



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

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Strasbourg, 12 April 2005

MINUTES
of the 1696th meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 6 April 2005
(morning)

These minutes were approved by the Commission at its 1697th meeting, held in Strasbourg on 12 April 2005.

They contain 31 pages.

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Single sitting: Wednesday 6 April (morning)

The sitting opened at 0835 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 KOVÁCS	
Ms KROES	
Ms FISCHER BOEL	
Mr McCREEVY	
Mr ŠPIDLA	
Mr MANDELSON	
Mr PIEBALGS	

Items 12 to 24

Absent:

Mr MICHEL

Ms FERRERO-WALDNER

The following sat in to represent absent Members of the Commission

Ms WEYAND	Chef de cabinet to Mr Michel
Mr CHILD	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	
Ms LE BAIL	Commission Spokeswoman	
Mr THEBAULT	Chief Adviser in the President's Office	Items 12 to 23
Mr MARTINHO	Adviser in the President's Office	Items 12 to 23
Mr ANDRESEN GUIMARAES	A member of the President's staff	Items 12 to 23
Mr DRÖLL	Chef de cabinet to Mr Potočník	Items 12 to 23
Mr FRASER	Chef de cabinet to Mr Mandelson	Item 24
Mr CARVOUNIS	Press and Communication DG	
Mr SLEATH	Secretariat-General	Items 12 to 23

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

1. AGENDAS AND QUARTERLY ROLLING PROGRAMME
(OJ(2005)1696/3; SEC(2005)410/2; SEC(2005)450)

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 12 April to 29 June.

2. WEEKLY MEETING OF CHEFS DE CABINET
(SEC(2005)1696)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 4 April.

3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1695th MEETING
(22 March)
(PV(2005)1695; PV(2005)1695, Part II and /2)

The Commission approved the minutes of its 1695th meeting.

4. INTERINSTITUTIONAL RELATIONS
(SEC(2005)429)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on 1 April (SEC(2005)429).

It paid particular attention to the following:

4.1. RELATIONS WITH PARLIAMENT

i) *Preparations for April I part-session – legislation*

(point 1.2.1 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:

Codecision procedure - 2nd reading

- MARKOV report: Social legislation relating to road transport activities
- COM(2003)628 - 2003/0255 (COD)

The Commission adopted the line set out in SP(2005)1363/2.

- MARKOV Report: Social harmonisation and tachographs -
COM(2001)573 - 2001/0241 (COD)

The Commission adopted the line set out in SP(2005)1387.

- RIES report: The setting of Eco-design requirements for energy-using products - COM(2003)453 - 2003/0172 (COD)

The Commission adopted the line set out in SP(2005)1370 and authorised Mr PIEBALGS and Mr VERHEUGEN to maintain contacts with Parliament and the Council to help reach an agreement at second reading. It authorised the same Members, if necessary and as a last resort, to enter a statement on the future application of Articles 36 and 37 of the European Constitution to the relevant Directive.

Codecision procedure – 1st reading

- PEILLON report: Admission of third-country nationals to carry out scientific research - COM(2004)178-4 - 2004/0063 (COD)

The Commission adopted the line set out in SP(2005)1385 and /2.

- MITCHELL report: Financial instrument for development cooperation and economic cooperation - COM(2004)313 - 2004/0099 (COD)

The Commission adopted the line set out in SP(2005)1371 and authorised Mr MICHEL and Ms FERRERO-WALDNER, in close cooperation, to maintain contacts in order to secure progress in the procedure. The Commission took note of the information in SPI(2005)20.

- GALEOTE QUECEDO report: Amendment of the NUTS following enlargement - COM(2004)592 - 2004/0202 (COD)

The Commission adopted the line set out in SP(2005)1339.

- FLORENZ report: Marketing and use of toluene and trichlorobenzene - COM(2004)0320 - 2004/0111 (COD)

The Commission adopted the line set out in SP(2005)1337/2.

Other dossiers

- VAN ORDEN reports: Application for membership from Bulgaria - 2005/0901 (AVC)

The Commission adopted the line set out in SP(2005)1382.

- MOSCOVICI report: Application for membership from Romania - 2005/0902 (AVC)

The Commission adopted the line set out in SP(2005)1381.

