



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2003)1603 final

Strasbourg, 11 March 2003

MINUTES
of the 1603rd meeting of the Commission
held in Brussels
(Breydel)
on Wednesday 5 March 2003
(morning)

These minutes were approved by the Commission at its 1604th meeting, held in Strasbourg on 11 March 2003.

They contain 28 pages.

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Single sitting: Wednesday 5 March (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	
Ms REDING	
Ms SCHREYER	
Ms WALLSTRÖM	
Mr VITORINO	Except items 14 to 17
Ms DIAMANTOPOULOU	

Absent:

Mr BARNIER

The following sat in to represent absent Members of the Commission

Mr LE BRET	A member of Mr Barnier's staff	
Ms JOUR-SCHROEDER	A member of Mr Vitorino's staff	Items 14 to 17

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 MAMER	Spokesman	Item 8
Mr DE RYNCK	Spokesman	Item 12
Mr TODD	Spokesman	Items 6 and 14
Ms CORUGEDO STENEBOG	Press and Communication DG	
Ms HOUTMAN	Deputy Chef de cabinet to the President	Items 6, 12 and 14
Mr STROHMEIER	Adviser in the President's Office	Items 16 and 17
Mr GUSSETTI	A member of the President's staff	
Mr SMULDERS	A member of the President's staff	Items 6 and 12
Mr KOOPMAN	Chef de cabinet to Mr Kinnock	Item 8
Mr LUCHNER	Deputy Chef de cabinet to Mr Kinnock	Item 8
Mr SCHINAS	Deputy Chef de cabinet to Ms de Palacio	Items 15 to 20
Mr DREWES	A member of Mr Fischler's staff	Items 16 and 17
Mr NØRLUND	Chef de cabinet to Mr Bolkestein	Items 6 and 14
Ms MANFREDI	A member of Mr Bolkestein's staff	Items 6 and 14
Mr LEHNER	Chef de cabinet to Ms Schreyer	Item 15
Mr FONSECA	Deputy Chef de cabinet to Mr Vitorino	Items 12 and 13
Mr PONZANO	Secretariat-General	Item 12
Ms COLOMBO	Secretariat-General	Item 16
Ms LORENZI	Secretariat-General	Item 15

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

**1. AGENDAS AND QUARTERLY ROLLING PROGRAMME
(OJ(2003)1603/3; SEC(2003)242/2; SEC(2003)271)**

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 March to 28 May.

**2. WEEKLY MEETING OF CHEFS DE CABINET
(SEC(2003)1603)**

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

**3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1602nd
MEETING (26 February)
(PV(2003)1602 and /2)**

The Commission approved the ordinary minutes of its 1602nd meeting.

It decided to hold over approval of the special minutes to a later meeting.

4. PARLIAMENT

PARLIAMENTARY AFFAIRS GROUP

(SP(2003)782)

The Commission took note of the record of the meeting of the Parliamentary Affairs Group held on 27 February.

It paid particular attention to the following:

Preparations for March I and II part-sessions

(point 2 of the record)

Specific points to consider: March I

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 concerned, to take a position on Parliament's amendments to its proposals.

It paid particular attention to the following:

2nd reading

- JARZEMBOWSKI report, Market access to port services,
COM(2001)35/2 - 01/0047 (COD)

The Commission adopted the line set out in SP(2003)780, involving the rejection of certain amendments.

Empowerment

Under Article 13 of its Rules of Procedure, the Commission empowered Ms de PALACIO, 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(2003)594, SP(2003)780 and SP(2003)768, 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:

- AYUSO GONZALEZ report, Promotion of the use of biofuels for transport, COM(2001)547/2, 01/0265 (COD)
- JARZEMBOWSKI report, Market access to port services, COM(2001)35/2, 01/0047 (COD)
- HEDKVIST PETERSEN report, Compulsory use of safety belts in vehicles of less than 3.5 tonnes, COM(2000)815, 00/0315 (COD)

5. PERMANENT REPRESENTATIVES COMMITTEE

The Commission noted that in order to prepare as fully as possible for debates in the various Council bodies (Council itself, Coreper, and groups and committees involved in preparing the debates of the Council), a reflection would be held in the Council Affairs Group (CAG) at its meeting on 7 March.

