP-Fish-

eries Council, after the meeting. The ministers, who recognised that the greater part of ACP fishery resources are overexploited, stressed the urgency of halting this phenomenon and setting up governance capable of ensuring more sustainable fisheries management.

MINISTERIAL MECHANISM

The ministers decided to create an ACP ministerial mechanism for fisheries. The recommendation to that effect adopted by

The mechanism will involve monitoring of fishing activities and trade cooperation

the Council sets out its objectives, functions and financing means. The mechanism is aimed at securing political support from both the ACP states and their partners for the development of new approaches to governance and cooperation in order to make sure that the fisheries sector plays its role in the economic and social development of the ACP states. It will have the task of providing follow-up and evaluation of major developments in the fisheries sector and trade cooperation activities with the ACP’s partners, including the EU. It will draw up recommendations as needed. A fund will be set up to

allow the mechanism to carry out its tasks, with an expected allocation of €500,000 a year, to be put up 50-50 by the European Development Fund (EDF) and the ACP states via annual contributions. The ACP states will propose the creation of this fund as part of the ongoing revision of the Cotonou Agreements (2009-2010).

The mechanism will also set a “flexible and negotiable” calendar for gradual implementation of the EU regulation on IUU fishing: the ACP seek the EU’s technical assistance as well as aid in terms of resources for building management and control capacities and the structures required, as well as longer time limits.

The ACP ministers plan to make their voice heard in the context of reform of the EU’s Common Fisheries Policy (CFP). They also expressed concerns over the consequences of the erosion of tariff preferences applied to their fishery exports.

PIRACY

Lastly, the ministers noted that piracy “constitutes a serious threat to maritime safety and the fishing industry and undermines growth sectors,” and called for aid from the international community to guarantee the security of all fishing vessels and the safety of their crews. If nothing is done to end piracy, noted Morgan, “these acts could reduce to nothing all the efforts put into developing and promoting the fisheries sector”. ■

NABUCCO**Turks cling to 15% lift-off clause**

By Dafydd ab Iago

Ahead of a self-imposed deadline of the end of June, negotiations on one of the major outstanding issues for the Nabucco pipeline are showing few signs of progress. Following a meeting, on 4 June, with US Special Envoy for Eurasian energy Richard Morningstar, Turkish Energy Minister Taner Yıldız stuck to his country's demand for a 15% lift-off. Turkey has been calling for 15% of gas to be transited through the Nabucco pipeline on its territory to be reserved for domestic purposes or even for resale. Yıldız' comments were in clear con-

trast with a statement by Morningstar that to his "understanding" there would not be a 15% lift-off.

EU officials, too, have consistently qualified the Turkish demand as contrary to EU competition law and a "deal-breaker". Following a high-level ministerial conference on the Southern Gas Corridor in Prague, on 8 May, Energy Commissioner Andris Piebalgs was quoted as saying the 15% clause had been dropped by the Turks. However, on 2 June, Turkish Minister Yıldız noted that Ankara had not given up its 15% lift-off and that the issue was still being negotiated between the EU and Ankara. The Turkish

demand is seen as the major element blocking signature of the necessary agreements before the end of June.

The proposed 3,300-kilometre Nabucco pipeline would bring non-Russian natural gas, notably from Azerbaijan, to European markets with a hub outside Vienna at Baumgarten. Another major worry for the project promoters, however, has been finding sufficient supplies of gas to meet the proposed capacity of 31 billion cubic metres (BCM). In Ankara, however, Morningstar repeated Washington's opposition to using Iranian gas without political change in Tehran. ■

In Brief

Acquisition of Sunfilm cleared

The European Commission granted clearance, on 5 June, to the acquisition of joint control of Sunfilm AG (Germany) by Q-Cells SE (Germany), Good Energies Investments 2 B.V. (the Netherlands) and NorSun AS (Norway). Q-Cells manufactures and sells solar cells, solar modules and complete solar energy systems. Good Energies invests in renewable energies companies, in particular in the photovoltaic and wind sectors. NorSun manufactures and sells mono-crystalline silicon wafers, used in the production of solar cells and solar modules. Sunfilm manufactures and sells solar modules based on tandem junction thin film silicon technology on glass.

EU network to combat trafficking in human beings

In its quest to strengthen the fight against trafficking in human beings, European Union Justice and Home Affairs Council adopted, on 5 June in Luxembourg, a proposal for the creation of an informal and flexible EU network of national rapporteurs. Its role will be to improve understanding of the phenomenon of trafficking in human beings and to provide the Union and its member states with objective, reliable and up to date strategic information. The network is open to member states, to all EU institutions and EU agencies as well to all relevant international institutions. An important point made is that the network complements other legal frameworks in place and it should not interfere with law enforcement and judicial cooperation mechanisms. Each EU member state was invited to designate a national rapporteur, based on national conditions.

EIB loan to Baltic water company

In line with the priorities set down in the Northern Dimension Environmental Partnership, the European Investment Bank (EIB) is lending €17.5 million to Vodokanal, St Petersburg's water company, to finance a reduction of the pollution discharged into the Gulf of Finland. This project, which will be jointly financed by the NIB, the ERBD, the EIB, the City of St Petersburg and the Russian Federation, comprises completing a sewer tunnel and improving nutrient removal at the city's large wastewater treatment plants.

In Brief

Humanitarian aid for Haiti

The European Commission launched, on 5 June, a €7 million comprehensive humanitarian aid package for the most vulnerable segments of Haiti's population. The funds will be used to fight malnutrition and child mortality and to improve the country's preparation for dealing with humanitarian crises and its emergency intervention capacities. The aid will benefit around one million people. The Commission opened an office in Port-au-Prince in February this year to facilitate monitoring of the situation. It is one of the largest donors of humanitarian aid to Haiti, having contributed more than €90 million since 1993. Haiti is the poorest country in the Western hemisphere.

German business support scheme authorised

The European Commission authorised, on 5 June, an amendment to a German aid scheme allowing the grant of aid of up to €500,000 per company, initially authorised on 30 December 2008. The amendment will facilitate access to investment capital, particularly for small and medium-sized companies (SMEs) in the start-up phase. It allows Germany to make risk capital available in the form of direct grants of at most €500,000. Private investments, particularly in the form of public-private funds, are expressly excluded from the scheme. The measure expires at the end of 2010 and is found to be in conformity with the Commission's temporary framework for state aid to support access to finance in the current financial and economic crisis.

New procedures for bilateral agreements

Responding to some member states' demands (especially France), the Justice Council adopted, on 5 June in Luxembourg, new procedures for negotiating and concluding bilateral agreements between EU member states and third countries. These matters are mainly regulated at international level. However, there was a clear need for the citizens of EU member states to benefit from these agreements in order to facilitate their access to justice in other countries. The procedures are related to jurisdiction, recognition and decisions in matrimonial matters, parental responsibility and applicable law in matters related to maintenance obligations. It is aimed specially at guardianship, cross-border right of access or child abduction. Another subject agreed upon is the applicable law in contractual and non-contractual obligations. Many of them relate to airport, road or railways management (especially questions of liability and work conditions). The role of the proposed regulations is to create a legal framework that authorises a member state to amend legal agreements with third countries in certain areas of civil law while ensuring that the *acquis communautaire* is safeguarded.

EIB loan to Costa Crociere

The European Investment Bank (EIB) signed, on 5 June, a contract with Costa Crociere, Italy's leading tourism group, for a direct loan of €550 million. The operation is aimed at supporting the five-year plan to develop the fleet of Costa Crociere, which plans to introduce five new ships by 2012, via an aggregate investment of €2.4 billion. In granting this loan, the EIB recognises the importance of boosting tourist flows, with particular emphasis on the so-called areas of convergence within the European Union and in the Mediterranean region and on the positive impact on direct and indirect employment.

State aid to Volvo approved

The European Commission cleared, on 5 June, the plans notified by Sweden to grant guarantees to the car manufacturer Volvo. The guarantees will enable Volvo Personvagnar (Volvo PV) to obtain loans of €500 million from the European Investment Bank (EIB) to finance the development of more environmentally acceptable cars. The loans and guarantees would be granted in five instalments over the years 2009-2010 with a maturity of seven years. The Commission found that the guarantees offered by the Swedish government meet the conditions set by the temporary framework on state aid, adopted towards the end of 2008, which gives member states additional leeway to facilitate access to financing in today's economic and financial crisis.

EU Agenda

Week from 8 to 14 June

Monday 8 June

EUROPEAN PARLIAMENT

PRESS CONFERENCES

Today's press conferences:

Brussels, Anna Politkovskaya Room (PHS 00A50)

- 11:00 : The European elections results - Joseph Daul (EPP-ED, FR), and Wilfried Martens, president of the EPP Party
- 11:30 : The European elections results - Graham Watson (ALDE, UK)

COUNCIL OF MINISTERS

EMPLOYMENT, SOCIAL POLICY, HEALTH AND CONSUMER AFFAIRS COUNCIL (EPSCO)

8 and 9 June, Luxembourg

EUROPEAN JUDICIAL NETWORK IN CIVIL AND COMMERCIAL MATTERS

Prague

EUROGROUP

Brussels

MEETING OF DIRECTORS GENERAL AND PRESIDENTS OF THE RECTORS' CONFERENCES

8 and 9 June, Prague

The event will address conclusions from the Leuven/Louvain-la-Neuve conference of higher education ministers and synergies with the Lisbon agenda as well as the latest developments, challenges and good practice in possibilities of financing higher education.

CONFERENCE ON THE LABE WATERWAY

8 and 9 June, Ústí nad Labem, Decín (Czech Republic)

Reconciling the promotion of navigation

and environmental protection

Organizer: European Commission (DG TREN, DG ENVI)

Contact: Eleonora Tyrolová, Ministerstvo dopravy CR - eleonora.tyrolova@mdcr.cz

NATURE DIRECTORS MEETING

8 to 10 June, Prague

This event regularly brings together the directors of central EU nature conservation bodies, which tackle specific issues of nature and landscape protection.

