Lisbon Treaty

Irish ‘yes’ puts Prague in limelight

By Célia Sampol

The Lisbon Treaty was approved by a massive 67% of Irish voters in the 2 October referendum, while only 33% voted against the text. Now that the initial euphoria over the result has subsided, two unknowns remain: the outcome in Poland and especially in the Czech Republic, where the Eurosceptic president is still threatening to block the process. The Swedish prime minister and the European Commission president will meet the head of the Czech government, on 7 October, to discuss the size of the next Commission, an issue directly related to the entry into force of Lisbon.

Polish President will sign

The announcement of the outcome in Ireland sparked a surge of positive reactions across Europe (see separate article). Indeed, the EU would have had a hard time recovering from a second Irish ‘no’ vote after rejection of the treaty, on 12 June 2008 (53.4% to 46.6%) and after the French and Dutch turned down a draft Constitutional Treaty (the forerunner to the Lisbon Treaty), in 2005. The Irish appear to have realised – helped along by the crisis – that now is not the time to quarrel with Europe. The voter turnout rate of 59% was well above the 51% level 15 months earlier.

So Europe is in good spirits today except that there are still two obstacles in its path before it can put an end to eight years of institutional negotiations. First, Polish President Lech Kaczyński has not yet signed the act of ratification approved by the country’s parliament, in 2008. He had announced that he would sign if the Irish approved the treaty. Even if the head of state remains fairly anti-European, he is expected to “keep his word,” said his close aide, Władysław Stasiak. However, “no one ever said he would act within hours of the announcement of the result in Ireland,” he continued. Stasiak added that Kaczyński could sign “in the not too distant future”. To clear up any lingering suspicions, he noted that the signature would not depend on Czech President Václav
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EU exec looks to scrap exemptions for insurance sector

By Sarah Collins

Insurance industry opt-outs from EU competition rules are under investigation by the European Commission, as part of a public consultation launched on 5 October. Under the Insurance Block Exemption Regulation (BER, 358/2003), the Commission can exempt certain agreements between insurance companies from a ban on restrictive business practices (Article 81 of the EC Treaty). It means that insurance companies are not required to assess whether these types of agreements are in line with Article 81. In March this year, the Commission published a report on how the BER was working, saying that it was ready to do away with certain exemptions granted to insurance companies in 2003. While four types of agreements were originally exempted in 2003 – pacts on establishing common standard policy conditions, exchanging information on statistics used to calculate risk, creating insurance pools and the use of security devices – the Commission now feels that only two of the four are specific to the insurance sector. It is recommending that exemptions for standard policy conditions and safety devices be done away with, as common policy conditions also exist in the banking sector without being subject to an exemption. But special treatment for risk pools, which insurance companies use to spread their risk of exposure, and agreements on the exchange of statistics (“joint compilations, tables and studies”) will be retained. However, Competition Commissioner Neelie Kroes has pledged to make key changes and be “tougher on monitoring and enforcement” for the two exemptions that will be retained. The EU executive is giving interested parties until 30 November to respond to its suggestions.

(1) The consultation is at ec.europa.eu/competition/consultations/2009_insurance

PERIPHERAL MARITIME REGIONS
In Göteborg, CPMR fine-tunes position on fisheries

By Sophie Petitjean

Meeting just a few hundred metres from the ministers attending the Ecofin Council, the regions belonging to the Conference of Peripheral Maritime Regions (CPMR) concluded their general assembly, on 2 October, which aimed to fine-tune their common position in the ongoing crisis.

Apart from the climate change issue (which was marked by the unexpected absences of Luc Bas of Climate Group Europe and Jean-Yves Le Drian of Aquamarina, who missed his flight), the proceedings on the regions’ role in sustainable development focused on reform of the Common Fisheries Policy (CFP). The debate was launched by the European Commission’s green paper of April 2009.

“For the CPMR, the debate is framed by a context that gives it special responsibility and gives a unique dimension to this initiative. […] We consider that this debate offers an opportunity to restore hope to a sector of activity which is important for certain regions even though it generally does not carry a great deal of weight in terms of employment or creation of wealth.”

FAVOURABLE REACTION TO GREEN PAPER

“The results of the 2002 reform [which will end in 2012] are clearly not up to our expectations. Changes have occurred in the international context (energy, financial and climate crises) and the EU context, which have to be taken into account,” said Jean-Claude Cueff, head of unit at the Directorate-General Fisheries and Maritime Affairs (MARE).

He summed up the main points of the Commission’s position (see box). In response to his presentation, Leslie Angus of the Shetland Islands Council presented the CPMR’s position, noting that it should be considered a working document.

“The failure of the existing regulation is related to monitoring, the lack of policy objectives in short-term decisions and rules that do not reflect reality,” he declared. The heads of the 161 CPMR member regions concluded that the problem resides as much in the way instruments are placed at the service of the CFP as in the instruments themselves.

OPTIONS

Speaking for the European Union’s maritime regions, the CPMR supports the evolution of a CFP that ties in with the Integrated Maritime Policy (IMP). With respect to the green paper on reform of the CFP, the CPMR supports the strengthening of the European Fisheries Fund (EFF). It also backs the reinforcement of the social dimension of the CFP and of transnational and interregional cooperation. The CPMR calls for multilevel governance that integrates the action of maritime regions and of professionals. It also calls for the future CFP to be part of and to play a strong role in an IMP, together with its other dimensions. It should also release the full potential of aquaculture, which has an increasingly important role at global level. The CPMR also notes the special situation of very remote regions, which is not addressed in the green paper.

This position, which will be written up into a final version by the Secretariat-General, is expected to be forwarded to the Commission before the end of 2009.

Commission’s explanation of failure of 2002 reform
The Commission’s green paper identifies five structural problems that explain the failure to achieve the objectives set in 2002:
- Fleet overcapacity
- Vague strategic objectives, finding expression in a lack of guidelines for decision making and implementation
- A decision making mechanism that encourages the ‘short-term approach’
- A framework that fails to make the sector sufficiently accountable
- The lack of political will to enforce regulation and limited compliance with the rules by the sector
AGRICULTURE COUNCIL
High-level group to review dairy crisis

By Eric van Puyvelde

As hundreds of angry dairy farmers demonstrated in Brussels, on 5 October, where the Union’s 27 agriculture ministers were meeting, calling for aid and measures to help them cope with the collapse of prices, Agriculture Commissioner Mariann Fischer Boel voiced doubts over the capacity of the EU countries to agree on regulating milk production volumes and prices. As planned, she presented details on the high-level group on the dairy sector, whose work will begin on 15 October.

