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SECRETARIAT-GENERAL

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MINUTES
of the 1681st meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 1 December 2004
(morning)

These minutes were approved by the Commission at its 1682nd meeting, held in Brussels on 9th December 2004.

They contain 22 pages.

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Single sitting: Wednesday 1 December (morning)

The sitting opened at 0915 hours with Mr Barroso, President, in the chair.

Present:

Mr BARROSO	President
Ms WALLSTRÖM	Vice-President
Mr VERHEUGEN	Vice-President
Mr BARROT	Vice-President
Mr KALLAS	Vice-President
Mr FRATTINI	Vice-President
Ms REDING	
Mr DIMAS	
Mr ALMUNIA	
Ms HÜBNER	
Mr BORG	
Ms GRYBAUSKAITĖ	
Mr POTOČNIK	
Mr FIGEL	
Mr KYPRIANOU	
Mr REHN	
Mr MICHEL	
Mr KOVÁCS	
Ms KROES	
Ms FISCHER BOEL	
Ms FERRERO-WALDNER	
Mr McCREEVY	
Mr ŠPIDLA	
Mr MANDELSON	
Mr PIEBALGS	

The following also sat in

Mr PETITE	Director-General, Legal Service	
Mr VALE DE ALMEIDA	Chef de cabinet to the President	
Mr DE OLIVEIRA E SOUSA	Director-General, Press and Communication	
Ms LE BAIL	Commission Spokeswoman	
Ms CORUGEDO STENEBERG	Press and Communication DG	
Ms TORRES	Spokeswoman	Item 9
Mr CABRAL	A member of the President's staff	Item 9
Mr ANNERBERG	Chef de cabinet to Ms Wallström	Items 1 to 8
Ms LAMELA	Chef de cabinet to Mr Almunia	Item 9
Ms GEBETSROITHNER	A member of Ms Ferrero-Waldner's staff	Item 11

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

1. AGENDAS

(OJ(2004)1681/3; SEC(2004)1480/2)

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

The PRESIDENT drew attention to the very heavy agenda for the Commission meeting on 22 December. Reminding the meeting of the Commission's desire for balanced planning of its work in the interests of sound management of its communications, he asked the Commission Members concerned to check, in coordination with Ms WALLSTRÖM and the relevant departments of the Secretariat-General and the Spokesman's Service, whether all the items on the agenda must be maintained.

2. WEEKLY MEETING OF CHEFS DE CABINET

(SEC(2004)1681)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 29 November.

3. MINUTES OF 1680th MEETING (24 November)

(PV(2004)1680 and /2)

The Commission approved the minutes of its 1680th meeting.

4. MONITORING THE APPLICATION OF COMMUNITY LAW: STATE AID

4.1. SPECIAL CASES

(SEC(2004)1540; SEC(2004)1499)

The Commission adopted the decisions in SEC(2004)1540.

4.2. COMMISSION COMMUNICATION ON THE PROLONGATION OF THE COMMISSION COMMUNICATION TO MEMBER STATES, PURSUANT TO ARTICLE 93(1) EC, APPLYING ARTICLES 92 AND 93 OF THE TREATY TO SHORT-TERM EXPORT-CREDIT INSURANCE (C(2004)4531 and /2; SEC(2004)1499)

The Commission adopted the communication in C(2004)4531/2 for transmission to the Member States and for publication in the Official Journal. The EFTA Supervisory Committee would also be informed of the communication.

5. WRITTEN PROCEDURES AND EMPOWERMENT

5.1. SENSITIVE WRITTEN PROCEDURES

(SEC(2004)1482)

The Commission took note of written procedures initiated between 22 and 26 November for the adoption of decisions with political implications.

5.2. EMPOWERMENT

(SEC(2004)1483 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 22 and 26 November.

5.3. DELEGATION AND SUBDELEGATION OF POWERS

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation procedure between 22 and 26 November, as archived on the "Greffé 2000" (Registry) website.

