



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2005)1687

Brussels, 2 February 2005

MINUTES
of the 1687th meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 26 January 2005
(morning)

These minutes were approved by the Commission at its 1688th meeting, held in Brussels on 2 February 2005.

They contain 27 pages.

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Single sitting: Wednesday 26 January (morning)

The sitting opened at 0910 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	
Mr ITALIANER	Deputy Chef de cabinet to the President	
Mr ANNERBERG	Chef de cabinet to Ms Wallström	Item 5
Mr GUEREND	A member of Ms Ferrero-Waldner's staff	Item 5.2
Ms CORUGEDO STENEGER	Press and Communication DG	
Mr MOAVERO-MILANESI	Deputy Secretary-General	Items 7 and 8
Mr BISARRE	Secretariat-General	Items 7 and 8
Mr SERVOZ	Secretariat-General	Items 7 and 8
Mr SLEATH	Secretariat-General	Items 7 and 8

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

1. AGENDAS

(OJ(2005)1687/3; SEC(2005)52/2)

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(2005)1687)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 24 January.

The Commission noted that the following reports on the implementation of the Lisbon strategy, originally placed on the agenda for the present meeting, were tabled for approval by written procedure (deadline: Thursday 27 January at 1100 hours), following agreement on them at the weekly meeting of Chefs de cabinet:

- second report on implementation of the broad economic policy guidelines (BEPGs) under Article 99(3) of the EC Treaty;
- draft joint report on employment 2004-05;
- draft joint report on social protection and social inclusion;
- 2004 environment policy review;
- report on the implementation in 2004 of the action plan for eco-technologies;
- second report on the implementation of the internal market strategy 2003-06.

**3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1686th MEETING
(19 January)
(PV(2005)1686 and /2; PV(2005)1686, Part II)**

The Commission approved the minutes of its 1686th meeting.

4. WRITTEN PROCEDURES AND EMPOWERMENT

**4.1. WRITTEN PROCEDURES APPROVED
(SEC(2005)53 et seq.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 17 and 21 January.

**4.2. SENSITIVE WRITTEN PROCEDURES
(SEC(2005)54)**

The Commission took note of written procedures initiated between 17 and 21 January for the adoption of decisions with political implications.

**4.3. EMPOWERMENT
(SEC(2005)55 et seq.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 17 and 21 January.

**4.4. GENERAL EMPOWERMENT FOR APPOINTING PHYTOSANITARY EXPERTS TO CARRY OUT CHECKS ON CERTAIN GOODS TO BE TRADED ACROSS THE GREEN LINE IN CYPRUS
(SEC(2005)102 and /2)**

The Commission approved the granting of the general empowerment concerning the appointment of phytosanitary experts to carry out checks on certain goods to be traded across the Green Line in Cyprus, as set out in SEC(2005)102 and /2.

**4.5. AD HOC EMPOWERMENT CONCERNING ADOPTION OF THE JOINT EMPLOYMENT REPORT 2004-05 AND THE JOINT REPORT ON SOCIAL PROTECTION AND SOCIAL INCLUSION
(COM(2005)13/4; COM(2005)14/4)**

The Commission empowered the Commission Member responsible for employment, social affairs and equal opportunities, in agreement with the PRESIDENT, to adopt at the appropriate time, jointly with the Council, the joint employment report 2004-05 and the joint report on social protection and social inclusion, with a view to the spring European Council.

4.6. DELEGATION AND SUBDELEGATION OF POWERS

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation procedure between 17 and 21 January, as archived on the "Greffé 2000" (Registry) website.

5. INTERINSTITUTIONAL RELATIONS

(SEC(2005)95)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on 21 January (SEC(2005)95).

It paid particular attention to the following:

5.1. *LEGISLATIVE MATTERS*

i) *Preparations for January II part-session* (point 1.2 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.

It paid particular attention to the following:

- RÜBIG report - Multiannual Community programme to make digital content in Europe more accessible, COM(2004)96 - 2004/0023 (COD)

The Commission adopted the line set out in SP(2005)247.

Empowerment

Under Article 13 of its Rules of Procedure the Commission empowered Ms REDING, in agreement with the PRESIDENT, Ms WALLSTRÖM 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 SP(2005)247, once Parliament had given its opinion, and transmit them to the Council in accordance with Article 251(2)(c) of the Treaty.