In the Council, backers of further market liberalisation, lower subsidies and the abolition of milk production quotas by 2015 were pitted against the 20 states that support ongoing regulation of the sector (see Europolitics 3825). “I am sticking to the ‘health check’ of the Common Agricultural Policy because I want more liberalisation of the dairy market,” declared Swedish Minister Eskil Erlandsson upon opening the session. Fischer Boel was very sceptical about the idea of releasing “more EU money” for a programme linked to the present economic climate for dairy producers, proposed by Germany. “I am not sure the finance ministers share that opinion. We are spending €5 billion today to increase milk prices by 3.5 eurocents a litre,” Fischer Boel told the press.

Marian Fischer Boel explained that the new High-Level Group on Milk would study whether new measures should be organised to stabilise the market and producers’ income and to improve market transparency. The high-level group will be chaired by the Director of DG Agriculture, Jean-Luc Demarty, and will be composed of member state representatives. It will meet once a month. The group will review: contractual relations between producers and dairies to better balance supply and demand on the dairy market; measures to strengthen the bargaining power of milk producers; whether existing market instruments are appropriate; transparency and information to consumers, quality, health and labelling issues; innovation and research with a view to making the sector more competitive; and a possible futures market in the dairy sector.

AD HOC LEGISLATIVE ACTS

The commissioner also briefed ministers on her proposals of 17 September (3820), explaining that the Commission will present ad hoc legislative acts in the coming days. She said she was “pleased to say that the measures we have already taken are showing clear signs of having a positive effect on dairy prices”. Fischer Boel added that the average milk price in July-August was estimated at 25-26 eurocents a litre and that major European processors are planning an additional increase of 1-2 eurocents for October. Spot prices for milk have risen much more since June. Prices for products eligible for intervention (butter and skimmed milk powder) have risen by 7.9% in three months and are now well above the intervention level.

FISHERIES
New TACs and quotas for Black Sea stocks in 2010

In the context of the fishing opportunities in the Black Sea in 2010, the European Commission proposed, on 5 October, a total allowable catch (TAC) of 76 tonnes for turbot, a 25% reduction compared to 2009, and a TAC of 12,750 tonnes for sprat, unchanged from 2009. The TAC for sprat will not be allocated per quotas, while the TAC for turbot would be equally divided between Bulgaria and Romania.

These proposals are based on advice from leading fisheries scientists, including the Commission’s own Scientific, Technical and Economic Committee on Fisheries (STECF).

The Commission claims that its proposal can be seen as a continuation of the measures applicable for 2008 and 2009. It seeks to rebuild depleted stocks and to ensure sustainable fisheries in the long term, in line with the criteria laid down in its ‘Consultation paper on fishing opportunities for 2010’, which was published in May this year.

The proposal also sets out technical measures to assist in the recovery of the turbot fishery. The minimum mesh size permitted in this fishery has now been set at 400 mm and the phasing-out period that allowed the use of smaller nets to give the fleet time to adjust has now expired.

The fishing season for turbot shall be closed from 15 April to 15 June, and the minimum landing size for turbot remains unchanged at 45 cm.

In order to reduce discards, the practice of high-grading (ie discarding fish in view of a higher size/price catch) for any species subjected to quota shall be banned.

The Commission also promotes bilateral cooperation in fisheries management with third countries bordering the Black Sea, as well as through the appropriate regional fisheries organisation, namely the General Fisheries Commission for the Mediterranean, which also covers the Black Sea.
AIR TRANSPORT

EP to protect passengers left stranded by bankruptcies

By Isabelle Smets

The European Parliament’s Committee on Transport and Tourism (TRAN) is pushing for legislation to protect airline passengers in cases where the carrier goes bankrupt. Its Chair, Brian Simpson (S&D, UK), will question the European Commission on this subject at the plenary session, on 7 October.

If an airline declares bankruptcy, the passengers often end up stranded and obliged to find a flight home. Compensation is very often not paid. The most recent case was the bankruptcy of the Slovakia-based low-cost airline SkyEurope, in early September, which left thousands of passengers stranded across Europe.

For Dirk Sterckx (Belgium), coordinator of the Liberals, this case once again illustrated the need for EU action. In addition to toughening up existing legislation on passengers’ rights to cover cases of insolvency, his group is considering the establishment of a compensation fund derived from airline operators’ contributions to assist passengers in such cases.

This question arose during negotiation of Regulation 1008/2008 of 24 September 2008, which establishes rules for the provision of air transport services in the EU. Parliament attempted unsuccessfully at the time to adopt an amendment tying EU licensing to proof that the carrier has sufficient financial coverage to reimburse passengers adversely affected in case of bankruptcy.

Due to the Council’s refusal, the Commission said it would explore the possibility of imposing mandatory insurance for the reimbursement of tickets and coverage of expenses incurred for getting stranded passengers back home.

EDUCATION

Research delves into gender inequality within schools

By Marianne Slegers

Gender differences and inequalities continue to plague education “in terms of subject preferences and performance and in cultural aspects of the education and training experience,” says a new “independent expert report” released by the European Commission, on 5 October.

The problem, according to the report’s authors, is closely tied to “other factors, such as social class, ethnicity and minority status”.

The researchers have revealed that students’ general reading attitudes and behaviour are determined “to a great degree” by gender. In all ethnic groups and cultures, it is boys from working class backgrounds who are the most likely to have “literacy difficulties and to leave school early”. At the level of academic study, men tend to dominate science, construction and engineering, while women mostly excel in arts, humanities and care-related disciplines.

In countries with highly selective academic streaming, girls and women tend to be subject to disadvantage in the fields of mathematics and science, while boys and men may be disproportionately placed in lower streams.

The role of parents and peers is also significant, in that they “can and do reinforce gender-stereotypical expectations and behaviour,” the report says.

Gender equality does not come by accident, the authors note. It requires the promotion of all aspects of equality in the culture and processes of schooling.

