



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

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Brussels, 2 March 2005

MINUTES
of the 1691st meeting of the Commission
held in Strasbourg
(Winston Churchill Building)
on Tuesday 22 February 2005
(morning)

These minutes were approved by the Commission at its 1692nd meeting, held in Brussels on 2 March 2005.

They contain 18 pages.

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*FIGHTING TERRORISM: A MEMORIAL REPORT DEDICATED TO THE
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Single sitting: Tuesday 22 February (morning)

The sitting opened at 0905 hours with Mr Barroso, President, in the chair.

Present:

Mr BARROSO President

Ms WALLSTRÖM Vice-President

Mr BARROT Vice-President

Mr KALLAS Vice-President

Mr FRATTINI Vice-President

Mr DIMAS

Ms HÜBNER

Mr BORG

Ms GRYBAUSKAITĖ

Mr POTOČNIK

Mr FIGEL

Items 7 to 9

Mr KYPRIANOU

Mr REHN

Mr MICHEL

Mr KOVÁCS

Ms KROES

Ms FISCHER BOEL

Mr McCREEVY

Mr ŠPIDLA

Mr PIEBALGS

Absent:

Mr VERHEUGEN

Vice-President

Ms REDING

Mr ALMUNIA

Ms FERRERO-WALDNER

Mr MANDELSON

The following sat in to represent absent Members of the Commission

Mr CHANTERIE	A member of Ms Reding's staff
Ms LAMELA	Chef de cabinet to Mr Almunia
Mr SCHWAIGER	Deputy Chef de cabinet to Ms Ferrero-Waldner

The following also sat in

Mr PETITE	Director-General, Legal Service
Mr VALE DE ALMEIDA	Chef de cabinet to the President
Mr DOWGIELEWICZ	Spokesman

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

1. AGENDAS

(OJ(2005)1691/3; SEC(2005)245/2)

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)1691)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Thursday 17 February.

3. MINUTES OF 1690th MEETING (16 February)

(PV(2005)1690)

The Commission approved the minutes of its 1690th meeting.

4. WRITTEN PROCEDURES AND EMPOWERMENT

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2005)246 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 14 and 18 February.

4.2. SENSITIVE WRITTEN PROCEDURES

(SEC(2005)247)

The Commission took note of written procedures initiated between 14 and 17 February for the adoption of decisions with political implications.

4.3. EMPOWERMENT

(SEC(2005)248 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 14 and 18 February.

4.4. DELEGATION AND SUBDELEGATION OF POWERS

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation procedure between 14 and 18 February, as archived on the "Greffé 2000" (Registry) website.

5. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2005)249/2)

ADMINISTRATIVE MATTERS

(PERS(2005)26/2)

5.1. OLAF - FUNCTION OF DIRECTOR OF THE OFFICE

In accordance with the principle of continuity of service, the Commission, on a proposal from Mr KALLAS in agreement with the PRESIDENT, decided that Mr Franz-Hermann BRÜNER, an A*16 official whose term of office as Director of the European Anti-Fraud Office expired on 1 March,

would dispatch the routine business of the Anti-Fraud Office until the Commission took a decision concerning the appointment to this post.

5.2. *DG INFO/S - FUNCTION OF DIRECTOR*

On a proposal from Mr KALLAS in agreement with the PRESIDENT, Ms REDING and Mr McCREEVY, the Commission decided to fill the post of Director of Directorate S (General Affairs) in the Information Society and Media DG by the transfer in the interest of the service of Ms Susan BINNS, an A*15 official, currently Chief Adviser in the Internal Market and Services DG.

6. INTERINSTITUTIONAL RELATIONS (SEC(2005)253)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on 16 February (SEC(2005)253).

It paid particular attention to the following:

6.1. *RELATIONS WITH PARLIAMENT*

i) Preparations for February part-session - legislation (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:

2nd reading

- FOURTOU report: Community customs code, COM(2003)452 - 03/0167 (COD)

Having noted that at this stage no amendments had been tabled to the Council common position, the Commission adopted the line set out in SP(2005)713 and authorised the statement annexed thereto to be made in plenary session as well as in the Council.

- WORTMANN-KOOL report: Safety at sea, prevention of ship-source pollution: criminal sanctions for pollution offences, COM(2003)92 – 093/0037 (COD)

The statement in SP(2005)623/3 was to be entered in the Council minutes, and the Commission adopted the line set out in SP(2005)623/2, authorising Mr BARROT to accept the amendments proposed by Parliament, thus enabling agreement to be reached between the Council and Parliament at second reading.