Website: www.pragint.cz/ndm2009

EUROPEAN COMMISSION

TRAVEL AND VISITS

■ Mr Jacques Barrot in Paris: meets Mr Michel Dealberti, President of the Fédération Nationale des Centres de Médiation; Mrs Danièle Ganancia, Vice-President and family affairs judge at the Tribunal de Grande Instance in Paris; Mr Richard Lalonde, President of AFORST (Association Française des Opérateurs de Réseaux et de Services de Télécommunications) and Deputy Managing Director of SFR (Société Française du Radiotéléphone); Mr Jean-Martin Folz, President of AFEP (Association Française des Entreprises Privées)

■ Ms Danuta Hübner takes part in a debate on green technologies: "The way to tackle the crisis: EU investments into green innovations" at Greenovation conference (Klub Polskiej Rady Biznesu, Warsaw)

■ Ms Danuta Hübner in the UK (08-09): gives a speech at the Oxford Conference on "Legacies and Prospects: Poland 1989, 20 years on" (St. Antony's College, Nissan Lecture Theatre Oxford University, Oxford) (08). Gives a speech on the European economic recovery plan at the conference "Stimulating Project Finance" + press point (Thomson Reuters Building, Canary Wharf, London) (09)

■ Mr Ján Figel' meets Sport organizations (BERL Robert Schuman Salle)

■ Ms Catherine Ashton delivers a speech at the UK World Trade Week (London)

COURT OF FIRST INSTANCE

15:00

Appeals Chamber

- Hearing T-338/07 P Bianchi v ETF. Staff Regulations of Officials
- Judgment T-498/07 P Krcova v Court of Justice. Staff Regulations of Officials.

ECONOMIC AND SOCIAL COMMITTEE

Brussels, at the EESC

- Chat with the President Sepi on "Innovations to get out of the crisis"

Tuesday 9 June

EUROPEAN PARLIAMENT

PRESS CONFERENCES

Today's press conferences:

Brussels, Anna Politkovskaya Room (PHS 00A50)

- 10:30 - The elections results - Jo Leinen (PES, DE)

COUNCIL OF MINISTERS

ECONOMIC AND FINANCIAL AFFAIRS COUNCIL (ECOFIN)

Luxembourg

EMPLOYMENT, SOCIAL POLICY, HEALTH AND CONSUMER AFFAIRS COUNCIL (EPSCO)

8 and 9 June, Luxembourg

URBAN DEVELOPMENT GROUP MEETING

Prague

The Czech Presidency will demonstrate practical examples of suburbanisation in the Prague area and revitalisation of deprived city areas; two important documents drafted by the Ministry for Regional Development on the issue of urban development: the interim report on performing tasks of the first action programme of the Territorial Agenda of the European Union "1.1a – relations between urban and rural areas" and the report assessing the implementation of the Leipzig Charter on Sustainable European Cities will also be discussed.

INFORMAL MEETING OF SECTION DIRECTORS FOR RURAL DEVELOPMENT

9 and 10 June, Brno (Czech Republic)

POLITICAL AND SECURITY COMMITTEE (PSC)

9 and 10 June, Brussels

MEETING OF DIRECTORS OF STRATEGY, ANALYSIS AND PROJECT MANAGEMENT MFA

9 and 10 June, Prague

MEETING OF DIRECTORS GENERAL AND PRESIDENTS OF THE RECTORS' CONFERENCES

8 and 9 June, Prague

CONFERENCE ON THE LABE WATERWAY

8 and 9 June, Ústí nad Labem, Decín (Czech Republic)

NATURE DIRECTORS MEETING

8 to 10 June, Prague

EUROPEAN COMMISSION

TRAVEL AND VISITS

- Mr José Manuel Durão Barroso meets with Mrs Angela Merkel, German Chancellor (Berlin)
- Mr Janez Potocnik at the launch of European Social Survey findings booklet (European research infrastructure survey

on behaviour and attitudes of European citizens) (University Foundation Club, Brussels)

- Mr Ján Figel' meets Mr Frans Von Daeniken, Executive Member of the Board of Drosos Foundation
- Mrs Mariann Fischer Boel participates in the CEPS (Centre for European Policy Studies) lunch debate with Mr Frederik Reinfeldt, Prime Minister of Sweden
- Mr Vladimír Špidla receives Mr Myroslav Yakibchuk, Head of National Forum of Trade Unions of Ukraine
- Mr Vladimír Špidla attends the bi-annual meeting between the European Commission and Social Platform (Brussels)
- Ms Catherine Ashton in Canada (09-11): participates in the launch of the EU-Canada Free Trade Agreement and delivers a speech on "Open Trade and Investment: driving global recovery"
- Mr Andris Piebalgs in Bucharest: opens "the Bucharest Forum 2009 – Energy Efficiency and Renewable Energy Sources"; meets Mr Adriean Videanu, Rumanian Minister of Economy

COURT OF JUSTICE

09:30 - Grand Chamber

- Judgment C-480/06 Commission v Germany. Company law.
- Hearing C-91/08 Wall. Company law.

COURT OF FIRST INSTANCE

09:30

Fourth Chamber

- Hearing T-29/05 Deltafina v Commission. Competition.

09:30

First Chamber

- Judgment T-152/06 NDSHT v Commission. State aid.

ECONOMIC AND SOCIAL COMMITTEE

Brussels, at the EESC

- Participation of Mr Buffetaut to the conference on Biowaste

Wednesday 10 June

COUNCIL OF MINISTERS

MEETING OF THE COREPER I

Brussels

EU MEMBER STATES EXPERT MEETING ON THE CONCLUSIONS OF THE 17TH SESSION OF THE UN COMMISSION ON SUSTAINABLE DEVELOPMENT

Prague

CONFERENCE "5 YEARS OF INVESTMENTS IN HUMAN RESOURCES WITH THE EUROPEAN SOCIAL FUND IN THE CZECH REP

Pilsen (Czech Republic)

Organizer: Ministry of Labour and Social Affairs

Contact: Mgr. Radka Pospíšilová, Ministry of Labour and Social Affairs

TOURISM INDUSTRY: EMPLOYMENT AND LABOUR MARKET CHALLENGES

10 and 11 June, Prague

The objective of the conference is to present the trends and possible developments in the area of creation of new jobs in the European labour market and tourism industry and competitiveness of small and mid-sized businesses operating in this field.

Contact: Denisa Pronková, proden@mmr.cz, +420 234 154 327

INFORMAL MEETING OF SECTION DIRECTORS FOR RURAL DEVELOPMENT

9 and 10 June, Brno (Czech Republic)

MEETING OF DIRECTORS OF STRATEGY, ANALYSIS AND PROJECT MANAGEMENT MFA

9 and 10 June, Prague

POLITICAL AND SECURITY COMMITTEE (PSC)

9 and 10 June, Brussels

NATURE DIRECTORS MEETING

8 to 10 June, Prague

EUROPEAN COMMISSION

WEEKLY MEETING

Brussels, 9:00

On the agenda:

- Communication on the future development of the EU as an area of freedom, security and justice
- Communication on an EU Strategy for the Baltic Sea Region

TRAVEL AND VISITS

- Mr José Manuel Durão Barroso and Mr Andris Piebalgs receive Mr Valdis Dombrovskis, Prime Minister of Latvia
- Mrs Viviane Reding receives Mr Bernard Arnault, President of LVMH (Moët Hennessy - Louis Vuitton)
- Mrs Viviane Reding receives Mr Nicolas De Tavernost, President of ACT (Association des Télévisions)
- Mr Olli Rehn delivers a keynote speech at the thematic debate "EU+10: A larger, more united Europe" (EESC, Brussels)
- Mr Vladimír Špidla opens the exhibition "European Identity" organised by former Czech Foreign Minister, Mr Jirí Dienstbier (Esplanade BERL)
- Mr Vladimír Špidla attends vernissage of exhibition "Integration of minorities: The Roms -the contribution of the European Economic and Social Committee" (Brussels)

COURT OF JUSTICE

09:30

Third Chamber

- Hearing C-299/08 Commission v France. Company law.

COURT OF FIRST INSTANCE

09:30

First Chamber, Extended Composition

- Judgment T-257/04 Poland v Commission. Agriculture.

09:30

Fifth Chamber

- Judgment Joined cases T-396/05 T-

397/05 ArchiMEDES v Commission. Environment and consumers.

09:30

Fifth Chamber

- Judgment T-204/06 Vivartia v OHMI - Kraft Foods Schweiz (milko ΔΕΛΤΑ). Intellectual property

09:30

Fourth Chamber

- Hearing T-339/07 Juwel Aquarium v OHMI - Potschak - Bavaria Aquaristik (Panorama). Intellectual property.

09:30

First Chamber

- Hearing T-139/08 Loufrani v OHMI (Représentation du sourire du smiley). Intellectual property.

09:30

Fifth Chamber

- Hearing T-195/08 Antwerpse Bouwwerken v Commission. Company law.

ECONOMIC AND SOCIAL COMMITTEE

PLENARY SESSION

10 and 11 June, Brussels

Paul-Henri Spaak Building (European Parliament) Room P3A050,

3:00 – 5:00 p.m.

- Commemoration of the twentieth anniversary of the fall of the iron curtain and the fifth anniversary of the enlargement to twenty five member states

- Opening of the session: Mario Sepi – EESC president and Irini Ivoni Pari, EESC vice-president

- Statements by:

- Catherine Lalumière, former vice-president of the European Parliament, president of the French Federation of European Houses

- Tadeusz Mazowiecki, former Prime Minister of Poland

- Olli Rehn, member of the European Commission responsible for enlargement

- Discussion
- Conclusions

- Discussion of Committee opinions

(the order in which these opinions will be discussed will be decided later):

Thematic debate - Science and Security

- An Industrial Property Rights Strategy for Europe (communication). COM(2008) 465 final. CESE 700/2009 fin. Rapporteur: Mr Daniel Retureau (Gr. II-FR).

- Strategic European framework for international science and technology cooperation (communication). COM(2008) 588 final. CESE 278/2009 fin. Rapporteur: Mr Gerd Wolf (Gr. III - DE)

- Medicinal products for human use – Community code. COM(2008) 663 final – 2008/0256 (COD). CESE 580/2009 fin

- 2008/0256 COD. Rapporteur: Ms Renate Heinisch (Gr. III-DE).

- Pharmacovigilance/Community regulation – medicinal products for human and veterinary use – Community procedures. COM(2008) 664 final – 2008/0257 COD.

- CESE 560/2009 fin – 2008/0257 COD. Rapporteur: Ms Sylvia Gauci (Gr. I - MT).

- Pharmacovigilance/Community code relating to medicinal products for human use. COM(2008) 665 final – 2008/0260 COD. CESE 562/2009 fin – 2008/0260 COD. Rapporteur: Mr Cedrone (Gr. II-IT).

- Medicinal products for human and veterinary use - European Medicines Agency. COM(2008) 662 final – 2008/0255 COD. CESE 780/2009 fin – 2008/0255 COD. Rapporteur: Mr Cedrone (Gr. II-IT).

- Charging of heavy goods vehicles for the use of certain infrastructures. COM(2008) 436 final – 2008/0147 COD. CESE 1806/2008 fin – 2008/0147 COD. Rapporteur : Mr Rafael Barbadillo López (Gr. I -ES).

- Internalisation of external costs (communication). COM(2008) 435 final. CESE 182/2009 fin. Rapporteur: Mr Jan Simons (Gr. I-NL).