- BÖGE & DÜHRKOP DÜHRKOP own-initiative report: Financial implications of the accession of Bulgaria and Romania

The Commission adopted the line set out in SP(2005)1386 and authorised Ms GRYBAUSKAITĖ to signify the Commission's agreement to the text of the joint statement.

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:

- MARKOV report - Social legislation relating to road transport activities (SP(2005)1363/2)
- MARKOV report: Social harmonisation and tachographs (SP(2005)1387)
- RIES report: The setting of eco-design requirements for energy-using products (SP(2005)1370).

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

(point 3.3 of the record)

The Commission adopted SP(2005)1076/2 on the action taken on Parliament's opinions and resolutions at its February 2005 part-session, for transmission to Parliament.

iii) ***Participation of Members of Parliament in international conferences:
annual meeting of the UN Commission on sustainable development
(New York, 11 to 22 April)***

(point 3.7 of the record)

The Commission decided to give a positive answer to the request from President BORRELL to President BARROSO concerning participation by four members of Parliament in the conference, and approved the draft letter to be signed by the President.

**4.2. RELATIONS WITH THE ECONOMIC AND SOCIAL COMMITTEE,
THE COMMITTEE OF THE REGIONS, THE OMBUDSMAN AND THE
NATIONAL PARLIAMENTS**

iv) ***National parliaments: transmission of Commission documents***

(point 4.1 of the record)

The Commission approved the line set out in SP(2005)1295 with a view to drawing up a reply to the request from the chairman of the IPEX Steering Group.

5. MONITORING THE APPLICATION OF COMMUNITY LAW

5.1. STATE AID

(SEC(2005)415/2)

The Commission adopted the decisions in SEC(2005)415/2.

5.2. INFRINGEMENTS - CASES POSTPONED BECAUSE OF UNAVAILABILITY OF DOCUMENTS

(SEC(2005)432)

The Commission adopted the decisions in SEC(2005)432.

6. WRITTEN PROCEDURES AND EMPOWERMENT

6.1. WRITTEN PROCEDURES APPROVED

(SEC(2005)411 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 21 March and 1 April.

6.2. SENSITIVE WRITTEN PROCEDURES

(SEC(2005)412)

The Commission took note of written procedures initiated between 21 March and 1 April for the adoption of decisions with political implications.

6.3. EMPOWERMENT

(SEC(2005)413 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 18 March and 1 April.

**6.4. UPDATE IN THE EMPOWERMENT IN RELATION TO CERTAIN
SPECIFIC TASKS CONCERNING THE FUNCTIONING OF THE
AGREEMENTS ON MUTUAL RECOGNITION OF CONFORMITY
ASSESSMENTS CONCLUDED BETWEEN THE EUROPEAN
COMMUNITY AND CERTAIN THIRD COUNTRIES
(SEC(2005)441)**

The Commission decided to empower the Commission Member responsible for trade policy as set out in SEC(2005)441.

6.5. DELEGATION AND SUBDELEGATION OF POWERS

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation procedure between 21 March and 1 April, as archived on the "Greffé 2000" (Registry) website.

**7. COMMISSION RECOMMENDATION FOR A COUNCIL OPINION,
PURSUANT TO ARTICLE 5(3) OF COUNCIL REGULATION (EC)
No 1466/97 OF 7 JULY 1997, ON THE UPDATED STABILITY
PROGRAMME OF GREECE (2004-07)
(SEC(2005)440 to /3; SEC(2005)444)**

The Commission adopted the recommendation for a Council Decision in SEC (2005)440/3 for transmission to the Council.

**8. COMMISSION COMMUNICATION TO THE COUNCIL ON THE ACTION
TAKEN BY GREECE IN RESPONSE TO THE COUNCIL DECISION OF
17 FEBRUARY 2005 IN ACCORDANCE WITH ARTICLE 104(9) OF THE
TREATY**

(SEC(2005)443 to /4; SEC(2005)444)

The Commission approved the communication in SEC(2005)443/3 for transmission to the Council.

9. RELATIONS WITH NON-MEMBER COUNTRIES

***REPORT ON THE TECHNICAL MISSION TO LIBYA ON ILLEGAL
IMMIGRATION***

(SEC(2005)470 and /2)

The Commission took note of the information note distributed under the authority of Mr FRATTINI, Ms FERRERO-WALDNER and Mr MICHEL.

