EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2003)1607

Brussels, 2 April 2003

MINUTES

of the 1607th meeting of the Commission

held in Brussels

(Breydel)

on Wednesday 2 April 2003

(morning)

These minutes were approved by the Commission at its 1608th meeting, held in Strasbourg on 8th April 2003.

They contain 22 pages.

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Single sitting: Wednesday 2 April (morning)

The sitting opened at 0915 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 VERHEUGEN

Mr PATTEN

Mr BYRNE

Mr BARNIER

Ms REDING

Ms SCHREYER

Ms WALLSTRÖM

Mr VITORINO

Ms DIAMANTOPOULOU

Absent:

Mr NIELSON

Mr LAMY

The following sat in to represent absent Members of the Commission

Mr SCHMIDT	A member of Mr Nielson's staff	
Ms VIGNAL	A member of Mr Lamy's staff	

The following also sat in

Mr PETITE	Director-General, Legal Service	
Mr MANSERVISI	Chef de cabinet to the President	
Mr KEMPPINEN	Commission Spokesman	
Mr THOMAS	Spokesman	
Mr DE RYNCK	Spokesman	Item 12
Mr SMULDERS	A member of the President's staff	Item 12
Mr CALLEJA	Chef de cabinet to Ms de Palacio	Item 12
Ms OLIVI	A member of Mr Monti's staff	Item 12
Ms ROGER	Chef de cabinet to Mr Barnier	Item 12
Mr SPENCE	Deputy Chef de cabinet to Ms Schreyer	Items 4 and 13
Mr PIRÃO	A member of Mr Vitorino's staff	
Mr CARVOUNIS	Director in the Press and Communication DG	All
Mr FONSECA	Deputy Chef de cabinet to Mr Vitorino	Item 12
Mr PONZANO	General Secretariat	Item 12
Mr VAN NUFFEL	General Secretariat	Item 12

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

The PRESIDENT reported on the departure of Mr BISARRE, who was transferring to other functions in the Secretariat-General. Mr BISARRE had over the last three years, as Director of the Registry, had responsibility for the secretariat of Commission meetings. He was replaced by Ms BUGNOT.

The PRESIDENT expressed to Mr BISARRE, on behalf of the Commission, his sincere thanks for his work in the interest of the Institution.

1. AGENDAS AND QUARTERLY ROLLING PROGRAMME (OJ(2003)1607/3; SEC(2003)386/2; SEC(2003)416)

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 8 April to 25 June.

2. WEEKLY MEETING OF CHEFS DE CABINET (SEC(2003)1607)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 31 March.

3. MINUTES AND SPECIAL MINUTES OF 1606th MEETING (26 March) (PV(2003)1606 and /2; PV(2003)1606, Part II)

The Commission approved the minutes of its 1606th meeting.

4. PARLIAMENT

4.1. PART-SESSION OF 26 AND 27 MARCH (SP(2003)1191)

The Commission took note of the information supplied relating to Parliament's part-session of 26 and 27 March.

4.2. ACTION TO BE TAKEN ON PARLIAMENT'S OPINIONS (SP(2003)1202)

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

4.3. PARLIAMENTARY AFFAIRS GROUP OF 27 MARCH (SP(2003)1197)

The Commission took note of the record of the meeting of the Parliamentary Affairs Group of 27 March.

It paid particular attention to the following:

Preparations for April 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

– GROSCH report, Training of professional drivers for the carriage of goods or passengers by road - COM(2001)56, 01/33/COD.

The Commission adopted the line set out in SP(2003)1158, involving the rejection of both amendments.

1st reading and simple consultation

– DE SARNEZ report, ERASMUS WORLD 2004-2008 - COM(2002)401, 02/0165(COD)

The Commission adopted the line set out in SP(2003)1155/4.

– MAURO report, e-LEARNING 2004-2006 - COM(2002)751, 02/0303(COD)

The Commission adopted the line set out in SP(2003)1154/4.

– LIESE report, Human tissues and cells - COM(2002)319, 02/0128(COD)

The Commission adopted the line set out in SP(2003)1198.

– NOBILIA report, Detergents - COM(2002)485, 02/0216(COD)

The Commission adopted the line set out in SP(2003)1194.

