



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2002)1573 final

Strasbourg, 2nd July 2002

MINUTES

of the 1573rd meeting of the Commission

held in Brussels

(Breydel)

on Wednesday 26 June 2002

(morning)

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These minutes were approved by the Commission at its 1574th meeting, held in Strasbourg on 2nd July 2002.

They contain 26 pages.

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Single sitting: Wednesday 26 June (morning)

The sitting opened at 0915 hours with Mr KINNOCK, Vice-President, in the chair.

Present:

Mr KINNOCK Vice-President

Ms de PALACIO Vice-President

Mr MONTI

Mr BOLKESTEIN

Mr BUSQUIN

Mr SOLBES

Mr VERHEUGEN

Mr LAMY

Mr BARNIER

Ms REDING

Ms SCHREYER

Ms WALLSTRÖM

Mr VITORINO

Ms DIAMANTOPOULOU

Absent:

Mr PRODI President

Mr FISCHLER

Mr LIIKANEN

Mr NIELSON

Mr PATTEN

Mr BYRNE

The following sat in to represent absent Members of the Commission

Mr PIRZIO-BIROLI	Chef de cabinet to Mr Fischler
Mr SALMI	Chef de cabinet to Mr Liikanen
Ms PEDERSEN	A member of Mr Nielson's staff
Mr CARY	Chef de cabinet to Mr Patten
Mr POWER	Chef de cabinet to Mr Byrne

The following also sat in

Mr PETITE	Director-General, Legal Service	
Mr MANSERVISI	Chef de cabinet to the President	
Mr FAULL	Commission Spokesman	
Mr CARVOUNIS	Director in the Press and Communication DG	
Mr GOOCH GALVEZ	Spokesman	
Mr TSCHERNY	Spokesman	
Mr DE RYNCK	Spokesman	Item 13
Mr SMULDERS	A member of the President's staff	
Mr KOOPMAN	Chef de cabinet to Mr Kinnock	
Mr CALLEJA CRESPO	Chef de cabinet to Ms de Palacio	Items 9, 12 and 14
Mr JACOB	Chef de cabinet to Mr Busquin	
Mr GOSSET-GRAINVILLE	A member of Mr Lamy's staff	Items 15 and 16
Mr FONSECA	Deputy Chef de cabinet to Mr Vitorino	Item 13
Mr ZORBAS	A member of Ms Diamantopoulou's staff	Item 15
Ms QUINTIN	Employment and Social Affairs DG	Item 15
Mr ONESTINI	Energy and Transport DG	Item 14

Secretary: Mr O'SULLIVAN, Secretary-General, assisted by Mr BISARRE, Director in the Secretariat-General.

1. AGENDAS

(OJ(2002)1573/3; SEC(2002)709/2)

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

It adopted the agenda for that day's meeting with the exception of the following:

- Item 13: Commission decision on proceedings under Articles 81 EC and 53 EEA (Methionine case)
- Item 15: Community cooperation with Asian and Latin American countries.

It decided to hold these two items over for its next meeting.

2. WEEKLY MEETING OF CHEFS DE CABINET

(SEC(2002)1573)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 24 June.

**3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1572nd
MEETING (19 June)**

(PV(2002)1572; PV(2002)1572, Part II)

The Commission approved the minutes of its 1572nd meeting.

4. PARLIAMENT

PARLIAMENTARY AFFAIRS GROUP

(SP(2002)2121)

The Commission took note of the record of the meeting of the Parliamentary Affairs Group held on Thursday 20 June.

It paid particular attention to the following:

a) Preparations for July part-session

(point 2 of the record)

The Commission, in accordance with the rules in force, authorised the Commission Members responsible, in agreement with the PRESIDENT, Ms de PALACIO and any other Members associated, to take a position on Parliament's amendments to its proposals.

It paid particular attention to the following:

2nd reading

- BLOKLAND report, Waste management statistics,
COM(1999)31 - 99/0010 (COD)

The Commission adopted the line set out in SP(2002)2110/2 involving the rejection of some amendments.

