



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

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Strasbourg, 8 March 2005

MINUTES
of the 1692nd meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 2 March 2005
(morning)

These minutes were approved by the Commission at its 1693rd meeting, held in Strasbourg on 8 March 2005.

They contain 23 pages.

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Single sitting: Wednesday 2 March (morning)

The sitting opened at 1010 hours with Mr Barroso, President, in the chair.

Present:

Mr BARROSO	President	Items 1 to 13.1
Ms WALLSTRÖM	Vice-President	In the chair from item 13.2
Mr VERHEUGEN	Vice-President	
Mr BARROT	Vice-President	
Mr KALLAS	Vice-President	
Mr FRATTINI	Vice-President	
Ms REDING		Items 1 to 11
Mr DIMAS		
Ms HÜBNER		
Mr BORG		Items 1 to 11
Ms GRYBAUSKAITĖ		
Mr POTOČNIK		
Mr FIGEL		
Mr KYPRIANOU		
Mr REHN		
Mr MICHEL		Items 1 to 10
Mr KOVÁCS		
Ms KROES		
Ms FERRERO-WALDNER		Items 1 to 13.1
Mr McCREEVY		
Mr ŠPIDLA		
Mr PIEBALGS		

Absent:

Mr ALMUNIA

Ms FISCHER BOEL

Mr MANDELSON

The following sat in to represent absent Members of the Commission

Ms LAMELA	Chef de cabinet to Mr Almunia
Mr SØRENSEN	Chef de cabinet to Mr Nielson
Mr FRASER	Chef de cabinet to Mr Mandelson

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 ANNERBERG	Chef de cabinet to Ms Wallström	Items 1 to 10
Mr KÖHLER	Deputy Chef de cabinet to Mr Borg	Item 11
Mr BRAKELAND	A member of Mr Michel's staff	Items 10 to 13
Ms GEBETSROITHNER	A member of Ms Ferrero-Waldner's staff	Item 13
Mr POWER	Chef de cabinet to Mr McCreevy	
Ms CORUGEDO STENEBOG	Press and Communication DG	
Mr DIXON	Press and Communication DG	Items 10 to 13

Secretary: Mr O'SULLIVAN, Secretary-General, assisted by Mr KERSTING, Unit Head in the Secretariat-General.

1. AGENDAS AND QUARTERLY ROLLING PROGRAMME
(OJ(2005)1692/3; SEC(2005)275/2; SEC(2005)302)

The Commission took note of that day's agenda, the tentative agendas for future meetings and the quarterly rolling programme of items to be entered on the agenda from 8 March to 25 May.

2. WEEKLY MEETING OF CHEFS DE CABINET
(SEC(2005)1692)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 28 February.

3. MINUTES OF 1691st MEETING (22 February)
(PV(2005)1691)

The Commission approved the minutes of its 1691st meeting.

4. MONITORING THE APPLICATION OF COMMUNITY LAW

4.1. STATE AID - RECAPITULATIVE LIST
(SEC(2005)303/2)

The Commission adopted the decisions in SEC(2005)303/2.

**4.2. STATE AID - STATE AID CONTROL IN THE PUBLIC
BROADCASTING SECTOR - STATE OF PLAY
(SEC(2005)312)**

The Commission took note of the information note by Ms KROES
(SEC(2005)312).

5. WRITTEN PROCEDURES AND EMPOWERMENT

**5.1. WRITTEN PROCEDURES APPROVED
(SEC(2005)276 et seq.)**

The Commission took note of the Secretariat-General's memoranda
recording decisions adopted between 21 and 25 February.

**5.2. SENSITIVE WRITTEN PROCEDURES
(SEC(2005)277)**

The Commission took note of written procedures initiated between 18 and
25 February for the adoption of decisions with political implications.

**5.3. EMPOWERMENT
(SEC(2005)278 et seq.)**

The Commission took note of the Secretariat-General's memoranda
recording decisions adopted between 21 and 25 February.

5.4. DELEGATION AND SUBDELEGATION OF POWERS

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

6. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2005)279)

ADMINISTRATIVE MATTERS
(PERS(2005)28)

**6.1. *DG JLS – TRANSFER OF RESPONSIBILITY FOR THE EUROPEAN
MONITORING CENTRE ON RACISM AND XENOPHOBIA FROM DG
EMPL TO DG JLS***

On a proposal from Mr KALLAS, in agreement with the PRESIDENT, Mr FRATTINI and Mr ŠPIDLA, the Commission decided to transfer responsibility for the European Monitoring Centre on Racism and Xenophobia from the Employment, Social Affairs and Equal Opportunities DG to the Justice, Freedom and Security DG, which would become the parent Directorate-General for the Centre.

