



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2003)1599 final

Strasbourg, 11 February 2003

MINUTES
of the 1599th meeting of the Commission
held in Brussels
(Breydel)
on Wednesday 5 February 2003
(morning)

These minutes were approved by the Commission at its 1600th meeting, held in Strasbourg on 11th February 2003.

They contain 19 pages.

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Single sitting: Wednesday 5 February (morning)

The sitting opened at 0930 hours with Mr Prodi, President, in the chair.

Present:

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

Absent:

Mr FISCHLER
Mr NIELSON
Mr PATTEN

The following sat in to represent absent Members of the Commission

Mr PIRZIO-BIROLI	Chef de cabinet to Mr Fischler
Mr SØRENSEN	Chef de cabinet to Mr Nielson
Mr CHILD	A member of Mr Patten's staff

The following also sat in

Mr PETITE	Director-General, Legal Service	
Ms HOUTMAN	Deputy Chef de cabinet to the President	
Mr FAULL	Commission Spokesman	
Mr KEMPPINEN	Spokesman	
Ms GONZALEZ-LAYA	Spokesman	Items 9 and 12
Ms CORUGEDO-STENEBOER	Press and Communication DG	
Mr STROHMEIER	Adviser in the President's Office	Items 10 and 11
Mr GUSSETTI	A member of the President's staff	Item 8
Mr CALLEJA	Chef de cabinet to Ms de Palacio	Item 8
Mr THERY	Chef de cabinet to Mr Lamy	Items 12 and 13
Mr POWER	Chef de cabinet to Mr Byrne	Item 11
Mr CAVACO	Chef de cabinet to Mr Vitorino	Item 9
Ms CAGO-FILORI	A member of Mr Vitorino's staff	Items 10 to 13

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

1. AGENDAS AND QUARTERLY ROLLING PROGRAMME
(OJ(2003)1599/3; SEC(2003)120/2; SEC(2003)152)

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 11 February to 30 April.

2. WEEKLY MEETING OF CHEFS DE CABINET
(SEC(2003)1599)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 3 February.

3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1598th MEETING
(30 January)
(PV(2003)1598; PV(2003)1598, Part II)

The Commission approved the minutes and special minutes of its 1598th meeting.

4. PARLIAMENT

4.1. JANUARY II PART-SESSION
(SP(2003)362)

The Commission took note of the record of Parliament's part-session held in Brussels from 29 to 30 January.

4.2. ACTION TO BE TAKEN ON PARLIAMENT'S OPINIONS
(SP(2003)377)

The Commission approved the proposed empowerment decisions relating to action to be taken on the amendments presented by Parliament under the codecision procedure.

4.3. PARLIAMENTARY AFFAIRS GROUP
(SP(2003)393)

The Commission took note of the record of the meeting of the Parliamentary Affairs Group held on Thursday 30 January.

It paid particular attention to the following:

a) **Interinstitutional relations**

(point 1 of the record)

**Annual Policy Strategy, execution and preparation of the
Commission's legislative and work programmes for 2003**

The Commission approved the reply to Parliament's resolution of 5 December relating to the Commission's legislative and work programmes for 2003 in SP(2003)313/2, for transmission to Parliament.

b) **Preparations for February part-session**

(point 2 of the record)

Specific points to consider: February

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:

1st reading and simple consultation:

- CAVERI report, Ecopoint system applicable to heavy goods vehicles travelling through Austria for 2004,
COM(2001)807, 01/0310 (COD)

The Commission adopted the line set out in SP(2003)352/2 but decided to reject amendments 2 and 6.

- REDONDO JIMENEZ report, Monitoring of forests (*Forest Focus*),
COM(2002)404, 02/0164 (COD)

The Commission adopted the line set out in SP(2003)383/2.

- SANTINI report, Right of citizens of the Union to move and reside freely within the territory of the Member States,
COM(2001)257, 01/0111 (COD)

The Commission adopted the line set out in SP(2003)331/2.

- TERRANT i CUSÍ report, Conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed economic activities,
COM(2001)386, 01/0154 (CNS)

The Commission adopted the line set out in SP(2003)330/2.

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

The Commission adopted the replies to non-legislative opinions and own-initiative resolutions adopted by Parliament to which the

Commission had undertaken to reply (SP(2003)312), for transmission to Parliament.

5. MONITORING THE APPLICATION OF COMMUNITY LAW: STATE AID AND INFRINGEMENTS

(SEC(2003)107; SEC(2003)133 and /2)

5.1. STATE AID

(SEC(2003)107)

The Commission adopted the decisions in SEC(2003)107.

5.2. INFRINGEMENTS

(SEC(2003)133 and /2)

The Commission adopted the decisions in SEC(2003)133/2.

6. WRITTEN PROCEDURES AND EMPOWERMENT

6.1. WRITTEN PROCEDURES APPROVED

(SEC(2003)121 to /5)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 27 and 31 January.