“Evidence shows,” says the report, “that a caring, non-hierarchical and respectful school system not only reduces early school leaving for both boys and girls, it also promotes positive attitudes to learning that sustain people educationally in adult life - it encourages lifelong learning.”

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AIR TRANSPORT

EU pilots want shorter flight times

By Nathalie Vandystadt

Airline pilots are calling for a review of Community legislation on flight and rest times. This was expressed during a day of European action, organised on 5 October, which involved an awareness campaign at major European airports, with the distribution of pamphlets. The claims are not new, but, until now, the EU has preferred to ignore them.

The pilots have enough fire to fuel the debate: in January 2009, the European Aviation Safety Agency (EASA) made public a scientific study, which clearly indicates that the flight periods to which pilots are subjected are too long. The report links this to the risk of accidents and recommends a reduction in the flight times anticipated by Community legislation. Regulation 1899/2006 currently allows pilots to fly for 13 consecutive hours, with the possibility of extending this by one hour twice a week. At night, the maximum flight time is 11 hours and 45 minutes. The report published by EASA recommends reducing this to ten hours. It indicates that a working time of 10-12 hours increases the risk of accidents 1.7 times and that a working time of 13 hours or more multiplies this risk by 5.5.

Since the publication of this report, nothing has really changed. This is due to lobbying by the airlines, says the ECA (European Airline Pilots’ Association). It has called into question its methodological process and had considered its scientific content to be insufficient. The Association of European Airlines (AEA) had then indicated that, if the report’s recommendations were implemented, airlines would have to employ an additional 15% to 20% of pilots in order to undertake the same number of flights. It had concluded that the number of direct services operated on a daily basis from European airports, with the distribution of pamphlets, was quite simply, no longer be possible.

TELECOMMUNICATIONS

Austria invited to redefine its broadband market

By Nathalie Vandystadt

The Austrian telecoms regulator has two months to convince the European Commission of the merit of its analysis of the national broadband market. If maintained, this analysis would derogate part of the market. In the absence of a change, the EU executive could veto the market definition, it warned, on 5 October.

A month ago, the Austrian telecoms regulator, RTR, notified to the Commission its proposal defining the Austrian wholesale broadband market. Doing so is mandatory under EU telecoms rules. The RTR’s analysis identified two separate markets at retail level: on the one hand, a market for residential customers, which is considered competitive between mobile, DSL and cable broadband connections; on the other, a market for business customers, which is not considered competitive.

The Austrian regulator consequently decided to maintain market regulation at the wholesale level for the provision of broadband access to business customers. More specifically, RTR wishes to continue regulating at the wholesale level alone bitstream access sold by the incumbent or any bitstream provider to an internet service provider. The problem is that it includes this market bitstream access to residential customers, claiming that the products are technically identical.

For the Commission, RTR has not given sufficient reasons for its analysis. It has doubts about the regulator’s argument that mobile connections can replace fixed-line broadband access (via DSL or cable). “What concerns us is that this is a very innovative definition that no other member state has used until now. We have doubt about the repercussions of this definition on enterprises and consumers,” said the spokesman for Competition Commissioner Neelie Kroes.

“The Austrian regulator has two months to convince the Commission that the residential broadband market in Austria is already fully competitive. At this stage, the Austrian regulator has not presented sufficient arguments to endorse such a far-reaching move,” explained Commissioner Kroes. Her information society colleague, Viviane Reding, calls for the same guarantees and warns against a return to monopolies in the future broadband market.

“Over the next two months, RTR will have to demonstrate that this market definition is well founded or else change its mind; otherwise, the Commission will use its veto,” warned Kroes’ spokesman. He concluded: “We will probably come to an agreement whereby the Austrian authorities will change their market definition or else they will have convinced us that their definition is sound.”
The programme has a two-fold purpose: back on the table and will organise a refer-
endum, calling for a ‘no’ vote. The result
would very likely be negative. From a legal
standpoint, it is not certain that ratifica-
tion by the UK parliament can be called
into question since the instruments of rat-
ification have already been deposited, but
politically the signal would be very power-
ful and would change the picture.

If the Czech Republic
does not ratify, it could
be forced to give up its
commissioner

However, such a scenario is hard to
imagine because it would mean that Klaus
would single-handedly have to battle
Europe as a whole for months. He does
not have tremendous political leeway. As
Commission President José Manuel Bar-
roso has pointed out, his legitimacy stems
solely from his election by parliament,
which has ratified the treaty. The Czech
Prime Minister, Jan Fischer, is “persuaded
that ratification will soon be successfully
concluded”.

Fischer will be meeting Sweden’s
Prime Minister Fredrik Reinfeldt (presi-
dent of the EU Council) and Barroso, on
7 October in Brussels. They will discuss
the procedure for appointment of the new
Commission. That is the first institutional
event coming up, since the current team’s
mandate expires on 31 October and may
not be extended indefinitely (operating in
‘ordinary business’ mode). So it is vital
to know as soon as possible the basis on
which the Commission will be appointed,
because with the Nice Treaty there would
be fewer commissioners and with Lisbon
it would keep the status quo of one
commissioner per member state.

SWEDEN’S PLANS

Reinfeldt and Barroso are expected to
point out to Jan Fischer that if the Czech
Republic does not ratify the treaty and if
the College of Commissioners is smaller
as a result, it could find itself ‘punished’ by
the other member states and have to give
up its commissioner. Conversely, if Klaus
agrees to sign the act of ratification, the
country could try to negotiate an impor-
tant commissioner’s position. For now,
“no one should meet President Klaus,”
said the Swedish EU Presidency, “because
a legal process is still under way”.

Although it knows that the treaty will
not be in force by 1 November, Sweden’s
ambition is still to “advance as far as pos-
sible” at the EU summit, on 29 and 30
October in Brussels. It hopes that the lead-
er states will agree on the list of commissi-
ners and on the names of the high repre-
sentative for foreign policy and the perma-
nent European Council president, the two
new jobs created by Lisbon.

Sweden’s Minister for European Affairs,
Cecilia Malmström, will be in Prague, on
8 October, followed the next day by Euro-
pean Parliament President Jerzy Buzek
(EPP, Poland).

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LISBON TREATY
Ireland’s vote cheered by almost all

By Manon Malherbe

The positive outcome of the second Irish referendum on the Lisbon Treaty is being cheered almost unanimously and has lifted the spirits of Europe’s political leaders. The social partners have also expressed their pleasure over the result.

