



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2003)1630 final

Brussels, 21 October 2003

MINUTES
of the 1630th meeting of the Commission
held in Brussels
(Breydel)
on Wednesday 15 October 2003
(morning)

These minutes were approved by the Commission at its 1631th meeting, held in Strasbourg on 21 October 2003.

They contain 23 pages.

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Single sitting: Wednesday 15 October (morning)

The sitting opened at 0935 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 BUSQUIN	
Mr SOLBES	
Mr VERHEUGEN	
Mr PATTEN	
Mr LAMY	
Mr BYRNE	
Mr BARNIER	
Ms REDING	
Ms SCHREYER	
Ms WALLSTRÖM	
Mr VITORINO	
Ms DIAMANTOPOULOU	

Absent:

Mr BOLKESTEIN
Mr NIELSON

The following sat in to represent absent Members of the Commission

Mr NØRLUND Chef de cabinet to Mr Bolkestein

Mr HAMBURGER Chef de cabinet to Mr Nielson

The following also sat in

[illegible]

Mr MANSERVISI Chef de cabinet to the President

Mr DE OLIVEIRA E SOUSA Director-General, Press and Communication

Mr KEMPPINEN Commission Spokesman

Ms CORUGEDO STENERBERG Spokesman

Ms GONZALEZ LAYA Spokesman

Mr THOMAS Spokesman

MS UDWIN Spokesman

Mr DE LECEA Adviser in the President's Office Item 11

Mr SMULDERS	A member of the President's staff	Items 9, 10 and 13
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Mr FITCH	A member of Mr Kinnock's staff	Item 10
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Mr CALLEJA	Chef de cabinet to Ms de Palacio	Item 10
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Mr ROBIN-CHAMPIGNEUL	A member of Mr Busquin's staff	Items 11 and 13
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[illegible]

Mr NUNES de ALMEIDA	A member of Mr Vitorino's staff	Item 10
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Mr PONZANO Secretariat-General Item 13

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

1. AGENDAS

(OJ(2003)1630/3; SEC(2003)1098/2)

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

2. WEEKLY MEETING OF CHEFS DE CABINET

(SEC(2003)1630)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 13 October.

3. APPROVAL OF MINUTES

3.1. MINUTES AND SPECIAL MINUTES OF 1628TH MEETING (1 October)

(PV(2003)1628; PV(2003)1628, Part II to /3)

The Commission approved the minutes of its 1628th meeting.

3.2. MINUTES OF 1629TH MEETING (8 October)

(PV(2003)1629)

The Commission approved the minutes of its 1629th meeting.

4. PARLIAMENT

4.1. OCTOBER I PART-SESSION

(SP(2003)3327)

The Commission took note of the information supplied relating to Parliament's part-session of 8 and 9 October (SP(2003)3327).

4.2. ACTION TO BE TAKEN ON PARLIAMENT'S OPINIONS

(SP(2003)3331)

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)3331).

4.3. PARLIAMENTARY AFFAIRS GROUP

(SP(2003)3383)

The Commission took note of the record of the meeting of the Parliamentary Affairs Group held on 9 October.

It paid particular attention to the following:

i) Interinstitutional relations

Codecision procedure - Article 251 EC

(point 1.1 of the record)

- LISI report, Compensation for air passengers -
01/0305 (COD)

The Commission took note of the line set out in SP(2003)3381, drawn up for the conciliation committee meeting on 14 October, subject to two

amendments agreed at the weekly meeting of Chefs de cabinet (see SEC(2003)1630, item 4.3).

ii) **Preparations for October II 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

- DE SARNEZ report, Erasmus World programme 2004-08 -
COM(2002)401, 02/0165 (COD)

The Commission adopted the line set out in SP(2003)3378, involving the acceptance of all the amendments.

- MAURO report, e-Learning programme 2004-06 -
COM(2002)751, 02/0303 (COD)

The Commission adopted the line set out in SP(2003)3377, involving the acceptance of the only amendment.