This decision would take effect immediately.

**6.2. *DIGIT – TERMINATION OF THE SELECTION PROCEDURE FOR
THE POST OF DIRECTOR-GENERAL (EU-10)***
(PERS(2004)131 to /5)

On a proposal from Mr KALLAS, in agreement with the PRESIDENT, the Commission decided to terminate selection procedure COM/070/04 without making an appointment.

**6.3. DG ENTR/E - POST OF DIRECTOR
(PERS(2004)150 to /4)**

The Commission had before it applications under Article 29(2) of the Staff Regulations for the post of Director of the Directorate for Promotion of SMEs' competitiveness in the Enterprise and Industry DG (PERS(2004)150 and /3), a post reserved for a national of one of the new Member States.

The Commission took note of the opinions of the Consultative Committee on Appointments of 6 December 2004 and 26 January 2005 (PERS(2004)150/2 and /4).

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr VERHEUGEN, it then decided to appoint Ms Maive RUTE to the post.

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

**6.4. AMENDMENTS TO THE DECISION ON MIDDLE MANAGEMENT
STAFF AND THE DECISION ON THE APPLICATION OF
ARTICLES 44(2) AND 46 OF THE STAFF REGULATIONS AND
ARTICLE 7(4) OF ANNEX XIII TO THE STAFF REGULATIONS
(C(2005)504; C(2005)505)**

On a proposal from Mr KALLAS, in agreement with the PRESIDENT, the Commission adopted the decisions in C(2005)504 and C(2005)505, amending decisions C(2004)1597/4 and C(2004)1891/2 respectively.

These decisions would take effect immediately.

6.5. DG TRADE/D - POST OF DIRECTOR
(PERS(2004)238 to /5)

The Commission had before it applications for the post of Director of the Directorate for Development and Management of Trade Relations with Neighbourhood Countries and with Southeast Asia. Bilateral Trade Relations I in the Trade DG, under Article 29(1)(a) (i) and (iii) of the Staff Regulations (PERS(2004) 238 to /3).

The Commission took note of the opinions of the Consultative Committee on Appointments of 24 and 27 January (PERS(2004)238/4 and /5).

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 KALLAS, in agreement with the PRESIDENT and Mr MANDELSON, it then decided to appoint Mr Ignacio GARCIA BERCERO to the post.

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

7. EUROPEAN NEIGHBOURHOOD POLICY: COMMISSION
RECOMMENDATIONS TO THE COUNCIL FOR ARMENIA,
AZERBAIJAN, GEORGIA, EGYPT AND LEBANON
(COM(2005)72 to /4; SEC(2005)285/3; SEC(2005)286/3; SEC(2005)287/3;
SEC(2005)288/3; SEC(2005)289/3; SEC(2005)294; SEC(2005)295)

The Commission approved the communication in COM(2005)72/4 for transmission to the Council and, for information, to Parliament, the European Economic and Social Committee and the Committee of the Regions, together with the departmental working papers distributed as SEC(2005)285/3, SEC(2005)286/3, SEC(2005)287/3, SEC(2005)288/3 and SEC(2005)289/3.

8. PROPOSAL FOR A COUNCIL REGULATION AMENDING REGULATION (EC) NO 3605/93 AS REGARDS THE QUALITY OF STATISTICAL DATA IN THE CONTEXT OF THE EXCESSIVE DEFICIT PROCEDURE (COM(2005)71 to /3; SEC(2005)292)

The Commission adopted the proposal for a Regulation in COM(2005)71/3 for transmission to Parliament and the Council.

9. ANNUAL POLICY STRATEGY FOR 2006 (COM(2005)73 to /4; SEC(2005)291)

The Commission adopted the communication on the annual policy strategy for 2006 set out in COM(2005)73/4 and decided to transmit it to Parliament and the Council, but without the technical Annexes relating particularly to the human resources of the Commission departments.

