



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2004)1649 final

Brussels, 16 March 2004

MINUTES
of the 1649th meeting of the Commission
held in Strasbourg
(Winston Churchill Building)
on Tuesday 9 March 2004
(afternoon)

These minutes were approved by the Commission at its 1650th meeting, held in Brussels on 16th March 2004.

They contain 19 pages.

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Single sitting: Tuesday 9 March (afternoon)

The sitting opened at 1340 hours with Mr Prodi, President, in the chair.

Present:

Mr PRODI	President
Mr KINNOCK	Vice-President
Mr MONTI	
Mr FISCHLER	
Mr LIIKANEN	
Mr NIELSON	
Mr VERHEUGEN	
Mr PATTEN	
Mr LAMY	
Mr BYRNE	
Mr BARNIER	
Ms REDING	
Ms WALLSTRÖM	
Mr VITORINO	

Absent:

Ms de PALACIO	Vice-President
Mr BOLKESTEIN	
Mr BUSQUIN	
Mr SOLBES	
Ms SCHREYER	

The following sat in to represent absent Members of the Commission

Ms ZAMPIERI	A member of Ms de Palacio's staff	Except item 14
Mr EPPINK	A member of Mr Bolkestein's staff	Except item 14
Ms FRIEDERICHs	A member of Mr Busquin's staff	Except item 14
Mr BEKX	Deputy Chef de Cabinet to Mr Solbes	Except item 14

The following also sat in

Mr WAINWRIGHT	Chief Adviser, Legal Service	
Mr MANSERVISI	Chef de cabinet to the President	
Mr DE OLIVEIRA E SOUSA	Director-General, Press and Communication	Except item 14
Mr KEMPPINEN	Commission Spokesman	
Mr SANNINO	Adviser in the President's Office	Except item 14
Mr KOOPMAN	Chef de cabinet to Mr Kinnock	
Mr FITCH	A member of Mr Kinnock's staff	
Mr DANIELSSON	Deputy Chef de cabinet to Mr Verheugen	Except item 14
Mr BANNER	A member of Mr Patten's staff	Except item 14
Mr CHANTERIE	A member of Ms Reding's staff	Except item 14
Ms GAGO-FILORI	A member of Mr Vitorino's staff	Except item 14
Ms HELFFERICH	A member of Ms Diamantopoulou's staff	Except item 14
Mr HARTVIG	Legal Service	Item 14

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

1. AGENDAS

(OJ(2004)1649/3; SEC(2004)259/2)

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(2004)1649)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 8 March.

3. APPROVAL OF MINUTES OF 1648th MEETING (3 March)

(PV(2004)1648 and /2)

The Commission approved the minutes of its 1648th meeting.

4. PARLIAMENT

PARLIAMENTARY AFFAIRS GROUP

(SP(2004)922)

The Commission took note of the record of the meeting of the Parliamentary Affairs Group held on 5 March (SP(2004)922).

It paid particular attention to the following:

i) **Interinstitutional relations** (point 1.1 of the record)

Codecision procedure - Article 251 EC

Second railway package

- AINARDI report - Interoperability - 02/0023 (COD)
- STERCKX report - Railway safety - 02/0022 (COD)
- SAVARY report - European Railway Agency - 02/0024 (COD)
- JARZEMBOWSKI report - Development of the Community's railways - 02/0025 (COD)

The Commission adopted the line set out in SP(2004)224/3.

ii) **Preparations for March I part-session**

(point 2 of the record)

2nd reading

- SANTINI report – Right of Union citizens to move and reside freely within the Member States,
COM(2001)257 - 01/0111 (COD)

The Commission noted that no amendments had been tabled to the Council common position, and adopted the line set out in SP(2004)920.

- READ report - Interoperable delivery of pan-European e-government services to public administrations, businesses and citizens (IDABC),
COM(2003)406 - 03/0147 (COD)

The Commission adopted the line set out in SP(2004)900.

1st reading and simple consultation

- BRADBURN report - Trans-European transport network,
COM(2003)564 - 01/0229 (COD)

The Commission adopted the line set out in SP(2004)888/2 and authorised Ms de PALACIO to make the necessary contacts with the co-legislators with an eye to a speedy conclusion of this matter.

- DAUL report – Direct support schemes for farmers,
COM(2003)698, 03/0278 (CNS)
- LAVARRA report - Common organisation of the market in olive oil and table olives,
COM(2003)698, 03/0279 (CNS)

The Commission adopted the line set out in SP(2004)764/2.