- REDONDO JIMENEZ report, Forest Focus (monitoring of forests and environmental interactions) -
COM(2002)404, 02/0164 (COD)

The Commission adopted the line set out in SP(2003)3372 and /2, involving the rejection of certain amendments, and authorised

Ms WALLSTRÖM to continue contacts with the co-legislators with a view to reaching agreement at second reading.

- JARZEMBOWSKI report, Development of the Community's railways - COM(2002)25, 02/0025 (COD)
- STERCKX report, Railways: safety, licensing, charges, certification - COM(2002)21, 02/0022 (COD)
- AINARDI report, Interoperability of the trans-European rail system - COM(2002)22, 02/0023 (COD)
- SAVARY report, European Railway Agency - COM(2002)23, 02/0024 (COD)

The Commission adopted the line set out in SP(2003)3352, involving the rejection of certain amendments, and authorised Ms de PALACIO to continue contacts with the co-legislators with a view to reaching agreement at second reading.

- FERREIRA report, Sweeteners for use in foodstuffs - COM(2002)375, 02/0152 (COD)

The Commission adopted the line set out in SP(2003)3318.

1st reading and simple consultation

- MAATEN report, Quality of bathing water - COM(2002)581, 02/0254 (COD)

The Commission adopted the line set out in SP(2003)3355.

- SACCONI report, Monitoring mechanism for greenhouse gas emissions and implementation of the Kyoto protocol (surveillance) -
COM(2003)51, 03/0029 (COD)

The Commission adopted the line set out in SP(2003)3069/2.

- ROTHLEY report, Insurance against civil liability in respect of the use of motor vehicles -
COM(2002)244, 02/0124 (COD)

The Commission adopted the line set out in SP(2003)3380.

- GARGANI report, Passenger hand-holds on two-wheel motor vehicles -
COM(2003)145, 03/0058 (COD)

The Commission adopted the line set out in SP(2003)3362.

- GARGANI report, Stands for two-wheel motor vehicles -
COM(2003)147, 03/0059 (COD)

The Commission adopted the line set out in SP(2003)3366.

- GARGANI report, Electrical equipment designed for use within certain voltage limits -
COM(2003)252, 03/0094 (COD)

The Commission adopted the line set out in SP(2003)3371.

- GARGANI report, Injunctions for the protection of consumers' interests -
COM(2003)241, 03/0099 (COD)

The Commission adopted the line set out in SP(2003)3370.

- PAASILINNA report, European Network and Information Security Agency -
COM(2003)63, 03/0032 (COD)

The Commission adopted the line set out in SP(2003)3379 and authorised Mr LIIKANEN to continue contacts with the co-legislators with a view to reaching agreement at second reading.

- ANGELILLI report, Compensation to crime victims -
COM(2002)562, 02/0247 (CNS)

The Commission adopted the line set out in SP(2003)3350.

- STIHLER report, Recovery of cod stocks -
COM(2003)237, 03/0090 (CNS)

The Commission adopted the line set out in SP(2003)3323.

iii) **Empowerment**

Under Article 13 of its Rules of Procedure the Commission empowered Ms REDING, Ms WALLSTRÖM, Mr BYRNE and Ms de PALACIO, in agreement with the PRESIDENT, Ms de PALACIO 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 the documents concerned, 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:

- DE SARNEZ report, Erasmus World programme 2004-08
(SP(2003)3378)
- MAURO report, e-Learning programme 2004-06
(SP(2003)3377)

- REDONDO JIMENEZ report, Forest Focus (monitoring of forests and environmental interactions)
(SP(2003)3372)
- FERREIRA report, Sweeteners for use in foodstuffs
(SP(2003)3318)
- JARZEMBOWSKI report, Development of the Community's railways
(SP(2003)3352)
- STERCKX report, Railways: safety, licensing, charges, certification
(SP(2003)3352)
- AINARDI report, Interoperability of the trans-European rail system
(SP(2003)3352)
- SAVARY report, - European Railway Agency
(SP(2003)3352)

iv) Action taken on Parliament's opinions and resolutions

(point 5 of the record)

The Commission adopted the replies to non-legislative and own-initiative resolutions adopted by Parliament to which the Commission had undertaken to reply (SP(2003)3320), for transmission to Parliament.

