



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

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Brussels, 14 January 2003

MINUTES
of the 1595th meeting of the Commission
held in Brussels
(Breydel)
on Wednesday 8 January 2003
(morning)

These minutes were approved by the Commission at its 1596th meeting, held in Strasbourg on 14th January 2003.

They contain 22 pages.

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Single sitting: Wednesday 8 January (morning)

The sitting opened at 0920 hours with Mr Prodi, President, in the chair.

Present:

Mr PRODI	President
Mr KINNOCK	Vice-President
Ms de PALACIO	Vice-President
Mr MONTI	
Mr FISCHLER	
Mr LIIKANEN	
Mr BOLKESTEIN	
Mr BUSQUIN	
Mr SOLBES	
Mr NIELSON	
Mr VERHEUGEN	
Mr PATTEN	
Mr LAMY	
Mr BYRNE	
Mr BARNIER	
Ms REDING	
Ms SCHREYER	
Mr VITORINO	
Ms DIAMANTOPOULOU	

Absent:

Ms WALLSTRÖM

The following sat in to represent absent Members of the Commission

Ms CARPARELLI Deputy Chef de cabinet to Ms Wallström

The following also sat in

Mr PETITE	Director-General, Legal Service	
Mr MANSERVISI	Chef de cabinet to the President	
Mr FAULL	Commission Spokesman	
Mr KEMPPINEN	Spokesman	
Mr THOMAS	Spokesman	Items 8 and 9
Mr CARVOUNIS	Director in the Press and Communication DG	
Mr DE LECEA	Adviser in the President's Office	Items 8 and 9
Mr GOZI	A member of the President's staff	Items 8 to 10
Mr SMULDERS	A member of the President's staff	Item 7
Mr PLANAS	Chef de cabinet to Mr Solbes	Items 8 and 9
Mr MARTINEZ MONGAY	A member of Mr Solbes's staff	Items 8 and 9
Mr FONSECA	Deputy Chef de cabinet to Mr Vitorino	Item 7
Mr CHRISTENSEN	A member of Mr Vitorino's staff	Item 10

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

1. AGENDAS AND QUARTERLY ROLLING PROGRAMME

(OJ(2003)1595/3; SEC(2003)1/2; SEC(2003)6)

The Commission took note of that day's agenda, the tentative agendas for future meetings, and the rolling programme of items to be entered on the agenda from 14 January to 26 February.

2. WEEKLY MEETING OF CHEFS DE CABINET

(SEC(2003)1595)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 6 January.

3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1594th MEETING

(17 December)

(PV(2002)1594 and /2; PV(2002)1594, Part II)

The Commission approved the minutes of its 1594th meeting.

4. PARLIAMENT

4.1. DECEMBER II PART-SESSION

(SP(2002)4112)

The Commission took note of the record of Parliament's part-session held in Strasbourg from 16 to 19 December.

4.2. ACTION TO BE TAKEN ON PARLIAMENT'S OPINIONS
(SP(2002)4117)

The Commission took note of the list relating to action to be taken on Parliament's amendments under the codecision and consultation procedures (SP(2002)4117) and noted that no empowerment decisions were proposed.

4.3. PARLIAMENTARY AFFAIRS GROUP
(SP(2002)4205)

The Commission took note of the record of the meeting of the Parliamentary Affairs Group held on Thursday 19 December.

Action taken on Parliament's opinions and resolutions
(point 5 of the record)

The Commission adopted the replies to own-initiative resolutions adopted by Parliament to which the Commission had undertaken to reply (SP(2002)4091), for transmission to Parliament.

5. WRITTEN PROCEDURES AND EMPOWERMENT

5.1. WRITTEN PROCEDURES APPROVED
(SEC(2003)2 to /9)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted by written procedure between 16 December and 3 January.

5.2. SENSITIVE WRITTEN PROCEDURES

(SEC(2003)3)

The Commission took note of the following written procedures initiated between 16 December and 3 January for the adoption of decisions with political implications:

Time limit: 06.01.2003

E/2002/2722 - COM(2002)778 DG EAC

Fourth Commission report on application of Directive 89/552/EEC
Television without frontiers.

Time limit: 09.01.2003

E/2002/2761 - COM(2002)781 DG ELARG

General report on pre-accession assistance (PHARE-ISPA-SAPARD) in 2000.

Time limit: 10.01.2003

E/2002/2779 - COM(2002)779 DG EAC

Commission communication *Investing efficiently in education and training: An imperative for Europe.*

5.3. EMPOWERMENT

(SEC(2003)4 to /9)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the empowerment procedure between 16 December and 3 January.

5.4. DELEGATION AND SUBDELEGATION OF POWERS

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation procedure between 16 December and 3 January, as archived on the "Greffé 2000" (Registry) website.

6. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2003)5/2)

ADMINISTRATIVE MATTERS

(PERS(2003)1)

6.1. DG ADMIN - TRANSFER OF AN A1 OFFICIAL TO THE OFFICE FOR THE ADMINISTRATION AND PAYMENT OF INDIVIDUAL ENTITLEMENTS

On a proposal from Mr KINNOCK, in agreement with the PRESIDENT, the Commission decided:

- to create a post of Adviser *hors classe* reporting to the Director-General, Personnel and administration, and to appoint to it, with her post and in the interest of the service, Ms Edith KITZMANTEL, an A1 official, currently Director-General, Financial control;
- to transfer Ms Edith KITZMANTEL to the Office for the Administration and Payment of Individual Entitlements as Director.

This decision would take effect on 1 February.

6.2. *DG DEV.C - A2 POST OF DIRECTOR*

The Commission had before it applications under Article 29(1)(a) of the Staff Regulations for the A2 post of Director of Directorate C (Horn of Africa, East and Southern Africa, Indian Ocean and Pacific) in the Development DG (PERS(2002)116, /2 and /3).

The Commission took note of the opinions of the Consultative Committee on Appointments of 5 and 13 November (PERS(2002)116/4 and /5).

The Commission proceeded to compare the applicants' qualifications for the post. It also examined the reports on their ability, efficiency and conduct in the service. On a proposal from Mr KINNOCK, in agreement with the PRESIDENT and Mr NIELSON, the Commission decided to appoint Mr Anders HENRIKSSON to the post.

This decision would take effect on a date to be fixed later.

6.3. *DG AIDCO.C - A2 POST OF DIRECTOR*

The Commission had before it applications under Article 29(1)(a) of the Staff Regulations for the A2 post of Director of Directorate C (Africa, Caribbean, Pacific) in the EuropeAid Cooperation Office (PERS(2002)143).

The Commission took note of the opinions of the Consultative Committee on Appointments of 2 and 12 December (PERS(2002)143/2 and /3).

The Commission proceeded to compare the applicants' qualifications for the post. It also examined the reports on their ability, efficiency and conduct in the service. On a proposal from Mr KINNOCK, in agreement with the PRESIDENT, Mr NIELSON and Mr PATTEN, the Commission decided to appoint Mr Amir NAQVI to the post.

This decision would take effect on a date to be fixed later.

**6.4. APPLICATION OF ARTICLE 50 OF THE STAFF REGULATIONS
(INITIAL STAGE) WITH RESPECT TO AN A2 OFFICIAL**

The Commission decided to initiate the procedure laid down in Article 50 of the Staff Regulations in respect of an A2 official.

6.5. DG SANCO - TEMPORARY OCCUPATION OF AN A2-LEVEL POST

Ms Saara REINIUS, an A3 official and currently Head of Unit SANCO.F.1 (Quality planning, follow-up and development) had performed the functions of Director of Directorate SANCO.F since 1 August 2001.

On a proposal from Mr KINNOCK, in agreement with the PRESIDENT and Mr BYRNE, the Commission decided under Article 7(2) of the Staff Regulations to deem Ms REINIUS to have held the post of Director from 1 August 2001 to 31 July 2002.

This decision would take effect immediately.

7. WORK OF THE CONVENTION

**PLENARY SESSION OF 20 DECEMBER
(SEC(2002)1397 and /2)**

Mr BARNIER reported that the Convention had begun a decisive phase of its work, which should culminate in the draft constitutional Treaty by the end of the Greek Presidency's term of office (30 June).

The plenary session had reacted mostly favourably to the reports presented by Mr DEHAENE on external relations and by himself on defence. He reminded the meeting of the main points:

- for external relations, the establishment of a European external representative and a single external relations service;
- for defence, unanimous support for three concrete proposals: updating the Petersburg tasks (explicit inclusion of combating terrorism), the creation of a weapons and research agency, and the introduction of a solidarity and mutual assistance clause between Member States to be invoked in the event of a terrorist attack within the Union.

Mr VITORINO drew particular attention to:

- recent changes in the level of representation of certain Member States within the Convention and its Presidium (presence of Foreign Ministers);
- the various ways in which the "double hat" concept was being interpreted for the European external representative;
- the most sensitive subjects to be tackled during the detailed consideration of the draft articles: values (definition of the Union as a union of states or a union of peoples, and the question of religion) and the allocation of powers (difference of approach between the Convention secretariat's proposals and the scheme set out in the "Penelope" draft).

The Commission held an exchange of views on:

- the practical organisation of its work to ensure systematic preparation of the subjects dealt with by the Convention at each of its sessions (prior meeting of Chefs de cabinet and Commission debate according to a timetable to be drawn up);

- further thought to be given to the allocation of powers, the definition of the content of the common foreign and security policy, and how best to tackle the question of religion in the text of the future Treaty.