6.2. SENSITIVE WRITTEN PROCEDURES

(SEC(2003)122)

The Commission took note of the following written procedures initiated between 27 and 31 January for the adoption of decisions with political implications:

Time limit: 03.02.2003

E/2003/107 - COM(2003)47 Employment and Social Affairs DG

Commission communication *Framework strategy on gender equality - Work programme for 2003.*

Time limit: 05.02.2003

E/2003/139 - COM(2003)58 Education & Culture DG

Commission communication *The role of the universities in the Europe of knowledge.*

E/2003/146 - COM(2003)60 Justice and Home Affairs DG

- Proposal for a Council Regulation establishing a specific Facilitated Transit Document (FTD) and a Facilitated Rail Transit Document (FRTD) and amending the Common Consular Instructions and the Common Manual;
- Proposal for a Council Regulation on uniform formats for Facilitated Transit Documents (FTD) and Facilitated Rail Transit Documents (FRTD).

6.3. EMPOWERMENT

(SEC(2003)123 to /5)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 27 and 31 January.

6.4. DELEGATION AND SUBDELEGATION OF POWERS

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation procedure between 27 and 31 January, as archived on the "Greffé 2000" (Registry) website.

7. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2003)124 and /2)

ADMINISTRATIVE MATTERS

(PERS(2003)18)

**7.1. APPLICATION OF ARTICLE 50 OF THE STAFF REGULATIONS IN
RESPECT OF AN A2 OFFICIAL (SECOND STAGE)**

The Commission continued its discussions on this matter, begun on 8 January (PV(2003)1595).

The Commission, on a proposal from Mr KINNOCK, in agreement with the PRESIDENT, adopted the decision in PERS(2003)22 to apply the second stage of the procedure laid down in Article 50 of the Staff Regulations with respect to Mr Ranieri BOMBASSEI, an A2 official, currently Chief Adviser in the Translation Service.

This decision would take effect on 1 June.

7.2. DG ADMIN/IDOC - TEMPORARY OCCUPATION OF AN A2-LEVEL POST

The Commission, on a proposal from Mr KINNOCK, in agreement with the PRESIDENT, decided that Ms Mercedes DE SOLA DOMINGO, an A3 official, currently Adviser *ad personam* in the Personnel and Administration DG, should temporarily occupy the post of Director of the Investigation and Disciplinary Office (IDOC) under Article 7(2) of the Staff Regulations for the period 19 February 2002 to 18 February 2003.

This decision would take effect immediately.

**7.3. DG ENV - SELECTION OF EXECUTIVE DIRECTOR OF THE EUROPEAN ENVIRONMENT AGENCY
(C(2003)494 and /2)**

The Commission approved the decision to adopt a shortlist of candidates for the post of Executive Director of the European Environment Agency, as set out in C(2003)494/2.

This decision would take effect immediately.

**8. PERMANENT REPRESENTATIVES COMMITTEE
(SI(2003)87)**

**COUNCIL AFFAIRS GROUP (CAG)
(SI(2003)87)**

The Commission took note of the record of the meeting of the Council Affairs Group held on Friday 31 January.

The Commission considered three specific dossiers dealing with relations between the EU and the United States:

- follow-up to Court of Justice "open skies" judgments of 5 November 2002 (Cases C-466/98, C-467/98, C-468/98, C-469/98, C-471/98, C-472/98, C-475/98, C-476/98);
- collection of personal data on air passengers in the United States: compatibility with European legislation on the protection of personal data;
- measures taken by the United States on container security: *US Customs Container Security Initiative*.

Following an in-depth discussion, the Commission agreed:

- to have the work relating to approval of the negotiating mandate for the conclusion of a bilateral EU-US "open skies" agreement speeded up in the Council;
- to make a specific approach to the United States at the appropriate political level, to explain the Community legal system;
- more generally, to consider in greater depth the dossiers on EU-US relations at a future seminar, to be prepared by the RELEX group of Commission Members, enlarged to include all the other Members concerned.

**9. EU INITIAL OFFER FOR THE WTO NEGOTIATIONS ON THE
SERVICES SECTOR
(SEC(2003)134 to /4; SEC(2003)139)**

Mr LAMY outlined the general, procedural and political context in which the European Union was required to present before 31 March 2003 its initial offer for the WTO multilateral negotiations on trade in services.

The timetable for these negotiations had been set at the Doha ministerial meeting in November 2001, and comprised two key stages:

- before 30 June 2002: submission by each WTO member of its initial requests for specific commitments, addressed to the other members;
- before 31 March 2003: presentation by each member of its initial offer.

Following the reception of the initial requests addressed by the other WTO members to the European Union, the EU had met some 80 WTO members, and held a public consultation (November 2002 - 31 January 2003), and it was in the light of these various debates that the EU's initial offer had been drawn up.

As regards the administrative process of preparing and finalising this initial offer, Mr LAMY stated that:

- the relevant departments reporting to each Member had been informed of the detailed proposals in the course of interdepartmental consultations;
- the proposal, once adopted by the Commission, would be transmitted to the Council and, for consultation, to Parliament;
- the initial offer, which would result from the Council's discussions, would be finalised towards the end of March with a view to being tabled at the WTO before 31 March.