- LANGE report, Emission of pollutants from engines in non-road mobile machinery,
COM(2000)840 - 02/0336 (COD)

The Commission adopted the line set out in SP(2002)2056 involving the partial rejection at this stage of amendment 2.

Empowerment

Under Article 13 of its Rules of Procedure, the Commission empowered Mr SOLBES and Ms WALLSTRÖM, in agreement with the PRESIDENT, the Member responsible for relations with Parliament and any other Members associated, to adopt its opinion on the amendments, together with any amended proposals, on the basis of the line set out in SP(2002)2110/2 and SEC(2002)2056, once Parliament had given its opinion, and transmit them to the Council in accordance with Article 251(2)(c) of the Treaty for the following:

- BLOKLAND report, Waste management statistics,
COM(1999)31 - 99/0010 (COD)
- LANGE report, Emission of pollutants from engines in non-road mobile machinery,
COM(2000)840 - 02/0336 (COD)

1st reading and simple consultation

- NISTICÓ report, Community statistics on science and technology,
COM(2001)490 - 01/0197 (COD)

The Commission adopted the line set out in SP(2002)2109/2.

It took note of the legal reasons for not accepting amendment 3 concerning the Helsinki Group, and decided to enter a Commission statement on this item in the Council minutes at the time of adoption.

- TRAKATELLIS report, Genetically modified organisms (GMOs),
COM(2001)182 - 01/0180 (COD)

The Commission adopted the line set out in SP(2002)2070/3.

- SCHEELE report, Genetically modified food and feed,
COM(2001)425 - 01/0173 (COD)

The Commission adopted the line set out in SP(2002)2078/2.

- QUISTHOUDT-ROWOHL report, EC framework programme (research
2002-2006),
COM(2001)500 - 01/0202 (COD)

- QUISTHOUDT-ROWOHL report, Euratom framework programme
(research 2002-2006),
COM(2001)725 - 01/0327 (CNS)

The Commission adopted the line set out in SP(2002)1791/3.

- MAYOL I RAYNAL report, Excise duty on biofuels,
COM(2001)547 - 01/0266 (CNS)

The Commission adopted the line set out in SP(2002)2071/2 and /3.

5. PERMANENT REPRESENTATIVES COMMITTEE **(SI(2002)754)**

The Commission took note of the information put before it relating to the work of Coreper on the following matter.

TEMPORARY DEFENCE MECHANISM FOR THE SHIPBUILDING INDUSTRY **(SI(2002)754)**

The Commission noted that, in accordance with its discussions on this matter at its two previous meetings (PV(2002)1571, item 13 and PV(2002)1572, item 5), the

elements of a compromise had been transmitted to the Council, which, subject to some final changes, viz. the entry of a Commission statement in the Council minutes relating particularly to the date of availability of the new investigation report and the amendment of a recital, seemed to be in a position to muster a qualified majority. The Council Presidency had therefore confirmed its intention of having this item adopted at the Council meeting (Agriculture) on 27 June.

6. MONITORING THE APPLICATION OF COMMUNITY LAW
(SEC(2002)536 to /3; SEC(2002)540 and /2; SEC(2002)541 and /2;
SEC(2002)544; C(2002)2291)

6.1. INFRINGEMENTS - REPORT A 1/2002 ON ESTABLISHED
INFRINGEMENTS - SPECIAL MEETING OF CHEFS DE CABINET OF
20 JUNE
(SEC(2002)536 and /3; SEC(2002)540 and /2; SEC(2002)541 and /2;
SEC(2002)544)

Subject to the following amendments, the Commission adopted the decisions in SEC(2002)544:

ENV 1989/0425 IRELAND
Impact - Directive 85/337, Articles 4(2) and 7

Decision: Consideration held over until presentation of report B2/2002, with authorisation of contacts with the national authorities.