- A European Strategy for Marine and Maritime Research (communication). COM(2008) 534 final. CESE 187/2009 fin. Rapporteur: Mr Marian Krzaklewski (Gr. II-PL).

- European energy network (Green Paper). COM(2008) 782 final. CESE 406/2009 fin. Rapporteur: Ms Laure Batut (Gr. II-FR).

- Community framework for nuclear safety (to be confirmed). COM(2008) 790 final – 2008/0231 CNS. CESE 319/2009 fin – 2008/0231 CNS. Rapporteur: Mr Gérard Dantin (Gr. II-FR).

- Trans-Atlantic relations between the EU and North American countries in the

air transport sector – genuine regulatory convergence (exploratory opinion at the request of the Czech presidency). CESE 687/2009 fin. Rapporteur: Mr Jacek Krawczyk (Gr. I-PL).

- Trans-European Networks/ financial aid (codified version) (category C). COM(2009) 113 final – 2009/0037 COD. CESE 946/2009 fin – 2009/0037 COD.

- Hazardous substances in electrical and electronic equipment (recast). COM(2008) 809 final – 2008/0240 COD. CESE 230/2009 fin – 2008/0240 COD. Rapporteur: Mr Daniel Retureau (Gr. II-FR).

- Waste Electrical and Electronic Equipment (recast). COM(2008) 810 final – 2008/0241 COD. CESE 232/2009 fin – 2008/0241 COD. Rapporteur: Ms Sylvia Gauci (Gr. I - MT).

- EU strategy on invasive species (communication). COM(2008) 789 final. CESE 704/2009 fin. Rapporteur: Mr Martin Siecker (Gr. II-NL).

- Conservation of wild birds (codified version) (category C). COM(2009) 129 final – 2009/0043 COD. CESE ../2009 fin – 2009/0043 COD.

- Safety of human organs intended for transplantation. COM(2008) 818 final – 2008/0238 COD. CESE 200/2009 fin – 2008/0238 COD. Rapporteur : Mr José Isaías Rodríguez García-Caro (Gr. I-ES).

- Results of the Employment summit. CESE 823/2009 fin. Rapporteur: Mr Wolfgang Greif (Gr. II-AT).

- Risks related to exposure to asbestos at work - protection of workers (codified version). COM(2009) 71 final – 2009/0021 COD. CESE 711/2009 fin – 2009/0021 COD. Rapporteur: Mr Xavier Verboven (Gr. II - BE).

- VAT/rules on invoicing. COM(2009) 21 final – 2009/0009 CNS. CESE 475/2009 fin – 2009/0009 CNS. Rapporteur: Mr Umberto Burani (Gr. I-IT).

Brussels, at the EESC

- During the plenary session, a debate will be organised with several personalities to celebrate the 20 years of the Fall of the Iron Curtain and 5 years of EU+10 enlargement

Brussels, at the EESC

- Conference “Good for men’s health, good for business” organised by EMHF with the participation of Ms Madi Sharma

COMMITTEE OF THE REGION

ECOS external seminar

- Seminar of the Commission for Economic and Social Policy on “Women Entrepreneurship as an Engine to Increase Regional Economic Growth and reduce Exclusion”, organised by the Committee of the Regions and the Municipality of Lidingö (Sweden)

Location: City Hall in Lidingö, Sweden

Thursday 11 June

COUNCIL OF MINISTERS

TRANSPORT, TELECOMMUNICATIONS AND ENERGY COUNCIL (TTE) - TRANSPORT

Luxembourg

MEETING OF THE COREPER II

Brussels

NEW DIRECTION OF THE ENVIRONMENTAL POLICY CONFERENCE

Prague

The aim of the conference will be to summarise the achievements in the field of EU environmental policy since 2002 (the launch of the 6th Environment Action Programme); to analyse the current situation including the principal remaining problems in this area and to outline the direction for the future environmental policy.

ENHANCING A STRATEGIC US-EU PARTNERSHIP

Prague

MEETING OF THE BUSINESSEUROPE COUNCIL OF PRESIDENTS

11 and 12 June, Prague

Organizer: BusinessEurope

Contact: Ing. Blanka Jakubcová,

bjakubcova@spcr.cz

ADMINISTRATIVE COMMISSION ON SOCIAL SECURITY FOR MIGRANT WORKERS MEETING

11 and 12 June, Prague

MEETING OF CREST AND JOINT WORKING PARTY ON RESEARCH/ATOMIC QUESTIONS

11 and 12 June, Prague

SEMINAR “STOP MALNUTRITION OF PATIENTS AND DISEASES RESULTING FROM POOR NUTRITION!”

11 and 12 June, Prague

TOURISM INDUSTRY: EMPLOYMENT AND LABOUR MARKET CHALLENGES

10 and 11 June, Prague

More info on Wednesday 10 June

EUROPEAN COMMISSION

TRAVEL AND VISITS

- Mr José Manuel Durão Barroso participates at the Business Network for Corporate Social Responsibility conference (Suez-Tractabel, Brussels)

- Mr José Manuel Durão Barroso receives Professor Dennis Snower

- Mrs Margot Wallström in Cork and Dublin, Ireland (11-12): meets with Irish Minister of State, Mr Billy Kelleher T.D (Cork); intervenes in event organised by the European Movement Ireland (Cork); meets with Women’s Organisations in Ireland: “Challenges for Women in these Difficult Economic Times” (Cork) (11). Participates in the “Breakfast with Europe” event, held in conjunction with Cork City Chamber of Commerce; visits the Irish Examiner Editorial Offices (Cork); meets Generation Yes in front of live youth audience (Ballymun); meets with “Women for Europe” (Dublin)

- Ms Danuta Hübner in Del-Dunantul/Del-Alfold, Hungary (11-12): meets with Mr Gordon Bajnai, Prime Minister of Hungary (Budapest); meets with Mr Peter Balázs, Minister for Foreign Affairs (Budapest); visits a project in Kistelek: Geothermal energy power plant; meets regional and local authorities; presentation about EU developments and the achieved results in the region by deputy mayor responsible for developments (Szeged); gives a press conference (building of Regional Development Council (RDC), Szeged); visits a project (Szeged – Ujszeged) (11). Meets with Mr István Varga, Minister for national development and economy (Pécs); attends a regional event of the Regional Development Council (RDC) for communication of EU projects results and a

presentation of Pécs 2010 European Capital of Culture project with project manager (Pécs); visits a project: Paleochristian Grave Chambers (“Okeresztztény Sirkamrák”) - Part of UNESCO World Heritage, related to Pécs 2010 project (Pécs); visits a project (Szekszárd) (12)

■ Signature of the Mexican Memoranda by Mr Ján Figel’ (BERL)

■ Mr Ján Figel’ takes part in the ECTS (European Credits Transfer System) Label Award Conference and Ceremony (Centre Borschette, Room OD)

■ Opening speech of Mr László Kovács at the 3rd International Tax Conference (Budapest)

■ Mrs Mariann Fischer Boel in Croatia (11-12): field visits of agricultural establishments (11). Speech at the Conference Agriculture and Enlargement (Zagreb, 12)

■ Mr Vladimír Špidla in Malta: meetings with Mr Lawrence Gonzi, Prime Minister of Malta and Mr John Dalli, Minister for Social Policy; meetings with Social Partners and Civil Society

■ Mr Andris Piebalgs delivers a speech at the EPSU (European Federation of Public Service Unions) Congress “Public Services – Quality of Life” (Brussels)

■ Mr Andris Piebalgs delivers a speech at the launch of the EASAC (European Academies Science Advisory Council) report “Transforming Europe’s Electricity Supply” (Brussels)

■ Ms Meglena Kuneva delivers an opening speech at the ANEC (European consumer voice in standardisation) General Assembly (Brussels)

■ Mr Leonard Orban in Parma, Venice and Bolzano (11-14): meeting with Representatives from “Collegio di Parma” and local authorities; lecture at “Collegio di Parma” (Parma, 11). Participates in the conference “Il multilinguismo dell’Europa risorsa nei rapporti con i paesi terzi: il caso Cina” (Università Ca’ Foscari); meets with University Representatives and Mr Massimo Cacciari, Mayor of Venice and with On. Marino Finozzi, President of the Regional Council (Venice, 12). Meets with Mr Luis Durnwalder, Head of the regional government (Bolzano, 14)

■ Mrs Androulla Vassiliou in Finland: attends the Conference “Promotion of the health and well-being of children and young people”, organised by the Ministry of Social Affairs and Health; holds a speech at the Conference “Promotion of the health and well-being of children and young people”, organised by

the Ministry of Social Affairs and Health; meets Mr Matti Vanhanen, Prime Minister of Finland; meets Mrs Sirkka-Liisa Anttila, Minister of Agriculture and Forestry

COURT OF JUSTICE

09:30 - Fourth Chamber

- Judgment C-300/07 Hans & Christophorus Oymanns. Environment and consumers.
- Judgment C-429/07 X BV. Competition.

09:30 - Second Chamber

- Judgment C-521/07 Commission v Netherlands. Taxation.

09:30 - First Chamber

- Judgment C-529/07 Chocodafabriken Lindt & Sprüngli. Intellectual property.

09:30 - Fifth Chamber

- Judgment C-542/07 P Imagination Technologies v Office for Harmonisation in the Internal Market. Intellectual property

09:30 - Second Chamber

- Judgment C-561/07 Commission v Italy. Approximation of laws.

09:30 - Third Chamber

- Judgment C-564/07 Commission v Austria. Freedom to provide services

09:30 - Second Chamber

- Judgment C-572/07 RLRE Tellmer Property. Taxation.

09:30 - Sixth Chamber

- Judgment C-16/08 Schenker. Common Customs Tariff.

09:30 - Second Chamber

- Judgment C-33/08 Agrana Zucker. Agriculture.

09:30 - Third Chamber

- Hearing C-45/08 Spector Photo Group and Van Raemdonck. Approximation of laws.

09:30 - Fourth Chamber

- Hearing Joined cases C-145/08 C-149/08 Club Hotel Loutraki and Others and Aktor A.T.E. Company law.
- Judgment Joined cases C-155/08 C-157/08 X and Passenheim-van Schoot.

Freedom to provide services.

09:30 - Fifth Chamber

- Judgment C-170/08 Nijemeisland. Agriculture.

09:30 - First Chamber

- Hearing C-304/08 Plus Warenhandelsgesellschaft. Environment and consumers.

09:30 - Third Chamber

- Judgment C-327/08 Commission v France. Company law.
- Judgment C-335/08 P Transports Schiocchet - Excursions v Commission. Law governing the institutions.

09:30 - Seventh Chamber

- Judgment C-546/08 Commission v Sweden. Economic policy.

