



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

**PV(2004)1679 final**

Brussels, 19 November 2004

**MINUTES**  
**of the 1679th meeting of the Commission**  
**held in Strasbourg**  
**(Winston Churchill Building)**  
**on Tuesday 16 November 2004**  
**(afternoon)**

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The minutes would be approved on Friday 19 November 2004 at 18.00 hours.

They contain 21 pages.

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**Single sitting: Tuesday 16 November (afternoon)**

The sitting opened at 13 h 30 par Mr KINNOCK.

Present:

Mr KINNOCK Vice-President

Ms de PALACIO Vice-President

Mr MONTI

Mr NIELSON

Mr PATTEN

Mr BYRNE

Ms WALLSTRÖM

Mr VITORINO

Mr DIMAS

Mr BARROT

Mr BALÁZS

Ms HÜBNER

Mr KALLAS

Mr BORG

Ms KALNIETE

Ms GRYBAUSKAITĖ

M. POTOČNIK

M. FIGEL

Mr KYPRIANOU

M. TELIČKA

Mr REHN

Mr MICHEL

Absent:

Mr PRODI

President

Mr FISCHLER

Mr BOLKESTEIN

Mr VERHEUGEN

Mr LAMY

Ms REDING

Ms SCHREYER

Mr ALMUNIA

**The following sat in to represent absent Members of the Commission**

|                 |                                       |
|-----------------|---------------------------------------|
| Mr VAN BALLEKOM | Chef de cabinet to Mr Bolkestein      |
| Mr MORDUE       | A member of Mr Verheugen's staff      |
| Mr CHANTERIE    | A member of Ms Reding's staff         |
| Mr SPENCE       | Deputy Chef de cabinet to Ms Schreyer |
| Ms LAMELA       | Chef de cabinet to Mr Almunia         |

**The following also sat in**

|               |                                         |
|---------------|-----------------------------------------|
| Mr PETITE     | Director-General, Legal Service         |
| Mr MANSERVISI | Chef de cabinet to the President        |
| Mr MANN       | Spokesman                               |
| Mr SCHWAIGER  | Deputy Chef de cabinet to Ms de Palacio |
| Mr CARDANI    | Deputy Chef de cabinet to Mr Monti      |

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

**1. ARRANGEMENTS FOR MINUTES AND SPECIAL MINUTES OF THIS MEETING**

The Commission took note of the arrangements made for the adoption of the minutes of this meeting on account of the end of its term of office. The minutes would be approved on Friday 19 November 2004 at 18.00 hours, all requests for amendments being required to reach the Registry of the Secretariat-General no later than 12.00 hours on Friday.

**2. AGENDAS  
(OJ(2004)1679/3; SEC(2004)1399/2)**

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

**3. WEEKLY MEETING OF CHEFS DE CABINET  
(SEC(2004)1679)**

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 15 November.

**4. MINUTES OF 1678th MEETING (10 November)  
(PV(2004)1678)**

The Commission approved the minutes of its 1678th meeting.

**5. PARLIAMENT**

**PARLIAMENTARY AFFAIRS GROUP**  
**(SP(2004)2759)**

The Commission took note of the record of the meeting of the Parliamentary Affairs Group held on 12 November (SP(2004)2759).

It paid particular attention to the following:

**Preparations for November 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:

Simple consultation

- ROTHE Report - Instrument of financial support (Cyprus) - COM(2004)465, 04/145/CNS

The Commission adopted the line set out in SP(2004)2718.

- SAMUELSEN Report - European Agency for Reconstruction - COM(2004)451, 04/133/CNS

The Commission adopted the line set out in SP(2004)2764.

**6. PERMANENT REPRESENTATIVES COMMITTEE**  
**(SI(2004)901; SI(2004)914; SP(2004)2759; SEC(2004)1454; SEC(2004)1462)**

The Commission took note of the information communicated to it relating to the work of Coreper.

It paid particular attention to the following:

- i) **Proposal for a Regulation of the European Parliament and the Council on the prevention of money laundering by means of customs cooperation (COM(2002)328 final)  
(SI(2004) 914; SEC(2004)1454)**

The Commission took note of progress on the dossier in Council bodies and of the fact that a majority political agreement could be reached at the Council meeting (Economic and Financial Affairs) on 16 November on the basis of a compromise presented by the Dutch Presidency.

Considering that the main outstanding question concerned the threshold beyond which the obligation for individuals to declare movements of cash at the European Union's external borders applied (Article 3(1)), the Commission authorised Mr BOLKESTEIN, in agreement with the PRESIDENT, to support a Presidency compromise following the political line set out in SEC(2004)1454.