6. ANNUAL FINANCING AGREEMENTS UNDER THE 2004 SAPARD PROGRAMME – BULGARIA AND ROMANIA (SEC(2004)1498 to /3)

The Commission:

- approved the model for the annual financing agreements in SEC(2004)1498 and /3;
- authorised Ms FISCHER BOEL or, in her absence, any other Commission Member, to sign on behalf of the Commission an annual financing agreement with each of the two candidate countries concerned, including the optional provisions taken into account (set out in the text), on the understanding that this authorisation concerned the overall budgetary commitment for amounts relating to the appropriations granted to the two countries, as set out in the table in SEC(2004)1498;
- authorised all necessary legal, technical and linguistic amendments to these draft agreements, subject to prior agreement between the PRESIDENT, Ms FISCHER BOEL and Mr REHN.

7. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2004)1484/2)

ADMINISTRATIVE MATTERS
(PERS(2004)226)

**7.1. DG SANCO - EUROPEAN CENTRE FOR DISEASE PREVENTION AND
CONTROL - SHORTLIST FOR THE FUNCTION OF DIRECTOR**
(PERS(2004)228)

Having noted the procedure followed as set out in PERS(2004)226 and the opinion of the Consultative Committee on Appointments (PERS(2004)228), the Commission, on a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr KYPRIANOU:

- approved the shortlist of three candidates set out in PERS(2004)226;
- agreed to consider this list as a Commission proposal under Article 17 of Parliament and Council Regulation (EC) No 851/2004 of 21 April 2004;
- asked Mr KYPRIANOU to communicate this decision to the Management Board of the European Centre for Disease Prevention and Control.

This decision would take effect immediately.

7.2. SJ – EARLY RETIREMENT OF A DEPUTY DIRECTOR-GENERAL

The Commission accepted the request to be retired presented by Mr Giuliano MARENCO, an A*16 official and Deputy Director-General, Legal Service. It decided, in accordance with Article 52 of the Staff Regulations, that this would take effect from 1 February 2005.

The Commission thanked Mr MARENCO for all his work and his commitment to the Commission.

**7.3. DG AGRI - APPLICATION OF THE ARTICLE 50 PROCEDURE
(SECOND STAGE) WITH RESPECT TO AN A*15 OFFICIAL
(PERS(2004)227)**

The Commission continued its discussions on this matter, begun on 20 October (PV(2004)1675).

The Commission, on a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms FISCHER BOEL, adopted the decision in PERS(2004)227 to apply the second stage of the procedure laid down in Article 50 of the Staff Regulations with respect to Ms Chantal HEBETTE, an A*15 official, currently Director of Directorate J (Audit of agricultural expenditure) in the Agriculture DG.

This decision would take effect on 1 June 2005.

**7.4. DG ADMIN – SECONDMENT IN THE INTEREST OF THE SERVICE
OF AN A*15 OFFICIAL TO THE EUROPEAN UNION SATELLITE
CENTRE**

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

- to approve the secondment in the interest of the service of Mr Frank ASBECK, an A*15 official, currently Chief Adviser in the Personnel and Administration DG, to the European Union Satellite Centre;
- that this secondment would start on 1 January, for a duration of three years.

This decision would take effect immediately.

**7.5. *DG ADMIN - DECISION ON A REQUEST BY A FORMER A*15
COMMISSION OFFICIAL
(SEC(2004)1507)***

On a proposal by Mr KALLAS, the Commission decided to hold this item over pending further contacts.

OTHER MATTERS

**7.6. *IDENTIFICATION OF CASES OF CURRENT OR POTENTIAL
CONFLICT OF INTEREST
(SEC(2004)1541)***

The Commission took note of the information note from the PRESIDENT and Ms KROES concerning the arrangements made for the identification and handling of cases of current or potential conflict of interest in matters falling within the responsibility of Ms KROES.

**8. *INTERINSTITUTIONAL RELATIONS
(SEC(2004)1501)***

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on 26 November (SEC(2004)1501).

It paid particular attention to the following:

RELATIONS WITH PARLIAMENT

i) **Preparations for December I part-session**

(points 1.2 and 2.2 of the record)

The Commission, in accordance with the rules in force, authorised the Commission Members responsible, in agreement with the PRESIDENT, Ms WALLSTRÖM and any other Members associated, to take a position on Parliament's amendments to its proposals.

- MASTENBROEK report – Safer use of the internet and new online technologies - COM(2004)91 - 2004/0023 COD

The Commission adopted the line set out in SP(2004)2953.