He emphasised the growing importance of the services sector in the world economy in general and the EU economy in particular, and the need for the Union to submit a substantial offer.

He presented in more detail the main points of the proposed offer in some particularly sensitive sectors: the opening-up of markets in services coupled with movements of persons ("mode 4"), audiovisual services and public utility services.

A briefing paper on the various aspects of the proposal would be made available to Members, and the offer itself would not be published until the end of March, at the time of its tabling at the WTO.

In the light of this presentation, the Commission adopted the communication in SEC(2003)134/4 and empowered Mr LAMY, in agreement with the PRESIDENT, to finalise the initial European Union offer for the negotiations in consultation with the Member States.

**10. PROPOSAL FOR A PARLIAMENT AND COUNCIL DECISION FOR A
MONITORING MECHANISM OF COMMUNITY GREENHOUSE GAS
EMISSIONS AND THE IMPLEMENTATION OF THE KYOTO
PROTOCOL
(COM(2003)51 to /3; SEC(2003)141)**

Ms WALLSTRÖM presented a proposal for Parliament and Council Decision annulling Decision 93/389/EEC for a monitoring mechanism of Community CO₂ and other greenhouse gas emissions, whose objective was to clarify the present system for monitoring and notifying emissions, while widening the scope of the system to include new requirements.

She gave an update on progress in ratification of the Kyoto Protocol (more than 100 countries had ratified it, including the EU candidate countries as well as Canada, New Zealand and Japan). Russia, contrary to the commitments it had made in Johannesburg, had not yet ratified, and this subject would be brought up when the troika visited Moscow at the beginning of March.

She also mentioned the state of the implementation of the second stage of the Community action programme on climate change, and pointed to the need to make more progress in reducing emissions in order to meet the commitments made under the Kyoto Protocol.

In the light of this presentation, the Commission adopted the proposal for a Decision in COM(2003)51/3 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.

11. PROPOSAL FOR A PARLIAMENT AND COUNCIL REGULATION ON OFFICIAL FEED AND FOOD CONTROLS (COM(2003)52 to /3; SEC(2003)154; SEC(2003)143)

Mr BYRNE presented a proposal for a Parliament and Council Regulation on official feed and food controls.

He reminded the meeting that the Commission, in its White Paper on food safety adopted on 12 January 2000 (PV(2000)1461), had undertaken to present such a proposal.

He set out the proposal's main objectives:

- to improve the efficiency of the Member States' and the Commission's monitoring activities;

- to define the coercive measures, including administrative and penal sanctions, applicable in the event of non-compliance with the legislation;
- to establish a framework to help developing countries meet the Community's requirements on imports;
- to establish a financial framework to enable the organisation of activities to improve feed and food safety.

He drew particular attention to the impact of the proposal on imports from non-member countries and the obligations it entailed for these countries as regards export controls. This proposal for a Regulation complied with WTO rules in the health and plant health fields as well as those of the Codex Alimentarius; the developing countries would receive special technical assistance to help them comply with the requirements on exports to Europe; the controls to be carried out by the Community in the non-member countries would be based on audits of systems and not on detailed individual inspections.

In the light of this presentation, the Commission adopted the proposal for a Regulation in COM(2003)52/3 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.

12. RELATIONS WITH NON-MEMBER COUNTRIES

12.1. BRAZIL

Mr LAMY reported on the conclusions he drew from his recent visit to Brazil (28 January - 1 February), where he had met the new government, and mentioned various problems in connection with trade with Brazil, as well as the progress made in the regional integration process under Mercosur.

He emphasised the need to strengthen trade links with Brazil and to intensify, through more frequent visits, contacts between most of the Commission Members and the political and economic players in Brazil.

The PRESIDENT supported this recommendation.

12.2. *ENLARGEMENT - RELATIONS WITH TURKEY*

Mr VERHEUGEN reported on the results of his talks with representatives of the Turkish Government in Ankara (31 January - 1 February) on compliance with the political criteria for accession, the situation in Iraq, and the slim prospects for a resolution of the Cyprus problem before Cyprus's accession to the Union.

He took this opportunity to inform the Commission of the finalisation of the texts of the accession treaties in the Council.

He asked Members to visit the candidate countries before the holding of referenda on the ratification of these Treaties.

13. OTHER BUSINESS

TRANSPORT OF FUEL OIL IN THE ARCTIC OCEAN

The PRESIDENT and Mr LIIKANEN reported on the worries of the Prime Minister of Finland, Mr LIPPONEN, concerning frequent journeys by the oil tanker *Stemnitsa* to the Russian oil port of Koivisto in the Gulf of Finland.

There were fears that this tanker, although a double-hull vessel, was not specifically equipped for journeys through arctic ice.

The Commission agreed to support approaches by the Finnish Government to the Russian authorities.

It also confirmed the guideline agreed at various previous meetings to promote actively a revision of international maritime law as regards the transport by sea of dangerous products, in view of the dramatic impact of any accident on the economy and environment of coastal regions.

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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 1200 hours.