- ii) **Proposal for a Council Regulation on protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC (COM(23)425 final)  
(SI(2004)901; SEC(2004)1462; SP(2004)2759, item 8.4)**

The Commission took note of the recent developments in the dossier with a view to the Council meeting (Agriculture and Fisheries) on 22 November.

The most controversial point of the proposal being the deadline for the Commission report on the duration of transport and load densities with a view to revision of the Regulation, the Commission authorised Mr BYRNE or, if necessary, Mr KYPRIANOU, in agreement with the PRESIDENT, to accept, a Presidency compromise text following the political line set out in SEC(2004)1462 and thus facilitate a majority agreement.

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

### **7.1. STATE AID - SPECIFIC CASES**

**(SEC(2004)1455); SEC(2004)1461)**

The Commission adopted the decisions in SEC(2004)1461, subject to the following clarifications:

- the sixth case in the list should read **N 199/2004** and not N 199/2003.

### **7.2. STATE AID SCOREBOARD - AUTUMN 2004 UPDATE**

**(COM(2004)750 to /9; SEC(2004)1455)**

The Commission adopted the autumn 2004 updating of the state aid scoreboard in COM(2004)750/9 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.

### **7.3. PROPOSAL FOR APPROPRIATE MEASURES - COMMUNITY GUIDELINES ON STATE AID FOR RESCUING AND RESTRUCTURING FIRMS IN DIFFICULTY**

**(C(2004)4352 to /3; SEC(2004)1455)**

The Commission adopted the draft letters in C(2004)4352/3 for transmission to all Member States.

## **8. WRITTEN PROCEDURES AND EMPOWERMENT**

### **8.1. WRITTEN PROCEDURES APPROVED**

**(SEC(2004)1414 et seq.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 8 and 12 November.

**8.2. SENSITIVE WRITTEN PROCEDURES**  
**(SEC(2004)1415)**

The Commission took note of written procedures initiated between 8 and 12 November for the adoption of decisions with political implications.

**8.3. EMPOWERMENT**  
**(SEC(2004)1416 et seq.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 8 and 12 November.

**8.4. DELEGATION AND SUBDELEGATION OF POWERS**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation procedure between 8 and 12 November, as archived on the "Greffé 2000" (Registry) website.

**8.5. AGREEMENT FOR R&D CO-OPERATION - EUROPEAN ATOMIC  
ENERGY COMMUNITY (EURATOM)/GOVERNMENT OF THE  
PEOPLE'S REPUBLIC OF CHINA (E/2337/2004)**  
**(COM(2004)755 and /2)**

This item was before the Commission because the adoption by written procedure scheduled for Tuesday 16 November had been suspended at the request of Ms SCHREYER.

The Commission took note of the explanations supplied by Mr MICHEL concerning the substance of the proposal, particularly the absence of financial implications, and the urgency of adopting it and transmitting it to the Council, as the Agreement was to be signed at the EU/China summit on 8 December.

Noting that Ms SCHREYER was detained in Brussels at the Council meeting (Economic and Financial Affairs), the Commission decided to

contact her and return to the dossier at the end of the meeting in the light of the position expressed by Ms SCHREYER.

**9. ADMINISTRATIVE AND BUDGETARY MATTERS**  
**(SEC(2004)1417/2)**

**ADMINISTRATIVE MATTERS**  
**(PERS(2004)207)**

**9.1. *DG PRESS - FUNCTION OF HEAD OF COMMISSION***  
***REPRESENTATION IN BELGIUM***

The Commission, on a proposal from Mr KINNOCK, in agreement with the PRESIDENT, decided to fill the function of Head of the Commission's Representation in Belgium by the secondment in the interest of the service of Mr Willy HELIN, a Grade A\*14 official currently Adviser ad personam in Directorate D of the Directorate-General Personnel and Administration.

This decision would take effect immediately.

**9.2. *INTELLIGENT ENERGY EXECUTIVE AGENCY - FUNCTION OF***  
***DIRECTOR***  
***(PERS(2004)210 and /2)***

The Commission had before it applications for the function of Director of the Intelligent Energy Executive Agency, published under the Commission Decision of 23 December 2003.

The Commission took note of the opinions of the Consultative Committee on Appointments of 15 and 28 October (PERS(2002)210 and /2).

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 de PALACIO, it then decided to appoint Mr Patrick LAMBERT to the post.

This decision would take effect on a date to be determined.

**9.3. *DG TREN - FUNCTION OF DEPUTY DIRECTOR-GENERAL (EU-10)*  
*(PERS(2004)122 to /4)***

The Commission had before it applications under Article 29(2) of the Staff Regulations (former nomenclature) for the function of Deputy Director-General in the Energy and Transport Policy DG, established by Commission Decision of 18 February and reserved for a national of one of the new Member States (PERS(2004)122).