COURT OF FIRST INSTANCE

09:30 - Seventh Chamber

- Judgment T-318/01 Othman v Council and Commission. Common foreign and security policy.

09:30 - Eighth Chamber, Extended Composition

- Judgment T-292/02 Confservizi v Commission. State aid.
- Judgment T-297/02 ACEA v Commission. State aid.
- Judgment T-300/02 AMGA v Commission. State aid.
- Judgment T-301/02 AEM v Commission. State aid.
- Judgment T-309/02 Acegas v Commission. State aid.
- Judgment T-189/03 ASM Brescia v Commission. State aid.
- Judgment T-222/04 Italy v Commission. State aid.

09:30 - Eighth Chamber

- Judgment T-33/07 Greece v Commission Agriculture.

09:30 - Seventh Chamber

- Judgment Joined cases T-114/07 T-115/07 Last Minute Network v OHMI - Last Minute Tour (LAST MINUTE TOUR). Intellectual property.

- Hearing T-391/07 Alber v OHMI (Représentation d'une poignée). Intellectual property.

09:30 - Eighth Chamber

- Judgment T-33/08 Bastos Viegas v OHMI - Fabre médicament (OPDREX). Intellectual property.
- Judgment T-67/08 Hedgefund Intelligence v OHMI - Hedge Invest (InvestHedge). Intellectual property.
- Judgment T-78/08 Baldesberger v OHMI (Forme d'une pincette). Intellectual property.
- Judgment T-151/08 Guedes - Indústria e Comércio v OHMI - Espai Rural de Gallecs (Gallecs). Intellectual property.

09:30 - Second Chamber

- Hearing F-91/08 Pleijte v Commission. Staff Regulations of Officials.

10:00 - Sixth Chamber, Extended Composition

- Hearing T-63/07 Mäurer + Wirtz v OHMI - Exportaciones Aceiteras Fedeoliva (tosca de FEDEOLIVA). Intellectual property.

10:00 - Sixth Chamber

- Judgment T-132/08 ERNI Electronics v OHMI (MaxiBridge). Intellectual property.

ECONOMIC AND SOCIAL COMMITTEE

PLENARY SESSION

10 and 11 June, Brussels

Paul-Henri Spaak Building (European Parliament)

Room P3A050

More info on Wednesday 10 June

Brussels, at the EESC

- Literature lunch with the presence of the Polish author Grazyna Plebanek

CONFERENCES AND SEMINARS

11-12 June, Budapest

- Combating Poverty and Social Exclusion in Rural areas

Subject: The conference aims to highlight the need for enhanced cooperation with the

different actors in the field of social policies, agricultural development, regional policy and statistics to fight poverty and social exclusion in rural areas.

Organisers: European Commission's Directorate-General for Employment, Social Affairs and Equal Opportunities (DG EMPL), the Directorate-General for Agriculture and Rural Development, and the Directorate-General for Regional Policy, Urban Development, Territorial Cohesion

Contact : eu-team@pleon.com - + 32 2 550 00 55

Venue: Danubius Flamenco Hotel - Tas vezér 47 Budapest

Friday 12 June

COUNCIL OF MINISTERS

TRANSPORT, TELECOMMUNICATIONS AND ENERGY COUNCIL (TTE) - TELECOMMUNICATIONS AND ENERGY Luxembourg

INTERNATIONAL WORKSHOP "REGULATION OF FINANCIAL MARKETS" 12 and 12 June, Prague

ADMINISTRATIVE COMMISSION ON SOCIAL SECURITY FOR MIGRANT WORKERS MEETING

11 and 12 June, Prague

MEETING OF CREST AND JOINT WORKING PARTY ON RESEARCH/ATOMIC QUESTIONS 11 and 12 June, Prague

SEMINAR "STOP MALNUTRITION OF PATIENTS AND DISEASES RESULTING FROM POOR NUTRITION!"

11 and 12 June, Prague

MEETING OF THE BUSINESSEUROPE COUNCIL OF PRESIDENTS

11 and 12 June, Prague

ADMINISTRATIVE COMMISSION ON SOCIAL SECURITY FOR MIGRANT WORKERS MEETING

11 and 12 June, Prague

EUROPEAN COMMISSION

TRAVEL AND VISITS

- Mrs Neelie Kroes in Stockholm: meetings with Swedish Competition Authority

COURT OF FIRST INSTANCE

09:30 - Third Chamber

- Hearing T-427/07 Mirto Corporación Empresarial v OHMI - Maglificio Barbara (Mirtillino). Intellectual property.

09:30 - Appeals Chamber

- Hearing T-355/08 P De Fays v Commission. Staff Regulations of Officials.

15:00 - Third Chamber

- Hearing T-143/07 UMG Recordings v OHMI - Osman (MOTOWN). Intellectual property.
- Judgment T-450/07 Harwin International v OHMI - Cuadrado (Pickwick COLOUR GROUP). Intellectual property.

COMMITTEE OF THE REGION

- 7th meeting of the Working group on the Western Balkans

Location: Montenegro (Maestral Resort & Casino, Przn0)

Sunday 14 June

EUROPEAN COMMISSION

TRAVEL AND VISITS

- Mrs Benita Ferrero-Waldner participates in the EU Troika dinner with the Arab League (Luxembourg)

INSIGHT**Top three EU posts:
Candidates, rules and procedures****Renewal subject to will of people?**

By Nicolas Gros-Verheyde

Who will be the future president of the European Commission, its minister of foreign affairs, indeed the president of Europe, if the Lisbon Treaty enters into force on time? The field is open. The election of the new European parliament, on 7 June, marks a first step in renewing the EU institutions in the new 2009-2014 legislative term.

The appointment of the future president of the European Commission is subject to two uncertainties and several conditions:

The first uncertainty is political. Whatever the procedure used (the Nice or Lisbon Treaty), the appointment of the Commission president is subject to the will of member states' governments and, in one way or another (see below), the new European Parliament. The majority that

emerges in the new assembly will depend as much on the result of the polls as the final composition of certain groups (EPP, Liberals and democrats, populist) and possible alliances (EPP-Liberals or Liberals-Socialists-Greens or EPP-Socialists). There is also instability for heads of state and government because of the economic crisis. Several governments have changed leaders in recent weeks (Czech Republic and Hungary) or could do so in upcoming elections (Belgium and Bulgaria in June, Germany in September, Czech Republic in October). Other governments are coming under scrutiny (Greece, Romania, United Kingdom).

The appointment must also strike a delicate balance with the other heads of the executive: politically (between Christian Democrats, Socialists, or even Liberals or Greens), governmentally (between

large and small states) and geographically (between the South and North of Europe, or even between the East and the West). There are also unwritten conditions, such as the rule that the Commission president must be a high-ranking political leader (prime minister or former prime minister).

The second uncertainty is legal: the entry into force of the Lisbon Treaty will fundamentally change how the European Union's executive institutional system is organised. It will introduce a new head next to the European Commission's traditional president – the president of the European Council – and will establish the high representative for foreign policy as a key figure between two of its institutions. It will also combine, in a manner unrivalled in modern democracies, the executive power and the legislative power. Politi-



cally, it offers another way of balancing the power of the European Commission president and a possibility of compensation for member states that do not get this post.

But the introduction of a new treaty also creates another legal headache. Unless there is a surprise from the Irish, the Lisbon Treaty cannot enter into force before the new Commission is in place. The latter will therefore abide by the rules of the Nice Treaty, and in particular have fewer commissioners than the number of member states. The Lisbon Treaty allows an equivalent number to be maintained, at least until 2014 – and the rule can be changed by a European Council decision. There is one solution to avoid this reduction: the tacit extension of the Commission beyond its scheduled term. But this solution also has a drawback: it can only be for a limited time (a few weeks). The

two other possible solutions: appointing a provisional Commission or a permanent Commission implies that at least one state ‘sacrifices’ its commissioner post in return for some sort of compensation. Unless a system of rotating posts is devised – which no member state is willing to do – then the compensation offered to a member state must be significant.

One of the most widely envisaged solutions¹ is that the country that has the post of high representative for foreign policy gives up its commissioner – while the treaty comes into force – and then becomes part of the Commission upon ratification.

Given this context, the combination of names that best meets all these criteria is: Barroso (Portuguese Christian Democrat) at the European Commission, Bildt (Swedish Conservative) as high representative – Sweden taking on its Presidency

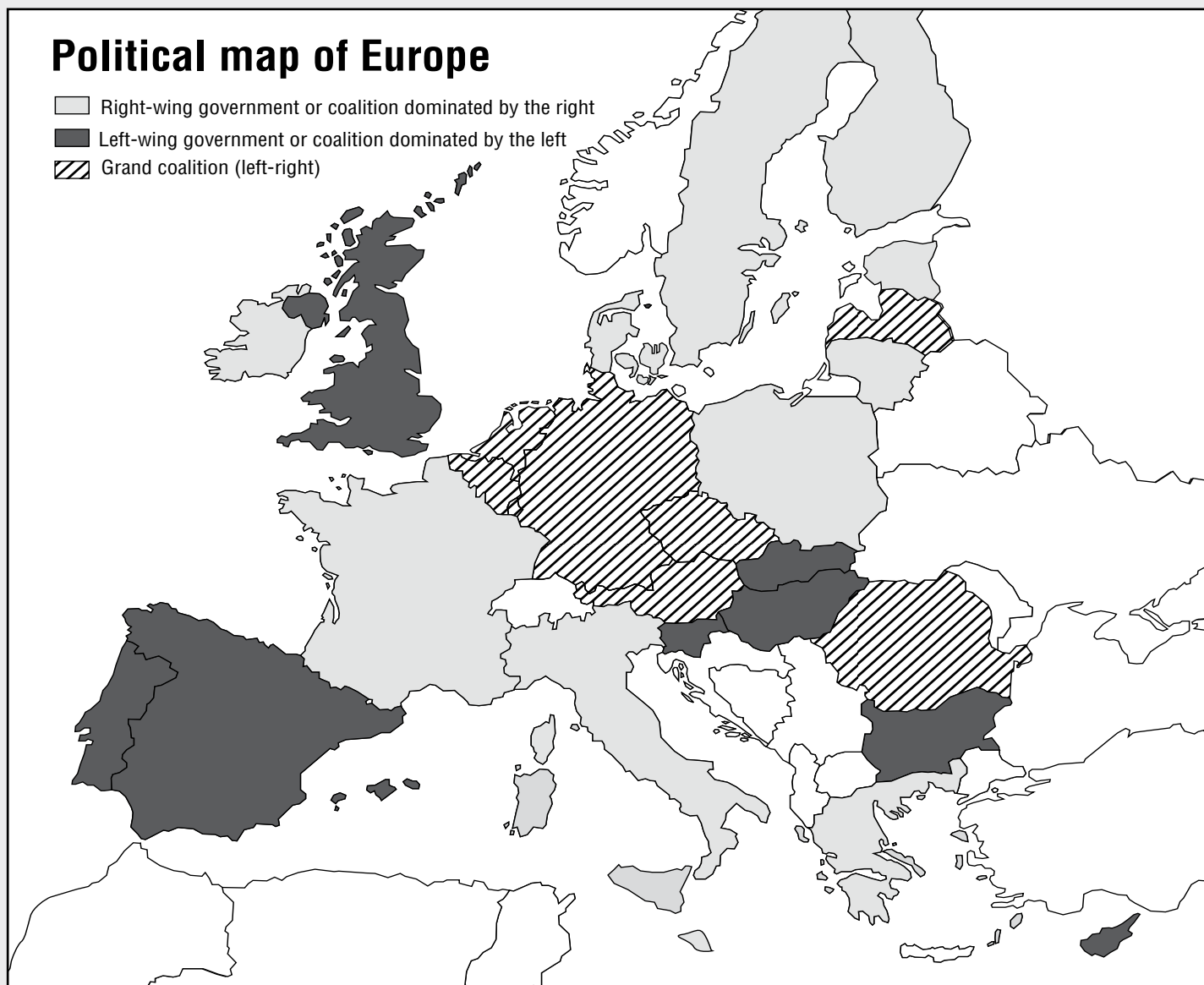
accepts temporarily foregoing its commissioner – and Gonzalez (Spanish Socialist) or Blair (British Labour) as president of Europe. All this would be accompanied by ‘compensations’ in terms of important commissioner posts for the states excluded from this triangle (France, Germany and Poland in particular).