Empowerment

Under Article 13 of its Rules of Procedure the Commission empowered the Members concerned, 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 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:

- FOURTOOU report: Community customs code, (SP(2005)713)

- WORTMANN-KOOL report: Safety at sea, prevention of ship-source pollution: criminal sanctions for pollution offences, (SP(2005)623/2).

ii) Action taken on Parliament's opinions and resolutions

(point 1.7 of the record)

- a)** Commission Communication on the action taken on opinions and resolutions adopted by Parliament at the January I and II part-sessions (SP(2005)698)

The Commission adopted SP(2005)698 on the action taken on Parliament's opinions and resolutions at its January I and II part-sessions, for transmission to Parliament.

- b)** Approval of action taken on Parliament's non-legislative resolutions (SP(2005)526)

The Commission adopted the replies to non-legislative resolutions adopted by Parliament which the Commission had undertaken to follow up (SP(2005)526), for transmission to Parliament.

iii) Participation of Members of Parliament in international conferences:

49th meeting of the UN Commission on the status of women (New York, 28 February to 11 March)

(point 1.10 of the record)

The Commission decided to give a positive answer to Mr Borrell's request to President BARROSO concerning the participation of five members of Parliament in the above-mentioned conference.

6.2. RELATIONS WITH THE COUNCIL
(SI(2005)141)

iv) Proposal for a Parliament and Council Directive on the patentability of computer-implemented inventions

(point 2.1 of the record; SI(2005)117 and /2)

The Commission took note of SI(2005) 117/2 and decided to follow the line set out therein.

v) Revision of the Cotonou Agreement

(point 3.1 of the record; SI(2005)139 and /2)

Mr MICHEL reported on the results of the Council meeting (General Affairs and External Relations) held on 21 February, which had discussed the five-yearly review of the Cotonou Agreement with a view to finalising the Union's position at the ministerial meeting between the ACP and EU to be held on 23 February. He referred more particularly to the Council's conclusions concerning the financial allocation for the period 2008-13, under the terms of which the Council undertook to maintain aid at least at the same level as the 9th EDF (not counting the unexpended balances of previous EDFs and increased by the effects of inflation, growth in the Union and enlargement). While regretting that figures could not be announced to the ACP countries, Mr MICHEL pointed out the difficulties relating to the current discussions on the post-2007 financial perspective and to the question of the budgeting of the EDF and the scale of contribution to the amount of aid to the ACP countries. He concluded by emphasising that a decision had to be taken on the exact amount for the financial protocol by September.

Despite the problems still outstanding, the PRESIDENT congratulated Mr MICHEL on the positive overall results secured at the Council meeting (General Affairs and External Relations). Without underestimating the difficulty of the discussions to be held this Wednesday with the ACP countries, he felt that it was preferable to reach agreement straight away rather than to make it conditional on obtaining additional resources at a later stage. He noted that this illustrated once again the need for a political agreement on the next financial perspective in June. He stated his intention of working to this end with the Council Presidency and asked all Commission Members to contribute actively to this effort of persuasion in the Council formations in which they participated.

The Commission took note of this information and instructed Mr MICHEL to finalise the negotiations on the review of the Cotonou agreement in accordance with the line set out in SI(2005)139/2 and with the Council conclusions.

vi) Economic and Financial Affairs (Brussels, 17 February)

Mr KOVÁCS reported briefly on the discussions in the Council (Economic and Financial Affairs) on 17 February on the possibility of taxing kerosene in order to finance development aid. He told the meeting what line he had taken in this connection, particularly as to the importance of conducting an in-depth study of the impact on the competitiveness of airlines, the environment and the internal market before the matter was taken any further. Following the shared positions expressed by the Member States as to the advisability and purpose of such a tax, Mr KOVÁCS reported that the Commission had been asked to prepare a

study, taking into account the impact on competitiveness and the various sectors concerned.

The Commission took note of this information and held an exchange of views in which it noted particularly the need to avoid a unilateral approach in this matter and the advisability of analysing the situation jointly with the United States.