The Commission took note of the opinions of the Consultative Committee on Appointments of 12 and 28 October (PERS(2004)112/2 and /3).

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Mr KINNOCK, in agreement with the PRESIDENT and Ms de PALACIO, it then decided to appoint Mr Zoltán KAZATSAY to the post, subject to pre-recruitment medical examination.

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

**9.4. *DGT/D - FUNCTION OF DIRECTOR*  
*(PERS(2004)187 to /3)***

The Commission had before it applications under Article 29(1)(a) (i) and (iii) of the Staff Regulations for the function of Director, Directorate D (Translation Strategy) in the Translation DG (PERS(2004)187).

The Commission took note of the opinions of the Consultative Committee on Appointments of 26 and 28 October (PERS(2004)187/2 and /3).

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, it then decided to appoint Mr Franciso DE VICENTE to the function.

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

**9.5. *GOPA - APPOINTMENT OF HEAD OF SERVICE***

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

- to approve the appointment of Mr Carlos TAVARES to the function of Head of Service of the *Group of Policy Advisers* (GOPA);
- to give Mr Carlos TAVARES a temporary staff contract in Grade A\*14 under Article 2(c) of the CEOS;
- to set the first day of the term of office of the new Commission as the date on which he took up duty.

This decision would take effect immediately.

**9.6. *DG ADMIN - IMPLEMENTATION OF THE PROVISIONS OF THE NEW STAFF REGULATIONS RELATING TO THE PROMOTION RATES (SEC(2004)1448 and /2)***

The Commission approved the guidelines in SEC(2004)1448 and /2.

**9.7. DG ADMIN - PROPOSAL FOR A COUNCIL REGULATION  
ADJUSTING WITH EFFECT FROM 1 JULY 2004 THE  
REMUNERATION AND PENSIONS OF OFFICIALS AND OTHER  
SERVANTS OF THE EUROPEAN COMMUNITIES AND THE  
CORRECTION COEFFICIENTS APPLIED THERETO  
(COM(2004)761 to /3; SEC(2004)1445)**

The Commission adopted the proposal for a Regulation in COM(2004)761, for transmission to the Council, together with the Commission staff paper in SEC(2004)1445.

**9.8. OPOCE/R - FUNCTION OF DIRECTOR  
(PERS(2004)55 to /4)**

The Commission had before it applications for the post of Director of the Resources Directorate in the Publications Office, published under Article 29(1)(a) and (1)(c) of the Staff Regulations (former nomenclature) and reopened under Article 29(1)(a)(i) and (iii) and (1)(b) (new nomenclature) (PERS(2004)55 and /2).

The Commission took note of the opinions of the Consultative Committee on Appointments, given 7 July and 2 September 2004 (PERS(2004)55/3 and /4) and the position of the Publications Office Management Committee.

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Mr KINNOCK, in agreement with the PRESIDENT and Ms REDING, it then decided to appoint Mr Bernard REYNOLDS to the post.

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

**9.9. OPOCE - COMMISSION DECISION ON THE LIST OF THE CIVIL SERVANTS ASSIGNED TO THE OFFICE FOR OFFICIAL PUBLICATIONS OF THE EUROPEAN COMMUNITIES, PROMOTED IN 2004  
(C(2004)4435)**

The Commission adopted the decision in C(2004)4435.

**9.10. DG ADMIN/IDOC - DISCIPLINARY PROCEDURE AND INVESTIGATION – EXTERNAL AUDITOR**

The Commission approved:

- the appointment of Mr KALOGEROPOULOS as special adviser under Article 5 of the Conditions of Employment of Other Servants, at a level equivalent to Grade A\*15, step 1, to assist the appointing authority in processing cases IDOC CMS 02/040 and CMS 04/008, for a total of 50 days per case;
- the budgetary implications of this appointment for 2004 and 2005.

**OTHER BUSINESS**

**9.11. INFORMATION NOTE CONCERNING MATCHING SUPPLY AND DEMAND FOR TRANSLATION  
(SEC(2004)1457)**

The Commission took note of the information note in SEC(2004)1457, particularly the Conclusions at item 7.

**9.12. AUTHORISATION FOR THE COMMISSION MEMBER  
RESPONSIBLE FOR THE FIGHT AGAINST FRAUD CONCERNING  
THE PROCEDURE TO SELECT SUCCESSORS TO THE CURRENT  
MEMBERS OF THE COMMITTEE OF THE EUROPEAN  
ANTI-FRAUD OFFICE  
(SEC(2004)1433 to /3)**

The Commission adopted SEC(2004)1433/2 and authorised the Commission Member responsible for the fight against fraud to take the measures specified in the document to launch the procedure for designating the successors to the current members of the OLAF Supervisory Committee.