EMPOWERMENT

Under Article 13 of its Rules of Procedure, the Commission empowered Ms de PALACIO, Mr SOLBES, Mr BOLKESTEIN and Mr LIIKANEN, 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)1158, SP(2003)1139, SP(2003)1156 and SP(2003)1150, once Parliament had given its opinion, and transmit them to the Council in accordance with Article 251(c) of the Treaty, for the following:

– GROSCH report, Training of professional drivers for the carriage of goods or passengers by road

– MIGUELEZ RAMOS report, Common classification of territorial units for statistics

– KAUPPI report, Excisable products (computerising the movement and surveillance)

– GARGANI report, Agricultural and forestry tractors

5. MONITORING THE APPLICATION OF COMMUNITY LAW

5.1. STATE AID - SPECIFIC CASES (SEC(2003)373)

The Commission adopted the decisions in SEC(2003)373.

5.2. STATE AID - MID-TERM REVIEW OF THE GUIDELINES ON REGIONAL STATE AID (C(2003)992 and /3)

The Commission took note of the document C(2003)992/3, and decided not to revise the guidelines in question at this stage.

5.3. INFRINGEMENTS - REPORT B1/2003 ON SUSPECTED INFRINGEMENTS (SEC(2003)217)

The Commission adopted the decisions in SEC(2003)217.

5.4. INFRINGEMENTS - URGENT OR DEFERRED CASES (SEC(2003)394)

The Commission adopted the decisions in SEC(2003)394.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

6.1. WRITTEN PROCEDURES APPROVED (SEC(2003)387 to /5)

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

6.2. SENSITIVE WRITTEN PROCEDURES (SEC(2003)388)

The Commission took note of the following written procedures initiated between 24 and 28 March for the adoption of decisions with political implications:

Time limit: 31.3.2003

E/2003/483 - COM(2003)155 Energy and Transport DG

Commission communication *Programme for the promotion of Short Sea Shipping*

Proposal for a Parliament and Council directive on intermodal loading units.

Time limit: 3.4.2003

E/2003/448 - C(2003)1112 Energy and Transport DG

Commission Regulation establishing common rules in the field of civil aviation security

E/2003/515 - COM(2003)165 Fisheries DG

Proposal for a Council Regulation amending Regulation (EC)
No 2341/2002 fixing for 2003 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required.

E/2003/519 - COM(2003)166 Agriculture DG

Commission communication concerning the European Community's participation in the Fourth Ministerial Conference on the Protection of Forests in Europe (Vienna, 28-30 April)

E/2003/524 - COM(2003)167 Development DG

URGENT PROCEDURE

Amended proposal for a Parliament and Council Regulation on aid for poverty diseases (HIV, AIDS, Malaria, Tuberculosis) in developing countries (presented by the Commission pursuant to Article 250(2) of the EC Treaty).

E/2003/525 - COM(2003)168 Development DG

URGENT PROCEDURE

Amended proposal for a Parliament and Council Regulation on aid for policies and actions on reproductive and sexual health and rights in developing countries (presented by the Commission pursuant to Article 250(2) of the EC Treaty).

6.3. EMPOWERMENT

(SEC(2003)389 to /5)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted by means of the empowerment procedure between 24 and 28 March.

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 24 and 28 March, as archived on the "Greffe 2000" (Registry) website.

7. ADMINISTRATIVE AND BUDGETARY MATTERS (SEC(2003)390/3)

ADMINISTRATIVE MATTERS (PERS(2003)48/2)

7.1. DG ENV.E - 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 in the Environment DG (PERS(2003)6 to /5).

The Commission took note of the opinions of the Consultative Committee on Appointments of 17 and 20 March (PERS(2003)6/6 and /7).

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 Ms WALLSTRÖM, it then decided to appoint Mr Claus Haugaard SØRENSEN to the post.

This decision would take effect on 1 May.

7.2. SJ - INTERIM A2 APPOINTMENT

The Commission, on a proposal from Mr KINNOCK, in agreement with the PRESIDENT, decided that Miguel DIAZ-LLANOS LA-ROCHE, A3 official and currently Adviser in the Legal Service, having exercised the function of Principal Legal Adviser to the "Budget, administration and personnel, research, structural instruments and taxation" team, should temporarily occupy a post of Chief Adviser under Article 7(2) of the Staff Regulations for the period as from 1 February 2002 to 31 January 2003.

This decision would take effect immediately.

7.3. DG FISH - CREATION OF A POST OF CHIEF ADVISER AND APPOINTMENT OF AN A2 OFFICIAL TO THE POST FOLLOWING LEAVE ON PERSONAL GROUNDS

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

- to create a post of Chief Adviser, reporting to the Director-General for Fisheries;

- to appoint to this post Mr Alain LAUREC, an A2 official, currently on leave on personal grounds. The appointment would be for a period of 12 months.

These decisions would take effect on 16 April.