10. INTERINSTITUTIONAL RELATIONS

10.1. RELATIONS WITH PARLIAMENT

i) Part-session from 21 to 24 February (SP(2005)815)

The Commission took note of the information supplied relating to Parliament's part-session of 21 to 24 February (SP(2005)815).

ii) Action to be taken on Parliament's opinions

(SP(2005)715/2)

The Commission approved the proposed empowerment decisions relating to action to be taken on the amendments presented by Parliament under the codecision and consultation procedures (SP(2005)715/2).

iii) Results of the meeting of the Interinstitutional Relations Group

(SEC(2005)297/2)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on 25 February (SEC(2005)297/2).

It paid particular attention to the following:

a) Preparations for March 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

- SEPPÄNEN report: Energy: internal market for natural gas, cross-border trade, access to the network - COM(2003)741 - 2003/0302 (COD) (SP(2005)831)

The Commission adopted the line set out in SP(2005)831 and authorised Mr PIEBALGS to maintain contacts with Parliament and the Council to help reach an agreement at second reading.

1st reading

- HENNIS-PLASSCHAERT report: Enhancing port security -
COM(2004)76 - 2004/031 (COD) (SP(2005)847)

The Commission adopted the line set out in SP(2005)847 and authorised Mr BARROT to maintain contacts with Parliament and the Council to help reach an agreement at first reading.

- SCHMITT report: Community air traffic controller licence -
COM(2004)473 - 2004/0146 (COD) (SP(2005)846/2)

The Commission adopted the line set out in SP(2005)846/2.

- KRAHMER report: Type-approval of motor vehicles: recyclability and recoverability - COM(2004)162 - 2004/0053 (COD)
(SP(2005)865)

The Commission adopted the line set out in SP(2005)865.

Simple consultation

- SANCHEZ-PRESEDO report: system of generalised tariff preferences - COM(2004)699 - 2003/0242 (CNS) (SP(2005)882/2)

The Commission adopted the line set out in SP(2005)882/2.

Empowerment

Under Article 13 of its Rules of Procedure the Commission empowered the Member responsible for energy, in agreement with the PRESIDENT and 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 document

concerned, once Parliament had given its opinion, and transmit it to the Council in accordance with Article 251(2)(c) of the Treaty, for the following:

- SEPPÄNEN report: Energy: internal market for natural gas, transborder exchanges, access to the network (SP(2005)831)

b) Review of the Commission's first hundred days and the latest developments in Parliament

The PRESIDENT presented his assessment of the new Commission's first hundred days, emphasising the important dossiers it had to tackle in its first six months in office (relaunch of the Lisbon Strategy, reform of the stability and growth pact, financial perspective 2007-13). After referring to the major decisions already taken (particularly the Union's strategic objectives for 2005-09, the Commission's legislative and work programme for 2005, the relaunch of the Lisbon Strategy, the renewal of the social agenda, the strategy on climate change, the contribution to the relaunch of the transatlantic dialogue), the PRESIDENT briefly discussed the Commission's working method, which was based on a partnership between the institutions, the Member States, civil society, etc., a pragmatic approach and a desire to be judged by its actions, a willingness to listen and to make progress on certain issues (such as the Directive on services in the internal market and the REACH Directive) and, finally, a determination to achieve a lasting impact. He noted that the Commission's swift and decisive response to the *tsunami*, its efforts to promote the transatlantic partnership and its contribution to the Council Decisions on enlargement had all demonstrated its capacity for active involvement in international affairs. He was pleased to note

that the Commission, despite now having 25 Members, managed to operate effectively while still reaching decisions on the basis of a consensus.

Referring to the recent parliamentary debate on the Commission's legislative and work programme for 2005, when the political groups had been unable to reach agreement on a joint draft resolution and the resolution had finally been adopted by 264 votes to 201, with 37 abstentions, the PRESIDENT raised a number of questions about relations between the Commission and Parliament. He pointed out that the Commission, whose proposals were obviously not tied to any particular political group, needed the widest possible support for its principal initiatives, such as the Lisbon Strategy. This would be the subject of a debate in plenary session on Wednesday 9 March, and he called on his colleagues to make every effort to mobilise the support of all the political groups for this item.