- LAGENDIJK report, Partnerships in the stabilisation and association process,
COM(2003)684, 03/0267 (CNS)

The Commission adopted the line set out in SP(2004)921.

Codification

- GARGANI report - waste,
COM(2003)731 - 03/0283 (COD)

The Commission adopted the line set out in SP(2004)845.

- GARGANI report - Extraction solvents used in the production of foodstuffs and food ingredients,
COM(2003)467, 03/0181 (COD)

The Commission adopted the line set out in SP(2004)874.

- GARGANI report – Cargo shipping,
COM(2003)732 - 03/0285 (COD)

The Commission adopted the line set out in SP(2004)875.

Empowerment

Under Article 13 of its Rules of Procedure the Commission empowered the Members concerned, in agreement with the PRESIDENT 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:

- SANTINI report - Right of Union citizens to move and reside freely within the Member States
(SP(2004)920, Mr VITORINO)
- READ report - Interoperable delivery of pan-European e-government services to public administrations, businesses and citizens (IDABC)
(SP(2004)900, Mr LIIKANEN).

iii) **Action taken on Parliament's opinions and resolutions**

(point 5.1 of the record)

The Commission adopted the reply to Parliament's own-initiative resolution on the repatriation of mortal remains (CASHMAN report), to which the

Commission had undertaken to give a response (SP(2004)833), for transmission to Parliament.

5. MONITORING THE APPLICATION OF COMMUNITY LAW

STATE AID - CASES POSTPONED

(SEC(2004)173)

The Commission adopted the following decisions:

C 33/2003 *Austria*

(ex NN 34/2003)

Energy Tax Rebate 2002

(C(2004)325/3)

Decision: Closure of the formal examination procedure under Article 88(2) of the EC Treaty, considering the aid to be incompatible with the common market but not requiring its recovery.

C 64/99 *Italy*

(ex NN 68/99)

Aid for companies of the Gruppo Tirrenia

(C(2004)470/2)

Decision: Held over

6. WRITTEN PROCEDURES AND EMPOWERMENT

6.1. WRITTEN PROCEDURES APPROVED

(SEC(2004)260 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 1 and 5 March.

6.2. SENSITIVE WRITTEN PROCEDURES

(SEC(2004)261)

The Commission took note of written procedures initiated between 1 and 5 March for the adoption of decisions with political implications.

6.3. EMPOWERMENT

(SEC(2004)262 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 1 and 5 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 1 and 5 March, as archived on the "Grefte 2000" (Registry) website.

**7. PRELIMINARY DRAFT AMENDING BUDGET NO 3/2004: ADAPTATION OF APPROPRIATIONS FOR THE PUBLICATION OF THE ACQUIS AND FOR REMUNERATIONS IN ALL THE INSTITUTIONS
(SEC(2004)272 to /3)**

The Commission approved preliminary draft amending budget No 3/2004 as set out in SEC(2004)272, for transmission to Parliament and the Council.

**8. PRELIMINARY DRAFT AMENDING BUDGET NO 4/2004: REVISION OF THE STAFF REGULATIONS OF OFFICIALS AND THE CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS
(SEC(2004)277 to /3)**

The Commission approved preliminary draft amending budget No 4/2004 as set out in SEC(2004)277/3, for transmission to Parliament and the Council.

**9. COMMUNICATION TO THE COMMISSION ON SIX APPLICATIONS TO MOBILISE THE EUROPEAN UNION SOLIDARITY FUND INTRODUCED BY GREECE, FRANCE, SPAIN, MALTA AND ITALY
(SEC(2004)264 and /2)**

The Commission adopted SEC(2004)264 and the conclusions it contained; it decided to empower Mr BARNIER, in agreement with the Commission Members concerned, to take the actions specified in the document.

**10. PROPOSAL FOR A PARLIAMENT AND COUNCIL DECISION ON THE
MOBILISATION OF THE EU SOLIDARITY FUND
(COM(2004)168; SEC(2004)264/2)**

The Commission adopted the proposal for a Decision in COM(2004)168 for transmission to Parliament and the Council.

**11. PRELIMINARY DRAFT AMENDING BUDGET NO 5/2004:
MOBILISATION OF THE SOLIDARITY FUND
(SEC(2004)269; SEC(2004)264/2)**

The Commission adopted preliminary draft amending budget No 5/2004 as set out in SEC(2004)269, for transmission to Parliament and the Council.

