



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2003)1616

Brussels, 18 June 2003

MINUTES

of the 1616th meeting of the Commission

held in Brussels

(Breydel)

on Wednesday 11 June 2003 (morning)

and

Thursday 12 June 2003 (afternoon)

—

These minutes were approved by the Commission at its 1617th meeting, held in Brussels on 18 June 2003.

They contain 23 pages.

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The 1616th meeting of the Commission took place in two parts:

- Wednesday 11 June (morning)
- Thursday 12 June (afternoon).

First sitting: Wednesday 11 June (morning)

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

Present:

Mr PRODI	President	
Mr KINNOCK,	Vice-President	Items 1 to 15
Ms de PALACIO	Vice-President	
Mr MONTI		
Mr FISCHLER		Items 1 to 2 in part
Mr LIIKANEN		
Mr BOLKESTEIN		
Mr BUSQUIN		Items 1 to 13
Mr SOLBES		
Mr NIELSON		
Mr VERHEUGEN		
Mr PATTEN		
Mr LAMY		
Mr BYRNE		
Mr BARNIER		Items 1 and 2
Ms REDING		
Ms SCHREYER		
Mr VITORINO		Items 1 and 2
Ms DIAMANTOPOULOU		

Absent:

Ms WALLSTRÖM

The following sat in to represent absent Members of the Commission

Mr ANNERBERG 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 DE OLIVEIRA E SOUSA	Director-General, Press and Communication	
Mr KEMPPINEN	Commission Spokesman	
Ms CORUGEDO STENEBOG	Spokesman	
Mr DE RYNCK	Spokesman	Item 2
Mr HENIN	Spokesman	
Mr MAMER	Spokesman	Item 14
Mr SMULDERS	A member of the President's staff	Item 2
Mr KOOPMAN	Chef de cabinet to Mr Kinnock	Items 2 and 14
Mr LOSCH	A member of Mr Fischler's staff	Items 2 to 16
Mr NØRLUND	Chef de cabinet to Mr Bolkestein	Items 1 to 14
Mr ROBIN-CHAMPIGNEUL	Member of the Cabinet de Mr BUSQUIN	
Ms ROGER	Chef de cabinet to Mr Barnier	Item 2
Ms JORNA	A member of Mr Barnier's staff	Items 2 to 16
Mr FONSECA	Deputy Chef de cabinet to Mr Vitorino	Item 2
Mr LOPES ALEIXO	A member of Mr Vitorino's staff	Item 2
Mr LEVI	GOPA	Item 2
Mr MOAVERO MILANESI	Deputy Secretary-General	Items 2 and 15
Mr PONZANO	Secretariat-General	Item 2
Mr VAN NUFFEL	Secretariat-General	Item 2

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

1. COUNCIL MEETINGS

COUNCIL MEETING (AGRICULTURE), 11 AND 12 JUNE: POSSIBLE ADOPTION OF PROPOSALS FOR THE REFORM OF THE COMMON AGRICULTURAL POLICY (COM(2003)23 FINAL) ON THE BASIS OF COMPROMISE TEXTS FROM THE COUNCIL PRESIDENCY (SEC(2003)692/2)

Mr FISCHLER outlined the context and the challenges of the negotiations to be held in the Council (Agriculture). This would be a very difficult meeting: a majority of Member States was in favour of a conclusion on the reform of the common agricultural policy, but there were questions about the scope and ambition of the reform. For the Commission, the negotiating line was clear; it wished the reform to achieve its objectives to the greatest degree possible, the preservation of the substance of the reform being the priority.

The Commission took note of this information and authorised Mr FISCHLER to accept, on behalf of the Commission and under its responsibility, subject to compliance with the main points of the reform of the common agricultural policy and according to the terms set out in SEC(2003)692/2, the amendments to its proposals resulting from the compromise texts relating to seven proposals for Regulations set out in SEC(2003)692/2 to be presented by the Council Presidency.