- COELHO report - European passport: standards for security features and biometrics - COM(2004)116 - C5-0101/2004 - 2004/0039 (CNS)

The Commission adopted the line set out in SP(2004)2967.

- McMILLAN-SCOTT report - Human rights in third countries - COM(2003)639 - C6-0078/2004 - 2004/0807 (CNS)

The Commission adopted the line set out in SP(2004)2966.

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

(SEC(2004)2832; point 1.7 of the record)

The Commission adopted SP(2004)2832 on the action taken on Parliament's opinions and resolutions adopted at its October I and II part-sessions, for transmission to Parliament.

iii) **Framework agreement between the Commission and Parliament**

(point 3.4 of the record)

Ms WALLSTRÖM indicated that Parliament wished to press ahead with all speed with the renegotiation of the framework agreement. To this end, the Commission should define its negotiating platform, which

should be based on three factors, viz.: the commitments made by the PRESIDENT at the confirmation of the new Commission on 18 November; the assessment of the implementation of the framework agreement prepared by Commission departments; and the contributions by Commission Members in the light of their personal experience over recent months. While emphasising the need to avoid delaying work and to comply with the undertakings given to Parliament, Ms WALLSTRÖM pointed out that it would be necessary in due course to put these discussions into a wider interinstitutional context.

Concerning the presentation of the legislative and work programme for 2005 and the five-year plan, Ms WALLSTRÖM proposed to hold discussions with Parliament with a view to ensuring careful preparation of these dossiers, particularly in the light of the general discussion to be held by Parliament on 14 December.

The Commission took note of this information and held a brief exchange of views on the points raised by Ms WALLSTRÖM.

In conclusion, the PRESIDENT confirmed the need for the Commission to comply with its undertakings and to develop a proactive approach to the revision of the framework agreement. Ms WALLSTRÖM was responsible for carrying out this process in close association with him and with the support of the Secretariat-General. He therefore asked Ms WALLSTRÖM to report to the Commission as soon as possible on the line to take and on the timetable. Having also noted that he had indicated to Parliament that the Commission would be presenting the legislative and work programme for 2005 and the five-year plan in January 2005, the PRESIDENT felt that it would be useful to continue contacts with Parliament with a view to arriving at an agreement on this

question, bearing in mind the desirability of sound preparations. He reminded the meeting that the Commission would be holding a general discussion on these dossiers at its next meeting

RELATIONS WITH THE COUNCIL

Further to the role of the Interinstitutional Relations Group, whose setting-up and first meeting he welcomed, the PRESIDENT asked Commission Members to indicate to the IRG any sensitive dossiers on the agenda for forthcoming Council meetings which merited a policy discussion at Commission level. He also emphasised the responsibility conferred on Ms WALLSTRÖM in this identification process.

9. COMMISSION COMMUNICATION TO PARLIAMENT AND THE COUNCIL REPORT ON THE ACCOUNTABILITY ISSUE RELATED TO THE REVISION OF GREEK BUDGETARY DATA

(COM(2004)784 to /3; SEC(2004)1506; SEC(2004)1539)

URGENT INFRINGEMENT CASE (2004/2234 - GREECE – FAILURE TO COMMUNICATE DATA CONCERNING REGULATIONS (EC) No 3605/93 AND No 2223/96)

(SEC(2004)1490 and /2; SEC(2004)1506)

Mr ALMUNIA tabled a communication to Parliament and the Council (COM(2004)784/2 and /3), drawn up on the basis of a detailed report by Eurostat (SEC(2004)1539). He reminded the meeting of the background to this case, the origin of which lay in the substantial revision of the budgetary statistics communicated by Greece for the years 1997 to 2003, following the initiative of the present Greek Government to carry out an in-depth budgetary audit and various

previous actions by Eurostat. Given the implications for the credibility of the system as a whole, conclusions should be drawn on the basis of an analysis of the shortcomings on the part of the various players concerned, and, going beyond this particular case, actions identified that could be taken to make sure that such situations did not recur. In this spirit, Mr ALMUNIA would shortly be tabling proposals to improve statistical governance and to enhance arrangements for the surveillance of data. The information supplied by the Greek authorities should now enable Greece's situation to be brought more closely into line on many points with its obligation to supply statistical data in accordance with Community rules. However, certain problems remained concerning the declaration and monitoring of data relating to the deficit. Mr ALMUNIA therefore proposed to open infringement proceedings against Greece so as to prevent the transmission of incorrect or incomplete data in the future.