10. OTHER BUSINESS

***10.1. CASE CONCERNING THE EUROPEAN ARREST WARRANT
PENDING BEFORE THE CONSTITUTIONAL COURT IN
KARLSRUHE - INTERVENTION BY A COMMISSION
REPRESENTATIVE AT THE ORAL HEARING, 13 and 14 APRIL
(SEC(2005)468)***

The Commission took note of the information note distributed under the authority of the PRESIDENT.

10.2. SPRING 2005 ECONOMIC FORECASTS AND BUDGETARY

SURVEILLANCE

(SEC(2005)475)

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

11. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2005)414)

OTHER MATTERS

***PROCEDURE FOR DESIGNATING SUCCESSORS TO THE CURRENT
MEMBERS OF THE SUPERVISORY COMMITTEE OF THE ANTI-FRAUD
OFFICE – STATE OF PLAY***

(SEC(2005)471)

The Commission took note of the information communicated orally by
Mr KALLAS, further to his file note.

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12 to 23. FINANCIAL PERSPECTIVE

Subject to the observations and conclusions set out under each of the specific
points, all the communications making up the financial perspective package
were taken together (items 12 to 23 of these minutes).

The PRESIDENT introduced the debate by noting that the adoption of this package of proposals was the final stage of a process which had occupied the attention of two Commissions. Since the Commission had decided that the general framework for negotiations concerning the future financial perspective should incorporate detailed legislative proposals, these proposals were of decisive importance in demonstrating that the proposed financing was based on a sound and solid analysis and offered genuine value added for the European taxpayer. The package now proposed was the culmination of a three-stage process, the first two stages having been the adoption on 14 July 2004 of an initial package of detailed proposals concerning headings 1A, 1B and 2 and procedural proposals, followed by the adoption of a second series of proposals on 29 September 2004, in particular on heading 4 and the environment.

The purpose of the third package submitted to the Commission was to amplify the general Table, concerning headings 1A and 3 in particular. This was of crucial political importance in supplying the financial instruments needed to carry out the updated Lisbon Strategy (proposals on the seventh framework research programmes and the framework programme for competitiveness and innovation) and for the Hague action plan (proposals in freedom, security and justice). The package also contained a series of proposals concerning public security and safety (Solidarity Fund, rapid response and preparedness instrument, framework programme in the field of health, etc.) and a number of financial instruments for customs, civil participation and fisheries.

Noting that negotiations on the financial perspective were now moving on to a more active stage, the PRESIDENT hoped that it would be possible to take advantage of the impetus generated by the agreements on the mid-term review of the Lisbon Strategy and the stability and growth pact in order to secure agreement at the June European Council. If so, it would be possible to secure

the financial means needed for attaining the Union's policy objectives in areas such as research, education and trans-European networks. Otherwise, if there was no agreement in June, that would raise doubts as to the enlarged Union's ability to function, jeopardise the relaunching of the Lisbon Strategy and have negative consequences for the ratification of the Constitution. For all these reasons the efforts of the Luxembourg Presidency to reach an agreement in June should be supported. After mentioning the state of play in Parliament and the Council, the PRESIDENT considered that the *negotiation box* method provided a sound basis for further discussions, as it followed the structure of the Commission proposals and implied that the Member States should give their opinion on their political merits before deciding on the financial allocations. On this last point, he emphasised that the view that Union expenditure should be reduced to 1% of GNI was not tenable, in particular at a time when Bulgaria and Romania were about to join the Union. The PRESIDENT drew attention to the vital importance for the Commission of playing an active role in the final stage of negotiations and noted that whatever reductions turned out to be necessary in order to facilitate an agreement in June would presuppose cuts across all the budget headings, which would force the Commission to make difficult choices. He concluded by emphasising the need to give the outside world a clear message showing that a proper budget was the only means of enabling the Union to achieve the main political objectives it had set itself, as Union expenditure represented an investment for the future and assured the European taxpayer of real value added. He urged Members to spread this message and defend the Commission's proposals. For his part, as no presentation in Parliament had been possible that day, he would, in agreement with President BORRELL, present the package to Parliament's temporary committee the following week.

Ms GRYBAUSKAITĖ gave her assessment of certain aspects of developments in the negotiations and the challenges they raised, in particular the proposals

likely to be presented by the Luxembourg Presidency; the approach of the various Member States; Parliament's attitude; the vital importance of reaching an agreement allowing the financial perspective to come into force on 1 January 2007 and the efforts that the Commission should make to this end.