2. WORK OF THE CONVENTION

(SEC(2003)677)

On the basis of an oral presentation by Mr BARNIER and Mr VITORINO, the Commission held an in-depth discussion on the Convention's most recent debates,

particularly on the institutional provisions of part I of the draft Constitution as revised by the Presidium. It made an overall assessment of the final compromise that was taking shape and of the line to be taken in the Convention with a view to the Thessaloniki European Council and the future Intergovernmental Conference. Without prejudice to the positions identified for the plenary session on Wednesday 11 June, and in order to respond appropriately to developments in these crucial hours, it agreed to continue its discussions at a second sitting of the meeting, to be held on Thursday 12 June at 1400 hours.

3. AGENDAS

(OJ(2003)1616/3; SEC(2003)662/2)

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

4. WEEKLY MEETING OF CHEFS DE CABINET

(SEC(2003)1616)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 10 June.

5. APPROVAL OF MINUTES

5.1. MINUTES OF 1614TH MEETING (27 May)

(PV(2003)1614 and /2)

5.2. MINUTES AND SPECIAL MINUTES OF 1615TH MEETING (3 June)

(PV(2003)1615; PV(2003)1615, Part II)

The Commission approved the minutes of its 1614th and 1615th meetings.

6. MONITORING THE APPLICATION OF COMMUNITY LAW: STATE AID (SEC(2003)632)

The Commission adopted the decisions in SEC(2003)632.

7. WRITTEN PROCEDURES AND EMPOWERMENT

7.1. WRITTEN PROCEDURES APPROVED

(SEC(2003)663 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 2 and 6 June.

7.2. SENSITIVE WRITTEN PROCEDURES

(SEC(2003)664)

The Commission took note of written procedures initiated between 2 and 6 June for the adoption of decisions with political implications.

7.3. EMPOWERMENT

(SEC(2003)665 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 2 and 6 June.

7.4. GENERAL EMPOWERMENT FOR THE ADOPTION OF DECISIONS NOT TO OBJECT TO AID MEASURES THAT WILL BE REGARDED AS EXISTING AID FROM THE DATE OF ACCESSION UNDER THE PROCEDURE PROVIDED FOR IN ANNEX IV, CHAPTER 3, PARAGRAPH 1(C) OF THE TREATY OF ACCESSION (SEC(2003)673)

The Commission decided to empower the Member responsible for competition, the Member responsible for aid to the coal industry and the Member responsible for aid to fisheries, each within his own area of responsibility, on behalf of the Commission and under its responsibility and according to the terms set out in SEC(2003)673, to adopt decisions not to oppose a list of aid measures to be regarded as existing aid from the date of accession under the procedure set out in Annex IV, chapter 3, paragraph 1(c) (Article 22) of the Accession Treaty, on condition that each measure listed met the criteria set out in chapter 3 of SEC(2003)673.

7.5. DELEGATION AND SUBDELEGATION OF POWERS

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation procedure between 2 and 6 June, as archived on the "Grefe 2000" (Registry) website.

**8. COMMISSION DECISION CONCERNING A PROCEEDING UNDER
ARTICLE 8(2) OF COUNCIL REGULATION (EEC) No 4064/89
(CASE COMP/M.2947 - VERBUND/ENERGY ALLIANZ)
(C(2003)1814 and /2)**

The Commission:

- took note of the opinion of the Advisory Committee on Concentrations of 2 June, as set out in C(2003)1814, for publication in the Official Journal;
- took note of the final report of the Hearing Officer in C(2003)1814/2;
- adopted, in the authentic language (German), the decision in C(2003)1814/2 declaring the merger in question compatible with the common market and the EEA Agreement subject to compliance with certain undertakings given by the parties.

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

**9. COMMISSION DECISION CONCERNING A PROCEEDING UNDER
ARTICLE 8(2) OF COUNCIL REGULATION (EEC) No 4064/89
(CASE COMP/M.3056 - CELANESE/DEGUSSA/JV (EUROPEAN OXO
CHEMICALS))
(C(2003)1821 to /4; SEC(2003)696)**

The Commission:

- took note of the opinion of the Advisory Committee on Concentrations of 2 June, as set out in C(2003)1821, for publication in the Official Journal;

- took note of the final report of the Hearing Officer in C(2003)1821/3;
- adopted, in the authentic language (German), the decision in C(2002)1821/3 declaring the merger in question compatible with the common market and the EEA Agreement;
- decided that the version with certain business secrets removed, in C(2003)1821/4, would be notified to Celanese AG and Oxeno Olefinchemie GmbH.