On the basis of the information supplied by Mr ALMUNIA, the Commission held an in-depth discussion, covering the following questions in particular:

- the various data taken into account in the calculations and underlying the revision of the statistics for Greece;
- the role of Eurostat and the Greek Government and cooperation between them in detecting and correcting problems;
- the need to strengthen the existing regulatory framework so as to ensure the credibility of the budgetary surveillance system, which was of crucial importance for economic and monetary union;
- the respective responsibilities of the Commission and the Member States in this field;
- the importance of the reliability of the statistical tools used by the Member States and the need to verify them;
- the need to strengthen the powers and means of Eurostat so as to ensure that budgetary surveillance was based on a sound statistical basis;

- the need to ensure the credibility of the overall European statistical system.

After its discussion, the Commission:

- approved the communication in COM(2004)784/2 and /3 for transmission to Parliament and the Council;
- took note of the report by Eurostat (SEC(2004)1539), which would be transmitted as a staff paper to the same institutions;
- as regards infringement case 2004/2234 - Greece – Failure to communicate data concerning Regulations (EC) No 3605/93 and No 2223/96, decided to send a letter of formal notice to the Greek authorities, together with a deadline for reply of two months (cf. SEC(2004)1490/2);
- took note of the publication of a press release, amended according to the comments made during the meeting by the PRESIDENT.

10. COUNCIL MEETINGS

(SI(2004)1010)

10.1. ECONOMIC AND FINANCIAL AFFAIRS

(BRUSSELS, 25 NOVEMBER)

(SEC(2004)1537; SI(2004)1011)

Ms GRYBAUSKAITĖ drew attention to the Council's adoption of the draft budget for 2005 following a long and difficult conciliation meeting with Parliament. She pointed to the political importance of this agreement, which was an indication of the desire for cooperation between the two arms of the budgetary authority and of the role of the Commission mediator.

The Commission congratulated Ms GRYBAUSKAITĖ on this success. The Commission also took note of the information note distributed by Ms GRYBAUSKAITĖ.

10.2. COMPETITIVENESS

(BRUSSELS, 25 AND 26 NOVEMBER)

(SI(2004)1016; SI(2004)1019)

Mr VERHEUGEN reported on the Council meeting, at which his presentation of the Commission's ideas on strengthening competitiveness had been favourably received. He also mentioned the holding of the first Council meeting (Space) attended by the ministers of the 25 Member States, the ministers of the Council of the ESA and the relevant ministers from Switzerland, Norway and Canada. A positive attitude had been shown by all participants towards the future work of this body, which paved the way for the launch of a European space programme.

Mr McCREEVY referred to the Council's discussion on the proposal for a Directive on services in the internal market, where the proposal's economic importance was underlined, notwithstanding the specific concerns that had been raised about it. Following this discussion, he drew attention to the importance of an effort at communication and dialogue with Parliament and the various operators concerned. Political agreement had been reached on the proposal for a Directive on cross-border mergers of companies with share capital. Expressing his confidence in the action to be taken in this matter by Parliament and the future Luxembourg Presidency, Mr McCREEVY expressed thanks for the preparatory work carried out and the smooth cooperation offered by the Dutch Presidency.

Mr POTOČNIK reported on the Council meeting (Research), which had adopted the new negotiating mandate concerning the installation of the ITER

experimental thermonuclear fusion reactor and had held an initial debate on the Commission communication on the future of European research.

**10.3. INFORMAL MEETINGS OF URBAN DEVELOPMENT MINISTERS
(ROTTERDAM, 29 AND 30 NOVEMBER)
(SEC(2004)1543; SEC(2004)1544)**

Ms HÜBNER reported on the two informal ministerial meetings held in Rotterdam on 29 and 30 November, devoted respectively to territorial cohesion and urban policy in Europe. The participating Member States clearly wished to strengthen cooperation in these areas and to put the emphasis on territorial cohesion in support of the objectives set by the Lisbon and Gothenburg agendas. Taking into account the undertaking given by the forthcoming Luxembourg and British Presidencies to press ahead on this issue, Ms HÜBNER asked Commission Members to take part in this effort by means of cooperation between the departments concerned.