MARKT 2001/2077 ITALY

Autostrada del Brennero SpA - Extension of motor vehicle concession

Decision: Held over for one week.

6.2. *INFRINGEMENTS - REPORT A 1/2002 DECISION - ARTICLE 88 ECSC*
(SEC(2002)540 and /2; C(2002)2291)

The Commission adopted the decision C(2002)2291 in SEC(2002)540/2
(Case 2001/2046, *Italy, Non-compliance with Article 88 ECSC on the*
Protocol on the privileges and immunities of the European Community).

**7. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF
POWERS**

7.1. *WRITTEN PROCEDURES APPROVED*
(SEC(2002)710 to /5)

The Commission took note of the Secretariat-General's memoranda recording
decisions adopted by written procedure between 17 and 21 June.

7.2. *SENSITIVE WRITTEN PROCEDURES*
(SEC(2002)711)

The Commission took note of the following written procedures initiated
between 17 and 21 June for the adoption of decisions with political
implications:

Time limit: 25.06.2002

E/2002/978 - COM(2002)328 DG TAXUD

Proposal for a Parliament and Council Regulation on the prevention of money-laundering by means of customs cooperation.

Time limit: 26.06.2002

E/2002/1125 - COM(2002)306 JRC

Commission annual report on the Joint Research Centre (2001).

E/2002/1167 - C(2002)2396 DG RELEX

Commission decision on the financing of the emergency rehabilitation of the administrative infrastructure of the Palestinian Authority under the rapid reaction mechanism, for an amount of €5 000 000.

Time limit: 28.06.2002

E/2002/1175 - COM(2002)324 SG

Nineteenth annual Commission report on monitoring the application of Community law (2001).

In this connection, the Commission took note of the closure on 24 June of written procedure E/1173/2002 (Court of First Instance judgment - appeal to the Court of Justice - Case T-177/01; doc. C(2002)2433), for entry on the agenda of a future Commission meeting.

7.3. *EMPOWERMENT*

(SEC(2002)712 to /5)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the empowerment procedure between 17 and 21 June.

7.4. DELEGATION AND SUBDELEGATION OF POWERS

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation procedure between 17 and 21 June, as archived on the "Greffé 2000" (Registry) website.

7.5. DELEGATION OF POWERS FOR THE IMPLEMENTATION OF THE MULTIANNUAL PROGRAMME FOR ENTERPRISES AND ENTREPRENEURSHIP, AND IN PARTICULAR FOR SMALL AND MEDIUM-SIZED ENTERPRISES (SMEs) (2001-05) OF 20 DECEMBER 2000 (DECISION 2000/819/EC) (SEC(2002)730)

The Commission granted the delegation of powers set out in SEC(2002)730.

8. ADMINISTRATIVE AND BUDGETARY MATTERS (SEC(2002)713/2)

ADMINISTRATIVE MATTERS (PERS(2002)104)

8.1. DG BUDG - A1 POST OF DIRECTOR-GENERAL

The Commission had before it applications under Article 29(1)(a) of the Staff Regulations for the A1 post of Director-General, Budget (PERS(2002)75/2 and /3).

The Commission took note of the opinions of the Consultative Committee on Appointments of 12 and 13 June (PERS(2002)75/4 and /5).

The Commission proceeded to compare the applicants' qualifications for the post. In this connection, Ms SCHREYER drew attention to the special qualifications of Mr Luis ROMERO REQUENA, who had great professional experience in the budgetary field, acquired in successive posts at the Spanish Ministry for Economic and Financial Affairs, the Council's Budget Committee, and the Budget DG, where he had been Director of Directorate B (Own resources, evaluation and financial programming) and then of Directorate A (Expenditure). His performance in the latter post had been particularly appreciated not only within the Commission but also by the budgetary bodies of the Council and Parliament.

Beyond the management tasks of the Directorate-General, the new Director-General would have the specific task of continuing implementation of the administrative and financial reform and preparing the new financial perspective for the post-2006 period.