5.2. RELATIONS WITH PARLIAMENT

ii) Action taken on Parliament's opinions and resolutions

(point 1.7 of the record)

The Commission adopted SP(2005)239 on the action taken on Parliament's opinions and resolutions adopted at its December I and II part-sessions, for transmission to Parliament.

iii) Revision of the framework agreement between Parliament and the Commission – state of negotiations

(point 4.4 of the record; SEC(2005)111)

Ms WALLSTRÖM reported on the negotiations in progress between the Commission and Parliament on updating the framework agreement governing relations between the two institutions. The atmosphere was positive, and there was a good chance of reaching agreement before Easter. Without opening everything again, the high-level technical group was mandated to improve the present text by means of drafting amendments and the codification of certain already existing practices, to incorporate the points set out in Parliament's resolution of 18 November and to identify sensitive points requiring negotiations at political level. Making clear that nothing was fixed until agreement was reached on the whole text, Ms WALLSTRÖM drew particular attention to three substantive points on which positions diverged at this stage and which called for political arbitration, viz.: the procedure for the replacement of a Commission Member during his or her term of office; withdrawal of confidence in a Commission Member; and informing Parliament in the event of a Commission Member being relieved of a dossier and its being reallocated because of conflicts of interest. These politically sensitive points could be settled at a meeting of the

Conference of Presidents planned before the end of February which she and the PRESIDENT would be attending.

The Commission held an in-depth exchange of views on the political challenges of the negotiations, in particular:

- the importance of approaching the revision of the framework agreement in a spirit of openness and mutual respect and confidence, without prejudice to the necessary caution and firmness inherent in any negotiation;
- the Commission's desire to cooperate to bring the process to a successful conclusion and arrive at a balanced agreement, taking account of the limits of the existing Treaties and of the Constitution, once it was in force;
- the need to observe, on both sides, the existing institutional orthodoxy and to keep to the powers attributed to each institution in the institutional triangle, thereby contributing to their respective credibility;
- as regards the politically sensitive points mentioned, the need to comply with the commitments made by the PRESIDENT at the Commission's investiture on 18 November, while maintaining the prerogatives of the institution without exception.

Following this debate, the Commission took note of the information note distributed by Ms WALLSTRÖM and endorsed the line proposed as agreed in its discussions. It noted that it would be kept regularly informed of progress in the negotiations being carried on under the aegis of the PRESIDENT and Ms WALLSTRÖM.

5.3. RELATIONS WITH THE COUNCIL
(SI(2005)31)

iv) **Discussions open to the public and public debates in the Council**
(point 3.3.1 of the record)

The Commission took note of the list of dossiers in the codecision procedure that could be chosen for public debates in the Council, as set out in SI(2005)23/2, and instructed its departments to inform the Council accordingly.

v) **Enlargement of the OECD: proposal for a common position of the Commission and the Member States**
(point 3.3.2 of the record)

The Commission took note of SI(2005)24/2 and instructed its departments to transmit it to the Council for the attention of COREPER II.

vi) **Proposal for a Council Regulation on amending and suspending the application of Regulation (EC) No 2193/2003 establishing additional customs duties on imports of certain products originating in the United States of America**
(point 3.3.3 of the record)

The Commission authorised Mr MANDELSON, with a view to a decision to be taken by qualified majority at the Council meeting (General affairs and external relations) on 31 January, to accept the amendments likely to be made to the Commission's initial proposal, in accordance with the line set out in SI(2005)27/2.

vii) **EU-United States relations**
(SEC(2005)120)

In support of their information note prepared in the light of the meeting of the external relations group of Commission Members on 20 January, Ms FERRERO-WALDNER and Mr MANDELSON set out the main questions likely to arise, from the Commission's point of view, during President BUSH's visit to the Community institutions on 22 February.

The Commission took note of this information and held an in-depth discussion covering in particular:

- the historic opportunity provided by President BUSH's visit to revitalise transatlantic relations and the positive contribution that the Commission could make here;
- the fact that this visit, which was highly political in character, required a different approach from the regular EU-US summit to be held in June on the normal basis;
- without prejudice to the value of the various individual subject areas involved in transatlantic relations, the need to focus on essential and unifying political messages that could really help improve the working atmosphere between the two partners;
- the importance of a useful participation in the debate on certain important foreign policy issues, particularly Iraq, Iran, the Middle East, the western Balkans, and Ukraine, emphasising the active role that the new EU of 25 (to be further enlarged in due course) could play in the stabilisation process of these neighbouring regions;

- the need for the Commission to select in a constructive manner the positive messages, the convergent views and the shared values of the transatlantic partnership, without renouncing the specific features of the European approach, such as the commitment to effective multilateralism and the promotion of democratic values in the world.

