



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2005)1697 final

Brussels, 20 April 2005

MINUTES

for the 1697th meeting of the Commission

held in Strasbourg

(Winston Churchill Building)

on Tuesday 12 April 2005

(afternoon)

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These minutes were approved by the Commission at its 1698th meeting, held in Brussels on 20 April 2005.

They contain 25 pages.

CONTENTS

Attendance list

6-7

1. AGENDAS (OJ(2005)1697/3; SEC(2005)461/2).....	8
2. WEEKLY MEETING OF CHEFS DE CABINET (SEC(2005)1697)	8
3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1696TH MEETING (6 APRIL) (PV(2005)1696 AND /2; PV(2005)1696, PART II AND /2).....	8
4. MONITORING THE APPLICATION OF COMMUNITY LAW	8
<i>INFRINGEMENTS – URGENT AND POSTPONED CASES (SEC(2005)472/2; SEC(2005)473; SEC(2005)488; SEC(2005)489 and /2)</i>	<i>8</i>
5. WRITTEN PROCEDURES AND EMPOWERMENT	9
5.1. WRITTEN PROCEDURES APPROVED (SEC(2005)462 et seq.)	9
5.2. SENSITIVE WRITTEN PROCEDURES (SEC(2005)463).....	9
5.3. EMPOWERMENT (SEC(2005)464 et seq.).....	9
5.4. DELEGATION AND SUBDELEGATION OF POWERS	9
6. COMMISSION DECISION CONCERNING THE NATIONAL ALLOCATION PLAN FOR THE ALLOCATION OF GREENHOUSE GAS EMISSION ALLOWANCES NOTIFIED BY THE CZECH REPUBLIC IN ACCORDANCE WITH DIRECTIVE 2003/87/EC (C(2005)1083 TO /3; SEC(2005)493)	10
7. COMMISSION DECISION CONCERNING THE PROPOSED AMENDMENT TO THE NATIONAL ALLOCATION PLAN FOR THE ALLOCATION OF GREENHOUSE GAS EMISSION ALLOWANCES NOTIFIED BY THE UNITED KINGDOM IN ACCORDANCE WITH DIRECTIVE 2003/87/EC (C(2005)1081 AND /2; SEC(2005)493).....	10

8. TENTH ANNIVERSARY OF THE BARCELONA PROCESS (COM(2005)139 TO /4; SEC(2005)482/2; SEC(2005)483; SEC(2005)492).....	10
9. INTERINSTITUTIONAL RELATIONS (SEC(2005)458 TO /3)	11
9.1. <i>RELATIONS WITH PARLIAMENT</i>	11
9.2. <i>RELATIONS WITH THE COUNCIL (SI(2005) 290)</i>	13
10. COMMISSION REPORT TO THE COUNCIL ON THE PREPAREDNESS OF SERBIA AND MONTENEGRO TO NEGOTIATE A STABILISATION AND ASSOCIATION AGREEMENT WITH THE EUROPEAN UNION (COM(2005)476/4; SEC(2005)476/2; SEC(2005)478/4; SEC(2005)484)	14
11. ADMINISTRATIVE AND BUDGETARY MATTERS (SEC(2005)465/2)	15
11.1. <i>DG RELEX - TEMPORARY APPOINTMENT OF HEAD OF DELEGATION IN KENYA</i>	15
11.2. <i>GOPA – CHANGE OF NAME, ADJUSTMENT TO MISSION AND MODIFICATION OF ORGANISATION CHART (SEC(2005)496 to /3)</i>	16
11.3. <i>DG AGRI – REINSTATEMENT OF AN A*15 OFFICIAL AFTER A PERIOD OF LEAVE ON PERSONAL GROUNDS</i>	16
11.4. <i>AMENDMENT OF COMMISSION DECISION OF 28 APRIL 2004 CONCERNING THE EXERCISE OF THE POWERS CONFERRED BY THE STAFF REGULATIONS ON THE APPOINTING AUTHORITY AND BY THE CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS ON THE AUTHORITY RESPONSIBLE FOR CONCLUDING CONTRACTS OF EMPLOYMENT; DRAFT COMMISSION DECISION ON THE ARRANGEMENTS CONCERNING THE PROMOTION PROCEDURE FOR OFFICIALS REMUNERATED FROM RESEARCH APPROPRIATIONS IN THE GENERAL BUDGET (SEC(2005)497 to /3)</i>	17
11.5. <i>DG TREN – SELECTION OF EXECUTIVE DIRECTOR OF THE GALILEO SUPERVISORY AUTHORITY (PERS(2005)52)</i>	17
11.6. <i>MOBILITY POLICY FOR OFFICIALS OCCUPYING A POST OF DIRECTOR-GENERAL (SEC(2005)513)</i>	18