But if one part of this ‘puzzle’ is missing, then this well-oiled mechanism seizes up. As recent history shows, the European Commission’s road is paved with ‘perfect combinations’ that fail at the last moment. With changing powers or candidates who pop up... all at the last minute. ■

(1) Another envisaged solution – possibly on top of the previous one – is that the state without a commissioner is responsible for the “secretary general” or the “legal service” at the heart of the Commission.

Political map of Europe

- Right-wing government or coalition dominated by the right
- Left-wing government or coalition dominated by the left
- Grand coalition (left-right)



Nomination rules

By Nicolas Gros-Verheyde

Apart from the presidency of the European Parliament, under the Nice Treaty, two positions are to be filled (Commission president and high representative) while three are to be filled under Lisbon (Commission president, high representative and European Council president).

COMMISSION PRESIDENT

The president of the European Commission is a position that remains basically in the hands of the member states, although Parliament's role is stronger under the Lisbon Treaty. The main difference between the Nice Treaty and the Lisbon Treaty on the appointment of the Commission concerns the way the democratic dimension (Parliament's opinion) is taken into account (see box).

Under the Nice Treaty, Parliament acts on an 'ex post' basis, at the final stage of the procedure. It merely

approves (or rejects) the choice made by the heads of state. The vote takes place according to the rules set by Parliament (at present, the majority of votes cast, or simple majority). A change in the EP's rules of procedure would therefore suffice to change the rules.

Under the Lisbon Treaty, Parliament's participation is an active part of the process with express consideration given to the outcome of the elections. It involves consultations followed by a proposal and a vote by a majority of members (absolute majority).

From a theoretical point of view, the two procedures are more or less identical and both represent a democratic endorsement. In real political practice, however, it is obviously harder to reverse a choice that has already been made than to participate from the start in the decision making process. It is easier to obtain a simple majority than an absolute majority.

OTHER POSITIONS

Other positions can be used as bargaining chips to work out a compromise giving more weight to the member states that do not

obtain one of the key jobs. Basically, these bargaining chips are commissioners' seats.

Some are symbolic: competition, which has particularly important decision making power; internal market; and justice and home affairs. The individuals assigned to these positions have to resign from national or other offices they may hold. The members of the Commission are bound by certain strict rules. They are obliged to be "completely independent in the performance



It is all laid down in the treaties

of their duties in the general interest of the Community". They "shall neither seek nor take instructions from any government or from any other body. They shall refrain from any action incompatible with their duties." The members of the Commission "may not, during their term of office, engage in any other occupation, whether gainful or not" (Article 213 TEC Nice - Article 17 TEU Lisbon).

Other 'administrative' positions, which may seem less political, nevertheless carry considerable power. These include the European Commission's secretary-general (currently held by Irish national Catherine Day) or the head of its legal service (French national Claire-Françoise Durand). The Council's secretary-general (currently Spain's Javier Solana), which is separated from the high representative position under the Lisbon Treaty, and deputy secretary-general (currently French national Pierre De Boissieu), are also key positions. The Commission's secretaries-general and directors-general are appointed by the president of the executive. The Council's secretary-general

and deputy secretary-general are appointed by the Council acting by a qualified majority (Article 207 TEC Nice). Only the secretary-general is mentioned in the Lisbon Treaty; this official is appointed by a simple majority (Article 240 TFUE Lisbon).

EUROPEAN COUNCIL PRESIDENT

This position does not exist under the current treaty, since the European Council presidency is held on a rotating basis by the head of state or government whose country holds the EU Presidency. It was created with the Lisbon Treaty. Although this position has been referred to as that of the 'president of Europe,' it remains poorly defined in terms of powers and means. In fact, it remains to be created and everything will depend on the personality of the individual appointed.

The president of the European Council is elected by the European Council, acting by a qualified majority. This individual may not hold any national office. The term of office runs for two and a half years and is renewable once.

This person's role is fairly limited according to the Lisbon Treaty (Article 15 TEU): 1. chairs and drives forward the work of the European Council; 2. ensures the preparation and continuity of the work of the European Council on the basis of the work of the General Affairs Council (chaired by rotation among the 27 member states); 3. endeavours to facilitate cohesion and consensus within the European Council; 4. presents a report to the European Parliament after each of the meetings of the European Council; and 5. ensures "at his level and in that capacity" the external representation of the Union, without prejudice to the powers of the high representative.

Specific means are not spelled out, but the president has the Council's means at his disposal.

HIGH REPRESENTATIVE FOR FOREIGN AFFAIRS

Under the Lisbon Treaty, the high rep-

representative “for foreign affairs and security policy” wears two or even three hats. Straddling the European Commission and the Council of the European Union, he is bound partly by the Commission’s rules and partly by intergovernmental rules (Article 18 TEU Lisbon).

The high representative is appointed by the European Council, acting by a qualified majority, “with the agreement” of the president of the Commission, implying that the Commission president has already been appointed. His term of office may be terminated by the same procedure.

In the Lisbon version, he is therefore the key man in the new European Commission. First, he is the Union’s ‘chief diplomat’. He conducts the Union’s Common Foreign and Security Policy and defence policy, proposes the development of these policies and carries them out as mandated by the Council.

He expresses the Union’s position in international organisations and at international conferences. Second, he has a highly political role since he chairs the Foreign Affairs

Council (but not the General Affairs Council, which remains under the rotating Presidency).

Third and most importantly, he is the Commission vice-president in charge of external relations. In this capacity, he must be independent of the member states and has, like his fellow commissioners, full voting rights on all subjects as well as legislative and budgetary power. Lastly, he participates in the work of the European Council (without formally being a member, ie without voting rights).

In terms of means, the high representative has the new European External Action Service at his disposal, which will work in collaboration with the member states’ diplomatic services. It will be composed of officials from relevant departments of the Council General Secretariat and of the Commission as well as staff seconded from national diplomatic services.

The high representative will also have other means from both the Commission and the Council (in particular departments

in charge of defence policy: EU military and civilian staff, Joint Situation Centre - Sitten).

Under the **Nice Treaty**, the high representative “for the Common Foreign and Security Policy” wears another hat, that of secretary-general of the EU Council and consequently head of the administration, a very discrete role that is nonetheless extremely important (preparation of Councils, working groups, legal service).

He is appointed by “the Council, acting by a qualified majority”. His mandate ends on 31 October 2009 or automatically (like that of the Council’s deputy secretary-general) upon the entry into force of the Lisbon Treaty (Article 6 of Lisbon, Protocol 36).

Role: the high representative assists the Council for matters relating to the CFSP and “contributes to formulation, preparation and implementation of policy decisions”. Where appropriate, he acts “on behalf of the Council and at the request of the Presidency, conducting political dialogue with third parties” (Article 27 TEU Nice). ■

Nomination of European Commission president

Nice Treaty (Article 214-2 TEC)

The Council, meeting at the level of heads of state or government and acting by a qualified majority, nominates the person it intends to appoint as president of the Commission; the nomination shall be approved by the European Parliament.

The Council, acting by a qualified majority and by common accord with the nominee for president, adopts the list of the other persons whom it intends to appoint as members of the Commission, drawn up in accordance with the proposals made by each member state.

The president and the other members of the Commission thus nominated shall be subject as a body to a vote of approval by the European Parliament. After approval by the Parliament, the president and the other members of the Commission are appointed by the Council, acting by a qualified majority.

Lisbon Treaty (Article 17-7 TFEU)

Taking into account the European Parliament elections, and after having held the appropriate consultations, the European Council, acting by a qualified majority,

proposes to the European Parliament a candidate for president of the Commission. This candidate shall be elected by the European Parliament by a majority of its component members. If he does not obtain the required majority, the European Council, acting by a qualified majority, shall within one month propose a new candidate who shall be elected by the European Parliament following the same procedure.

The Council, by common accord with the president-elect, shall adopt the list of the other persons whom it proposes for appointment as members of the Commission. They shall be selected, on the basis of the suggestions made by member states, in accordance with the criteria set out in paragraph three, second subparagraph, and paragraph five, second subparagraph.

The president, the high representative of the Union for foreign affairs and security policy and the other members of the Commission shall be subject as a body to a vote of consent by the European Parliament. On the basis of this consent the Commission shall be appointed by the European Council, acting by a qualified majority.

Ratification: rule in force

An EU treaty, eg Lisbon, enters into force once all the member state ratifications have been completed. Ratification by the member state is completed not when the national parliament (or the voters if a referendum is used) has voted in favour, but when the act of ratification, duly signed by the state’s competent executive authority, is registered in Rome, since Italy keeps the EU treaties. The text enters into force on the first day of the month following the last ratification. For example: if a parliament or the voters ratify the treaty in October, but the ratification instrument is not deposited until November, the treaty enters into force on 1 December 2009.

Once the instrument of ratification has been deposited, the state is assumed to be bound by the ratification and must denounce the treaty to release itself of its obligations. Since no withdrawal or denunciation procedure is set out in the Rome Treaty, the rules of the Vienna Convention apply. On 1 June, 23 of the 27 member states had deposited their act of ratification. Germany, Ireland, Poland and the Czech Republic have yet to conclude the ratification process.