Following this discussion, the PRESIDENT:

- confirmed that arrangements for the preparation and monitoring of the work of the Convention were in place (first meeting of Chefs de cabinet to be held on Friday 10 January);
- pointed out that the Commission's position within the Convention had been greatly strengthened, thanks to its recent contribution and the distribution of the "Penelope" draft;
- announced that, with a view to a future discussion on the question of religion, the text of the relevant article of the Polish constitution would be distributed to all Members.

- 8. COMMISSION RECOMMENDATIONS FOR COUNCIL OPINIONS,
PURSUANT TO ARTICLE 5(3) OF COUNCIL REGULATION (EC) NO
1466/97 OF 7 JULY 1997, ON THE UPDATED STABILITY OR
CONVERGENCE PROGRAMMES FOR FINLAND, GREECE, SWEDEN,
ITALY, FRANCE AND GERMANY
(SEC(2003)8/2; SEC(2003)11 and /2; SEC(2003)12 and /2; SEC(2003)13 and /2;
SEC(2003)14 and /2; SEC(2003)15 and /2; SEC(2003)16 and /2; SEC(2003)22)**
- 9. - COMMISSION OPINION ON THE APPLICATION OF ARTICLE 104(5)
OF THE EC TREATY
- COMMISSION RECOMMENDATION FOR A COUNCIL DECISION ON
THE EXISTENCE OF AN EXCESSIVE DEFICIT (ARTICLE 104(6))
- COMMISSION RECOMMENDATION FOR A COUNCIL
RECOMMENDATION WITH A VIEW TO BRINGING AN END TO AN
EXCESSIVE DEFICIT (ARTICLE 104(7))
(SEC(2003)8 to /3; SEC(2003)9 and /2; SEC(2003)10 and /2; SEC(2003)22)**

Mr SOLBES presented together:

- a series of Commission recommendations for Council opinions on the updated stability programmes of Finland, Greece, Italy, France and Germany and the updated convergence programme of Sweden,
- as regards Germany, an opinion on the existence of an excessive public deficit, a recommendation for a Council decision on the existence of such a deficit, and a recommendation for Council recommendations to bring it to an end.

He reminded the meeting that on 27 November the Commission had adopted a communication drawing conclusions from four years' experience of implementing the stability and growth pact, and had proposed a programme to improve its operation.

It was in this context, and in the light of the downwards revision of the economic forecasts, that the updated stability or convergence programmes of the six above-mentioned Member States had been evaluated.

Mr SOLBES reviewed the main conclusions of this examination and, as regards Germany, concluded that there was a need to continue the excessive deficit procedure as laid down in Article 104(5), (6) and (7) of the Treaty.

The Commission adopted:

- the recommendations in SEC(2003)11/2, SEC(2003)12/2, SEC(2003)13/2, SEC(2003)14/2, SEC(2003)15/2 and SEC(2003)16/2, for transmission to the Council;
- the opinion and recommendations in SEC(2003)8/3, SEC(2003)9/2 and SEC(2003)10/2, for transmission to the Council.

**10. COMMUNICATION ON SUBJECTS OF COMMUNITY INTEREST:
DOMINANT THEMES IN THE MEDIA
(SEC(2003)7 and /2)**

Mr VITORINO presented a document provisionally entitled *Political trends in the Member States* which summarised the main subjects of Community interest covered by the media in the Member States over the first three weeks of December.

This initiative was part of the implementation of the guidelines agreed by the Commission when it adopted the communication on an EU information and communication strategy (PV(2002)1574 of 2 July 2002, item 18).

The main object of the proposed exercise was to gauge the impact of initiatives taken at Community level, based on the reactions of the media (press and

broadcasting, national and regional) and of citizens (for instance the results of Eurobarometer surveys), so as to draw lessons and operational conclusions for the Commission's communication operations.

On the basis of a factual survey of the main subjects from various sources, Mr VITORINO proposed that a regular debate be held in the Commission to take stock of the situation and thereby guide the Commission's communication operations.

For the next exercise, he suggested concentrating on four key subjects:

- enlargement;
- the Spring European Council (preparations for the debate on economic and social subjects);
- relations with the United States (in the various subject areas: foreign policy, economy, trade, justice and home affairs);
- the tenth anniversary of the internal market (highlighting its positive aspects).

The Commission thanked Mr VITORINO for this initiative, which should enable the Commission to focus periodically on its communication and public relations activity with a view to making the purpose and scope of Community action better known.

The Commission held an in-depth exchange of views on the arrangements for implementing this new instrument, and concluded that there was a need to:

- review the title of the factual document to be submitted to the Commission;
- diversify the sources of information (including all the media, both national and regional) and make better use of existing instruments of inquiry such as Eurobarometer;

- limit the content of the document to a factual survey of the key subjects;
- undertake on this basis a monthly political analysis leading to operational conclusions on the possible emphases to be given to the Commission's communication operations.