One of the first subjects to be tackled would be the effectiveness of the EU's external operations, a subject entered on the agenda for the Council meeting (General affairs and external relations) on Tuesday 18 March.

More generally, the CAG would be considering how to ensure regular monitoring of the items on the agenda for the various committees and groups involved in preparing the debates of the Council.

**6. MONITORING THE APPLICATION OF COMMUNITY LAW: STATE AID
(SEC(2003)239 and /2; C(2003)519 to /5)**

**6.1. STATE AID - RECAPITULATIVE LIST
(SEC(2003)239 and /2)**

The Commission adopted the decisions in SEC(2003)239/2.

**6.2. STATE AID - CASE DEFERRED
(C(2003)519/4 and /5)**

The Commission adopted the decision in C(2003)519/5.

7. WRITTEN PROCEDURES AND EMPOWERMENT

**7.1. WRITTEN PROCEDURES APPROVED
(SEC(2003)243 to /5)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 24 and 28 February.

**7.2. SENSITIVE WRITTEN PROCEDURES
(SEC(2003)244 and /2)**

The Commission took note of the following written procedures initiated between 24 February and 3 March for the adoption of decisions with political implications:

Time limit: 03.03.2003

E/2003/333 - C(2003)735

Health and Consumer Protection DG

Urgent procedure

Commission decision concerning protection measures in relation to strong suspicion of avian influenza in the Netherlands

Time limit: 05.03.2003

E/2003/246 - COM(2003)92

Energy and Transport DG

Reopening

Proposal for a Parliament and Council Directive on ship-source pollution and on the introduction of sanctions, including criminal sanctions, for pollution offences

Time limit: 06.03.2003

E/2003/299 - C(2003)697

EuropeAid Cooperation Office

Commission Decision approving general rules for service, supply and works contracts financed by the general budget of the European Communities for the purposes of cooperation with third countries

Time limit: 07.03.2003

E/2003/315 - C(2003)716

EuropeAid Cooperation Office

Commission decision concerning the European Community annual contribution for 2003 in the framework of the Convention between the EC and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) concerning aid to refugees in the countries of the Near East (2002 to 2005) for a total of €57 750 000; to authorise the corresponding commitments under budget heading B7-421

E/2003/335 - C(2003)748

EXPEDITED

Agriculture DG

- Commission Regulation fixing the export refunds on white sugar and raw sugar without further processing;
- Commission Regulation fixing the export refunds on syrups and certain other sugar products exported without further processing;
- Commission Regulation amending Regulation (EC) No 1331/2002 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar for the 2002-03 marketing year.

7.3. EMPOWERMENT

(SEC(2003)245 to /6)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 24 and 28 February.

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 24 and 28 February, as archived on the "Grefe 2000" (Registry) website.

8. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2003)246/3)

ADMINISTRATIVE MATTERS
(PERS(2003)33/2)

8.1. DG ADMIN - A2 POST OF DIRECTOR OF THE OFFICE FOR
INFRASTRUCTURE AND LOGISTICS IN BRUSSELS

The Commission had before it applications under Article 29(1)(a) of the Staff Regulations for the A2 post of Director in the Office for Infrastructure and Logistics in Brussels (PERS(2003)10).

The Commission took note of the opinions of the Consultative Committee on Appointments of 5 and 6 February (PERS(2003)10/2 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, it then decided to appoint Mr VERLEYSEN to the post.

This decision would take effect on 16 March.

8.2. DG ADMIN - A2 POST OF DIRECTOR OF THE OFFICE FOR
INFRASTRUCTURE AND LOGISTICS IN LUXEMBOURG

The Commission had before it applications under Article 29(1)(a) of the Staff Regulations for the A2 post of Director in the Office for Infrastructure and Logistics in Luxembourg (PERS(2003)11).

The Commission took note of the opinions of the Consultative Committee on Appointments of 24 and 30 January (PERS(2003)11/2 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, it then decided to appoint Ms REICHERTS to the post.

This decision would take effect on 16 March.

8.3. *DG PRESS - DEPUTISING FOR DIRECTOR-GENERAL*

On a proposal from Mr KINNOCK, in agreement with the PRESIDENT, the Commission decided to ask Mr Panayotis CARVOUNIS, an A2 official, currently Director of Directorate PRESS/A (Interinstitutional relations, information policy, representations), to stand in for the Director-General, Press and Communication, from 16 March until the post was definitively filled.