In conclusion, the PRESIDENT expressed the hope that President BUSH's visit to the European institutions could help improve US understanding of the European integration process and make more visible the willingness of the Union and the United States to cooperate and work closely as world partners discharging their responsibilities.

viii) **Earthquake and tsunami in the Indian Ocean**

(SEC(2005)121; SEC(2005)122)

Ms FERRERO-WALDNER presented two information notes on the action taken and planned by the Commission in response to the tsunami in south-east Asia, and the measures to be considered to strengthen the Union's capacity for a speedy response, with a view to the drawing-up of an action plan as requested by the Council (General affairs and external relations) on 7 January. She reviewed the various factors of the action plan that the Commission could present at the Council meeting (General affairs and external relations) on 31 January, particularly: a strategy to strengthen the preventive aspect; improving the response to emergency situations; strengthening the civilian/military interface; a platform to ensure a planned, coordinated and coherent response; the supply of rehabilitation and reconstruction aid in good time.

The Commission held an exchange of views on the various measures proposed in the short and longer term, emphasising:

- the importance of improving existing capacities and instruments, both of the Commission and of the Member States, knowing that the level of ambition depended on the means that the Council was prepared to make available;
- the need to take the anti-fraud dimension into account in the conception and implementation of measures;
- the advisability of emphasising the specific nature and the effectiveness of existing mechanisms within the Commission in the field of humanitarian aid;
- the importance of demonstrating the added value, effectiveness and visibility of Community action in the field of crisis management;
- the desirability of highlighting the technological means at the Union's disposal as regards prevention as well as the need to develop an early warning system within the Union.

As regards SEC(2005)122 and without prejudice to the amendments which would be communicated bilaterally, the Commission took note of the following amendments:

- after the third paragraph of item 5, to add the following sentence: “*The Commission will also develop proposals for optimal use of space-based technologies and expertise for early warning systems and post-crisis management*”.
- the penultimate paragraph of item 5 to read: “*The forthcoming review of the Financial Regulation will provide an opportunity to assess how best to reconcile the needs of reconstruction assistance with the requirements of sound financial management and public procurement*”.

In conclusion, the PRESIDENT noted the Commission's support for the approach developed in the two information notes presented by Ms FERRERO-WALDNER, in agreement with Mr DIMAS, Mr MICHEL and Ms GRYBAUSKAITĖ. The Commission's response must be clear and convincing and must meet Parliament's and the Council's demands in terms of planning, coordination and consistency. These information notes, together with the points made during the meeting, would form the basis of work, under the aegis of Ms FERRERO-WALDNER, in association with the Commission Members concerned, to prepare the PRESIDENT's intervention at the Council (General affairs and external relations) on 31 January.

- ix) **Council (Agriculture and Fisheries), 24 January: situation in the fishing industry in the countries of south-east Asia affected by the tsunami**
(point 3.3.4 of the record; SI(2005)48)

Mr BORG reported that the Council had welcomed the Commission proposal to consider accompanying measures for the rehabilitation and reconstruction of the fishing industry in the regions most affected by the tsunami, and announced that he would be tabling legislative proposals to this effect at a future meeting.

The Commission took note of this information.

- x) **Special conference of European education ministers “*Europe-Asia schools solidarity*”, Paris, 22 January 2005**
(SEC(2005)119)

The Commission took note of the information note and the comments made during the meeting by Mr FIGEL on the outcome of the conference of Education Ministers on how education systems could make a contribution to the countries affected by the tsunami.

5.4. OTHER MATTERS

- xi) **Storage of data processed for the purpose of providing electronic public communications services with a view to the detection and prosecution of criminal acts**

(point 7.1 of the record)

The Commission agreed with the line set out in the note at Annex C to the record.

6. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2005)56/3)

ADMINISTRATIVE MATTERS

(PERS(2005)14/2)

6.1. 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 with respect to an A*15 official.

**6.2 LEGAL SERVICE – FUNCTION OF DEPUTY DIRECTOR-GENERAL
(PERS(2005)15)**

On a proposal from Mr KALLAS, in agreement with the PRESIDENT, the Commission decided under Article 29(1)(a)(i) and (iii) of the Staff Regulations to publish the vacancy notice in PERS(2005)15.

This decision would take effect immediately.