“My message today is very simple: thank you, Ireland,” said Commission President Barroso. He added that “we partly because the European Union listened to the discontent expressed by Irish voters the first time and responded to them effectively, explained the Commission’s Vice-President for Institutional Relations and Communication, Margot Wallström. She added that “we all have to improve communication on the European Union and not just when confronted with a referendum or elections, but constantly”.

German Chancellor Angela Merkel sees the Irish ‘yes’ as “an important step” for the text’s entry into force and Gordon Brown considers it “good for Europe”. “The European Council is unanimous in its wish to see the treaty enter into force before the end of the year,” said EU Council President Fredrik Reinfeldt, putting pressure on the Czech and Polish presidents to sign the treaty. Polish Prime Minister Donald Tusk feels the pressure: “In Europe, a great deal is expected of the signature of President L. Kaczynski and I would not like Poland to be seen as a country that is holding things up”.

For French MEP Joseph Daul, chair of the EPP Group, there is nothing more to fear. “This decision validates the Lisbon Treaty” and “will reinforce the European Union, enable it to be unified in the face of the many challenges it has to take up in today’s world.” As Guy Verhofstadt, chair of the Alliance of Democrats and Liberals for Europe, exclaimed with great conviction, “Europe is not the cause of but the solution to the problems we are facing today”.

SOCIAL PARTNERS RELIEVED

The social partners also cheer the outcome. “The Irish vote is a ‘yes’ for employment,” noted BusinessEurope. With the economic and social crisis, European enterprises have been awaiting adoption of the Lisbon Treaty. The reaction of Ralf Resch, general secretary of the European Centre of Employers and Enterprises providing Public Services (CEEP), even expressed relief: “European solidarity was in danger. I am very pleased to see that the Irish reiterated their commitment to a united Europe.”

The positive outcome is also welcomed by environmental organisations, including the European Wind Energy Association (EWEA), which explained that the Irish vote gives EU energy policy fresh impetus that will work to the advantage of the climate negotiations in Copenhagen.

TRADE
EU and Uruguay agree on taxation of spirits

By Manon Malherbe

The EU has come to an agreement with Uruguay on the taxation of spirits imported from Europe, which had been denounced as “discriminatory” by the Scotch whisky industry.

The new legislation adopted in Uruguay now establishes a single rate of excise duties, which will put an end to unfair barriers to the sale of European spirits, according to the European Commission.

The rules, denounced in 2004 by the Scotch Whisky Association, placed spirits in categories on the basis of their price per litre. The Uruguayan authorities then assigned a price upon which the excise tax was levied.

The EU products were placed in the highest price category and whiskies aged over three years were excluded from the lowest category of taxation.

An EU regulation of July 2000 requires all EU whiskies to be matured for at least three years, whereas those produced in Uruguay are aged less than three years.

“I am delighted that we have solved this issue without having to resort to WTO litigation,” commented Trade Commissioner Catherine Ashton. The case was settled on the basis of the trade barriers regulation, which allows any EU enterprise or association to lodge a complaint with the Commission.

The executive then conducts an investigation and tries to abolish the illegal barriers.

Since 1995, more than 20 procedures have been opened and illegal trade barriers have been abolished in textiles, steel, music, cars and shipbuilding, and in a wide range of countries, from the United States to Brazil, South Korea and Uruguay.
EU/BRAZIL
Union expects climate commitments from Brasilia
By Fabrice Randoux

Swedish Prime Minister Frederik Reinfeldt and European Commission President José Manuel Barroso will try at the EU-Brazil summit in Stockholm, on 6 October, to secure commitments from President Luiz Inacio Lula da Silva as part of preparation for the Copenhagen climate conference in December. So far, Brazil, the world's fourth largest emitter of greenhouse gases due to massive deforestation in Amazonia, has not put a figure on its emissions reduction target. It will present “alternatives and precise commitments” at the Copenhagen conference, President Lula told the UN General Assembly, in late September.

Trade Commissioner Catherine Ashton will also take part in the summit but nothing spectacular in terms of trade is expected to result. The EU's negotiation of a free trade agreement with Mercosur (of which Brazil is a member) has been suspended for years since Mercosur gives priority to an agreement in the WTO Doha round of talks. Brazil is very interested in a Doha agreement for its agriculture but refuses to open up its industrial sectors as demanded by the United States.

Under the impetus of its charismatic president, the South American giant of 190 million inhabitants has in recent years become a player that counts in international negotiations, whether on trade, the climate or finance. Brazil wants to play an increasingly autonomous diplomatic role, as in Honduras, for instance, where its embassy offered refuge to deposed President Manuel Zelaya, or on Iran, where Lula is opposed to sanctions against Tehran on the nuclear issue.

EU/BRAZIL
EU deficit persists in trade with Brazil

EU27 member states’ trade in goods with Brazil (million euro)

<table>
<thead>
<tr>
<th></th>
<th>Jan-Jun 08</th>
<th>Jan-Jun 09</th>
<th>Jan-Jun 08</th>
<th>Jan-Jun 09</th>
<th>Jan-Jun 08</th>
<th>Jan-Jun 09</th>
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<tr>
<td>EU27</td>
<td>11,995</td>
<td>9,280</td>
<td>17,532</td>
<td>12,559</td>
<td>-5,527</td>
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<td>20</td>
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<td>73</td>
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<td>133</td>
<td>196</td>
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<td>2,199</td>
<td>2,466</td>
<td>860</td>
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<td>6</td>
<td>9</td>
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<td>Ireland</td>
<td>82</td>
<td>103</td>
<td>85</td>
<td>47</td>
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<td>Greece</td>
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<td>91</td>
<td>101</td>
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<td>565</td>
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<td>1,114</td>
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<td>Sweden</td>
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<td>Sweden</td>
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<td>United Kingdom</td>
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<td>721</td>
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<td>1,328</td>
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<td>-607</td>
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<tr>
<td>Total extra EU27</td>
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<td>520,456</td>
<td>776,929</td>
<td>589,929</td>
<td>-125,399</td>
<td>-66,479</td>
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<tr>
<td>Brazil / Total</td>
<td>1.8%</td>
<td>1.8%</td>
<td>2.3%</td>
<td>2.1%</td>
<td></td>
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</table>

EU2008 data

Between 2000 and 2008, the value of EU exports to Brazil grew by 56%, while imports nearly doubled. This led to an increasing EU deficit in trade with Brazil, up from €1.8 billion in 2000 to €9.5 bn in 2008, according to data published by Eurostat on the occasion of the EU-Brazil summit, held in Stockholm on 6 October.