This decision would take effect on 16 March.

8.4. *APPLICATION OF ARTICLE 50 OF THE STAFF REGULATIONS (INITIAL STAGE) WITH RESPECT TO AN A1 OFFICIAL*

The Commission decided to initiate the first stage of the procedure laid down in Article 50 of the Staff Regulations in respect of an A1 official.

OTHER MATTERS

8.5. *COMMISSION SECURITY IN CRISIS SITUATIONS (C(2003)744 and /2)*

The Commission:

- adopted the decision in C(2003)744/2;

- empowered the Commission Member responsible for security matters to establish a system of levels of alert on the basis of C(2003)744/2, including the operational effects of establishing each level of alert, and to determine to what extent the initiation of the levels of alert could be subdelegated to the Head of the Commission's Security Office;
- instructed all departments to cooperate in the operation of the new structure in accordance with their respective responsibilities.

The instrument to be put in place for this purpose by Mr KINNOCK would be brought before the Commission at the appropriate time.

**9. ANNUAL REPORT ON EQUAL OPPORTUNITIES FOR WOMEN AND MEN IN THE EUROPEAN UNION IN 2002
(COM(2003)98 to /4)**

The Commission approved the annual report on equal opportunities for women and men in the European Union in COM(2003)98/4 for transmission to the Council, Parliament, the Economic and Social Committee and the Committee of the Regions.

**10. ANNUAL POLICY STRATEGY FOR 2004
(COM(2003)83 to /5; SEC(2003)202)**

The Commission adopted the decision on the annual policy strategy for 2004 in COM(2003)83/4 and /5 for transmission to Parliament and the Council.

It authorised Ms SCHREYER to draw up the preliminary draft budget for 2004 on the basis of the guidelines defined in the annual policy strategy for 2004, taking due account of the budgetary guidelines laid down by the budgetary authority.

11. RELATIONS WITH NON-MEMBER COUNTRIES

(C(2003)703 and /2)

EU ELECTORAL OBSERVATION MISSION TO NIGERIA 2003

(C(2003)703 and /2)

The Commission:

- adopted the decision in C(2003)703/2;
- authorised the signature of the financing agreement for the implementation of the election observation mission to Nigeria 2003;
- empowered Mr PATTEN, in agreement with the PRESIDENT and Mr NIELSON, to make changes to the project in order to provide aid to other electoral observation groups, as set out at item 9(a) and (b) of the communication in C(2003)703/2.

12. WORK OF THE CONVENTION

PLENARY SESSION OF 27 AND 28 FEBRUARY

(SEC(2003)272 and /2)

Mr VITORINO reported on discussions in the Convention (plenary session of 27 and 28 February and meeting of the Presidium on 26 February).

After a statement by President Valéry Giscard d'Estaing on the Iraq crisis and its implications for the work of the Convention, the plenary session had dealt with:

- articles on:

- the foundations of the Union (sources of the Union's powers; role of the States; reference to the federal mode);
- the values of the Union (inclusion of the Charter in the Constitution; reference, probably in the preamble, to God or to religious or spiritual values; proposal to add other values such as gender equality, social justice, cultural diversity);
- the objectives of the Union (social market economy, the environment, regional cohesion, social objectives, defence and competition);
- the categorisation of powers, for which alternative names had been proposed ("own" instead of "exclusive", "complementary" instead of "support") and changes to the allocation between categories (for instance, internal market and competition cited by some as "own" powers).

This debate on powers was continuing on 5 March, in an additional plenary session of the Convention, and another additional meeting was planned for 26 March to continue the debates, open to the public, on the first articles (foundations; values; objectives).

The Presidium had adopted articles on the instruments and the protocols on subsidiarity and the national parliaments. Mr VITORINO emphasised the particularly sensitive nature of:

- the reference to the Council for executive measures in the strict sense of the word;
- the arrangements for the conclusion of international agreements.

On 6 March the Presidium would begin discussing articles in the field of justice and home affairs, and on finance. For this latter, it was planned to set up a reflection

group on the finances of the Union (Part II of the Constitution) and it was important to prepare for these debates within the Commission as soon as possible.

