



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

**PV(2003)1631 final**

Brussels, 29 October 2003

**MINUTES**  
**of the 1631st meeting of the Commission**  
**held in Strasbourg**  
**(Winston Churchill Building)**  
**on Tuesday 21 October 2003**  
**(afternoon)**

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These minutes were approved by the Commission at its 1632<sup>nd</sup> meeting, held in Brussels on 29 October 2003.

They contain 18 pages.

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**Single sitting: Tuesday 21 October (afternoon)**

The sitting opened at 1435 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          |                |
| Mr BARNIER        |                |
| Ms REDING         |                |
| Ms SCHREYER       |                |
| Ms WALLSTRÖM      |                |
| Mr VITORINO       |                |
| Ms DIAMANTOPOULOU |                |

**The following also sat in**

|                     |                                             |                 |
|---------------------|---------------------------------------------|-----------------|
| Mr MARENCO          | Deputy Director-General, Legal Service      |                 |
| Mr MANSERVISI       | Chef de cabinet to the President            |                 |
| Mr KEMPPINEN        | Commission Spokesman                        |                 |
| Mr THOMAS           | Spokesman                                   |                 |
| Mr DE LECEA         | Adviser in the President's Office           | Item 9          |
| Mr SMULDERS         | A member of the President's staff           | Items 10 and 14 |
| Ms RYAN             | A member of Mr Kinnock's staff              |                 |
| Mr CALLEJA          | Chef de cabinet to Ms de Palacio            |                 |
| Mr CARDANI          | Deputy Chef de cabinet to Mr Monti          |                 |
| Mr NØRLUND          | Chef de cabinet to Mr Bolkestein            |                 |
| Mr PLANAS           | Chef de cabinet to Mr Solbes                |                 |
| Mr MARTINEZ MONGAY  | A member of Mr Solbes's staff               | Item 9          |
| Mr NUNES DE ALMEIDA | A member of Mr Vitorino's staff             |                 |
| Mr FIELDING         | Deputy Chef de cabinet to Ms Diamantopoulou |                 |
| Mr MASSANGIOLI      | Secretariat-General                         |                 |

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

Having been informed by the PRESIDENT of the recent health problems of Mr PETITE, Director-General, Legal Service, the Commission sent him its best wishes for a speedy recovery and expressed its sympathy to his wife.

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**1. AGENDAS**

**(OJ(2003)1631/3; SEC(2003)1122/2)**

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)1631)**

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 20 October.

**3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1630th MEETING**

**(15 October)**

**(PV(2003)1630; PV(2003)1630, Part II)**

The Commission approved the minutes of its 1630th meeting.

#### **4. PERMANENT REPRESENTATIVES COMMITTEE**

***COUNCIL AFFAIRS GROUP (CAG)***  
***(SI(2003)1066)***

The Commission took note of the record of the Council Affairs Group meeting held on Friday 17 October.

It paid particular attention to the following:

i) **Multiannual programming and financial perspective: solution found under the Daphne II programme**

The Commission took note of the solution reached in Coreper concerning the duration of the programme beyond the current financial perspective; its horizontal scope could be applicable to other dossiers. It drew departments' attention to this point.

ii) **Council Directive on the short-term residence permit issued to victims of action to facilitate illegal immigration or trafficking in human beings who cooperate with the competent authorities**

With a view to future discussions in the Council, the Commission authorised Mr VITORINO to start negotiations to refocus the scope of the proposal for a Directive on the victims of trafficking in human beings, while maintaining a high level of rights.

iii) **Agency in the field of defence capabilities development, research, acquisitions and armaments**

The Commission asked the PRESIDENT, Mr PATTEN, Mr MONTI, Mr LIIKANEN, Mr BOLKESTEIN, Mr BUSQUIN, Mr LAMY and Mr BARNIER and their departments to continue cooperating as speedily as possible on the preparation of a document for the debate it would be holding at the beginning of November to define a policy strategy for the discussions that the Council Presidency intended to complete by the end of the year. It was important that this work be closely coordinated; the result should enable the Commission to make its position clear and highlight the added value of its actions.

**5. MONITORING THE APPLICATION OF COMMUNITY LAW**

**5.1. STATE AID - CASE POSTPONED**

***(C(2003)3525 and /2)***

The Commission adopted the decision in C(2003)3525/2 concerning the case below:

**C 38/2001                      SPAIN**

**(ex N 850/2000)**

***Research and development aid for the Zamudio site (Basque Country).***

**5.2. INFRINGEMENTS - DOSSIER HELD OVER FOR UNAVAILABILITY OF TEXT - REGULARISATION**

***(SEC(2003)1152)***

The Commission approved the decision in SEC(2003)1152.

## **6. WRITTEN PROCEDURES AND EMPOWERMENT**

### **6.1. WRITTEN PROCEDURES APPROVED**

*(SEC(2003)1123 et seq.)*

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 13 and 17 October.