Having noted these observations and supplementary statements by the Commission Members concerned on their own dossiers, the Commission held an in-depth discussion focusing particularly on the following aspects:

- the central role of research and innovation for growth and employment and, consequently, for the possibilities of giving effect to the Lisbon Strategy and securing its credibility. In this connection: the need to increase European research appropriations (too fragmented) and to concentrate efforts wherever European value added would be the greatest; the real value added by investments here; the importance of encouraging greater private investment in research; the need to avoid financing actions that could be covered by the market and to ensure coherence with rules governing State aid for research and innovation; the characteristics of the 7th framework research programmes; the vital importance of drastically simplifying the implementation of programmes, as the complexity of the present system discouraged small businesses from participating; the innovative potential of research and the core dimension of the new information and communication technologies; the link with education and culture; the importance of trans-European networks for mobility and competitiveness; the importance of applying with common sense and clarity the rule that activities under the seventh framework programmes must be carried out in compliance with fundamental ethical principles;
- the importance of the proposed actions on health and consumer protection, which affected citizens in their daily life;

- the balanced and complementary nature of the proposals in the field of justice, freedom and security, which showed that the Commission was sensitive to public concerns; as regards more particularly the proposal concerning the external borders fund, the application of the principle of solidarity and financial burden-sharing between the Member States; the importance of measures being speedily taken to see that the new Member States currently only partially implementing the Schengen acquis should do so entirely, which would influence the allocation of resources in this area;
- the impact of the future Constitution on Parliament's budgetary powers;
- the importance of reaching agreement at the June European Council;
- the need, both for the Commission and for individual Members, to make an effort at communication and explanation of the package as a whole and of each individual programme.

The Commission concluded by emphasising the quality of the work done by Members' Offices and the departments concerned, particularly the Secretariat-General and the Budget DG.

After its discussions, and without pre-empting the decisions to be taken on specific dossiers, the Commission asked the Member responsible for financial programming and budgets to finalise the technical and budgetary data of the proposals and the financial statements for the dossiers dealt with at items 12 to 23, in close cooperation with the Members concerned.

**12. PROPOSAL FOR A PARLIAMENT AND COUNCIL DECISION
ESTABLISHING FOR THE PERIOD 2007-13 THE PROGRAMME
CITIZENS FOR EUROPE TO PROMOTE ACTIVE EUROPEAN
CITIZENSHIP**

(COM(2005)116 to /3; SEC(2005)437; SEC(2005)442)

The Commission adopted the proposal for a decision set out in COM(2005)116/3 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, with the extended impact assessment (cf. staff paper SEC(2005)442), of which it took note.

**13. PROPOSAL FOR A COUNCIL REGULATION ESTABLISHING A RAPID
RESPONSE AND PREPAREDNESS INSTRUMENT FOR MAJOR
EMERGENCIES**

(COM(2005)113 to /5; SEC(2005)437; SEC(2005)439/2)

The Commission adopted the proposal for a Regulation set out in COM(2005)113/5 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, with the impact assessment (cf. staff paper SEC(2005)439/2), of which it took note.

**14. COMMUNICATION ON THE COMMUNITY PROGRAMMES *CUSTOMS
2013 AND FISCALIS 2013***

(COM(2005)111 to /4; SEC(2005)423; SEC(2005)437)

The Commission approved the communication in COM(2005)81/4 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee

of the Regions, together with the staff paper distributed as SEC(2005)328/2, the contents of which were noted.

**15. COMMISSION COMMUNICATION TO PARLIAMENT AND THE
COUNCIL ESTABLISHING A FRAMEWORK PROGRAMME FOR
SOLIDARITY AND THE MANAGEMENT OF MIGRATION FLOWS FOR
THE PERIOD 2007-13
(COM(2005)123 to /4; SEC(2005)435/2; SEC(2005)437)**

The Commission:

- approved the communication on a framework programme for solidarity and the management of migration flows (cf. pages 2-12 of COM(2005)123/4);
- adopted the proposals for Decisions establishing four specific programmes in the field, set out in the same document;
- decided to transmit these documents to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions;
- took note of the extended impact assessment (cf. SEC(2005)435/2) for transmission as a staff paper to those institutions.