In the first half of 2009, the value of EU exports to Brazil fell to €9.3 bn, compared with €12 bn in the first half of 2008, and imports decreased to €12.6 bn from €17.5 bn in 2008. As a result, the EU trade deficit for this period fell, reaching €3.3 bn in the first half of 2009, compared with €5.5 bn in the same period of 2008. It should be noted that the fall in the value of EU trade with Brazil recorded between the first half of 2008 and the first half of 2009 is in line with the general downward trend in the EU’s total external trade over the same period, underlines Eurostat.

In the first half of 2009, the share of Brazil in the EU’s total trade was 1.8% for exports and 2.1% for imports. Brazil was the EU’s tenth most important trading partner. Germany was by far the largest exporter to Brazil (see table).

Half of EU exports to Brazil were machinery and vehicles and one-fifth each were chemicals and other manufactured goods, while food and drink and raw materials accounted for 30% each of imports.
EU/US

Climate change: US ready to make “serious” efforts

By Anne Eckstein in Washington

The United States wants to obtain a “solid” climate change agreement in Copenhagen and is prepared to commit to binding objectives, according to a source close to the US Department of State. “We are interested in an agreement whereby all member states – including developing countries - will respect their commitment,” underlined a high-ranking official during an informal meeting, on 2 October in Washington, with European journalists.

“The European Union has led the way in the fight against climate change for ten years. Today, the United States has committed to make serious efforts. And, while there can be no agreement without the United States, neither can there be an agreement without China,” he underlined, insisting on the importance of this country.

At the Department of State, as well as within the team of Todd Stern, US special envoy for climate change, there is optimism and conviction that a climate change agreement is possible in Copenhagen. It might not be as ambitious and as detailed as it should be, but “the important thing is to make this first step, to achieve something concrete,” insists Washington. The administration - which hopes that the legislative bill, presented on 30 September, on one hand, by Democratic Senators Barbara Boxer and John F. Kerry and, on the other hand by the Environmental Protection Agency (EPA), will give these negotiations a real push in the right direction - will attempt to have a decisive influence in this direction. But it is unlikely that the internal legislative process will be completed in due course, i.e. by the beginning of December.

NEW LEGISLATIVE BILLS

While negotiations are continuing in Bangkok (28 September-9 October) in preparation for a new international agreement on climate change, the debate is intensifying in the United States where, on 30 September, a legislative proposal aimed at reducing greenhouse gas emissions by 20% by 2020 compared with 2005 (Boxer-Kerry law, see Europolitics 3830) was referred to the Senate and where the Environmental Protection Agency (EPA) presented, on the same day, a bill (Waxman law) in accordance with the Clean Air Act, which requires companies emitting the most greenhouse gases to equip plants that they intend to build or alter with pollution control equipment. These two proposals are complementary and are addressed to some 7,500 companies emitting at least 25,000 tonnes of CO₂ per year and close to 70% of US greenhouse gas emissions. “This is an important step, which could give international negotiations a push in the right direction,” considers Washington, where representatives from the administration insist that “we will do our utmost. Obviously, it would be better to have the law and that would send a positive signal to our partners, but it is not essential”. The Department of State, however, concedes that, without a national law, “it will be difficult to accept binding commitments”. ■

In Brief

GM cleared to by parts of Delphi

The European Commission authorised, on 2 October, the proposed acquisition of US mobile electronics and transportation systems manufacturer Delphi Corporation by the car manufacturer General Motors (GM), also of the US. GM and Delphi are mainly active in vertically related markets. The Commission’s investigation showed that competitive pressure would continue to exist on the relevant markets due to the presence of numerous other suppliers. Also, Delphi’s customers are important market players with substantial buying power. In addition, GM’s demand for car components in Europe is limited.

EIB loan to maritime transport in Italy

The European Investment Bank (EIB) signed a contract, on 2 October, with Grimaldi Compagnia di Navigazione Spa for a direct loan of €80 million to finance the expansion of the Italian shipping group’s fleet. This the second tranche of a total €250 million EIB loan to the Grimaldi group approved in 2008. For Grimaldi, the purpose of the operation is to buy a Fincantieri-built Cruise Europa ferry for use on its Italy-Greece routes. For the EIB, the operation is in line with the policy of investing in the so-called ‘motorways of the sea’ - maritime links for goods and passenger traffic providing alternatives to road and air transport.

ABN AMRO-Fortis: New deadline

Following a request from the Dutch government, owners of the Dutch activities of ABN AMRO and Fortis, the European Commission decided, on 2 October, to grant an extension of the deadline until 19 October for the divestment of Fortis’ corporate banking business, consisting of Hollandsche Bank Unie N.V., two corporate client departments, 13 Advieskantoren and ABN AMRO’s Dutch factoring activities to a large international bank. In the context of the 3 October 2007 merger clearance, Fortis committed to the Commission to not merge the Dutch activities of ABN AMRO and Fortis without prior divestments. This commitment was taken over by the Dutch state when it acquired control of both banks and took over Fortis’ position in the consortium agreement.
In Brief

Volume of retail trade down
In August 2009, compared with July 2009, the volume of retail trade fell by 0.2% in the eurozone and by 0.3% in the EU, after having already dropped in July by 0.2% in the eurozone but remained stable in the EU, according to estimates published, on 5 October, by Eurostat. In August 2009, compared with August 2008, the retail sales index decreased by 2.6% in the eurozone and by 1.8% in the EU. In terms of monthly changes, in August 2009, compared with July 2009, the highest increases were observed in Poland (+1.5%) and Spain (+1.4%), and the largest decreases in Latvia (-3.3%), Sweden (-2.7%), Lithuania (-2.3%) and Austria (-2%).