12. RELATIONS WITH NON-MEMBER COUNTRIES

***VISIT BY Mr SOLBES TO MEXICO (26 FEBRUARY TO 1 MARCH)*
*(SEC(2004)290)***

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

13. OTHER BUSINESS

***COMMISSION DECLARATION ON THE 25TH ANNIVERSARY OF THE
DEATH OF JEAN MONNET
(SEC(2004)291)***

The Commission took note of the declaration in SEC(2004)291.

14. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2004)263/2)

ADMINISTRATIVE MATTERS

(PERS(2004)43)

***14.1. DG AIDCO - APPLICATION OF ARTICLE 50 OF THE STAFF
REGULATIONS***

The Commission continued its discussions on this matter, begun on 25 February (PV(2004)1647).

The Commission, on a proposal from Mr KINNOCK, in agreement with the PRESIDENT, Mr NIELSON and Mr PATTEN, adopted the decision in PERS(2004)44 to apply the second stage of the procedure laid down in Article 50 of the Staff Regulations with respect to Mr Amir NAQVI, an A2 official, currently Director of Directorate C (Africa, Caribbean, Pacific) in the EuropeAid Cooperation Office.

This decision would take effect on 1 April.

**14.2. INITIAL COMMUNICATION UNDER ARTICLE 50 OF THE STAFF
REGULATIONS**

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

**14.3. APPRAISAL OF SENIOR A1 AND A2 OFFICIALS
(SEC(2004)276 to /5)**

Having noted the oral presentation by Mr KINNOCK and his further clarifications in response to comments made in the meeting, the Commission adopted SEC(2004)276/5 subject to the following clarifications:

- the arrangements for A1 and A2 officials holding posts with an interinstitutional dimension would be firmed up later to take account of the specific nature of their situation;
- in item 1.2 “general principles”, paragraph (2): as regards external feedback, repeat the text of item 3(4), first indent, of the previous version of the document;
- in item 2, paragraph (5), last paragraph, delete the words “if necessary”.

- 15. THE NEW GENERATION OF COMMUNITY EDUCATION AND TRAINING PROGRAMMES AFTER 2006**
(COM(2004)156 to /4; SEC(2004)284)
- 16. MAKING CITIZENSHIP WORK: FOSTERING EUROPEAN CULTURE AND DIVERSITY THROUGH PROGRAMMES FOR YOUTH, CULTURE, AUDIOVISUAL AND CIVIC PARTICIPATION**
(COM(2004)154 to /5; SEC(2004)284)

Ms REDING tabled two communications for adoption by the Commission. Building on the communication of 10 February on the financial perspective, they set out guidelines for future programmes intended to replace the current Community programmes from 2007 in the subject areas concerned. In the light of the important political developments at European level in these areas during the past decade, this new generation of programmes would help achieve the Lisbon goal of making Europe the most competitive knowledge-based economy by 2010, and would enable citizens to achieve the full potential of their European cultural heritage and their citizenship of a diverse Union. After reviewing the specifics of the approach developed in each communication, Ms REDING concluded by emphasising the need to put in place enhanced, structured programmes in view of the importance of these projects to all Europeans, from their education at school to their life as citizens, involving the development of a positive image of European integration and a Union close to its citizens.

Having taken note of these observations, the Commission adopted the two communications in COM(2004)156/4 and COM(2004)154/5 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.

17. COUNCIL MEETINGS

(SI(2004)197)

17.1. EMPLOYMENT, SOCIAL POLICY, HEALTH AND CONSUMER AFFAIRS

(BRUSSELS, 4 AND 5 MARCH)

(SI(2004)180; SEC(2004)306)

The Commission took note of the information note distributed by
Ms WALLSTRÖM.

17.2. ADAPTATION OF TRADE DEFENCE INSTRUMENTS

Mr LAMY reported that the Council had adopted the new anti-dumping Regulation. In the light of problems faced in recent years, this was designed to make trade defence instruments more effective and easier to implement, and introduced greater transparency for European operators and for operators from non-member countries subject to trade defence measures in the Union.

Mr LAMY thanked the Secretariat-General, the Legal Service and the Trade DG for all their work on this dossier.

18. EUROPEAN NEIGHBOURHOOD POLICY

(SEC(2004)275 to /5; SEC(2004)303)

Given the time constraints in connection with Parliament's part-session, the Commission decided to hold over its general discussion on this matter for a later date.

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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 1600 hours.