Candidates for EU's top post

By Nicolas Gros-Verheyde and Floriane Pellegrin

THE "NATURAL"



The current President of the European Commission, **José Manuel Barroso (EPP)**, is a candidate for a second term. In fact, he is the only officially declared candidate

and has the backing of both his own party – the European People's Party – and a number of European leaders (Portugal, Spain, the United Kingdom, Germany, the Czech Republic, Poland). Barroso's past is an open book: from his Maoist activity in the Movement for Reorganisation of the Proletariat Party (MRPP), his switchover - after his father's death and a stay in London - to the Social Democrat Party, which is classified as centre-right (PSD), his studies in the United States and above all his slow but steady rise to power.

State secretary for home affairs in 1985, and for foreign affairs in the government headed by Anibal Cavaco Silva, Barroso ended up being assigned the foreign minister's portfolio. After the SPD's election defeat, he took over the leadership of his party and became prime minister in 2002. Barroso sided with the Americans in the run-up to the war in Iraq (hosting the summit meeting attended by Bush, Blair and Aznar in the Azores). He was not lacking in ambition, so when he was offered the European Commission presidency, in June 2004, Barroso did not think twice about leaving Lisbon for Brussels.

Today, he hopes to match Jacques Delors' record of ten years at the helm of the European Commission. In this first term of office, the former prime minister of Portugal has put in a credible performance. Barroso combines language proficiency - fluency in English, French and Spanish – with personal appeal, strong analytical skills and cleverness at detecting political developments. He tends to favour a wait-and-see

approach over bold tactics, and comes across as fainthearted, wavering constantly between projects. He did not succeed in defending an ambitious budget for Europe, proved to be an enthusiast for 'less' rather than 'better' lawmaking and of course failed to see the approaching financial and economic storm. The European Commission consequently lost a good year coming out of the starting gates.

Barroso's watchword is staying 'attuned' to governments, which gives him a clear majority among today's national leaders, with France remaining a question mark. On the other hand, Barroso has serious enemies in the European Parliament, among the Liberals, Socialists and Greens. However, his opponents failed to agree on another candidate during the campaign.

THE ALTERNATIVE



The Prime Minister of the Netherlands (CDA-EPP), **Jan Peter Balkenende (EPP)**, who has declared that the European Commission presidency is not on his political agenda for the moment, "would not turn it down," according to Dutch Foreign Minister Ben Bot, who launched his candidacy.

Balkenende was born on 7 May 1956 in Biezelinge, a small Calvinist province in the Netherlands. After studying history and law, he began his career in the research team of the Christian Democrat Institute and as town councillor in Amstelveen (Amsterdam). He then moved on to the Christian Social Doctrine chair at the Free University of Amsterdam. It was in politics though that Balkenende started getting noticed. Elected to the house of representatives, in May 1998, he took up the reins of the Christian Democrat group, in 2001, succeeding Jaap de Hoop Scheffer, future foreign minister and later NATO secretary-general.

Nicknamed 'Harry Potter' because of his round spectacles and 'baby face', Balkenende became prime minister in 2002, where he has stayed put in spite of changes of coalitions (he governs today with the PvdA Social Democrats). He has played a decisive role in slashing the country's debt and consolidating its finances. His domestic policy hinges on modernisation of the public service, fighting crime and setting strict immigration quotas. At international level, he is known as an Atlanticist and supported the American interventions in Iraq and Afghanistan. He was also one of the prime movers for the introduction of a protocol on public services in the Lisbon Treaty.

THE COMEBACK



Former Prime Minister of Belgium for around a decade, **Guy Verhofstadt (ALDE)** came very close once to becoming European Commission president and dreams of a European future. His candidacy has been approved by the European Democratic Party, whose member parties include Modem (France) and Margherita (Italy).

Born in 1953, Verhofstadt entered politics at age 24 under the wing of Willy De Clercq, head of the Flemish Liberal party, PVV. Known as 'baby Thatcher' for his very liberal positions, he transformed the PVV into a more modern party, the VLD, capable of vying with its old enemy, the Christian Democrats. Although he has had to make concessions over the years, he does not deny his convictions, but at European level is seen as representing the centre-left, a quirk of the continental optical effect. Verhofstadt also passionately defends the idea of EU regulation, including, in the financial sphere, the setting of minimum and maximum social and tax levels, and more integrated European organisation.

THE OPPONENT



The former Prime Minister of Denmark (1993 to 2001) and current President of the Party of European Socialists, **Poul Nyrup Rasmussen (PES)** is often mentioned as a possible candidate. Although his party has refused to nominate him, he still hopes that “another majority will emerge and that José Manuel Barroso might not be reappointed”. He is backed by the leaders of other parties, including Daniel Cohn-Bendit (Greens). The appointment of the current Danish prime minister as NATO secretary-general, who also happens to be named Rasmussen, has cast a shadow over Poul Nyrup Rasmussen’s candidacy. The presence of two Danes at the head of two European organisations at the same time seems out of the question.

Born in June 1943 in Esbjerg, Denmark, in a modest milieu, he earned a degree in economics from the University of Copenhagen in 1971. Chief economist for the Danish Labour Confederation, he became the president of the Social Democratic Party (DK) in 1992. As prime minister, he was known for forging the ‘kick-start’ recovery policy, in 1993-1994. Re-elected in 1998, he convinced Danish voters to back the Amsterdam Treaty (by 55%) but failed to bring his

country into the eurozone (53.2% opposed). Rasmussen organised early elections in 2001 after the terrorist attacks of 11 September.

THE TECHNICIAN



His name came up only recently, championed by the European Democratic Party. Italy’s **Mario Monti** has the advantage of being rather neutral politically and gets good marks as a political leader. Monti has the disadvantage of having the same nationality as Romano Prodi, who held the Commission president’s seat only recently (1999 to 2004).

Born in 1943, ‘il professore’ is first and foremost a pragmatic academic. A professor of monetary theory and policy, and then of political science at Bocconi University, before becoming its president, he was appointed to the European Commission by the Berlusconi government and confirmed by the D’Alema government, a feat in itself. In charge of the internal market under the Santer Commission, from 1995 to 1999, and competition in the Prodi Commission, from 1999 to 2004, he earned the reputation of being a tough nut to crack. Monti unhesitatingly used his powers to fight mergers – eg General Electric and Honeywell – and state aid plans – eg for the French

firm Alstom – that he saw as representing a threat to the European market.

THE UNKNOWN



Officially he is not a candidate. If offered, though, **Hans-Gert Pöttering (EPP)** would not hesitate to take the job. Pöttering has the advantage of being German and a German has not headed the European Commission for more than 40 years.

Pöttering lives and breathes Europe. Born just a few days after the end of the World War Two, on 15 September 1945, Pöttering studied law and political science at the Universities of Bonn and Geneva and then headed for New York (Columbia University). He served as spokesman in 1974 for the young people of Niedersachsen, his native region, and became a member of the European Parliament upon its transformation into a body elected by universal suffrage, in 1979. He has served as EP president for the last 30 months. In 2004, Pöttering used his clout to counter Guy Verhofstadt’s candidacy and to support José Manuel Barroso. As chairman of the EPP group (Christian Democrats) in the European Parliament, Pöttering always stood up for one of his own in the top position at the European Commission. ■

Line-up for high representative’s position

By Nicolas Gros-Verheyde

THE “NATURAL”



Sweden’s **Carl Bildt (EPP)** is probably one of the strongest candidates for the job. He has solid experience in the Balkans and comes from a country that presents certain guarantees for this position: neither big nor small, a pioneer on European defence, particularly peacekeeping operations, not a NATO member but not far off either, and midway between East and West. Bildt presents

two handicaps: he does not really speak French (a condition set by France) and the appointment of a fellow Scandinavian casts a shadow over his candidacy.

Carl Bildt was born in 1949 and became an MP in 1979, holding on to his seat until 2001. Leader of the Conservative Moderate Party (1986-1999), he served as prime minister of Sweden from 1991 to 1994, when the country was preparing for EU membership. When his party lost the elections, he switched to the international arena, and in particular South-East Europe. Named the European Union’s special envoy and then high representative for Bosnia and Herzegovina from 1995 to 1997, Bildt went on to serve as the UN

secretary-general’s special envoy for the Balkans, from 1999 to 2001. An avowed Atlanticist, he has served on the board of Rand Corporation, one of the oldest and most important American think tanks.

THE EXPERIENCED



Currently NATO’s Secretary-General and former Foreign Minister in the Balkenende government, the Netherland’s **Jaap de Hoop Scheffer (EPP)** appears to be the logical successor to Javier Solana. However, his

candidacy could also be interpreted as a loss of independence in EU foreign policy.

Born in 1948 in Amsterdam, Jaap de Hoop de Scheffer earned a law degree from Leiden University. He performed his military service in the Air Force (1974-1976) then joined the Foreign Ministry. He served as spokesman at the Dutch Embassy in Accra and went on to the Netherlands' Permanent Delegation to NATO, where he was in charge of defence planning (1978-1980). De Hoop Scheffer was then appointed private secretary to four successive foreign ministers, including Van den Broek (who later became European commissioner). Elected as an MP, in June 1986, for the Christian Democratic Alliance (CDA), he sat in the foreign affairs, European affairs and defence committees and was named chairman of the parliamentary group in 1997. Jaap de Hoop Scheffer also contributed to debates by the Western European Union, drafting a report on the Gulf crisis in 1990. He speaks English fluently and is seriously studying French.

THE SURPRISE



The French government has not officially expressed an interest in this position, but at the same time it has not proposed its support for any other candidate. For French President Nicolas Sarkozy, diplomacy is a key area that "must not be left to a small country".

Other than **Michel Barnier**(EPP), who has been sounded out about taking the job, France may have another card in its hand, namely **Bernard Kouchner** (Socialist).

Brussels is familiar ground to Michel Barnier, who was regional policy commissioner from 1999 to 2004 and also in charge of constitutional reform. Born in 1951, he earned a degree from the Paris School of Business Administration and became active in the Gaullist party. Barnier was elected MP in 1978, then president of the Savoy General Council, in 1982. Environment minister (1993-1995) and European affairs minister (1995-1997) under Jacques Chirac, he then moved on to Brussels. As EU commissioner in charge of constitutional reform, he took part in the work of the European Convention. Barnier headed back to Paris, in 2004, to become foreign minister, but the negative outcome of the French referendum on the Constitutional Treaty put an end to this ministerial experience. Barnier later served as agriculture minister in the Fillon-Sarkozy government, in 2007, and is standing as head of list in the European elections for the UMP, the president's party. He is expected to sit in the new European Parliament.