The Commission held an exchange of views on:

- the wording of the Article on committee procedure;
- preparations for the debate on public finances;
- the preservation of Parliament's rights in the process of the conclusion of international agreements, in particular in the trade field;
- the prospects for incorporating the provisions of the Euratom Treaty into the constitutional Treaty;
- powers in respect of economic policy coordination.

Following this discussion, the Commission decided:

- to maintain the instrument put in place for dealing with amendments, tabled by the members of the Convention, for the draft articles presented by the Presidium;
- to hold a specific debate on 19 March on the budgetary and financial problems.

13. TRENDS IN THE MEMBER STATES (SEC(2003)284)

Mr VITORINO, in agreement with the PRESIDENT, presented a monthly information note on trends in the press coverage in the Member States of events of European or international interest.

The results of the Eurobarometer survey were available and would be evaluated in the coming days.

The Commission took note of this information.

**14. MONITORING THE APPLICATION OF COMMUNITY LAW:
INFRINGEMENTS**

(continued from item 6)

(SEC(2003)292; SEC(2003)260 to /3)

14.1. INFRINGEMENTS

(SEC(2003)292)

The Commission adopted the decisions in SEC(2003)292, subject to the following amendment:

2001/2154

Germany

Restrictions on investment in Volkswagen.

Decision: held over for two weeks

**14.2. INFRINGEMENTS - PUBLIC ACCESS TO DOCUMENTS RELATING
TO INFRINGEMENT PROCEEDINGS**

(SEC(2003)260 to /3)

The Commission adopted the guidelines in the communication in SEC(2003)260/3.

**15. - REPORT TO THE EUROPEAN COUNCIL ON ACTION TO BE TAKEN
ON THE CONSEQUENCES OF THE *PRESTIGE* DISASTER
- CIVIL PROTECTION: MAIN DEVELOPMENTS IN 2002 AND NEXT
STEPS
(COM(2003)105 to /4; SEC (2003)262; SEC(2003)279)**

The PRESIDENT tabled a communication in the form of a draft report to the European Council on the action to be taken on the consequences of the *Prestige* disaster.

This report fulfilled a request to the Commission from the Copenhagen European Council (12 and 13 December 2002).

He summarised the structure of the report and the content of its two key chapters: the prevention of such accidents (civil protection, safety at sea and action at international level) and the mobilisation of Community financial and technical means for the immediate repair and reconstruction of the economic potential in the regions affected by such accidents.

Aside from the mobilisation of Community resources at the prevention and repair stage, he emphasised the importance of actions to be carried out at international level, including the amendments to be made to international maritime law, in order to make non-member countries aware of the seriousness of the economic and environmental challenges.

The Commission held an exchange of views on the following specific points:

- the various possibilities for providing the Union with ships of a sufficient capacity and equipped with adequate technology to pump out fuel from sinking vessels;

- the advisability of proposing either an amendment to the Basic Regulation establishing the EU Solidarity Fund or the creation of a specific financing instrument, set out as options in the report.

Following this exchange of views, the Commission approved the report in COM(2003)105/4 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.

The Commission took note of the information supplied by Ms WALLSTRÖM in her note *Civil protection: main developments in 2002 and next steps*, in SEC(2003)262.

**16. LIFE SCIENCES AND BIOTECHNOLOGY: A STRATEGY FOR EUROPE -
PROGRESS REPORT AND FUTURE ORIENTATIONS
(COM(2003)96 to /4; SEC(2003)248 and /2; SEC (2003)280; SEC(2003)273)**

The PRESIDENT briefly presented an initial progress report on the implementation of the action plan on life sciences and biotechnology, adopted by the Commission in January 2002.

This report had been requested by the Barcelona European Council (15 and 16 March 2002) for the spring 2003 European Council (21 March).

Following a brief discussion, the Commission adopted the following two amendments:

- on page 21, an additional paragraph was added before the grey box in relation to "priorities for future actions":

"On 30 and 31 January 2003, the Commission organised a conference in Brussels on the subject of biotechnology in agriculture in developing countries. The

conference attracted more than 900 participants from all over the world, including scientists, government representatives, NGOs, industry, media".

- the following text was added to the same box on page 24:

"The Commission will also support an independent review of existing scientific knowledge concerning agricultural biotechnology in the context of developing countries".

Subject to these amendments, the Commission approved the communication on life sciences and biotechnology in COM(2003)96/4 for transmission to Parliament, the Council and the Economic and Social Committee.