11.7. TECHNICAL ADJUSTMENTS TO THE COMMISSION PROPOSAL FOR THE MULTIANNUAL FINANCIAL FRAMEWORK 2007-13 (SEC(2005)494/2; SEC(2005)510)	18
12. INTEGRATED GUIDELINES FOR GROWTH AND JOBS (2005-08), INCLUDING A COMMISSION RECOMMENDATION ON THE BROAD GUIDELINES FOR THE ECONOMIC POLICIES OF THE MEMBER STATES AND THE COMMUNITY (UNDER ARTICLE 99 OF THE EC TREATY) AND A PROPOSAL FOR A COUNCIL DECISION ON GUIDELINES FOR THE EMPLOYMENT POLICIES OF THE MEMBER STATES (UNDER ARTICLE 128 OF THE EC TREATY) (COM(2005)141 TO /4; SEC(2005)485).....	19
13. SPEEDING UP PROGRESS TOWARDS THE MILLENNIUM DEVELOPMENT GOALS: THE EUROPEAN UNION'S CONTRIBUTION (COM(2005)132 TO /4; SEC(2005)452; SEC(2005)456; SEC(2005)460)	20
14. SPEEDING UP PROGRESS TOWARDS THE MILLENNIUM DEVELOPMENT GOALS: FINANCING FOR DEVELOPMENT AND AID EFFECTIVENESS (COM(2005)133 TO /3; SEC(2005)453; SEC(2005)454; SEC(2005)460)	20
15. SPEEDING UP PROGRESS TOWARDS THE MILLENNIUM DEVELOPMENT GOALS: POLICY COHERENCE FOR DEVELOPMENT (COM(2005)134 TO /3; SEC(2005)455; SEC(2005)460).....	20
16. RELATIONS WITH NON-MEMBER COUNTRIES.....	22
16.1. NEGOTIATIONS WITH THE UNITED STATES ON AIRBUS/BOEING.....	22
16.2. VISIT BY MR MANDELSON TO TUNISIA AND MOROCCO (SEC(2005)511)	23
16.3. WTO AGRICULTURAL NEGOTIATIONS - MINISTERIAL MEETING OF THE CAIRNS GROUP (CARTAGENA, 29 MARCH-1 APRIL) (SEC(2005)512)	23

17. OTHER BUSINESS.....	23
17.1. ACCIDENTAL RELEASE OF NON-AUTHORISED GENETICALLY MODIFIED MAIZE IN THE US AND ITS CONSEQUENCES FOR THE EU (SEC(2005)514)	23
17.2. SITE OF THE ITER EXPERIMENTAL REACTOR PROJECT.....	24
17.3. PROPOSED AID FOR MG ROVER.....	24

Single sitting: Tuesday 12 April (afternoon)

The sitting opened at 1305 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	Items 9 to 17
Ms REDING		
Mr DIMAS		
Mr ALMUNIA		
Ms HÜBNER		
Mr BORG		
Ms GRYBAUSKAITĖ		
Mr FIGEL		
Mr KYPRIANOU		
Mr REHN		Items 1 to 10
Mr MICHEL		
Ms KROES		
Ms FISCHER BOEL		
Ms FERRERO-WALDNER		
Mr McCREEVY		
Mr ŠPIDLA		
Mr MANDELSON		
Mr PIEBALGS		

Absent:

Mr FRATTINI	Vice-President
Mr POTOČNIK	
Mr KOVÁCS	

The following sat in to represent absent Members of the Commission

Mr BETTANINI	A member of Mr Frattini's staff
Mr VANDENBERGHE	Deputy Chef de cabinet to Mr Potočnik
Mr SZÜCS	Chef de cabinet to Mr Kovács

The following also sat in

Mr WAINWRIGHT	Chief Adviser, Legal Service	
Mr VALE DE ALMEIDA	Chef de cabinet to the President	
Ms LE BAIL	Commission Spokeswoman	
Mr KREUZHUBER	Spokesman	Except item 9
Ms NAGY	Spokeswoman	Except item 9
Ms MARTINHO	Adviser in the President's Office	
Mr CYMBRON	A member of the President's staff	Items 1 to 9
Mr ELLIS	A member of the President's staff	Items 13 to 15
Mr SCHELLEKENS	Deputy Chef de cabinet to Mr Dimas	Except point 9
Ms LAMELA	Chef de cabinet to Mr Almunia	
Ms ASENIUS	A member of Mr Rehn's staff	Items 1 to 8

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

1. AGENDAS

(OJ(2005)1697/3; SEC(2005)461/2)

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)1697)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 11 April.

**3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1696th MEETING
(6 April)**

(PV(2005)1696 and /2; PV(2005)1696, Part II and /2)

Having taken note of the addition of a statement by Mr FIGEL to the draft special minutes, as indicated during the meeting, the Commission approved the minutes of its 1696th meeting.

4. MONITORING THE APPLICATION OF COMMUNITY LAW

INFRINGEMENTS – URGENT AND POSTPONED CASES

(SEC(2005)472/2; SEC(2005)473; SEC(2005)488; SEC(2005)489 and /2)

The Commission adopted the decisions in SEC(2005)489 as well as the orientations in SEC(2005) 472/2.