Bernard Kouchner has a number of strong points that could make him a convincing figure as high representative. An Atlanticist (he supported the US intervention in Iraq) with a commitment to humanitarian relief work, he has made a name for himself in international crisis management, particularly in Kosovo. In spite of his unshakeable impetuosity, he is also the oldest potential candidate. Kouchner has covered every corner of the political scene, from left to right: from his beginnings in the Communist student movement,

he moved on to the Socialists in adulthood, before becoming foreign minister under Nicolas Sarkozy, a key position during the French EU Presidency and the war between Russia and Georgia, in summer 2008. Born in 1939 in Avignon, Kouchner studied medicine and joined the Red Cross. He took part in the creation of Médecins sans frontières and then Médecins du Monde and has campaigned for the right of interference. From 1988 to 2001, Kouchner held a number of ministerial positions (humanitarian action, health) in successive Socialist governments led by François Mitterrand. From 1999 to 2001, he served as UN high representative for Kosovo following NATO's intervention in the former Serb province placed under international protection.

THE "POLITICAL" WOMAN



Greek Foreign Minister **Dora Bakoyannis** (EPP) is also chairperson-in-office of the Organisation for Security and Cooperation in Europe (OSCE). Bakoyannis

was born in 1954 in Athens into a very political family: her father, Kostandinos Mitsotakis, was prime minister. She followed him into exile in Paris, in 1968, returning to Greece, in 1974, after the collapse of the military regime. Bakoyannis studied in Paris, Munich and Athens. She went into politics, in September 1989, after the assassination of her husband, a New Democracy MP, by the terrorist organisation known as '17 November'. Bakoyannis was elected MP and then mayor of Athens in 2002. A Europhile, she speaks Greek, French and German.

Candidates for European Council president's seat

By Nicolas Gros-Verheyde

THE 'MOST CITED'



Tony Blair (PES), who represents the Quartet on the Middle East (EU, UN, United States and Russia), is regularly cited by heads of government as the right man to serve as the first president of the European Council (if the Lisbon Treaty is ratified). The assignment could be more of a curse than a blessing for the future presidencies, though, because Blair is not likely to be content with playing second fiddle.

Born in 1953 in Edinburg (Scotland), Blair studied law at Oxford and then went into legal practice. He joined the Labour Party fairly late, at age 35, and helped push through New Labour, which shed typically Socialist clauses and was given a more centrist connotation. In 1997, at age 44, he became the United Kingdom's youngest prime minister, an office he held for ten years. His record includes the Belfast agreement, which restored peace in Northern Ireland, a firm commitment to Kosovo and support for the Americans in Afghanistan and Iraq in the fight against terrorism. During the EU Council Presidency, from July to December 2005, he recommended setting limits and new ground rules for the Community budget, including a complete overhaul of the Common Agricultural Policy (CAP) and development of the single market and EU foreign policy.

THE ALTERNATIVE



If there is an explanation behind the against-the-stream support given by Zapatero, a Socialist, to José Manuel Barroso, other than inter-Iberian solidarity and the portfolio of Spain's future commissioner, it could well be **Felipe Gonzalez (PES)**. Spain

would be happy to hold this key position, which would materialise just as the country takes up the EU Presidency.

Born in 1942, Felipe Gonzalez secretly joined the Socialist Party and worked in Switzerland and elsewhere as trade union representative for the Federation of Woodworking and Construction Trades. In 1974, he was elected to head the party at its congress in exile, held in Suresnes. Gonzalez then became prime minister, holding the seat for 14 years, from 1982 to 1996. He took his country in a new direction, economically, socially and in external affairs, leading it to membership of the EEC and NATO. Today he chairs the task force on the future of Europe. At the beginning of June 2009, Gonzalez and seven other Socialist former prime ministers signed a call for rejection of Barroso's reappointment as Commission president.

THE EXPERT



The candidate from Luxembourg, mentioned repeatedly as one of Europe's most experienced leaders just months ago, is no longer being seen in recent 'hit parades'.

Jean-Claude Juncker (EPP) is nevertheless a key figure in European diplomacy and one of the few Maastricht Treaty 'survivors' still in office.

Born in 1954 in Redange-sur-Attert, Juncker was introduced to politics at an early age by his father, who was active in the Luxembourg Christian Trade Union Confederation. After studying law in Strasbourg, he was appointed, in 1982, at age 28, as state secretary for labour and two years later was elected to the lower house of parliament. In 1989, a serious accident left him in a coma for more than two weeks, but Juncker worked his way back to ministerial responsibilities. From 1990 to 1995, he was minister for finance, labour, employment and the treasury, and in this capacity was one of the architects of Economic and Monetary Union. He became prime minister in 1995 but kept the finance portfolio,

which he still holds. Juncker held the EU Presidency twice and since 2005 has chaired the Eurogroup, the informal meeting of eurozone finance ministers. In 2004, he turned down the European Commission presidency, officially because he wanted to keep the top job in Luxembourg, but unofficially because of British opposition to his appointment.

A LEVEL-HEADED WOMAN



Mentioned by several European top figures, including Swedish Commissioner Margot Wallström, the former President of Ireland, **Mary Robinson (PES)**, has a number of strengths. To start, her popularity goes well beyond Ireland's borders. Giving the job to a citizen of Samuel Beckett's homeland would also be a serious push to Ireland for ratification of the Lisbon Treaty.

Born in 1944 in Ballina (Mayo County), Robinson attended Trinity College in Dublin after obtaining a special derogation from the archbishop (women were not usually admitted), and then went on to attend Harvard. She returned to Dublin to teach law, particularly European law. Elected as an independent candidate in 1969 to the Dáil Éireann, the lower chamber of Ireland's parliament, she held the seat until 1989 in the ranks of Labour, fighting for women's rights and the legalisation of contraception, difficult subjects in Ireland at the time. She became Ireland's first woman president, in 1990, staying in office until 1997 and becoming immensely popular. In keeping with a solid Irish tradition, she continued a career in the United Nations, as high commissioner for human rights (1997-2002), where she made a name for herself with her visit to Tibet and her criticism of capital punishment in the United States. ■

Nomination: No easy task

By Nicolas Gros-Verheyde

Nominations for European Commission presidents have never been easy. For 20 years, coups have marked the investiture of this position which remains, despite all the criticism it has received, one of the most sought after because it is the most distinguished and most successful symbol of European integration. The first candidate to be declared is not always the elected one, vetoes by one country or another helping.

DELORS COMMISSION I

In 1984, two or three candidates were publicly put forward to head up the Commission, on 1 January 1985: Etienne Davignon (Belgium), Kurt Biedenkopf (Germany) and Frans Andriessen (Netherlands). Claude Cheysson (France) appeared to stand a chance, but Margaret Thatcher vetoed him. And Helmut Kohl was not very keen, either. In the end, Jacques Delors was proposed by the French and accommodated, via a joint Franco-German agreement, with British consent. In 1988, at the Hanover European Council, his mandate was renewed for the second time (it was then for a period of four years). And in June 1992, at the Lisbon European Council, while the Bosnian war was underway, he was nominated for a final, shorter mandate of two years (1993-1994), in keeping with the Maastricht Treaty's modification of the duration of the Commission's mandate.

SANTER COMMISSION

In 1994, Belgian Prime Minister Jean-Luc Dehaene was approached to replace Jacques Delors. The British veto by John Major, applied at the Corfu summit, on 24 June 1994, dashed his hopes. He had, however, obtained the support of the majority of states, rising from an initial eight to 11 out of 12 during the second round. The German Presidency of the European Union took over the negotiation task. Klaus Kinkel, Germany's foreign affairs minister, was sent to diffuse the situation. Helmut Kohl implemented the procedure set up by the Maas-

tricht Treaty by coming to debrief the European Parliament's groups on progress with regard to the negotiations. And an extraordinary summit was convened at the beginning of July to appoint the compromise candidate, Luxembourg Prime Minister Jacques Santer.

PRODI COMMISSION

In 1999, when the Santer Commission



Jacques Santer Commission (1995-1999)

collapsed on the basis of a report by the 'wise men', two names quickly stood out: Javier Solana (Spain), then NATO secretary-general, whom the Germans were particularly in favour of, and Romano Prodi (Italy), the former prime minister who successfully assured his country's euro qualification. Even if all the heads of government were not ready, the destructive atmosphere required a rapid decision. The 15 quickly agreed on a replacement: Prodi was appointed as president of the European Commission and his challenger was placed in the new position created by the Amsterdam Treaty, that of high representative for the Common Foreign and Security Policy.

BARROSO COMMISSION

In 2004, Belgian Prime Minister Guy Verhofstadt, the only candidate to be officially declared, was proposed at the European Council. He was supported by the Franco-German couple, but also aroused the outright hostility of the United Kingdom, Poland, the Baltic states, Italy and even the Netherlands. These countries did not really appreciate his involvement against the war in Iraq. His

'federalistic' profile particularly irritated the British. The European People's Party (EPP) also opposed him. The President of the parliamentary group, Hans-Gert Pöttering, successfully did all he could to 'torpedo' this candidature, considering that the position should go to one of his members. But few 'alternative' candidates seemed likely. The other possible candidate, Chris Patten (UK), put forward by the EPP, came up against a French veto, Jacques Chirac considering that the president of the Commission could not come from a country which is not involved in all EU policies (including the euro). Luxembourg's Jean-Claude Juncker, who was favoured by a number of European leaders, refused to 'hit the road to Brussels', considering that he owed it to his Luxembourg voters. The PES did not put forward any candidates, considering that a Socialist candidate would not stand a chance, given that 21 of the 25 heads of government were right-wing. The Euro-

pean Council, meeting on 17 and 18 June, was therefore divided over a defeat. Several alternatives were then circulating, such as that of Anders Fogh Rasmussen (Danish prime minister, Liberal), Pat Cox (president of the outgoing Parliament, Irish), Michel Barnier (French foreign affairs minister), Wolfgang Schüssel (Austrian prime minister, Conservative), and Antonio Vitorino (Socialist commissioner, Portuguese). None were elected. In fact, the 25 very quickly agreed on a compromise: José Manuel Durao Barroso, the Portuguese prime minister. Barroso, a member of the EPP, opposed the extreme right and was a Francophile from a small country participating in all EU policies. He consciously stood by the Americans in the Iraq war and was well regarded by London. He had all the characteristics to satisfy both sides and prevent them from arguing, considering that the future Treaty on the European Constitution, which was to enter into force in 2007, offered them 'compensation' positions. An extraordinary European Council was convened, on 29 June 2004, to confirm the choice of the Portuguese candidate. ■

Extending Commission's mandate: A very short-term solution

By Nicolas Gros-Verheyde

The European Commission's mandate ends on 31 October, after which a new executive will come into office. According to rules established by the Nice Treaty, it will include fewer members than member states. Even if the Lisbon Treaty is ratified next autumn by Ireland, it cannot enter into force before the new Commission's term begins. So the aim might therefore be to ensure the uninterrupted continuation of the EU executive.