**6.3 DG SCIC - AMENDMENT OF ORGANISATION CHART AND
DESIGNATION OF AN OFFICIAL TO ACT IN THE ABSENCE OF
THE DIRECTOR-GENERAL**

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

- to create a function of Chief Adviser reporting to the Director-General, Interpretation, and in the interest of the service to transfer Mr David WALKER to this post before he took up his duties at the European Administrative School;
- to transfer, in the interest of the service, Mr Carlos Eduardo ALEGRIA, an A*15 official, currently Director, Directorate A (Interpreters), to the post of Director, Directorate B (Resources and administration);
- to appoint Mr Carlos Eduardo ALEGRIA to deputise for the Director-General, DG SCIC, in the latter's absence.

This decision would take effect on 1 February.

**6.4 DG ELARG - TRANSFER OF A DIRECTOR IN THE INTEREST OF
THE SERVICE**

The Commission, on a proposal from Mr KALLAS and in agreement with the PRESIDENT and Mr REHN, decided to fill the post of Director, Directorate A (Acceding countries) in the Enlargement DG by transferring to it, in the interest of the service and with his post, Mr Timo SUMMA, an A*15 official, currently Director, Directorate E, in the Enterprise and Industry DG.

This decision would take effect on 15 February.

6.5. DG AGRI/H – LEAVE ON PERSONAL GROUNDS FOR A DIRECTOR

On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms FISCHER BOEL, the Commission approved leave on personal grounds, under Article 15(2) of the Staff Regulations, requested by Mr BURTSCHER, an A*15 official, currently Director, Directorate H (Agricultural legislation) in the Agriculture DG, with effect from 1 February and for the duration of his term of office.

**6.6. DG ENV/B - A*14-A*15 POST OF DIRECTOR (EU-10)
(PERS(2004)152 to /6)**

The Commission had before it applications under Article 29(2) of the Staff Regulations for the post of Director, Directorate B (Protecting the natural environment) in the Environment DG reserved for a national of one of the new Member States (PERS(2004)152, /2, /3 and /5).

The Commission took note of the opinions of the Consultative Committee on Appointments of 15 October and 2 December 2004 (PERS(2004)152/4 and /6).

The Commission proceeded to compare the candidates' qualifications for the post. On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr DIMAS, it then decided to appoint Mr Ladislav MIKO to the post.

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

**6.7. DG INFSO - AMENDMENT OF ORGANISATION CHART
(SEC(2005)104)**

The Commission, on a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms REDING, approved the amendment of the

organisation chart of the Information Society and Media DG, as set out in SEC(2005)104.

This decision would take effect on 1 February.

**6.8 SECRETARIAT-GENERAL - AMENDMENT OF ORGANISATION
CHART
(SEC(2005)105)**

The Commission, on a proposal from Mr KALLAS, in agreement with the PRESIDENT, approved the amendment of the organisation chart of the Secretariat-General as set out in SEC(2005)105.

This decision would take effect on 1 February.

**6.9 OLAF – EXTERNAL PUBLICATION OF FUNCTION OF
DIRECTOR-GENERAL
(PERS(2005)244/2)**

The Commission took note of the information supplied during the meeting by Mr KALLAS. It noted that, following internal and interinstitutional publication of the post, only one application had been received. In order to widen the choice of candidates, the Commission, on a proposal from Mr KALLAS, in agreement with the PRESIDENT, decided under Article 29(2) of the Staff Regulations to authorise the publication of the vacancy notice in PERS(2005)244/2.

OTHER MATTERS

6.10. *ACTIVITIES OF Mr BOLKESTEIN AFTER LEAVING THE COMMISSION* ***(SEC(2005)99)***

The Commission adopted the communication in SEC(2005)99.

6.11. *ACTIVITIES OF Mr PATTEN AFTER LEAVING THE COMMISSION* ***(SEC(2005)98)***

The Commission adopted the communication in SEC(2005)98.

6.12. *CREATION, ORGANISATION AND OPERATION OF THE EUROPEAN ADMINISTRATIVE SCHOOL* ***(SEC(2005)106 and /2; COM(2005)23 and /2)***

The Commission took note of the information provided during the meeting by Mr KALLAS concerning the decisions before it, which were in line with the administrative reform launched in 2000 and were aimed at organising, by means of the creation of the European Administrative School, certain types of training for the staff of the signatory Community institutions.

Having noted the importance of this initiative and the fact that it had been approved by the other institutions, the Commission approved the two decisions on the creation, organisation and operation of the European Administrative School, as set out in SEC(2005)106 and COM(2005)23, for publication in the Official Journal.