Climate campaign
The European Commission and MTV Networks International announced, on 5 October, that the Backstreet Boys had been chosen to play for the third and final concert of the ‘Play to stop – Europe for climate’ campaign. The band will play in Copenhagen, on 7 December, the opening day of the United Nations climate change conference. Launched in July 2009, the ‘Play to stop’ campaign targets 11 EU member states and includes TV ads, webcasts, games and editorial content on the fight against climate change as well as three concerts with major international artists (Moby in Stockholm, on 20 August, and the Editors in Budapest, on 19 September). Further details are available at www.mtvplay4climate.eu

Financing energy technology
The European Commission is set, on 7 October, to call for dedicated energy research funding in a communication on financing the European Strategic Energy Technology (SET) plan. The SET plan was first published in November 2007. It aims to support the technologies needed to meet Europe’s climate challenge. Central in the Commission’s SET financing communication is developing, in 2010, a concept of a dedicated Community budgetary framework. The mid-term review of the EU budget (2011-2013) should also lead to additional funding being dedicated to support the SET plan’s European industrial initiatives, joint programmes of the European Energy Research Alliance and the Smart Cities Initiative. Although not promising new money, the ideas to be put forward by the Commission will undoubtedly eventually work themselves into the debate on policy and budgets as well as the European Investment Bank. See Europolitics 3830 for a detailed series of articles.

MEPs reject EU-Guinea fisheries agreement
A draft EU-Guinea fisheries partnership agreement was rejected by a slim majority by the European Parliament’s Committee on Fisheries, on 1 October, after the use of force by the government of Guinea three days earlier left more than 100 civilians dead in Conakry. The agreement provides for the allocation of EU financing of €450,000 a year to develop the fisheries sector in Guinea, in exchange for which European Union fishing vessels would have access to Guinea’s waters. Under the consultation procedure applicable, Parliament’s position is not binding, but it could cause delays.

Socialist victory in Greece
The Socialists of the PASOK party, led by George Papandreou, won the legislative elections, on 4 October in Greece, against outgoing Prime Minister Costas Karamanlis, of the right-of-centre New Democracy party. The Socialists scored 43.6%, well ahead of the 35% won by the Conservatives, and are expected to have 160 of parliament’s 300 seats. The LAOS (far right) moved up from 3.8% in 2007 to 5.5%, the Communists slipped from 8.15% to 7.2%, the left coalition dropped from 5.04% to 4.3% and the ecologists pushed up their last score of 1.05% to 2.3%. Prime Minister Karamanlis, who was attacked over his handling of the economic crisis and the party’s incapacity to combat corruption, recognised his camp’s defeat. Elected in 2004 and re-elected in 2007, in early September he convened the early elections, arguing that a clear mandate was needed to adopt the austerity measures he was recommending to cope with the crisis. The president of the Party of European Socialists, Poul Nyrup Rasmussen (DK), welcomed the PASOK victory.
EU Agenda

Tuesday 6 October

EUROPEAN PARLIAMENT

THE PRESIDENT’S DIARY

Brussels
- 18:30 Opening of an exhibition in the EP on the Jacobean Holy Year
- 19:15 Meeting with the President of Galicia, Alberto Núñez Feijóo

PARLIAMENTARY COMMITTEES

COMMITTEE ON FOREIGN AFFAIRS
10:00-18:30, Brussels, JAN 2Q2
- Discussion with Ettore Francesco Sequi, EU special representative for Afghanistan and Pakistan (15:00-16:30)
- Joint debate with Committee on Development-incamera (DEVE)
  Nominees for the 2009 Sakharov Prize-Adoption of shortlist (17:00-18:30)

COMMITTEE ON DEVELOPMENT
9:00-18:30, Brussels, PHS 4B001
Nominees for the 2009 Sakharov Prize-Adoption of shortlist (Tuesday, 17:00-18:30)

COMMITTEE ON BUDGETS
9:00-12:30, Brussels, ASP 1G3
- 2010 budget. completion of the vote on the first reading budget amendments, tabled by the specialised committees, individual Members and political groups, this week including the financing of the European economic recovery plan. (Monday, Tuesday)
- Vote on mobilisation of the Solidarity Fund to the Italian region of Abruzzo, following the earthquake earlier this year. (Monday, Tuesday)
- Vote on mobilisation of the Global Adjustment Fund to Germany after redundancies last year, when Nokia closed the factory in Bochum, North Rhine Westphalia. (Monday, Tuesday)

COMMITTEE ON ECONOMIC AND MONETARY AFFAIRS
9:00-12:30, Brussels, ASP 3G3
15:00-18:30, Brussels, ASP 3G3
- Discussion with László Kovács, Commissioner for Taxation and Customs Union (15.00-16.30)

COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY
9:00-12:30, Brussels, JAN 4Q2
- Discussion with Commission representatives-Question time on the implementation of REACH (9.30-11.00)
- Discussion on the Emission Trading System Directive-List of sectors exposed to a risk of carbon leakage (draft comitology measure) (11.00)

COMMITTEE ON INDUSTRY, RESEARCH AND ENERGY
15:00-18:30, Brussels, JAN 4Q1
- Discussion with Günter Verheugen, Commissioner for Enterprise and Industry

COMMITTEE ON THE INTERNAL MARKET AND CONSUMER PROTECTION
12:30-18:30, Brussels, JAN 4Q1
Presentation of the Study on the implementation of the Directive on the recognition of professional qualifications (2005/36/EC).
Presentation of the study on Effectiveness of Market Surveillance in the Member States

COMMITTEE ON TRANSPORT AND TOURISM
9:00-17:45, Brussels, PHS 1A002
- Discussion with Willem De Ruiter, Executive Director of the European Maritime Safety Agency (09.15-10.15)

COMMITTEE ON REGIONAL DEVELOPMENT
9:00-18:30, Brussels JAN 6Q2
- Discussion with Cecilia Malmström, Commissioner on Regional Policy, on the European Union Strategy for the Baltic Sea Region

COMMITTEE ON CULTURE AND EDUCATION
9:00-12:30, Brussels, JAN 4Q1
- Discussion with Commissioner Leonard ORBAN
- European Charlemagne Youth Prize: Exchange of views with representatives of the three winning projects
  The Prize is awarded to outstanding projects organised by young people (aged between 16 and 30) that promote European and international understanding.