The PRESIDENT emphasised the importance of this problem. In view of the numerous areas of activity that might be affected by tax proposals (development policy, transport, environment, competitiveness, internal market, etc.), he asked Mr KOVÁCS to ensure that preparation of the study to be carried out by the Commission was properly coordinated. Mr MICHEL should also examine the implications in the light of the communication on development policy, on which he would soon report to the Commission.

vii) Other information

Extension of OECD EDRC examinations of the euro area to all EC policies and all EU-wide policies

(point 7.2 of the record; SEC(2005)220

The Commission approved the approach developed in the information note SEC(2005)220 distributed by Mr MANDELSON. With regard to the related procedural aspects, it asked Mr MANDELSON to submit this note in the form of a Commission communication to the Council, once it had been formally adopted by written procedure.

**7. COMMISSION OPINION ON THE APPLICATIONS FOR ACCESSION TO THE EUROPEAN UNION BY BULGARIA AND ROMANIA
(COM(2005)55 to /3)**

Mr REHN briefly introduced the draft opinion he was tabling, which followed the positive conclusion of the accession negotiations with Bulgaria and Romania at the Brussels European Council of 17 December 2004 and the finalisation of the Accession Treaty. After paying tribute to Mr VERHEUGEN's work in this field during his term of office in the previous Commission, Mr REHN reminded the meeting of the procedural background and the timetable for submission of this Commission opinion with a view to signing the Accession Treaty on 25 April. Regarding the substance of the opinion, it was proposed that the Commission should issue a favourable opinion concerning the accession to the European Union of Bulgaria and Romania, although the two countries should not let up in their reform efforts if they were to fully meet all the accession criteria within the required timescale. After reminding the meeting of the clause providing for accession to be deferred by one year and the various sector-specific safeguard clauses provided for in the Accession Treaty of the two countries, Mr REHN reviewed the preparations being made by Bulgaria and Romania for accession and said that the Commission would continue to carefully monitor their compliance with their commitments and obligations.

Having taken note of these observations, the Commission held an exchange of views during which it examined in more detail the following factors:

- the need for Romania to make every effort to combat corruption and trafficking in human beings, in particular children, and to reform the justice system, and in this context the Commission's intention of monitoring the situation closely;
- the problems encountered, particularly in the plant health sector, without prejudice to the willingness of the new Romanian Government to fulfil its

commitments; the need for close monitoring, given the possible effects on the internal market;

- the importance of reaching a political agreement in June on the next financial perspective in order to address the consequences of this enlargement;
- the procedural conditions and the timescale for implementing the one-year deferment clause;
- the importance at this stage of not pre-judging Bulgaria and Romania's ability to be ready for accession in good time and the need to wait for the results of the monitoring exercise next autumn.

In conclusion, the PRESIDENT reminded the meeting of the provisions of the one-year deferment clause as provided for in the Accession Treaty and set out in the draft opinion. He underlined the importance of the message given to the two candidate countries that they should aim to be ready for accession by the scheduled date and that it was up to them to make the necessary efforts to achieve this goal.

Following this discussion, the Commission adopted its opinion on the accession of the Republic of Bulgaria and Romania to the European Union, as set out in COM(2005)55/3, for transmission to the Council and, for information, to Parliament.

8. RELATIONS WITH NON-MEMBER COUNTRIES

8.1. CONFERENCE OF HEADS OF GOVERNMENT OF THE CARIBBEAN COMMUNITY (CARICOM) (SURINAM, 17 FEBRUARY) (SEC(2005)281)

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

8.2. SITUATION IN TOGO: RECENT DEVELOPMENTS

Mr MICHEL reported on the latest developments in the situation in Togo, following Mr Faure GNASSINGBE's rise to power in a military and constitutional coup. He mentioned his ongoing political contacts with various important figures in Togo and the region, and emphasised that both the Council and the Commission took a firm stance in favour of the withdrawal of Mr Faure GNASSIMBE and a speedy return to constitutional order in Togo. Mr MICHEL spoke of the value of the international pressure being exercised to achieve this end, in particular the mediation efforts of African organisations, and welcomed the political initiatives taken by ECOWAS (the Community of West African States) with the support of the African Union.

The Commission took note of these comments.

9. OTHER MATTERS

***FIGHTING TERRORISM: A MEMORIAL REPORT DEDICATED TO THE
VICTIMS OF TERRORISM
(SEC(2005)283)***

Having taken note of the information supplied by Mr FRATTINI concerning the subject and purpose of the above-mentioned report in memory of the victims of terrorism, against the background of the preparations for the acts of commemoration of the Madrid attack on 11 March, the Commission decided to consider the report at its next meeting.

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The meeting closed at 1000 hours.