In the light of this opinion and after examining the reports on the ability, efficiency and conduct in the service of each of the candidates, the Commission, on a proposal from Mr KINNOCK, in agreement with the PRESIDENT and Ms SCHREYER, decided to appoint Mr ROMERO REQUENA to the post.

This decision would take effect from 1 July.

8.2. *EXTERNAL RELATIONS DG - REINTEGRATION AT HEADQUARTERS OF AN A2 OFFICIAL*

The Commission, on a proposal from Mr KINNOCK, in agreement with the PRESIDENT, decided to appoint Mr Ove JUUL JOERGENSEN, currently Head of the Commission's delegation in Japan, to the vacant post of Chief Adviser, directly attached to the Director-General for External Relations.

This decision would take effect from 15 July.

**9. MISSION OF THE EURATOM SAFEGUARDS OFFICE AND
AMENDMENT OF THE ORGANISATION CHART OF THE ENERGY AND
TRANSPORT DG
(SEC(2002)658 to /5)**

The Commission noted that an amendment had been introduced at paragraph 22 of the communication from Ms de PALACIO to the Commission (SEC(2002)658/5, page 8 of the English version).

The following text was added to the first sentence of this paragraph: "The issues raised concerning security require increased attention from the side of the Commission **in an enlarged Union**". The second sentence of the same paragraph was deleted.

Subject to these amendments, the Commission approved the communication in SEC(2002)658 /3, /4 and /5 and:

- 1) took note of the analyses and recommendations in the report by the group of high-level experts set out in Annex I;
- 2) confirmed the full attachment of the Euratom Safeguards Office to DG TREN, within which two Directorates were responsible for "Nuclear safety and security" and "Nuclear inspection" respectively;
- 3) adopted the corresponding amendments to the DG TREN organisation chart, as set out in Annex II (SEC(2002)658/4);

- 4) adopted the new definition of the mission of DG TREN as regards Euratom safeguards, as shown in the mission statement set out at item 14 of the communication;
- 5) instructed DG TREN, under the authority of Ms de PALACIO:
 - to implement the aforementioned mission statement;
 - to redefine the generic approaches of monitoring by type of installation and to lay down the corresponding inspection procedures;
 - to set up for a period limited to two years a scientific advisory group (SAGES, Scientific Advisory Group on Euratom Safeguards) responsible for advising Commission departments on the implementation of the new mission statement, and more particularly the redefinition of generic approaches to monitoring and inspection procedures;
 - to appoint Mr Mark LOOS, Mr Bruno PELLAUD and Mr Roland SCHENKEL members of this scientific advisory group;
- 6) instructed DG TREN, under the authority of Ms de PALACIO, to present a report to the Commission before 31 December on the first stages of the implementation of the decisions referred to at item 5.

The Commission noted that adoption of the communication did not prejudice the decisions the Commission would have to take soon as regards the future of the Luxembourg site.

**10. COMMISSION DECISION CONCERNING A PROCEEDING UNDER
ARTICLE 8(2) OF COUNCIL REGULATION No 4064/89
(HANIEL / CEMENTBOUW / JV (CVK) CASE)
(C(2002)2315 to /3)**

The Commission:

- took note of the opinion of the Advisory Committee on Concentrations, as set out in C(2002)2315;
- took note of the final report of the Hearing Officer annexed to the same document;
- adopted the decision in C(2002)2315/2 and /3 in the authentic language (German);
- decided to publish the full text of the decision in the Official Journal, with all business secrets removed, in all the official languages.

11. OTHER BUSINESS

***SIXTH FRAMEWORK PROGRAMME FOR RESEARCH AND
TECHNOLOGICAL DEVELOPMENT AND THE EUROPEAN RESEARCH
AREA
(SEC(2002)736)***

The Commission took note of the information in SEC(2002)736.

12. PARLIAMENT

(continued from item 4)

Ms de PALACIO announced that she would be taking part in Parliament's Conference of Presidents meeting on Tuesday 2 July to assess the implementation of the Commission's work programme for 2002.