COMMITTEE ON LEGAL AFFAIRS
9:00-12:30, Brussels, ASP 3G2
- Discussion with the Commission on its communication concerning the enforcement of intellectual property rights.
- Possible vote on the adaptation to the regulatory procedure with scrutiny (Part Five). Report József Szájer (EPP, HU).

Codification votes:
- Pure-bred breeding animals of the bovine species;
- Appliances burning gaseous fuels;
- Veterinary checks on animals entering the Community from third countries; Network for the collection of accountancy data on the incomes and business operation of agricultural holdings;
- The conservation of wild birds; Provision of audiovisual media services;
- Animal health conditions governing intra-Community trade and imports of poultry and eggs for hatching; Protection of workers against asbestos-Report Lidia Joanna Geringer de Oedenberg (S&D, PL),

COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS
10:00-10:15, Brussels PHS 3C50
- Establishment of an evaluation mechanism to verify the application of the Schengen acquis. vote-(to be confirmed)
  13:00-17:00, Brussels PHS 3C50
Joint debate on the asylum package:
Discussion with Commission representatives

COMMITTEE ON CONSTITUTIONAL AFFAIRS
9:00-18:30, Brussels ASP 1G2
• Discussion on the Irish Referendum with Margot WALLSTRÖM, Vice-President of the Commission responsible for Institutional Relations and Communication Strategy (15.00-18.30)

OTHER EVENTS
OPEN DAYS 2009
14:30-16:15, Committee of the Regions, Jacques Delors Building, 101 rue Belliard, 1040 Brussels-room JDE 62
EP Committee on Regional Development and Committee of the Regions Commission on Territorial Cohesion workshop on “The present and future benefits of cohesion policy”

COUNCIL OF MINISTERS
EU-BRAZIL SUMMIT
Stockholm
The main issues that are expected to be discussed at the summit are climate change and the global financial and economic crisis.

POLITICAL AND SECURITY COMMITTEE (PSC)
Brussels
EUROPEAN COMPETITION DAY
6-7 October, Stockholm
Ever since 2000, the country holding the Presidency has arranged a European Competition Day in order to explain the benefits of competition to European citizens. The theme of the conference during the Swedish Presidency will be ‘Welfare through efficient markets’ and the aim is to provide knowledge of what competition policy signifies in a broad sense to citizens, companies and organisations. Participation requires a personal invitation that can be obtained by sending an email to: competitionday2009@enterprise. ministry.se.

CONFERENCE: FROM THE EUROPEAN CHARTER FOR SMALL ENTERPRISES TO THE SMALL BUSINESS ACT
5-6 October, Stockholm

CONFERENCE OF DIRECTORS-GENERAL FOR PAYING AUTHORITIES
5-7 October, Visby (Sweden)

EUROPEAN COMMISSION
TRAVEL AND VISITS
• Jacques Barrot receives the Russian Minister for Justice, Alexander Konovolov
• Antonio Tajani and Jacques Barrot receive Chiara Simoneschi-Cortesi, President of the National Council and the Swiss Federal Assembly, accompanied by a delegation from the Swiss Parliament
• Margot Wallström addresses the Conference of Community and European Affairs Committees of Parliaments of the European Union (COSAC) at the Riksdag (Stockholm)
• Opening speech by Viviane Reding to the session of “Towards a New Ageing Vision: the Contribution of ICT Industry and Business” (Brussels)
• Viviane Reding participates in a lunch debate to discuss the future of the Internet and Europe’s digital strategy with MEPs, hosted by Alexander Allvaro (Brussels)
• Antonio Tajani signs the Baltic-Adriatic Railway Corridor Resolution (Brussels)
• Paweł Samecki participates in a debate on the EU Strategy for the Baltic Sea Region (EP REGI Committee)
• Paweł Samecki at the OPEN DAYS: participates in the Baltic Sea Strategy Press Panel (together with Mrs Cecilia Malmström, Swedish Minister for EU Affairs, Astrid Thors, Finnish Minister of Migration and European Affairs, Jan Kozłowski, Marshal of Pomorskie Voivodship in Poland and Carsten-Ludwig Lüdemann, State Secretary for European and International affairs from the Land of Hamburg (BERL.Schuman Room)); takes part in a panel on “European regions and cities on a new Lisbon Strategy after 2010” (along with Javier Valls Liberal, Director of the Economic Office of the President of the Government of Spain (2010 EU Council Presidency Spain) and Christine Chapman (UK/PES), Assembly Member from the National Assembly for Wales) (CHARL); gives closing remarks at the High-level panel: “Regional economic development – sharing experiences between the EU and its neighbours” (CHARL); meets Vasyl Kuybida, Minister for Regional Development of Ukraine (CHARL); gives welcome remarks at the OPEN DAYS Concert “Regions Live” (BOZAR)
• Joe Borg in Germany: visits the pilot project Parlevliet-Skysails (Port of Hamburg); receives the Elisabeth-Mann Borghese Prize for outstanding achievements for the seas by the Prime-Minister of Schleswig Holstein (Kieler Schloss, Kiel)
• Olli Rehn receives Andros Kyprianou, General Secretary of the Central Committee, AKEL
• Vladimir Špidla receives Radko Martínek, Hejtman of Region of Pardubice
• Androulla Vassiliou delivers a speech during the launch of the event “A Prescription for a Healthy Planet-bringing health into the heart of EU climate change negotiations”, organised by the Health and Environment Alliance (HEAL) and the Health Care Without Harm (HCWH) Europe (Brussels)

COURT OF JUSTICE
9:30
Third Chamber
• Judgement joined cases C-501/06 P; C-513/06 P; C-515/06 P; C-519/06 P. GlaxoSmithKline Services v Commission; Commission v GlaxoSmithKline; EAEP v GlaxoSmithKline; Asoprofars and IAPC v GlaxoSmithKline

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by the health services
Advocate General: Trstenjak

9:30
Second Chamber
Judgement C-301/07: PAGO
International
Intellectual property
Interpretation of Article 9(1)(c) of Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark (OJ 1994 L 11, p. 1) – Rights of the proprietor of a trade mark having a reputation in the Community – Trade mark having a reputation only in one Member State – Protection of the trade mark in the whole of the Community or only in one Member State
Advocate General: Sharpston