8. REPORT ON PUBLIC FINANCES IN FRANCE, DRAWN UP UNDER ARTICLE 104(3) OF THE TREATY (SEC(2003)412/2 and /5)

The Commission approved the report in SEC(2003)412/5 for transmission to the Economic and Financial Committee.

9. APPLICATION OF COUNCIL REGULATION (EC) No 4064/89 ON THE CONTROL OF CONCENTRATIONS BETWEEN UNDERTAKINGS (CASE COMP/M.2876 - NEWSCORP/TELEPIÚ) (C(2003)1082 to /3; SEC(2003)417)

The Commission:

– took note of the opinion of the Advisory Committee on Concentrations of 20 March in C(2003)1082/3;

– took note of the final report of the Hearing Officer in C(2003)1082;

– adopted, in the authentic language (English), the decision in C(2003)1082/3, declaring the merger notified to be compatible with the common market and the operation of the EEA Agreement.

The decision would be published in the Official Journal (with business secrets removed) in all the official Community languages.

10. APPLICATION OF ARTICLE 81 OF THE EC TREATY (CASE COMP/C.38279/F3 - FRENCH BEEF) (SEC(2003)1065 to /4; SEC(2003)417 and /2)

The Commission:

- took note of the opinion of the Advisory Committee on Restrictive Practices and Dominant Positions of 17 March (C(2003)1065) and the opinion of 31 March concerning fines (C(2003)1065/4);
- took note of the final report of the Hearing Officer (C(2003)1065);
- adopted, in the authentic language (French), the decision in C(2003)1065/4, concluding that the firms in question had infringed Article 81(1) of the EC Treaty and imposing fines on them;

The decision would be published in the Official Journal (with business secrets removed) in all the official Community languages.

11. TRENDS IN THE MEMBER STATES (SEC(2003)430)

The Commission took note of the information note distributed by the PRESIDENT and Mr VITORINO concerning the main trends in the Member States during the month of March 2003 (SEC(2003)430).

12. WORK OF THE CONVENTION (SEC(2003)392); SEC(2003)402; SEC(2003)421; SEC(2003)422; SEC(2003)431)

Mr BARNIER and Mr VITORINO summed up the latest developments within the Convention and emphasise the key elements of four major dossiers submitted to the Commission, viz.:

- the timetable and state of work relating to the constitutional Treaty, detailed in SEC(2003)421 prepared by the Task Force "Future of the Union and institutional matters";

- the draft articles on the general provisions of the Constitution, on which the Commission had held an exchange of views at its previous meeting and which had been adopted by the Presidium at its meeting on 27 March;

- the Euratom Treaty in the context of the European Convention, for the treatment of which a realistic but nevertheless ambitious approach was proposed in SEC(2003)292;

- "Part II" of the Constitution, on which the Commission must define the strategy it intended to follow.

The Commission took note of this information and held a wide-ranging exchange of views on the various questions raised.

13. PARLIAMENT (continued from item 4)

PARLIAMENTARY AFFAIRS GROUP OF 27 MARCH
(SP(2003)1197)

Other matters
(point 8 of the record)

Introduction of a financial framework in the Accession Treaty

Following the Commission's previous discussions at its meeting of 26 March (PV(2003)1606, item 12.3), Ms SCHREYER reported on the results of the third meeting of the budgetary trialogue, held in Athens on Tuesday 1 April and devoted to the adjustment of the financial perspective for enlargement. While progress had undeniably been made on certain aspects of the dossier (particularly the interpretation of Annex XV of the Accession Treaty on the 2004-06 budgetary framework; financial assistance granted to Turkey to be entered in heading 7 of the financial perspective and entitled "pre-accession strategy"; eligibility of future beneficiaries of pre-accession aid to be decided by the two arms of the budgetary authority), she drew attention to the fact that no agreement had been reached on the question of the increase in the "internal policies" heading to finance expenditure relating to enlargement. Consequently, the package as a whole remained open at this stage and it was important that the two arms of the budgetary authority, at a meeting scheduled for Monday 7 April, should reach agreement with a view to Parliament's assent to the Accession Treaty, during the same week.

Ms SCHREYER also mentioned the importance of striving to avoid any calling into question of the 1999 Interinstitutional Agreement on Budgetary Discipline.

The Commission took note of this information.

14. OTHER MATTERS

NEGOTIATIONS BETWEEN THE COMMISSION AND CERTAIN NATIONAL FINANCIAL INSTITUTIONS

Mr MONTI reported on the positive conclusion of negotiations with the Austrian and French national authorities for the gradual abolition of public guarantees granted to banks following the German precedent.

The Commission would be informed in due course of the formalisation of these agreements.