The Commission took note of this information and the information notes supplied by Ms HÜBNER.

**10.4. EMPLOYMENT, SOCIAL POLICY, HEALTH AND CONSUMERS
(BRUSSELS, 6 AND 7 DECEMBER)**

Mr ŠPIDLA drew the Commission's attention to the main items to be discussed at the Council meeting, particularly the proposal for a Directive amending Directive 2003/88 on the organisation of working time and the proposal for a Directive on the working conditions of temporary workers, on which resistance from certain Member States could be expected.

The Commission took note of this information and held a brief exchange of views concerning the Directive on the organisation of working time. It pointed to the balanced nature of its proposal and the urgent need to find a

solution to the question of standby time, having regard to the consequences of the Court's ruling in this matter.

10.5. ECONOMIC AND FINANCIAL AFFAIRS
(BRUSSELS, 7 DECEMBER)

Among the items on the agenda for the next Council meeting (Economic and Financial Affairs), Mr KOVÁCS drew attention to the sensitive question of reduced VAT rates and the signature, on the fringe of the Council, of bilateral tax agreements with Liechtenstein, Monaco and San Marino, which laid the basis for a new framework for tax cooperation with these countries.

Mr ALMUNIA would be presenting to the Council the communication on the revision of Greece's data budgetary which the Commission had just adopted (see item 9 above). A general debate was also planned on several cases which the Commission would shortly be referring to the Council under the excessive deficit procedure, bearing in mind the discussion on the reform of the stability and growth pact to be held in January.

11. RELATIONS WITH NON-MEMBER COUNTRIES

11.1. SITUATION IN UKRAINE
(SEC(2004)1546)

Ms FERRERO-WALDNER gave the latest information on the situation in Ukraine and the efforts made by the European Union to help Ukraine to find a political and democratic solution to the present crisis. She reviewed the various aid instruments available and mentioned the effects that any prolongation of the crisis could have on the Union's neighbourhood policy towards Ukraine, and the presentation of the action plan proposed under it.

The Commission took note of this information and held an in-depth exchange of views on the situation in Ukraine, after which it confirmed:

- the need to continue efforts to find a peaceful and speedy solution to the present crisis;
- the importance for the Union of maintaining good relations with Ukraine and developing a neighbourhood policy towards Ukraine, given that implementation of the action plan would depend on how the democratisation process developed.

The Commission took note of the information note distributed by Ms FERRERO-WALDNER.

11.2. *EURO-MEDITERRANEAN MINISTERIAL CONFERENCE (THE HAGUE, 29 AND 30 NOVEMBER)*

Ms FERRERO-WALDNER reported on the conference, which had been dominated by political subjects, particularly the forthcoming presidential elections in Palestine. There had been positive and constructive discussions on this matter between the Israeli and Palestinian representatives. Also, with an eye to the 10th anniversary of the Barcelona process, she had announced the presentation of a Commission communication on the revision thereof.

**11.3. *VISIT BY Mr MICHEL TO SUDAN (26 TO 29 NOVEMBER)*
*(SEC(2004)1545)***

Mr MICHEL reported on his visit to Sudan, which had given him the opportunity to see the situation on the ground in Darfur. He had delivered messages at his various meetings with President Omar AL-BASHIR, the Foreign Minister and representatives of the various opposition parties and

forces, civil society and humanitarian organisations, particularly concerning the peace process, relations with the Union, and the importance of a solution between the North and the South that would enable development cooperation to be resumed. As regards the humanitarian aspect, Mr MICHEL pointed to the substantial aid granted by the Union; in case WFP aid was interrupted at the start of 2005, he intended to release additional amounts mobilised from the EDF.

11.4. ENLARGEMENT PROCESS

Mr REHN reported on the state of play in the accession negotiations with Bulgaria and Romania and on the respective positions of Parliament and the Council concerning the enlargement process with Turkey.

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The meeting closed at 1205 hours.