5. MONITORING THE APPLICATION OF COMMUNITY LAW

5.1. STATE AID

(SEC(2003)1094)

The Commission adopted the decisions in SEC(2003)1094.

**5.2. INFRINGEMENTS - REPORT B2/2003 ON SUSPECTED
INFRINGEMENTS
(SEC(2003)984)**

The Commission adopted the decisions in SEC(2003)984.

6. WRITTEN PROCEDURES AND EMPOWERMENT

**6.1. WRITTEN PROCEDURES APPROVED
(SEC(2003)1099 et seq.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 6 and 10 October.

**6.2. SENSITIVE WRITTEN PROCEDURES
(SEC(2003)1100 and /2)**

The Commission took note of written procedures initiated between 6 and 10 October for the adoption of decisions with political implications.

**6.3. EMPOWERMENT
(SEC(2003)1101 et seq.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 6 and 10 October.

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 6 and 10 October, as archived on the "Grefte 2000" (Registry) website.

7. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2003)1102/3)

ADMINISTRATIVE MATTERS

(PERS(2003)133)

7.1. *DG INFSO.F - PROCEDURE FOR PUBLICATION OF A2 POST OF DIRECTOR*

(PERS(2003)37 to /4)

In order to be able to choose from a wider range of candidates without excluding the internal applicants, the Commission, on a proposal from Mr KINNOCK, in agreement with the PRESIDENT and Mr LIIKANEN, decided under Article 29(2) of the Staff Regulations to authorise external publication in the Official Journal of the vacancy notice for the post of Director, Directorate INFSO/F (Emerging technologies and infrastructures) as set out in the Annex to PERS(2003)133; it asked DG ADMIN to publish it.

This decision would take effect immediately.

7.2. *DG ADMIN - APPOINTMENT OF RAPORTEURS TO THE CONSULTATIVE COMMITTEE ON APPOINTMENTS*

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

- to confirm the appointment of Ms KITZMANTEL,
Mr SILVA RODRIGUEZ and Mr VERRUE as A1-level rapporteurs and
Ms MINCH as A2-level rapporteur on the Consultative Committee on
Appointments;

- to appoint Ms Susan BINNS, Mr Jan Host SCHMIDT, Mr Christian LEFFLER and Mr Joao VALE de ALMEIDA as additional A2-level rapporteurs on the Committee;
- that the term of office for all rapporteurs would end on 31 January 2005.

These decisions would take effect immediately.

7.3. *DG ADMIN - AMENDMENT OF THE RULES OF PROCEDURE OF THE CONSULTATIVE COMMITTEE ON APPOINTMENTS (C(2003)3806)*

On a proposal from Mr KINNOCK, in agreement with the PRESIDENT, the Commission approved the amendment of Article 2(5) of the Rules of Procedure of the Consultative Committee on Appointments and agreed the consolidated text of the Rules of Procedure as set out in C(2003)3806.

This decision would take effect immediately.

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

The Commission continued its discussions on this matter, begun on 23 July (PV(2003)1622).

The Commission, on a proposal from Mr KINNOCK, in agreement with the PRESIDENT and Mr LIIKANEN, adopted the decision in PERS(2003)135 to apply the second stage of the procedure laid down in Article 50 of the Staff Regulations in respect of Mr VARDAKAS, an A2 official, currently a Director in the Enterprise DG.

This decision would take effect on 1 January 2004.

7.5. JRC - RETIREMENT OF AN A2 TEMPORARY OFFICIAL

The Commission accepted the request to be retired presented by Mr Jean-Marie MARTIN, a temporary A2 official, currently Chief Adviser, Joint Research Centre. In accordance with Article 52 of the Staff Regulations, it decided that this would take effect on 1 January 2004.