Following these remarks, the Commission held an in-depth discussion, in which it considered the following questions in particular:

- the possible reasons for the result of the parliamentary vote on the Commission's legislative and work programme, particularly internal conditions in Parliament and the various political groups;
- the vital importance for the Commission not to be seen as a partisan of one or other political tendency, but as the institution championing the common interest at Community level;
- the institutional situation: the specific status and role of the Commission, which had the job of producing the compromises

needed for the construction of the European project; the respective roles of Parliament and the Council;

- the need for the Commission to build broad support in Parliament, particularly through good contacts between individual Commission Members and the parliamentary groups;
- specific dossiers with a particular impact on the current political climate, such as the Directives on services in the internal market and the patentability of computer-implemented inventions (for the latter see also item 10.5.);
- the special importance of services for the future of the internal market, the success of the Lisbon Strategy and, consequently, for the European economy; the importance to the Union of enacting a Directive on services in the internal market, while at the same time recognising that the draft text, in its current form, raised many questions.

Following the debate, the Commission agreed to undertake a rapid and in-depth examination of certain aspects of the proposed Directive on services. Its position on the proposal, which had been agreed by the previous Commission, would then have to be clearly explained to the various political players and the public. Particular attention would have to be paid to the communication aspects here.

10.2. RELATIONS WITH THE COUNCIL

(SEC(2005)297/2 (item 3.4); SI(2005 170)

Competitiveness (Brussels, 7-8 March)

Mr POTOČNIK reported on the state of negotiations with international partners on the ITER dossier (construction of the future International Thermonuclear Experimental Reactor) and explained the guidelines he intended to present at the next Council meeting (Competitiveness), following the negotiating directives that had been renewed at the end of 2004. After a brief review of the background to the dossier and a reminder of Europe's strong leadership in the development of fusion energy, he expressed concern about the current impasse over the choice of site (Cadarache in France or Rokkasho in Japan), despite extended negotiations with the European Union's five partners (Japan, China, Russia, South Korea and the United States). While emphasising that the Council mandate allowed the Commission to proceed, if absolutely necessary, on the basis of an agreement between three of the partners, he indicated that he would be continuing his efforts to achieve an agreement based on the widest possible consensus (i.e. between all six partners). Mr POTOČNIK concluded by referring to the offer made to Japan at the end of 2004 with a view to a special partnership based on agreement between all six partners.

The Commission took note of this information and held a short exchange of views. It assessed the support of the various partners for one or other option for the location and raised the question of the timetable for this important project and the possible avenues for future action.

Winding up the debate, the PRESIDENT assured Mr POTOČNIK of his personal support and the support of all Commission Members in this final

stage of the negotiations and asked him to report back regularly on progress in this dossier.

**10.3. RELATIONS WITH THE ECONOMIC AND SOCIAL COMMITTEE AND
THE COMMITTEE OF THE REGIONS
(SEC(2005)297/2 (item 5.1); SEC(2005)304 to /3)**

The PRESIDENT gave a brief account of his meetings with the Committee of the Regions and the European Economic and Social Committee and urged his colleagues to build up their contacts with the representatives of these two institutions.

The Commission took note of the information note (SEC(2005)304/2 and /3).

**10.4. STATE OF RATIFICATION OF THE CONSTITUTION
(SEC(2005)297/2 (Annex D))**

Referring to the note distributed as Annex D to SEC(2005)297/2, Ms WALLSTRÖM briefly outlined the communication and information strategy planned for the Constitution.

The Commission took note of this information.

10.5. OTHER MATTERS

- i) ***Proposal for a Parliament and Council Directive on the patentability of computer-implemented inventions***
(SEC(2005)297/2 (item 7.1); SEC(2005)318)

Mr McCREEVY presented his information note, distributed as SEC(2005)318, concerning the situation in the Council bodies. Referring to the PRESIDENT's letter of 25 February 2005 to the President of

Parliament, he also commented on the latest developments relating to the dossier in Parliament.

The Commission took note of this information and had a brief exchange of views on the need to comply fully with institutional orthodoxy. It endorsed the line already agreed at its previous meeting and asked Mr McCREEVY to report back on any new developments.

ii) ***Information note “Better Multilingual Communication Initiative”***
(SEC(2005)297/2 (Annex C))

The Commission approved the approach suggested in the note in Annex C to SEC(2005)297/2.

**11. TOWARDS A FUTURE MARITIME POLICY FOR THE UNION: A
EUROPEAN VISION FOR THE OCEANS AND SEAS**
(SEC(2005)290 to /5; SEC(2005)293)

The PRESIDENT gave a brief introduction, noting that the ad hoc steering group of Commission Members he had set up, which would be chaired by Mr BORG, and the Task Force envisaged by the communication marked the first step towards drafting a Green Paper on future maritime policy, to be adopted by the Commission in 2006. The PRESIDENT stressed the importance of this subject and the innovative approach being adopted by the Commission.