9:30
Third Chamber
Judgement C-335/07: Commission v Finland
Environment and consumers
Failure of a Member State to fulfil obligations – Infringement of Art. 5(2), (3) and (5) of Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment (OJ 1991 L 135, p. 40) – Failure to require that urban waste water collected from all agglomerations of more than 10 000p.e be subject to more efficient treatment
Advocate General: Kokott

9:30
Third Chamber
Judgement C-438/07: Commission v Sweden
Environment and consumers
Advocate General: Kokott

9:30
First Chamber
Judgement C-562/07: Commission v Spain
Freedom of movement for persons
Failure of a Member State to fulfil obligations – Breach of Articles 39 EC and 56 EC and of Articles 28 and 40 of the EEA Agreement – Difference in treatment, with regard to the taxation of income received in Spain, between residents and non-residents
Advocate General: Kokott

9:30
First Chamber
Judgement C-40/08: Asturcom
Telecomunicaciones
Environment and consumers
Interpretation of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ 1993 L 95, p. 29) – Adequate and effective means to prevent the continued use of unfair terms – Application for the enforcement of a final arbitration award made in default on the basis of an unfair arbitration clause
Advocate General: Trstenjak

9:30
Grand Chamber
Judgement C-123/08: Wolzenburg
Police and judicial cooperation in criminal matters
Reference for a preliminary ruling – Interpretation of Article 4(6) of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ 2002 L 190, p. 1) – Possibility for the executing judicial authority to refuse to execute a European arrest warrant issued for the purposes of execution of a custodial sentence against a person staying in the executing Member State in which he resides – Concepts of ‘resident’ and ‘staying in’ – Interpretation of Articles 12 EC, 17 EC and 18 EC – National legislation allowing different treatment by the executing judicial authority of the requested person if he refuses to be surrendered, depending on whether he is a national of the executing Member State or of another Member State
Advocate General: Bot

9:30
Grand Chamber
Judgement C-133/08: ICF
Law applicable to contractual obligations
Preliminary ruling – Hoge Raad der Nederlanden – Interpretation of Article 4 of the Convention on the law applicable to contractual obligations, opened for signature in Rome on 19 June 1980 – Concept of a contract for the carriage of goods – Constituent elements – Voyage charter party – Applicable law in the absence of choice – Connecting criteria
Advocate General: Bot

9:30
First Chamber
Judgement C-153/08: Commission v Spain
Freedom to provide services
Failure of a Member State to fulfil obligations – Infringement of Article 49 EC and Article 36 EEA – National legislation under which amounts won in lotteries and games of chance organised abroad, but not in certain lotteries or games of chance organised in Spain, are subject to income tax
Advocate General: Mengozzi

9:30
Second Chamber
Judgement C-267/08: SPÖ
Landesorganisation Kärnten
Taxation
Reference for a preliminary ruling – Unabhängiger Finanzsenat (Austria) – Interpretation of Article 4(1) and (2) of Sixth Council Directive 77/588/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes – Common system of value added tax: uniform basis of assessment (OJ 1977 L 145, p. 1) – Concept of ‘economic activity’ – Organisation by the provincial organisation of a political party of promotional activities for the benefit of the district organisations of that party, taking the form of events, the production and delivery of publicity material and the organisation of an annual ball – Expenses related to these activities considerably exceeding the revenue derived from passing on the expense of some of those activities to the district organisations and from the sale of the tickets for the ball
Advocate General: Poiares Maduro
9:30
Third Chamber
- Opinion C-343/08: Commission v Czech Republic
  Social policy
  Failure of a Member State to fulfil obligations – Failure to adopt, within the prescribed period, all the provisions necessary to comply with Directive 2003/41/EC of the European Parliament and of the Council of 3 June 2003 on the activities and supervision of institutions for occupational retirement provision (OJ 2003 L 235, p. 10)
  Advocate General: Bot

9:30
Fifth Chamber
- Judgement C-6/09: Commission v Belgium
  Taxation
  Failure of a Member State to fulfil its obligations – Failure to have adopted or communicated, within the prescribed time-limit, all the measures necessary to comply with Directive 2003/60/EC of the European Parliament and of the Council of 26 October 2003 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (OJ 2005 L 309, p. 15)
  Advocate General: Kokott

9:30
Seventh Chamber
- Judgement T-21/06: Germany v Commission
  State aid
  Annulment of Commission Decision (2005) 3903 final of 9 November 2005 declaring incompatible with the common market the aid granted by the German authorities to the commercial broadcasters participating in digital terrestrial television (DVB-T) in Berlin-Brandenburg

9:30
Seventh Chamber
- Judgement T-24/06: MABB v Commission
  State aid
  Annulment of Commission Decision (2005)3903 final of 9 November 2005 declaring incompatible with the common market subsidies granted by the German authorities to broadcasters using the digital terrestrial television network (DVB-T) in the Berlin-Brandenburg Region

9:30
Eighth Chamber
- Hearing T-145/07: OTIS and Others v Commission
  Competition
  Annulment or reduction of the fine imposed on the applicants by Commission Decision C(2007) 512 final of 21 February 2007 relating to a proceeding under Article 81 EC (Case COMP/E-1/358.823 – PO/Elevators and Escalators) concerning a cartel in the market for the installation and maintenance of mechanical lifts and escalators in Belgium, Germany, Luxembourg and the Netherlands involving manipulation of tenders, allocation of markets, price-fixing, award of projects and associated contracts and exchange of information, and, in the alternative.

9:30
Appeals Chamber
- Judgement T-102/08 P: Sundholm v Commission
  Staff Regulations of Officials
  Appeal brought against the judgement of the Civil Service Tribunal (Second Chamber) of 13 December 2007 in Case F-27/07 Sundholm v Commission dismissing the action for annulment of the applicant’s career development report for the period from 1 July 2001 to 31 December 2002 as established pursuant to the judgement of the Court of First Instance of 20 April 2005 delivered in Case T-86/04 Sundholm v Commission

CONFERENCES AND SEMINARS
6 October, Brussels, 13:00
- Copenhagen: Will the EU be a Climate Change Leader?
  Subject: 13th CIFE Lunchtime Debate with Monica Frassoni, Former President of the Greens/EFA in the European Parliament, Trustee of Friends of Europe
  Organisers: CIFE
  Contact: Bruno.BOISSIERE@cife.eu
  Venue: University Foundation, Rue d’Egmont 11, 1000 Bruxelles
  www.cife.eu