### **6.2. SENSITIVE WRITTEN PROCEDURES**

*(SEC(2003)1124)*

The Commission took note of written procedures initiated between 13 and 17 October for the adoption of decisions with political implications

### **6.3. EMPOWERMENT**

*(SEC(2003)1125 et seq.)*

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 13 and 17 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 13 and 17 October, as archived on the "Grefte 2000" (Registry) website.

**7. ADMINISTRATIVE AND BUDGETARY MATTERS**  
**(SEC(2003)1126/3)**

**ADMINISTRATIVE MATTERS**  
**(PERS(2003)136/2)**

**7.1. JRC - REDEPLOYMENT OF AN A2 OFFICIAL**

On a proposal from Mr KINNOCK, in agreement with the PRESIDENT and Mr BUSQUIN, the Commission decided under Article 7 of the Staff Regulations and in the interest of the service to transfer Mr Peter KIND, an A2 official, currently Director, Directorate B (Structuring the European Research Area) in the Research DG, to the post of Director of the Institute for Prospective Technological Studies (Seville) in the JRC.

This decision would take effect on 1 January 2004.

**7.2. DG ESTAT - DEPUTISING FOR DIRECTOR-GENERAL**

On a proposal from Mr KINNOCK, in agreement with the PRESIDENT and Mr SOLBES, the Commission decided under Article 24 of its Rules of Procedure to appoint Mr Stephen KAISER, an A2 official, currently Director, Directorate ESTAT/A (Resources), to deputise for the Director-General, Eurostat, when the latter was not available.

This decision would take effect immediately.

## 8. PARLIAMENT

### **PARLIAMENTARY AFFAIRS GROUP**

**(SP(2003)3472)**

The Commission took note of the record of the meeting of the Parliamentary Affairs Group held on 17 October (SP(2003)3472).

It paid particular attention to the following:

#### **i) Interinstitutional relations**

##### ***Codecision procedure - Article 251 EC***

(point 1.1(b) of the record)

- ZAPPALÀ report, Public supply contracts, public service contracts and public works contracts - 00/0115 (COD)
- ZAPPALÀ report, Procurement in the water, energy and transport sectors - 00/0117 (COD)

The Commission adopted the line set out in SP(2003)3475 for the conciliation committee meeting on 4 November.

#### **ii) Preparations for October II and November I part-sessions**

(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:

### **First reading**

- FLORENZ report, Waste electrical and electronic equipment -  
COM(2003)219, 03/0084 (COD)

The Commission noted that no amendments had been tabled to its proposal, and adopted the line set out in SP(2003)3460.

- LULLING report, Quarterly financial accounts -  
COM(2003)242, 03/0095 (COD)

The Commission adopted the line set out in SP(2003)3473, involving the acceptance of the only amendment.

### **Non-legislative matters**

- MULDER report, - 2004 budget - Section III
- GILL report, - 2004 budget - other sections

The Commission took note of SP(2003)3470.

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

The Commission approved SP(2003)3410/2 listing the action taken on the opinions and resolutions adopted by Parliament at its September I and II part-sessions, for transmission to Parliament.

#### **iv) Other matters**

##### **Eurostat - Transmission of the Internal Audit Service report to Parliament**

The Commission noted that the report drawn up by the Internal Audit Service on the examination of the contracts and subsidies granted by Eurostat would

be communicated to Commission Members by Wednesday 22 October at the latest, for information and possible observations. In line with the undertakings given and the fact that Parliament would be in recess in the last week of October, it would then be transmitted to Parliament, in the forms agreed, on the afternoon of 24 October or at the latest during the day on Monday 27 October, unless a major problem was raised by one or more Commission Members.

**9. COMMISSION RECOMMENDATION FOR A COUNCIL DECISION  
UNDER ARTICLE 104(9) OF THE TREATY  
(SEC(2003)1121 to /3)**

Mr SOLBES introduced a Commission recommendation to the Council to ask France, in accordance with Article 104(9) of the EC Treaty, to take new measures to reduce its budget deficit and remedy its excessive deficit. After reminding the meeting of the procedural framework applicable in this case, he outlined the main points underlying the approach and timetable proposed.

The Commission held an in-depth discussion on the thrust and scope of the recommendation, particularly the reasons - related to the economic situation - for choosing 2005 as the deadline for reducing the French deficit below 3% of GDP; France's ability to make the necessary efforts to this end; the positions taken in the Council; the perception of this decision by European public opinion; and, more generally, the conditions for implementation of the Stability Pact. Following this discussion, the Commission adopted the recommendation for a Council decision in SEC(2003)1121/3, for transmission to the Council.