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

10. A EUROPEAN ENVIRONMENT AND HEALTH STRATEGY (COM(2003)338 to /5; SEC(2003)699)

The Commission approved a communication proposing a European environment and health strategy, as set out in COM(2003)338/5, for transmission to Parliament, the Council and the Economic and Social Committee.

11. STATE OF PLAY ON RATIFICATION OF THE KYOTO PROTOCOL (SEC(2003)701)

This item was held over to the following week.

**12. PROPOSAL FOR A COUNCIL AND PARLIAMENT REGULATION
ESTABLISHING A PROGRAMME FOR FINANCIAL AND TECHNICAL
ASSISTANCE TO THIRD COUNTRIES IN THE AREA OF MIGRATION
AND ASYLUM
(COM(2003)355 to /3)**

The Commission approved the proposal for a Council and Parliament Regulation concerning cooperation with non-member countries in the field of migration, as set out in COM(2003)355/3, for transmission to Parliament and the Council.

13. RELATIONS WITH NON-MEMBER COUNTRIES

***EC - GUINEA-BISSAU FISHERIES PROTOCOL
(SEC(2003)704)***

The Commission took note of the information note distributed by Mr FISCHLER.

14. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2003)666/2)

ADMINISTRATIVE MATTERS

(PERS(2003)89; PERS(2003)82; PERS(2003)35 to /4)

14.1. VACANCY NOTICE

DG SANCO - A1 post of Director-General

On a proposal from Mr KINNOCK, in agreement with the PRESIDENT and Mr BYRNE, the Commission approved the vacancy notice in PERS(2003)82 and asked DG ADMIN to publish it.

This decision would take effect immediately.

14.2. DG MARKT.C - A2 POST OF DIRECTOR

The Commission had before it applications under Articles 29(1)(a), 29(1)(c) and 29(2) of the Staff Regulations for the A2 post of Director in the Internal Market DG (PERS(2003)35 and /2).

The Commission took note of the opinions of the Consultative Committee on Appointments of 7 May (PERS(2003)35/3) and 22 May (PERS(2003)35/4).

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 BOLKESTEIN, it then decided to appoint Mr Henk POST to the post.

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

**14.3. DG RELEX - REDEPLOYMENT OF AN A2 OFFICIAL TO A POST OF
HEAD OF DELEGATION**

In agreement with the PRESIDENT, Mr PATTEN and Mr NIELSON, the Commission decided:

- to set at grade A2 the post of Head of Delegation in India;
- to transfer, with his post and in the interest of the service,
Mr DA CAMARA GOMES, an A2 official, currently Director of
Directorate G (Latin America) in the External Relations DG, to the post of
Head of the Commission Delegation in India, subject to the agreement of
the host country.

These decisions would take effect on a date to be fixed later.

**14.4. DG RELEX - REDEPLOYMENT OF AN A2 OFFICIAL TO A POST OF
HEAD OF DELEGATION**

In agreement with the PRESIDENT, Mr PATTEN and Mr NIELSON, the Commission decided:

- to set at grade A2 the post of Head of Delegation in Brazil;
- to transfer, with his post and in the interest of the service,
Mr NAVARRO GONZALEZ, an A2 official, currently seconded to the
Council in the interest of the service, to the post of Head of the
Commission Delegation in Brazil, subject to the agreement of the host
country;
- to abolish, on the same date, the post of Chief Adviser in the
Humanitarian Aid Office currently held by Mr NAVARRO GONZALEZ.

These decisions would take effect on a date to be fixed later.