The EU Treaty does not include provisions for extending the European Commission's mandate, even in the case of absence of agreement by the heads of state or government. This is not an oversight. The lack of provisions pushes Europe's leaders (heads of state or government and EP officials) to work out an agreement. On the contrary, allowing a temporary solution might encourage "a lasting provisional arrangement".

Although this possibility is not expressly provided in the treaty, the extension of the Commission's mandate and even the appointment of a temporary Commission have already been tried in the past.

TREATY PROVISIONS

The treaty is clear: "The members of the Commission shall be appointed [...] for a period of five years" (Article 214-1 TEU). The only exception is the adoption of a motion of censure (Article 201), which interrupts the mandate of the entire Commission, but the term of office of five years must be respected. The mandate of the new commissioners "shall expire on

the date on which the term of office of the members of the Commission obliged to resign as a body would have expired". Here, too, there is no extension beyond the five years.

It is of course provided that "members of the Commission remain in office until they have been replaced or until the Council decides that such a vacancy need not be filled". However, this provision - Article 215(4) - has to be read in its context. It is the fourth paragraph of an article meant to govern cases of vacancy in the course of a mandate.

RISKS

The danger of an extension beyond the five-year term of office exists not at political level, if the 27 heads of state are in agreement, but at legal level. There is nothing to prevent a company or an official against whom the Commission has issued a decision (fine, contract, appointment) from challenging before the Court of First Instance or Court of Justice the legality of the decision for lack of jurisdiction. The court's verdict would of course not be known for several months, but it would represent a sword of Damocles hanging over all the Commission's decisions. The executive would be forced into immobility. For this reason, moreover, most of the Commissions whose mandates have been extended have limited their activities to "strict execution of current affairs," which does not include the presentation of a new directive or legislative proposal, for example.

HISTORIC PRECEDENTS

- In 1991, the term of office of the Delors

Commission was not extended. A new Commission was appointed for a limited term of two years. This was necessary to bring the Commission's new five-year term of office (up from four years previously) into line with the European elections.

- In 1993, the Delors III Commission was extended by two weeks, from 6 to 22 January, the time needed for the new Commission to be put in place. The governments had fallen behind schedule appointing the Commission. At the Corfu summit, the British rejected Jean-Luc Dehaene (Belgian prime minister) and it was not until July that the member states agreed on Luxembourg's Jacques Santer. The European Parliament then decided to vent its bad temper. It was unhappy with the distribution of portfolios and trounced several commissioners. The equality portfolio was taken away from Irish Commissioner Pdraig Flynn, whose declarations on the role of women were considered unacceptable. In the end, the four new member states (Austria, Sweden, Finland and Norway) had not yet ratified the Accession Treaty and Parliament demanded that the new MEPs participate in the vote (initially set for December, but postponed to January). The presentation of new directives was postponed, as Jacques Delors explained personally to several national officials, including Nicolas Sarkozy, then communication minister (with reference to the Television Without Frontiers Directive).

- In 2004, the Prodi Commission, whose term of office ended on 31 October, remained in office until 22 November to fill the void resulting from the failure to appoint the new Commission in time. The Commission President-designate, José Manuel Barroso, did not want to take away the justice and home affairs portfolio from Italian Conservative Rocco Buttiglione, following his controversial statements on homosexuals. Under the threat of a negative vote, or a positive vote gained with the support of the far right, Barroso complied in the end, but the last-minute recomposition of the new Commission, with new Italian and Latvian commissioners, and the negotiations with the respective governments took longer than expected. ■

Article 215

Apart from normal replacement or death, the duties of a member of the Commission end when he resigns or is compulsorily retired.

The member who has resigned or died is replaced for the remainder of the term by a new member appointed by the Council, acting by a qualified majority. The Council, acting unanimously, may decide that such a vacancy need not be filled.

In the event of resignation, compulsory

retirement or death, the president is replaced for the remainder of his term of office. The procedure laid down in Article 214(2) is applicable for replacement of the president.

Save in the case of compulsory retirement under Article 216, members of the Commission remain in office until they have been replaced or until the Council has decided that the vacancy need not be filled, as provided for in the second paragraph of this article.

INSIGHT Jurisprudence

JOINT RESEARCH CENTRE/OLAF

Court criticises OLAF for failure to respect rights of accused

By Sophie Mosca

The Civil Service Tribunal issued a judgement¹, which sheds light on the nature of decisions by the European Anti-Fraud Office (OLAF) to transmit information to the judicial authorities when it concerns officials of the European Communities.

At the beginning of the investigation into OLAF, there were alarming figures concerning accident declarations made by staff of the Joint Research Centre (JRC) in Ispra (Italy). In fact, 230 members of staff - ie 20% of the total number of staff in Ispra - were suffering from permanent or partial invalidity and €5.7 million in invalidity benefits for permanent or partial invalidity was paid to JRC members of staff between 1996 and 2002. JRC's internal audit service considered that there was suspicion as to the sincerity of the accident declarations, concluding that OLAF should be informed of the facts.

In August 2003, in the course of the internal inquiry, OLAF sent to the public prosecutor of Varese (Italy) information liable, in the view of the office, to give rise to criminal proceedings. This information included matters concerning 42 officials of the JRC, who had each declared at least nine accidents in the period from January 1986 to July 2003. The officials concerned were informed nearly a year later that OLAF had sent that information note to the prosecutor. Some of the officials concerned complained to OLAF and the Commission about the decision to transmit information to the Italian judicial authorities, disputing its validity and underlining that it harmed their honour and their professional respectability. They did not receive a response from OLAF and the Commission evaded the issue by replying that it was "not the Commission's task to comment on the activities undertaken by OLAF in exercising its functions". The medico-legal expertise ordered by the prosecutor concluded

that the evidence of a medical nature was not sufficient to establish that the accident declarations were fraudulent. Consequently, the judge responsible for preliminary investigations of the District Court of Varese (Italy) decided, on 12 July 2005, to shelve the proceedings.

RECOURSE TO CIVIL SERVICE TRIBUNAL

Fourteen of the officials concerned brought an action before the Court of First Instance, which referred the actions to the Civil Service Tribunal that has jurisdiction in this matter. The first question which the Tribunal had to answer was whether the decision by OLAF to send information to the Italian judicial authorities constituted an act adversely affecting an official within the meaning of the Staff Regulations of Officials of the European Communities, liable to be the subject of a complaint and a subsequent action. The tribunal answered this question in the affirmative, stating that, since 2004, new provisions (Article 90 bis) had been adopted in order to guarantee judicial protection for persons covered by the Staff Regulations and ensuring them of the possibility to make a complaint against assumptions made against them by OLAF in relation to an investigation by the office. Moreover, out of respect of the principle of effective judicial protection and given the consequences liable to be entailed by a decision to send information to national judicial authorities, the court could only conclude that this constitutes an act adversely affecting an official. The Commission and the Council considered that such acts were only preliminary to OLAF's conclusions.

Furthermore, the claimants contested whether the decision to send information to the Italian judicial authorities was adopted lawfully. The tribunal observed that when the director of OLAF plans to send information to national judicial authorities, he is obliged, if the information comprises conclusions referring by name to a member, an official or a servant

of the Commission, to give that person the opportunity to comment on the facts concerning him before the information is sent (except in cases where this formality may be dispensed with, upon the prior authorisation of the secretary-general of the Commission). The tribunal therefore annulled the contested decision and ordered the Commission to pay each of the applicants €3,000 to make good their loss. ■

(1) *Joined cases F 5/05, Antonello Violetti and others and F 7/05 Nadine Schmit*

Background

The court distinguishes between acts or decisions whereby the process is carried out in several phases and preliminary acts which do not adversely affect measures definitively establishing the position of the institution at the end of this procedure which, in principle, constitute contestable acts (ruling of the Court of First Instance of 11 February 2003, Pflugradt/ECB). The court ruled that ignorance of the rights of the accused by OLAF constitutes a considerable breach of formalities applicable to the investigation procedure (ruling of the president of the Court of 8 April 2003, Gómez-Reino-Commission). Likewise, in its ruling of 8 July 2008, Franchet and Byk-Commission, the Court of First Instance considered that when the director of OLAF takes a decision to transmit information to the national judicial authorities, he is obliged, when the information contains conclusions which target a member, official or agent of the Commission by name, to allow him to express himself on all the facts concerning him, before the information is transmitted to the national judicial authorities.

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OPEN FORUM

If only democracy and rule of law still meant something

By Spyros Pappas (*)

Bonino strongly criticises the handling of the European elections by the media, which is monopolised by the current prime minister

Emma Bonino, a former Italian European commissioner and founding member of the Italian Radical Party, is currently on a hunger strike in order to protest against the handling of the European elections in Italy by the media, which is, according to her, undemocratic.

To justify her initiative, Bonino, also running as a candidate for a member of the European Parliament, presented a simple, yet logical, premise, that in a democratic society, "citizens should know in order to make choices".

She strongly criticised the handling of the European elections by the media, which is monopolised by the current prime minister - also owner of the main private television channels in the country. It is interesting to note that the additional protocol to the European Convention of Human Rights sets out in Article 3 that states have "to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature".

To remedy the imbalance created by the monopolisation of the media, the authority overseeing the Italian media took a decision that although the right of a citizen to be informed is not recognised, there is still an obligation for the Italian media to grant a wider access to candidates. The problem is that Bonino did not see any effective results from this decision because it was blatantly disregarded by the national television channel. This is why she decided to commence this hunger strike and to stage a non-violent sit-in protest on the premises of the state television channel.



Emma Bonino

The democratic principle, which is ensured in the 'rule of law' principle, is the *conditio sine qua non* of the European partnership. From a political basis to a legal guarantee, this principle is a part of the Community 'arsenal', which is at the disposal of its guardian,

the European Commission. With regards to the solicitude that has to be given by the European Commission to a former commissioner and to any candidate running in the European elections, it would be legitimate for the Commission, guard-

ian of treaties and the former affiliate body of Bonino, to show concern for these practices. Although the European Commission has to keep its neutrality, if this information proves to be true, then it runs the risk of tarnishing the European image and could put in question the adherence of a member of the European partnership. Compliance with law and democracy are, indeed, the fundamental common rule for the member states of the European Union; a rule that is present in the preamble of the European Union Treaty; a rule always defended by the Union and in particular by the Commission. Not taking into account this imperative foundation, and in particular by refusing to comply with a decision rendered by a body invested with the power to survey, would be an affront to Europe, to the European Parliament, but above all to democracy. ■

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