OTHER MATTERS

**7.6. PROPOSAL FOR A COUNCIL REGULATION CONCERNING
TRANSITIONAL MEASURES FOR THE REFORM OF THE STAFF
REGULATIONS, IN PARTICULAR WITH REGARD TO PAY AND
PENSIONS
(COM(2003)612 to /4; SEC(2003)1116)**

The Commission approved the proposal for a Regulation in COM(2002)612/4 for transmission to the Council and, for opinions, to Parliament, the Court of Justice and the Court of Auditors, and, for information, to the Economic and Social Committee, the Committee of the Regions, the Ombudsman and the Community agencies.

**8. PREPARATIONS FOR THE VIth EURO-MEDITERRANEAN
CONFERENCE OF FOREIGN MINISTERS (NAPLES, 2-3 DECEMBER)
(COM(2003)610 to /3)**

The Commission approved the communication presented by Mr PATTEN in COM(2003)610/3, for transmission to the Council and Parliament.

**9. COMMISSION COMMUNICATION TO THE COUNCIL AND
PARLIAMENT ON ARTICLE 7 OF THE EU TREATY: RESPECT FOR
AND PROMOTION OF THE VALUES ON WHICH THE UNION IS BASED
(COM(2003)606 to /5; SEC(2003)1088)**

The Commission approved the communication presented by Mr VITORINO in
COM(2003)606/4 and 5, for transmission to Parliament and the Council.

**10. MONITORING THE APPLICATION OF COMMUNITY LAW
(continued from item 5)**

***ARTICLE 227 EC PROCEDURE: COMPLAINT BY SPAIN AGAINST THE
UNITED KINGDOM - LEGISLATION APPLICABLE TO THE RIGHT TO
VOTE IN ELECTIONS TO THE EUROPEAN PARLIAMENT - GIBRALTAR
(SEC(2003)1112/2 and /4)***

Following an in-depth exchange of views, the Commission felt that it needed further clarification on several procedural and substantive points in this matter and on the potential scope, going beyond the present case, of any decision and whether it would set a precedent. On this basis, it decided to consider this item further at its next meeting in the light of information to be gathered by the departments involved; meanwhile, contacts would continue with the parties concerned.

11. SHAPING SUPPORT FOR PRIVATE-SECTOR DEVELOPMENT IN THE MEDITERRANEAN

(COM(2003)587 to /4; SEC(2003)1110 SEC(2003)1118)

Mr SOLBES set out the main points of the communication before the Commission. On the basis of the conclusions of a forward Extended Impact Assessment, the communication aimed to set out arguments enabling the Council, in line with the conclusions of the Council (Economic and Financial Affairs) and of the Barcelona European Council in March 2002, to take a decision concerning the possible conversion of the FEMIP (Facility for Euro-Mediterranean Investment and Partnership) into a subsidiary of the European Investment Bank. In view of the need to stimulate development of the private sector in the Mediterranean, an assessment of the respective merits of enhancing the FEMIP or setting up a subsidiary of the EIB showed that the latter option was more likely to meet the objective of, among other things, fostering a sense of ownership of the instrument on the part of the countries of the region. The PRESIDENT and Mr PATTEN concurred.

The Commission held an exchange of views on the content of the communication, particularly the aspects relating to financing an EIB subsidiary. Taking observations by Ms SCHREYER into account, and subject to the deletion of detailed figures for the proposed increase for the MEDA Programme, the Commission approved the communication presented by Mr SOLBES and Mr PATTEN, in agreement with the PRESIDENT, as set out in COM(2003)587/4, for transmission, accompanied by the Extended Impact Assessment in SEC(2003)1110, to the Council, Parliament and European Investment Bank.

**12. ANNUAL REPORT OF THE COURT OF AUDITORS FOR THE
FINANCIAL YEAR 2002: CURRENT STATUS AND REQUEST FOR
EMPOWERMENT
(SEC(2003)1114 to /4)**

The Commission took note of the communication and its Annexes, as presented by Ms SCHREYER and set out in SEC(2003)1114 and /4, and further information supplied during the meeting by Ms SCHREYER concerning the current state of play and the forthcoming stages of the 2002 discharge procedure. It decided to empower Ms SCHREYER, in agreement with the PRESIDENT, to adopt and send to the institutions concerned the final text of:

- the Commission's reply to the 2002 annual report of the Court of Auditors;
- the Commission's comments, at Parliament's or the Council's request, during the discharge procedure;
- the report containing the Member States' replies to the 2002 Annual Report;
- the action plan forming the follow-up to the Court of Auditors annual report for 2002.