17. COEXISTENCE OF GENETICALLY MODIFIED, CONVENTIONAL AND ORGANIC CROPS

(SEC(2003)258 to /4; SEC(2003)273)

The Commission approved the communication from Mr FISCHLER on the coexistence of GMOs with conventional and organic agriculture, as set out in SEC(2003)258/4, and as regards the action to be taken at Community level it plumped for option No 1, which limited Community intervention to the role of coordination and advice.

The Commission decided to resume its discussions very soon on the problem of marketing authorisations for genetically modified organisms.

18. COUNCIL MEETINGS

(SI(2003)199)

18.1. JUSTICE AND HOME AFFAIRS

(BRUSSELS, 27-28 FEBRUARY)

(SI(2003)195)

Mr VITORINO reported on the main results of the Council meeting:

- the draft agreement between the EU and the USA on judicial cooperation in criminal matters and extradition;
- the proposal for a Council directive on the right to family reunification (political agreement on the basis of a Presidency compromise).

He also mentioned the state of negotiations with Switzerland on that country's involvement in the existing body of Schengen rules and practice, and in particular the application of Article 51 of the Schengen Agreement on judicial cooperation and mutual assistance in criminal investigations.

The Commission held an exchange of views on this second point, as well as on the implications of the results of the negotiations with Switzerland on the taxation of savings.

18.2. COMPETITIVENESS

(BRUSSELS, 3 MARCH)

(SEC(2003)293; SI(2003)203)

The Commission referred to the information note distributed by Mr BOLKESTEIN concerning the part of the discussions in the Council (Competitiveness) relating to the Community patent, as set out in SEC(2003)293.

It congratulated Mr BOLKESTEIN on this result, secured after long and difficult efforts.

18.3. ENVIRONMENT

(BRUSSELS, 4 MARCH)

The Commission agreed to discuss at its meeting on 11 March the results of the discussions of the Council (Environment) of 4 March.

18.4. EMPLOYMENT, SOCIAL POLICY, HEALTH AND CONSUMERS

(BRUSSELS, 6 MARCH)

Ms DIAMANTOPOULOU referred to the various letters from certain Heads of State or Government (Mr CHIRAC, Mr BLAIR, Mr SCHROEDER, Mr AZNAR and Mr DURAO BARROSO) to Mr SIMITIS, President of the Council, on the creation of a Community task force on questions relating to employment.

She drew particular attention to the letter from Mr BLAIR and Mr AZNAR to Mr SIMITIS, and its possible institutional implications.

This subject would be brought up at the Council meeting (Employment and Social Affairs) on 6 March.

18.5. ECONOMIC AND FINANCIAL AFFAIRS

(BRUSSELS, 7 MARCH)

Mr SOLBES announced the main items entered on the agenda for the meeting of the Eurogroup on 6 March and that for the Council (Economic and Financial Affairs) on 7 March.

19. RELATIONS WITH NON-MEMBER COUNTRIES

19.1. EU-US HALF-YEARLY MINISTERIAL MEETING (WASHINGTON, 28 FEBRUARY)

Mr PATTEN reported on the conclusions to be drawn from the ministerial meeting between the European Union (represented by Mr PAPANDREOU, Mr SOLANA and himself) and the United States (represented by Mr Colin POWELL and Dr Condoleezza RICE) on the Iraq crisis, the Israel/Palestine conflict and the questions of Cyprus and North Korea.

The Commission took note of this information.

19.2. VISIT BY Mr LAMY TO WASHINGTON (3 AND 4 MARCH)

Mr LAMY reported on the contacts he had made in Washington with representatives of the US Administration and Congress (Ways and Means Committee) on the trade issues currently in dispute between the EU and the United States.

He emphasised the positive nature of these exchanges, aimed at reducing tensions on the trade front in the general context of the Iraq crisis.

The Commission took note of this information.

20. OTHER BUSINESS

***MONITORING THE IMPLEMENTATION OF COMMITMENTS MADE BY
THE ACCEDING COUNTRIES IN THE NEGOTIATIONS: MAIN FINDINGS
AND FOLLOW-UP
(SEC(2003)278)***

The Commission decided to hold this item over for its meeting on 11 March in Strasbourg.

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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 1315 hours.