## **10. MONITORING THE APPLICATION OF COMMUNITY LAW**

**(continued from item 5)**

### **10.1. INFRINGEMENTS - CASES POSTPONED**

**2003/2133**

**GERMANY**

***German system for returnable drinks containers - transitional period  
(SEC(2003)1128; SEC(2003)1173)***

Having taken note of the information supplied during the meeting by Mr BOLKESTEIN in support of his proposal, the Commission decided to send a letter of formal notice to the German authorities, with a deadline for reply within two months. It was agreed that the press release on this decision would spell out that the Commission was not contesting the collection system itself, whose environmental objectives it supported, but only the arrangements for its operation.

### **10.2. 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 and /2; SEC(2003)1160; SEC(2003)1172)***

In view of the late distribution of the Legal Service's note, the Commission decided to hold this item over for one week.

**11. PROPOSAL FOR A PARLIAMENT AND COUNCIL DIRECTIVE ON  
DRIVING LICENCES AND REPEALING DIRECTIVE 91/439/EEC  
(COM(2003)621 to /3; SEC(2003)1151)**

The Commission adopted the communication in COM(2003)621/3 for transmission to the Council, Parliament, the Economic and Social Committee and the Committee of the Regions.

**12. PROPOSAL FOR A PARLIAMENT AND COUNCIL DIRECTIVE ON  
MINIMUM CONDITIONS FOR THE IMPLEMENTATION OF DIRECTIVE  
2002/15/EC AND REGULATIONS (EEC) Nos 3820/85 AND 3821/85  
CONCERNING SOCIAL LEGISLATION RELATING TO ROAD  
TRANSPORT ACTIVITIES  
(COM(2003)628 to /3; SEC(2003)1151)**

The Commission adopted the communication in COM(2003)628/3 for transmission to the Council, Parliament, the Economic and Social Committee and the Committee of the Regions.

**13. COMMISSION RECOMMENDATION ON ENFORCEMENT IN THE  
FIELD OF ROAD SAFETY  
(C(2003)3861 to /3; COM(2003)628/2; SEC(2003)1151)**

Ms de PALACIO presented the main points of the draft recommendation. In line with both proposals for Directives adopted by the Commission that day (items 11 and 12 above), the recommendation identified best practices for improving road safety and reducing the number of road accident victims. As for the legal form of

the instrument, Ms de PALACIO explained that for subsidiarity reasons she had preferred a recommendation to a more binding instrument or to taking no initiative at all, which would be damaging.

Having taken note of this information, the Commission adopted in principle the recommendation in C(2003)3861/3 and empowered Ms de PALACIO, in agreement with the PRESIDENT, to adopt it formally in all the official languages for publication in the Official Journal.

#### **14. COUNCIL MEETINGS**

**(SI(2003)1065)**

##### ***EUROPEAN COUNCIL***

***(16 AND 17 OCTOBER, BRUSSELS)***

The PRESIDENT reported on the European Council meeting. He drew particular attention to the positive discussion on the initiative for growth, the agreement reached on research, and the progress made in the field of freedom, security and justice. On defence questions, too, there had been an excellent spirit of cooperation and an exchange of views of great interest.

Mr BARNIER reported on that part of the Council meeting held as an intergovernmental conference. After the period of explanation of national positions, the negotiating phase was now open and compliance with the timetable laid down by the Italian Presidency involved speeding up the work. The questions at issue covered the Commission's composition and the Council's voting system. In the field of defence, structured cooperation and the collective defence clause raised problems, but there had been an interesting convergence of views concerning the first point.

Mr PATTEN drew attention to the results of the European Council on external relations, particularly its acceptance of the Commission proposals on the reconstruction of Iraq. He also referred to the US position in connection with the Union's discussions on defence questions.

## **15. RELATIONS WITH NON-MEMBER COUNTRIES**

### ***VISIT BY Mr BOLKESTEIN TO THE UNITED STATES***

Mr BOLKESTEIN reported on his visit to the United States, during which he had held intense discussions with the US authorities on two key issues: financial services, in particular the Sarbanes Oxley Act on the registration of auditing firms, and the protection of personal data on air passengers. On the first point, Mr BOLKESTEIN was confident as to the cooperative approach taken by both parties, which should in due course enable the problems arising from the existence of conflicting legal provisions in the United States and Europe to be solved. On the other hand, despite some progress, the outcome of the negotiations on access to and use of personal data on air passengers was still a long way from meeting the requirements stipulated by Parliament. In accordance with the provisions agreed by the Commission on 8 October (PV(2003)1629, item 11.2), Mr BOLKESTEIN confirmed his intention of bringing this matter before the Commission shortly on the basis of in-depth preparation with the Commission Members concerned.

## 16. OTHER BUSINESS

### *SUSPECTED FRAUD IN TRADE IN CEREALS*

Mr FISCHLER reported on the measures taken by the Belgian judicial authorities and the Commission itself in relation to an official of the Agriculture DG in this case.

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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 1625 hours.