11. COUNCIL MEETINGS

(SI(2002)1546 and /2; SEC(2003)32)

AGRICULTURE AND FISHERIES

(BRUSSELS, 16-19 DECEMBER)

Mr FISCHLER reported on the Council meeting.

He referred to the information note distributed the same day to all Members on this subject (SEC(2003)32) and drew attention to the following key points:

- reform of the common fisheries policy: establishment of a multiannual approach for the management and rebuilding of fish stocks; simplification of the system for limiting fishing capacity; reference basis for fishing capacity set at the level of 31 December 2002; gradual abolition (by the end of 2004) of aid for fleet renewal; creation of a fund for the dismantling of vessels, endowed with €32 million; strengthening of monitoring, inspection and penalty powers; creation of regional consultative councils to improve the participation of fishermen and other interested parties in the management of the common fisheries policy;
- setting catch quotas for cod for 2003: reduction of the mortality of this species by 65% and catch quotas by 45%.

The Commission took note of this information.

12. RELATIONS WITH NON-MEMBER COUNTRIES

12.1. MULTILATERAL WTO NEGOTIATIONS: ACCESS TO MEDICINES

Mr LAMY reported on the WTO negotiations, which, in the absence of agreement by the United States, had not led to access to medicines for countries with no domestic pharmaceutical production capacity.

He reminded the meeting of the diametrically opposed positions of the developing countries and the United States, and the role of mediator assumed by the Community delegation between these extreme points of view.

Any blockage of the negotiations, as well as the adoption of unilateral measures by the United States, must be avoided, and in this spirit he had written to the trade ministers of all WTO member countries proposing a solution based on the use of World Health Organisation (WHO) arbitration in the event of doubts as to compliance with the criteria to be applied for "privileged" access to medicines.

He would be holding a press event on this subject on Thursday 9 January.

The Commission held a brief exchange of views on the implications of this issue for the protection of intellectual property rights in general, as well as on the risks of parallel trade if identical medicines were marketed in different parts of the world at widely differing prices.

12.2. HUMANITARIAN AID IN IRAQ AND NORTH KOREA

Mr NIELSON reported that the level of humanitarian aid to the most vulnerable populations in Iraq and North Korea was being maintained (about €15 million per year). A contingency plan, to be implemented in the event of

armed conflict in Iraq, had been drawn up with the other donors and the NGOs.

Mr PATTEN emphasised the quality of the contingency plan prepared for Iraq, which he had seen for himself on the spot.

The Commission took note of this information, emphasising the need for careful presentation of these initiatives to the press.

12.3. SITUATION IN THE MIDDLE EAST

Mr PATTEN reported on the situation in the Middle East, and on the outcome of the "Quartet" meeting (United States, Russia, United Nations, EU) in Washington on 20 December.

Despite excellent preparations for this meeting by the Council Presidency, it had not been possible to reach agreement on the publication of a roadmap for the settlement of the Israel/Palestine conflict.

The Commission took note of this information.

13. OTHER BUSINESS

SINKING OF THE OIL TANKER PRESTIGE - OIL SLICK IN SPAIN AND FRANCE - ACTION TO BE TAKEN

The PRESIDENT pointed out that, following the sinking of the *Erika*, the Commission had proposed and secured the adoption of an ambitious programme in respect of safety at sea.

He suggested that the Commission take a further step by exploring in the Council the possibility of introducing a strict regime of responsibility for States responsible for ecological disasters.

Ms de PALACIO reminded the meeting that full implementation of the Commission proposals (in their content and the deadlines for implementation) might have avoided the sinking of the *Prestige*, as in that event the ship may not have been authorised to sail.

She had already secured political agreement in the Council on speeding up the application of the measures contained in the Erika I and Erika II packages, as well as the adoption of certain additional initiatives such as a ban on the transport of heavy fuel oil by single-hull vessels and the withdrawal of single-hull vessels over 23 years old, to be implemented under the Greek Presidency.

She proposed from now on to concentrate the effort on the amendments to be made to international maritime law under the International Maritime Organisation (IMO) (principle of the responsibility of the flag state; responsibility of the captain in the event of the transport of dangerous and polluting goods, etc.).

The Commission approved this guideline and held an exchange of views on:

- the allocation of responsibilities between the Member States and the Community for the enforcement of control measures;
- additional material means that might be mobilised to limit the impact of ecological disasters of this kind (for instance, large-capacity vessels capable of pumping oil out of vessels at risk or wrecks). Work had been done by various Members' Offices and departments under the authority of the PRESIDENT to implement the specific measures, in line with the conclusions of the Copenhagen European Council.

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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 1250 hours.