Mr BORG added to the PRESIDENT’s presentation by explaining that the Green Paper and the public debate about it would have to answer certain key preliminary questions about maritime policy, such as the extent to which an integrated maritime policy was required, the ideal scope of such a policy, and the balance and interaction between future maritime policy and existing policies. Mr BORG also referred to the

broad outlines for the operation of the Task Force being advocated and the first deadlines envisaged in the timetable, with a view to the adoption of the Green Paper by the Commission in 2006. Lastly, he mentioned the value of a comparative approach and the importance of appropriate consultation of all the parties concerned.

The Commission held a brief exchange of views, covering the following questions:

- the importance of widening the scope of the debate to be conducted around the Green Paper as much as possible, in order to identify all the horizontal issues that might arise from an ambitious maritime policy;
- the interest that this item was already arousing among national and regional authorities;
- the importance of increasing protection of the marine environment as part of the future maritime policy of the Union.

Following this exchange of views, the Commission:

- approved the content of the communication from the PRESIDENT and Mr BORG, as set out in SEC(2005)290/4 and /5;
- took note of the PRESIDENT's decision to set up the ad hoc steering group of Commission Members provided for in the communication;
- asked the departments concerned to distribute the press release to the interested parties as required.

12. TRENDS IN THE MEMBER STATES

(SEC(2005)317)

Ms WALLSTRÖM briefly highlighted the most significant points in her information note distributed as SEC(2005)317, summarising trends in the Member States in February 2005. She pointed to the media coverage of certain events, such as the visits of President BUSH and the American Secretary of State Condoleezza RICE, the Commission's proposals for relaunching the Lisbon Strategy and progress in the ratification of the Constitution. She drew attention to the main themes making the headlines in the media in the Member States, the vast majority of which related to national politics or news. Commenting on the turnout in the referendum on the Constitution in Spain, she mentioned the very high level of abstention among young people, which was a worrying sign. In general, Ms WALLSTRÖM stressed that the trends once again indicated the need to press ahead resolutely with proper efforts in the area of communication.

Ms FERRERO-WALDNER reported on the very favourable reaction in Austria to the PRESIDENT's speech during the ceremonies to mark the tenth anniversary of the country's accession to the European Union.

The Commission took note of this information.

13. RELATIONS WITH NON-MEMBER COUNTRIES

13.1. UKRAINE

(SEC(2005)319)

Elaborating on her information note distributed as SEC(2005)319, Ms FERRERO-WALDNER referred to the latest developments in relations with Ukraine. She drew particular attention to the importance that the

Ukrainian government attached to closer cooperation with the Union in a number of areas identified in the action plan formally adopted at the meeting of the EU-Ukraine Cooperation Council on 21 February 2005 (which contained the action plan originally proposed as well as the supplementary 10-point plan). Emphasising the close links which would now exist between the Union and Ukraine under the European neighbourhood policy, the Commission took note of this information and confirmed the importance of cooperating fully with the Ukrainian government in every aspect of the action plan adopted.

13.2. VISIT TO ROMANIA (28 FEBRUARY and 1 MARCH)

Following his mission to Romania, Mr REHN gave an account of his meetings with the Romanian authorities. He reported on the main subjects discussed, particularly the commitments made by Romania during the accession negotiations, the progress that had been made in implementing them and the steps the country still had to take in order to meet the target date for accession, 1 January 2007. He referred more specifically to the problems that still existed in tackling corruption and the political will clearly demonstrated by the Romanian Government to meet the criteria laid down in this area by means of a consensus among all the political parties. Citing the first reforms carried out in the sectors of justice, state aid and competition, Mr REHN expressed cautious optimism about progress in the reform programme so far. He stressed the importance here of the monitoring and follow-up reports to be presented by the Commission and called on Commission Members to visit Romania to promote the reform programme launched by the Romanian authorities.

The Commission took note of this information and held a brief exchange of views on the need for a far-reaching reform of the Romanian justice system, the fight against corruption and trafficking in women and children.

**13.3. CONCLUSION OF NEGOTIATIONS ON THE REVISION OF THE
COTONOU AGREEMENT
(SEC(2005)313)**

The Commission took note of the information note by Mr MICHEL
SEC(2005)313.

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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 1300 hours.