**16. COMMISSION COMMUNICATION TO PARLIAMENT AND THE
COUNCIL ESTABLISHING A FRAMEWORK PROGRAMME ON
FUNDAMENTAL RIGHTS AND JUSTICE
(COM(2005)122 to /3; SEC(2005)434; SEC(2005)437)**

The Commission:

- approved the communication establishing a framework programme in the field of fundamental rights and justice (cf. pages 2-10 of COM(2005)122/3);
- adopted the proposals for Decisions establishing four specific programmes in the field, set out in COM(2005)122/3;
- decided to transmit these documents to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions:
- took note of the extended impact assessment (cf. SEC(2005)434) for transmission as a staff paper to those institutions.

**17. COMMISSION COMMUNICATION TO PARLIAMENT AND THE
COUNCIL ESTABLISHING A FRAMEWORK PROGRAMME ON
"SECURITY AND SAFEGUARDING LIBERTIES"
(COM(2005)124 to /3; SEC(2005)436/2; SEC(2005)437)**

The Commission:

- approved the communication on a framework programme on Security and safeguarding liberties (pages 2-11 of COM(2005)124/3);
- adopted the proposals for Decisions establishing two specific programmes in the field, set out in the same document;
- decided to transmit these documents to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions:
- took note of the extended impact assessment (cf. SEC(2005)436/2) for transmission as a staff paper to those institutions.

**18. PROPOSAL FOR A COUNCIL REGULATION ESTABLISHING
COMMUNITY FINANCING MEASURES FOR THE IMPLEMENTATION
OF THE COMMON FISHERIES POLICY AND IN THE AREA OF THE
LAW OF THE SEA
(COM(2005)117 to /3; SEC(2005)426; SEC(2005)437)**

The Commission adopted the proposal for a Regulation in COM(2005)117/3 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions. It also took note of the extended impact assessment in SEC(2005)426, which would be transmitted as a staff paper to those institutions.

**19. PROPOSAL FOR A PARLIAMENT AND COUNCIL REGULATION
ESTABLISHING THE EUROPEAN UNION SOLIDARITY FUND
(COM(2005)108 to /5; SEC(2005)437; SEC(2005)447)**

The Commission adopted the proposal for a Regulation set out in COM(2005)108/5 for transmission to Parliament, the Council, the Economic and Social Committee, the Committee of the Regions and the Court of Auditors, accompanied by the impact assessment (cf. staff paper SEC(2005)447), of which it took note.

**20. COMMISSION COMMUNICATION TO PARLIAMENT, THE COUNCIL,
THE ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE
OF THE REGIONS *HEALTHIER, SAFER, MORE CONFIDENT CITIZENS:
A HEALTH AND CONSUMER PROTECTION STRATEGY***

**PROPOSAL FOR A PARLIAMENT AND COUNCIL DECISION
ESTABLISHING A PROGRAMME OF COMMUNITY ACTION IN THE
FIELD OF HEALTH AND CONSUMER PROTECTION (2007-13)
(COM(2005)115 to /3; SEC(2005)425/2; SEC(2005)437)**

The Commission:

- approved the communication on a strategy for health and consumer protection (cf. pages 2-19 of COM(2005)115/3);
- adopted the proposal for a decision establishing an action programme on the subjects in question, set out in the same document;
- decided to transmit these documents to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions;
- took note of the extended impact assessment (cf. SEC(2005)425/2) for transmission as a staff paper to those institutions.

**21. EUROPEAN RESEARCH AREA (ERA) OF KNOWLEDGE FOR GROWTH:
THE EU'S ASSET AND CHANCE
(COM(2005)118 to /3; SEC(2005)437)**

**22. PROPOSALS FOR PARLIAMENT AND COUNCIL DECISIONS ON THE
SEVENTH RESEARCH FRAMEWORK PROGRAMMES (2007-13) (EC
TREATY AND EURATOM TREATY)
(COM(2005)119 to /4; SEC(2005)430/2; SEC(2005)431/3; SEC(2005)437)**

The Commission:

- approved the communication in COM(2005)118/3 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions;
- adopted the two proposals for Decisions set out in COM(2005)119/4 for transmission to those institutions;
- took note of the impact assessment (cf. SEC(2005)430/3) and the document on simplification (cf. SEC(2005)431/3), for transmission as staff papers to those institutions.