14.5. DG DEV - TEMPORARY OCCUPATION OF AN A2-LEVEL POST

The Commission, on a proposal from Mr KINNOCK, in agreement with the PRESIDENT and Mr NIELSON, decided under Article 7(2) of the Staff Regulations that Mr Roger MOORE, A3 official and currently Head of Unit C/2 (Horn of Africa, Eastern Africa and Indian Ocean) in the Development DG, should temporarily occupy the post of Director of Directorate C (Horn of Africa, East and southern Africa, Indian Ocean and Pacific) in the Development DG, from 26 February 2003 until the date on which Mr HENRIKSSON took up the post, subject to a maximum of twelve months.

This decision would take effect immediately.

OTHER MATTERS

14.6. ACTION TAKEN ON PARLIAMENT'S REQUEST FOR AN EXAMINATION OF CONTRACTS AWARDED BY EUROSTAT SINCE 1999 (C(2003)1852)

The Commission adopted the communication presented by Mr KINNOCK, in agreement with Ms SCHREYER and Mr SOLBES, in C(2003)1852 and decided to inform Parliament of the decisions taken.

15. PARLIAMENT

15.1. JUNE I PART-SESSION (SP(2003)1959)

The Commission took note of the information supplied relating to Parliament's part-session held in Strasbourg from 2 to 5 June.

15.2. ACTION TO BE TAKEN ON PARLIAMENT'S OPINIONS
(SP(2003)1954)

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 (SP(2003)1954).

**15.3. DRAFT INTERINSTITUTIONAL AGREEMENT BETTER
LAWMAKING**
(SP(2003)1958; SP(2003)1960)

Ms de PALACIO presented the draft interinstitutional agreement *Better Lawmaking*, on which the *ad hoc* policy group for interinstitutional cooperation had reached comprehensive political agreement *ad referendum* at its meeting on Tuesday 3 June. One year of negotiations thus came to a very positive end, and a spirit of confidence had thereby been established between the three institutions. She particularly thanked the Secretariat-General for the part it had played in the negotiations and the results secured.

Concerning the timetable for final adoption, Ms de PALACIO stated that the aim at this stage was to reach political agreement on the text, which would be presented to the Thessaloniki European Council. The text would be put to the three institutions for adoption and formal signature following legal revision, probably in the autumn.

As to the substance, Ms de PALACIO pointed to the overall balance of the agreement and its consistency with the proposals made by the Commission in the June 2002 *Better Lawmaking* action plan. Among the main points of the agreement, she drew particular attention to the recognition of the responsibility of the three institutions for improving the quality of legislation; strengthening coordination of the legislative process; greater transparency for

the citizen; provisions on the choice of legislative instrument, which would continue to be a matter for the Commission, which however undertook to explain and justify its choice to Parliament and the Council; the framework for the use of alternative modes of regulation in the form of co-regulation and self-regulation; the confirmation of the consideration in progress by the Council and Parliament of the Commission proposal of December 2002 on committee procedure; improving the quality of legislation through pre-legislative consultation and impact analyses, and finally a series of provisions on the transposal of Community law into national law. On the latter, Ms de PALACIO drew attention to the invitation to Member States to produce tables illustrating the concordance between the Community acts and transposal measures.

The Commission took note of this information and confirmed the political agreement on the text of the draft interinstitutional agreement in SP(2003)1958. It noted that, at the appropriate time and following legal revision, the text would be tabled for formal adoption.

Without prejudice to the provisions of the draft interinstitutional agreement, the Commission also instructed departments to include henceforth in proposals for directives a specific provision making it compulsory for Member States to draw up tables illustrating the concordance between the act in question and the transposal measures and to notify the Commission of them.

16. COUNCIL MEETINGS

16.1. ECONOMIC AND FINANCIAL AFFAIRS

(3 JUNE, LUXEMBOURG)

Mr BOLKESTEIN drew attention to the positive results of the Council meeting. After four years of intensive negotiations and following the political agreement reached on the Italian request for a Council decision under Article 88(2) of the EC Treaty concerning milk quotas, the tax package had been formally adopted. Outstanding questions on the draft agreement with Switzerland on the taxation of savings had also been settled.