15. ADMINISTRATIVE AND BUDGETARY MATTERS (continued from item 7) (SEC(2003)390/3)

OTHER MATTERS

REFORM OF THE STAFF REGULATIONS - GENERAL STAFF MEETING MONDAY 31 MARCH

Mr KINNOCK gave an account of the results of the general staff meeting held on 31 March which, among other things, had supported a call to strike by staff. Pensions were the central issue, and the Commission had indicated that it did not accept the technical bases put forward by the Member States.

Once the strike notice had been tabled, Mr KINNOCK would distribute a note on the administrative measures to be taken. He would meet the unions and staff associations at a conciliation meeting.

16. 2002 ANNUAL REPORT BY THE FINANCIAL CONTROLLER OF THE COMMISSION
(SEC(2003)403/2 to /4)

Ms SCHREYER presented the 2002 annual report of the Financial Controller, which was in fact the last report.

In accordance with the Charter of the Financial Controller, this report described the control approach, the control methods and control results in the course of the year. It also gave advice, based on the Financial Controller's practical experience, for departments which from now on would operate in an environment of decentralised control.

Ms SCHREYER expressed her great appreciation for the work carried out by the Financial Controller, who had maintained the quality of his performance until the last days of existence of the service. She drew particular attention to the success with which Ms Kitzmantel and Mr Hünke had handled the management of human resources during the transitional stage.

The Commission:

- took note of the report of the Financial Controller for 2002 as set out in SEC(2003)403/4;

- authorised its transmission to the Council and Parliament;

- asked the departments to take all appropriate follow-up measures under the responsibility of each Commission Member.

17. EVALUATION OF THE ACTIVITIES OF THE EUROPEAN ANTI-FRAUD OFFICE - PARLIAMENT AND COUNCIL REGULATION (EC) NO 1073/1999 AND COUNCIL REGULATION (EURATOM) NO 1074/1999 (ARTICLE 15)
(COM(2003)154/2 and /3); SEC(2003)413; SEC(2003)419)

Ms SCHREYER presented a progress report on the activities provided for by Article 15 of the two regulations on the investigations carried out by the Office. This report, which was based on the work of a high-level interdepartmental group, resumed in particular a presentation of internal and external activities of the Office during the first years of its existence, as well as a number of recommendations, intended to consolidate its present structure. Questions relating to the work of the Convention were also dealt with, particularly the proposal to establish a European Prosecutor.

The Commission held an exchange of views on the thrust of the report, particularly on the possible difficulties due to the mixed status of the Anti-Fraud Office and the need to improve its procedures for providing the Commission with information.

Following this exchange of views, the Commission approved the report (COM(2003)154/3) for transmission to the Office's Supervisory Committee and, after receipt of the latter's opinion, to Parliament and the Council.

The Commission expressed its thanks to Mr MARENCO for his contributions as Chairman of the Interdepartmental Group.

18. COUNCIL MEETINGS
(SI(2003)379)

18.1. TRANSPORT, TELECOMMUNICATIONS ET ENERGY (BRUSSELS, 27 AND 28 MARCH)
(SI(2003)356/2)

Ms de PALACIO reported on the valuable results of the Council meeting (Transport, Telecommunications and Energy), at which major progress was made in the field of sea and rail transport, though the situation was less satisfactory with respect to external relations in air transport.

18.2. INFORMAL MEETING OF ECONOMIC AND FINANCIAL AFFAIRS MINISTERS (ATHENS, 4 TO 6 APRIL)
(SEC(2003)420)

The Commission took note of information supplied at the meeting by Mr SOLBES concerning the general economic situation and questions relating to the exchange rate mechanism (ERM II) in the context of enlargement, Mr SOLBES having distributed an information memo on this last point (SEC(2003)420).

18.3. COUNCIL "AGRICULTURE AND FISHERIES" (LUXEMBOURG, 8 APRIL)
(SEC(2003)418)

- Proposal for Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs.

- Proposal for a Council regulation on the common organisation of the market in ethyl alcohol of agricultural origin.

Following the presentation by Mr FISCHLER, the Commission authorised Mr FISCHLER to accept certain amendments to the proposals in accordance with the guidelines set out in SEC(2003)418.

19. OTHER BUSINESS (continued from item 14)

VISIT BY MR BYRNE TO LATIN AMERICA (20-30 MARCH) (SEC(2003)433)

Mr BYRNE reported on his visit to Chile, Uruguay and Brazil, where he had had an opportunity to discuss questions relating to his portfolio but also various subjects of concern to the people he met there. He had a very positive feeling about this visit and emphasised the importance attached by these three countries to relations with the European Union.

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

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The meeting closed at 1145 hours.