The Commission took note of clarifications supplied by Mr POTOČNIK in response to a question by Ms REDING concerning the scope of the powers of the executive agency referred to in item 3.7. of COM(2005)118/3, to the effect that the agency's activities did not concern research in the field of information and communication technologies.

**23. PROPOSAL FOR A PARLIAMENT AND COUNCIL DECISION
ESTABLISHING A COMPETITIVENESS AND INNOVATION
FRAMEWORK PROGRAMME (2007-13)
(COM(2005)121 to /3; SEC(2005)433; SEC(2005)437)**

The Commission adopted the proposal for a decision in COM(2005)121/3 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, together with the staff paper set out in SEC(2005)433, of which it took note.

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**24. NOTICE ON THE APPLICATION OF ARTICLE 10A OF COUNCIL
REGULATION (EEC) NO 3030/93 CONCERNING A TEXTILES SPECIFIC
SAFEGUARD CLAUSE
(SEC(2005)446 to /4; SEC(2005)448)**

Mr MANDELSON presented the communication he was tabling, highlighting the challenges in connection with the abolition of textile products export quotas from China to the Union. The Commission had to tread a delicate line between the international trade liberalisation policy recommended by the Union and the need to take account of difficulties met in several Member States following the abolition of quotas (since January 2005). The proposed guidelines offered a transparent procedure and the quantitative criteria needed to launch the requisite informal consultations and investigations ahead of formal consultations in the World Trade Organisation (WTO) and the possible adoption of safeguard measures. The Commission must have reliable, objective data in order to launch the procedure, these data being the only means of properly assessing the alert situations mentioned in certain Member States.

The Commission considered the proposed guidelines in depth. Being concerned to adopt a balanced approach reflecting the various issues, it more particularly considered factors militating for and against (i) the proposed shorter procedural deadlines and (ii) the addition of a number of clarifications to make the emergency procedure more immediately operational.

Among the factors analysed, the Commission considered:

- the very high rate of increase in imports of certain Chinese textile products since January 2005, raised by the industries concerned and the media;
- the extreme sensitivity of the dossier in several Member States in the current political context, given the potential consequences for the labour market;
- the Chinese authorities' lack of enthusiasm for urgent measures to moderate their textile exports to the Union;
- the importance for the Union of being able to react speedily in response to the concerns of the industry and the public;
- the need for the Commission to demonstrate its willingness and ability to protect the European industry, given the approach taken by its main trade partners, particularly the United States;
- the need to take account of the interests of the Union's other partners, such as the Mediterranean countries and certain ACP countries;
- the political importance for the Union of encouraging the liberalisation of international trade and avoiding all accusations of protectionism;
- the importance of complying with provisions agreed in the WTO and the risks of litigation that could involve excessively lengthy procedures;
- the time needed by Commission departments to investigate cases properly;

- the utility of a comparative approach between the deadlines provided for by these guidelines and those provided for in the Community's other trade policy instruments and in the parallel mechanisms adopted by the Union's main trading partners;
- the very short time that had elapsed since the abolition of the quota system and the impossibility of taking a longer view, which could be seen as an argument for consolidating the current system before envisaging safeguard measures;
- the retroactive effects of whatever safeguard measures were decided on;
- the fairly long period available to the relevant industries in the Union to prepare for the abolition of the quota system;
- the need to encourage conversion and competitiveness in the relevant European industries, particularly through research and technological development;
- the need to avoid indirectly penalising European investments in China;
- the widespread interest among European consumers in having access to low-priced textile products.

After its discussion, the Commission:

- approved the guidelines in the communication from Mr MANDELSON, as set out in SEC(2005)446/4;
- decided to publish the guidelines in the Official Journal (C Series).

The Commission noted the importance of careful presentation of the dossier to the press and all the players concerned. In this connection, Mr MANDELSON would undertake that the following factors were emphasised:

- the Commission would be very attentive to the growing concerns expressed by the industry as to possible market disruption due to the rise in Chinese textile imports since the abolition of quotas;
- its active follow-up to those concerns by means of intensive monitoring of the situation;
- the absence of full and objective data from certain Member States; the need for the Commission to act on the basis of solid factual data and its urgent request that the Member States supply the data as soon as possible;
- the Commission's objective in adopting these guidelines of having the use of a dynamic instrument enabling it to react speedily and effectively when necessary.

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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 1140 hours.