As regards requests for Council decisions under Article 88(2) of the EC Treaty, Mr MONTI pointed out that the request by Belgium concerning coordination centres raised important questions of principle as to the division of powers between institutions and gave rise to Commission reservations to which it would be desirable to come back soon.

16.2. TRANSPORT, TELECOMMUNICATIONS, ENERGY

(5-6 JUNE, LUXEMBOURG)

Ms de PALACIO referred to the agreement reached on 26 May at the European Space Agency which had enabled the European Galileo programme of satellite navigation to be unblocked. The Council had adopted the conclusions prepared by the Presidency, which took over the key points of the recommendations drawn up by the Commission concerning the inclusion of EGNOS in the Galileo programme. Ms de PALACIO drew attention to the discussions under way on the appointment of the Director of the Galileo joint undertaking and the follow-up action that might be taken. As for the other results of the Council meeting (Transport), she pointed to the decisions authorising the Commission to negotiate air service agreements with the

United States and other non-member countries. Lastly, she mentioned the adoption by Parliament at second reading of the legislative package on the liberalisation of the internal energy market as well as Parliament's agreement to the proposal for a Regulation concerning double-hull oil tankers.

Mr LIIKANEN reported on the telecommunications aspects of the Council meeting. It had finally chosen Article 95 EC as the legal basis for the proposal for a Regulation to establish a European agency for the security of networks and information. Given the many discussions in progress concerning the establishment of various agencies, he felt the Commission should consider what line to take on the question of their headquarters.

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The sitting closed at 1230 hours.

Second sitting: Thursday 12 June (afternoon)

The sitting opened at 1420 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 NIELSON	
Mr VERHEUGEN	
Mr PATTEN	
Mr BYRNE	
Mr BARNIER	
Ms REDING	
Ms SCHREYER	
Mr VITORINO	

Absent:

Mr FISCHLER
Mr LAMY
Ms WALLSTRÖM
Ms DIAMANTOPOULOU

The following sat in to represent absent Members of the Commission

Mr LOSCH	A member of Mr Fischler's staff
Ms GARZON	A member of Mr Lamy's staff
Ms CARPARELLI	Deputy Chef de cabinet to Ms Wallström
Mr GLYNOS	Chef de cabinet to Ms Diamantopoulou

The following also sat in

Mr MARENCO	Deputy Director-General, Legal Service
Mr MANSERVISI	Chef de cabinet to the President
Mr DE OLIVEIRA E SOUSA	Director-General, Press and Communication
Mr KEMPPINEN	Commission Spokesman
Ms CORUGEDO-STENEBOERG	Spokesman
Mr DE RYNCK	Spokesman
Mr THOMAS	Spokesman
Mr CALLEJA	Chef de cabinet to Ms de Palacio
Mr SCHINAS	Deputy Chef de cabinet to Ms de Palacio
Ms OLIVI	A member of Mr Monti's staff
Mr ANGEL	A member of Mr Solbes's staff
Ms ROGER	Chef de cabinet to Mr Barnier
Mr FONSECA	Deputy Chef de cabinet to Mr Vitorino
Mr LOPES ALEIXO	A member of Mr Vitorino's staff
Mr LEVI	GOPA
Mr PONZANO	Secretariat-General

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

17. WORK OF THE CONVENTION

(continued from item 2)

(SEC(2003)715)

The Commission resumed its discussions on this matter in order to take stock of the main developments since its discussions the previous day and to hold a final exchange of views on how to tackle the final stage of the Convention.

Mr BARNIER and Mr VITORINO reported on the Presidium meeting held in the morning of 11 June, and on the plenary session held in the afternoon, at which they had intervened in line with the conclusions reached the same morning by the Commission. They outlined the results of their bilateral discussion with Mr DEHAENE on Thursday morning, at which they had been invited to highlight the priority points where improvements in the texts were still necessary.

The Commission took note of this information and defined the line it intended to take during the plenary session and on the final text which would emerge from the Convention.

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

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The meeting closed at 1540 hours.