**9.13. APPLICATION OF THE CODE OF CONDUCT FOR  
COMMISSIONERS: ACTIVITIES AFTER LEAVING OFFICE  
(SEC(2004)1456 and /2)**

The Commission held an in-depth exchange of views on the scope of obligations flowing from Article 213 of the EC Treaty and the code of conduct for Commissioners adopted on 18 September 1999 as regards activities exercised by Commissioners after leaving office. It referred more particularly to the obligation for Commissioners, under the code of conduct, to inform the Commission of the professional activities they were planning to exercise in the year after they left office. The Commission noted that the obligation to supply information did not prejudice the compatibility of the planned functions with Article 213 of the Treaty, the decision being taken by the Commission after consideration of the nature of those activities and, if they were related to the outgoing Member's portfolio, after consultation of an ad hoc ethics committee. Having noted that this provision reflected the concern for transparency in the interests of the Institution and Commissioners concerned, the Commission restated the need for strict common-sense compliance with it, taking into account the duties of integrity and discretion flowing from Article 213 of the EC Treaty, which must inspire Commissioners before and after leaving office.

Having considered the nature of the activities planned by Mr KINNOCK, Mr LAMY, Ms SCHREYER, Mr VITORINO and Mr TELIČKA after leaving office at the Commission, as set out in SEC(2004)1456/2, the Commission concluded that they were not related to their portfolios and decided that they were compatible with the last paragraph of Article 213 of the EC Treaty.

**10. PROPOSAL FOR COUNCIL DECISION AMENDING THE COMMISSION'S NEGOTIATING DIRECTIVES FOR AN INTERNATIONAL FRAMEWORK FOR THE FUTURE INTRODUCTION OF ITER AS A LEGAL ENTITY WITH A VIEW TO BUILDING AND OPERATING ITER IN DUE COURSE  
(SEC(2004)1389 to /5)**

Further to the Commission's previous discussions, Mr MICHEL presented the latest update on the negotiations and the prospects for reaching a consensus with all the six parties concerned (Euratom, China, Korea, Japan, Russian Federation and United States) for building the ITER (*International Thermonuclear Experimental Reactor*) at Cadarache. He emphasised that the proposal for amendment of the negotiating directives that he proposed presenting to the Council aimed to facilitate such a positive outcome, though, if the hoped-for consensus was impossible to reach, the Union should retain the ability to start building ITER with less than six parties.

The Commission held an exchange of views, highlighting the strategic importance of ITER in a long-term European policy seeking to diversify energy sources and reduce the European Union's energy dependence. The Commission was also aware of the need to continue promoting the development of renewable energy sources.

After its discussions, the Commission approved the communication as set out in SEC(2004)1389/4 and /5 for transmission to the Council.

## **11. RELATIONS WITH THIRD COUNTRIES**

### **SIXTH EU-RUSSIA INDUSTRIALISTS' ROUND TABLE (*The Hague, 10 November 2004*) (SEC(2004)1463)**

In support of his information note, Mr REHN reported his positive assessment of the Sixth EU-Russia Industrialists' Round Table, at which he had represented the Commission. He emphasised the interest of this forum, to which the high level of the participants and the positive and constructive nature of their statements bore witness.

The Commission took note of this information. As regards the negotiations on the roadmaps for the establishment of the four shared areas between the Union and Russia mentioned at the Round Table, the Commission confirmed the need to preserve a comprehensive approach so as to come to a balanced package that was satisfactory for both parties.

## **12. AGREEMENT FOR R&D CO-OPERATION IN THE PEACEFUL USES OF NUCLEAR ENERGY BETWEEN THE EUROPEAN ATOMIC ENERGY COMMUNITY (EURATOM) AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA (E/2337/2004) (ITEM 8.5 CONT'D) (COM(2004)755 AND /2)**

The Commission resumed its discussions on this matter (cf. item 8.5).

Following contacts with Ms SCHREYER, the Commission was informed that she did not wish to oppose the adoption of the proposal and would make her views known in a statement in the Commission's special minutes.

On this basis, the Commission adopted the communication to the Council and the draft agreement annexed to it, as set out in COM(2004)755 for transmission to the Council.

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\* \*

This being the last meeting of the Commission's term of office, Mr KINNOCK repeated the Commission's thanks to all its staff, particularly the interpreters and translators, for their support for its work. He wished all Members good luck in their future activities in the new Commission or elsewhere.

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

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The meeting closed at 1450 hours.