A second meeting of the same type would be held in the autumn on the Commission's strategic priorities and work programme for 2003, which would enable conclusions to be drawn from the discussions held (structured dialogue) between Commission Members and the various parliamentary committees, and to prepare for the official presentation of the Commission's work programme by the PRESIDENT at Parliament's November part-session.

The Commission took note of this information and held a brief exchange of views on the experience gained in the debates between the parliamentary committees and Commission Members on the Commission's priorities for 2003.

13. WORK OF THE CONVENTION

(SEC(2002)751)

Mr BARNIER reported on the work of the European Convention in its various bodies (plenary sessions; meetings of the presidium; working parties).

He referred firstly to the report presented by Mr GISCARD D'ESTAING, President of the European Convention, to the Seville European Council (cf. SEC(2002)751), emphasising in particular the two democratic bases for the Union's legitimacy, identified by the author (the historical legitimacy and legitimacy of identity expressed in the national parliaments, and the Community and continental legitimacy represented by the European Parliament) and the Convention's

determination to press forward along its chosen path with a view to drawing up a constitutional treaty.

Mr BARNIER also reminded the meeting that the European Convention's plenary session of 24 and 25 June had been a hearing for civil society, and that the next one, planned for 10 and 11 July, would be a hearing for young people, and would close the "listening phase" of the Convention's work.

The setting-up of several working groups (four new groups recently created would deal with external relations and external representation, defence, the simplification of legislative procedures, and justice and home affairs issues) would require the participation of various Commission Members, beyond the two official representatives appointed by the Commission.

The Commission took note of this information.

**14. FINAL REPORT ON THE GREEN PAPER TOWARDS A EUROPEAN
STRATEGY FOR THE SECURITY OF ENERGY SUPPLY
(SEC(2002)699; COM(2002)321 to /8)**

Ms de PALACIO reported on the results of the consultations on the Green Paper *Towards a European strategy for the security of energy supply*, launched in November 2000 and closed in February 2002.

The Green Paper had provoked a wide range of opinions (energy sector and other industrial sectors, trade unions, NGOs, academics, research bodies, Member States, local authorities, European institutions, international organisations), had given rise to several conferences in the Member States, and had even brought reactions from outside the Union (particularly from the United States and Japan).

This wide public debate had produced broad agreement on certain basic elements, and particularly, in view of the foreseeable growth in the rate of the Union's energy dependence in the coming years, on:

- the need to take action on energy demand, and
- the need to improve energy efficiency and to intensify the promotion of renewable energy.

She reminded the meeting in this connection of the various initiatives already taken by the Commission in the field of energy efficiency and renewable energy.

Other subjects were more controversial, in particular:

- the effectiveness of Community mechanisms for use in the event of crisis,
- the use of nuclear energy, and
- a common approach to nuclear safety.

On these various sensitive points, the text of the communication took account of the proposals put forward by certain Commission Members, and constituted an objective summary of the conclusions that could be drawn from the public debate on the basis of the Green Paper.

The Commission discussed certain parts of the text and particularly those concerning the use of nuclear energy.

Following this discussion, the Commission adopted the following amendments:

- In paragraph 10 (pages 6 and 7 of the English version):

The second sentence of the first indent was amended to read as follows:

"The Green paper noted that concerns about comprehensive warming have changed the perception of energy supply constraints and that this was particularly pertinent for nuclear energy as its use for electricity generation, **together with renewable energy and energy efficiency**, makes it possible to avoid emissions of greenhouse gases that result from burning fossil fuels".

The last sentence of the first indent was amended to read as follows:

"Under its European Climate Change Programme (ECCP), the Commission has **announced** a set of measures that can potentially cut emissions by some 122 to 178 million tonnes of CO2 equivalent, **and is further identifying emission reduction options**".

In the second sentence of the second paragraph, the word "however" was deleted.