13. COUNCIL MEETINGS

(SI(2003)1028)

13.1. GENERAL AFFAIRS AND EXTERNAL RELATIONS

(LUXEMBOURG, 13-14 OCTOBER)

PREPARATIONS FOR EUROPEAN COUNCIL

(BRUSSELS, 16-17 OCTOBER)

(SI(2003)1051; SI(2003)1052; SEC(2003)1134)

Mr BARNIER reported on the second ministerial meeting of the intergovernmental conference held on the fringe of the Council (General Affairs and External Relations) on Monday 13 October. On the composition of the Commission, a clear majority of delegations was in favour of the Commission proposal to adjust the text as it had emerged from the Convention, but the general view on the idea of a "Foreign Minister", with two or three exceptions, was to keep to the Convention's text. Mr BARNIER also mentioned the discussions held over dinner on defence policy as well as the work of the group of legal experts ("Piris group").

The PRESIDENT took stock of the agenda of the European Council to be held on Thursday 16 and Friday 17 October in Brussels. As regards that part of the discussions where the European Council would be meeting as the IGC, the Italian Presidency's intention was to focus the discussion on institutional matters. The European Council meeting proper would be devoted mainly to competitiveness and growth in Europe and to questions of asylum and immigration. On the first point, he hoped that the Council would be able to agree to the initiative for growth presented by the Commission so that the projects could be launched speedily, while the second point came within the mandate given by the Thessaloniki European Council.

Mr PATTEN referred to the results of the "external relations" meeting of the Council. He explained why Liechtenstein had blocked the signing of the EEA Agreement with the acceding countries, and pointed to the need for a legal opinion on the consequences this might have and possible solutions. The Commission proposals on the conference of donors in Madrid and the reconstruction of Iraq had been accepted by the Council; the Commission must hold a seminar soon on the Union's relations with the United States and on the post-Cancun situation.

13.2. AGRICULTURE AND FISHERIES

(LUXEMBOURG, 13 OCTOBER)

(SI(2003)1043)

Mr FISCHLER reported that, after long and difficult negotiations, the Council (Fisheries) had reached political agreement on a proposal for a Presidency compromise, supported by the Commission, introducing a new system for limiting the fishing effort in the Western waters, in particular in the 50-mile protected zone along the Irish coast (the "Irish Box").

14. RELATIONS WITH NON-MEMBER COUNTRIES

**AMENDMENT OF DIRECTIVE 96/22/EC CONCERNING THE
PROHIBITION ON THE USE IN STOCKFARMING OF CERTAIN
SUBSTANCES HAVING A HORMONAL OR THYROSTATIC ACTION AND
OF BETA-AGONISTS - NEXT STEPS AT THE WTO**

(SEC(2003)1066)

Mr LAMY outlined the background to the amendment of Directive 96/22/EC to bring Community legislation into line with WTO rules. He mentioned the effects of

this change and the possible procedural options in relation to the trade sanctions applied by the United States and Canada in their dispute with the EU.

15. OTHER BUSINESS

PARLIAMENT AND COUNCIL REGULATION ESTABLISHING COMMON RULES ON COMPENSATION AND ASSISTANCE TO PASSENGERS IN THE EVENT OF DENIED BOARDING AND OF CANCELLATION OR LONG DELAY OF FLIGHTS, AND REPEALING REGULATION (EEC) No 295/91

Ms de PALACIO reported on the positive conclusion of the conciliation procedure. The agreement reached by the conciliation committee was a major step forward in protecting the rights of air passengers who are denied boarding or whose flight is cancelled or significantly delayed.

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* *

The meeting closed at 1305 hours.