**6.13. IMPLEMENTATION OF THE COMMISSION'S NEW ACCOUNTING
SYSTEM
(SEC(2005)110)**

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

**7. STRATEGIC OBJECTIVES 2005 - 2009
(COM(2005)12 to /3; SEC(2005)92)**

**8. THE COMMISSION'S WORK PROGRAMME FOR 2005
(COM(2005)15 to /4; SEC(2005)92)**

The PRESIDENT presented together the two dossiers he was tabling. He thanked the Secretariat-General, Ms WALLSTRÖM's staff, his staff and all the Members' Offices and departments concerned for their intense and cooperative work in completing the preparation of these documents.

The PRESIDENT stated that the document on the strategic objectives 2005-09 followed the Commission's general discussion of 9 December 2004 (PV 1682) and was the fruit of a long preparatory process, taking account of the views expressed by Parliament, the Member States and civil society. He would be presenting the document to Parliament that Wednesday afternoon and to the Council (General affairs) the following Monday. Inspired by the provisions of the Constitution, the objective was to reach agreement between the three institutions on a joint platform for Union action for the five years ahead. This proposal constituted the first component of the partnership approach he had put forward at the time of his appointment. This partnership concerned both the institutions, which must demonstrate their ability to work together for the achievement of common

objectives, and the citizens, with whom it was necessary to forge a new relationship in order to work for and with them. This partnership must be a keystone of the process of European renewal, with the objectives of prosperity, solidarity and security, together with the external dimension of these priorities. These were ambitious objectives, but he felt they were necessary to meet the public's expectations of Europe. They also meant that the Union had to have the financial means available to achieve them and that the financial perspective be drawn up with this aim in view.

The PRESIDENT noted that the work programme for 2005, whose adoption he was now proposing, constituted the first opportunity for the Commission to implement the strategic objectives he had just presented. As regards methodology, the work programme was more political and compact in nature than previous programmes, and was more binding on Commission Members, who commit themselves politically to implement the initiatives announced within the deadlines indicated. The proposals should be of the highest quality and meet the most stringent criteria of sound governance. To this end, with the exception of the consultation documents, they would all be subject to an impact assessment.

Following the PRESIDENT'S introduction, Ms WALLSTRÖM explained how she intended to work to ensure the effective implementation of the work programme. She also drew attention to the measures planned for an effective communication plan to accompany the presentation of the initiatives.

Having taken note of these observations, the Commission held a debate on, among other things, the following aspects:

- the balanced nature of the two documents, clearly presenting the interdependent and mutually reinforcing nature of the various objectives;

- the importance of a collective commitment to the objectives and initiatives underlying it;
- highlighting the Commission's capacity to identify the problems, to resolve them and make the necessary political choices whatever their difficulty;
- the importance of the partnership approach, the role of the Commission in this connection and the need to avoid elitist and bureaucratic behaviour;
- the need for effective communication action vis-à-vis the various external players (Parliament, Member States, national media, the public, etc.), relaying a message of optimism, responsibility and willingness to act that would overcome political cleavages and traditional scepticism;
- the need to concentrate on targeted messages and essential initiatives, to demonstrate European added value and the capacity to deliver;
- the links with the mid-term review of the Lisbon strategy;
- the importance for the Commission of improving the quality of the initiatives it presented and to ensure the effective implementation of the rules.

During its discussion, the Commission agreed the following amendments:

- at item 2.3 of the document on strategic objectives (COM(2005)12/3), a reference to audiovisual works would be added to the paragraph on cultural diversity;
- in the same document, mention would be made of the social dialogue;
- item III of Annex 1 to the work programme (COM(2005)15 and /4) would be corrected so as to make it clear that the third safety at sea package was a matter for legislative action.

Subject to these amendments and to any linguistic revisions, the Commission:

- approved the communication on strategic objectives 2005-09 (COM(2005)12/3) for transmission to Parliament and the Council and, for information, to the Economic and Social Committee and the Committee of the Regions;
- adopted its work programme for 2005 (COM(2005)15 and /4) for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.

9. TRENDS IN THE MEMBER STATES

In agreement with Ms WALLSTRÖM, the Commission decided to hold this item over for one week.

10. RELATIONS WITH NON-MEMBER COUNTRIES

VISIT BY Mr REHN TO THE BALKANS

The Commission decided to hold this item over for its next meeting.

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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 1255 hours.