The second sentence of the third indent was amended to read as follows:

"The nuclear option **remains** open to **those** EU Member States **who** would like it. **This is the case** in Japan, the United States, **Canada** and elsewhere".

- In paragraph 11 (page 8 of the English version) the third sentence of the second paragraph was amended to read as follows:

"To refute a common misconception, the internal energy market does not **only** seek systematically to reduce prices to consumers, but to set a fair price in compliance with public service obligations".

Subject to these amendments, the Commission approved the report in COM(2002)321/8 for transmission to Parliament, the Council, the Economic and Social Committee, the Committee of the Regions and the ECSC Consultative Committee.

**15. COMMISSION COMMUNICATION *THE EUROPEAN SOCIAL DIALOGUE, A FORCE FOR INNOVATION AND CHANGE*
PROPOSAL FOR A COUNCIL DECISION ESTABLISHING A
TRIPARTITE SOCIAL SUMMIT FOR GROWTH AND EMPLOYMENT
(COM(2002)341 to /5; SEC(2002)737)**

Ms DIAMANTOPOULOU tabled a communication *The European social dialogue, A force for innovation and change*, and a proposal for a Council Decision establishing a tripartite social summit for growth and employment; the communication gave an update on the progress of the social dialogue since entry into force of the Treaty of Amsterdam and the proposals to:

- strengthen the social dialogue and improve its contribution to better European governance (improved consultation process; closer links between the various levels; increased visibility and transparency of dialogue; more representative participants);
- structure the conciliation within a single body, by the establishment of a "tripartite social summit for growth and employment", comprising the troika of Heads of State or Government, the President of the Commission, and a small delegation from the social partners, and replacing the Standing Committee on Employment. This should enable the social partners to contribute more coherently to the various components of the Lisbon strategy;
- support the social partners in the development of autonomous social dialogue, by enlarging and enriching the scope of their dialogue, improving the monitoring and implementation of their agreements as well as by boosting their involvement in the open coordination method;

- prepare for enlargement by strengthening the capacity of the social partners of the applicant countries to play their role and by developing the role of the social dialogue in the pre-accession strategy;
- exploit the international dimension of the social dialogue, involving the European social partners actively in international relations and supporting the development of the social partnership in non-member countries, particularly in developing countries.

Following this presentation, the Commission approved the communication and the proposal for a Council Decision in COM(2002)341/5 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.

16. COUNCIL MEETINGS

(SI(2002 (777)

16.1. ECONOMIC AND FINANCIAL AFFAIRS

(MADRID, 20 JUNE)

(SI(2002)790)

Mr SOLBES reported on the ECOFIN Council held in Madrid on 20 June on the fringe of the Seville European Council.

At the meeting the broad economic policy guidelines had been updated, subject to the entry in the Council minutes of a unilateral statement by France, to the effect that, to achieve the budgetary objectives laid down in the stability and growth pact (situation close to budgetary balance in 2004) a growth rate of at least 3% during the years 2003 and 2004 would be necessary. After

agreement at the European Council, the guidelines had been formally adopted by the Council (Economic and Financial Affairs) on 21 June in Seville.

The Commission took note of this information and held an exchange of views on economic policy coordination and compliance with the stability and growth pact.

16.2. ENVIRONMENT

(LUXEMBOURG, 25 JUNE)

(SI(2002)780)

Ms WALLSTRÖM reported on the main results of the Council meeting (Environment).

She noted in particular:

- the adoption of the Council decision on the conclusion, on behalf of Community, of the Cartagena Protocol on biosafety;
- the presentation of a progress report on the proposal for a Parliament and Council Regulation on the transboundary movement of genetically modified organisms;
- the political agreement on the proposal for a Parliament and Council Directive "Seveso II" on the control of major-accident hazards involving dangerous substances;
- the political agreement on the Parliament and Council Directive amending Directive 94/62/EC on packaging and packaging waste;
- the adoption of conclusions on stopping the loss of biodiversity by 2010.

The Commission took note of this information.

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

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The meeting closed at 1215 hours.