5. WRITTEN PROCEDURES AND EMPOWERMENT

5.1. WRITTEN PROCEDURES APPROVED

(SEC(2005)462 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 4 and 8 April.

5.2. SENSITIVE WRITTEN PROCEDURES

(SEC(2005)463)

The Commission took note of written procedures initiated between 4 and 8 April for the adoption of decisions with political implications.

5.3. EMPOWERMENT

(SEC(2005)464 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 4 and 8 April.

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 4 and 8 April, as archived on the "Greffé 2000" (Registry) website.

**6. COMMISSION DECISION CONCERNING THE NATIONAL ALLOCATION PLAN FOR THE ALLOCATION OF GREENHOUSE GAS EMISSION ALLOWANCES NOTIFIED BY THE CZECH REPUBLIC IN ACCORDANCE WITH DIRECTIVE 2003/87/EC
(C(2005)1083 to /3; SEC(2005)493)**

The Commission approved the communication from Mr DIMAS in C(2005)1083 and adopted the decision it contained in the authentic language (Czech) for notification to the Member State concerned.

**7. COMMISSION DECISION CONCERNING THE PROPOSED AMENDMENT TO THE NATIONAL ALLOCATION PLAN FOR THE ALLOCATION OF GREENHOUSE GAS EMISSION ALLOWANCES NOTIFIED BY THE UNITED KINGDOM IN ACCORDANCE WITH DIRECTIVE 2003/87/EC
(C(2005)1081 and /2; SEC(2005)493)**

The Commission approved the communication from Mr DIMAS in C(2005)1081 and adopted the decision it contained in the authentic language (English) for notification to the Member State concerned.

**8. TENTH ANNIVERSARY OF THE BARCELONA PROCESS
(COM(2005)139 to /4; SEC(2005)482/2; SEC(2005)483; SEC(2005)492)**

The Commission approved the communication from Ms FERRERO-WALDNER, in agreement with Mr MANDELSON, as set out in COM(2005)139/4, for transmission to the Council and Parliament, together with the staff papers

distributed as SEC(2005)482/2 and SEC(2005)483, the contents of which were noted.

9. INTERINSTITUTIONAL RELATIONS

(SEC(2005)458 to /3)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on 8 April (SEC(2005)458 to /3).

It paid particular attention to the following:

9.1. RELATIONS WITH PARLIAMENT

- i) ***Preparations for April I part-session - legislation***
(point 1.2.1 of the record)

In accordance with the rules in force, the Commission 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

- HASSI report: Sulphur content of marine fuels - COM(2002)595 - 02/0259 (COD)

The Commission adopted the line set out in SP(2005)1516 and authorised Mr DIMAS to pursue contacts with Parliament and the Council to help reach an agreement at second reading.

Empowerment

Under Article 13 of its Rules of Procedure, the Commission empowered the Member 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 EC Treaty, for the following:

– HASSI report: Sulphur content of marine fuels (SP(2005)1516).

- ii) ***Preparations for April part-session – non-legislative dossiers***
(point 3.1 of the record)

2003 discharge

(SP(2005)1502)

The Commission took note of the information communicated during the meeting by Mr KALLAS concerning the adoption by Parliament of the discharge for the 2003 financial year.

- iii) ***Annual Policy Strategy, implementation and preparation of the Commission's legislative and work programme***
(point 1.3 of the record)

The Commission adopted SP(2005)1552/2 on the action taken on Parliament's resolution on the Commission's 2005 legislative and work programme, for transmission to Parliament.

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

(point 3.5 of the record)

The Commission adopted SP(2005)1475 on the action taken on Parliament's opinions and resolutions at its March 2005 part-session, for transmission to Parliament.

v) ***Action taken on Parliament's non-legislative and own-initiative resolutions***

(point 3.6 of the record)

The Commission adopted the replies to non-legislative and own-initiative resolutions adopted by Parliament to which the Commission had undertaken to reply (SP(2005)1477), for transmission to Parliament.

vi) ***Written questions: monitoring procedure***

(point 3.4 of the record)

Following an exchange of views, the Commission agreed with the approach proposed by the PRESIDENT and approved the draft answer to written questions E-774/05 to E-798/05, as amended during the meeting.

9.2. RELATIONS WITH THE COUNCIL

(SI(2005) 290)

vii) **Proposal for a Parliament and Council Directive amending**

Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures (Eurovignette)

(point 2.1 of the record; SI(2005)270)

The Commission authorised Mr BARROT to support a Presidency compromise along the lines set out in SEC(2005)458/3, with a view to a political agreement to be reached by qualified majority at the Council meeting (Transport, Telecommunications, Energy) on 21 April.

**10. COMMISSION REPORT TO THE COUNCIL ON THE PREPAREDNESS
OF SERBIA AND MONTENEGRO TO NEGOTIATE A STABILISATION
AND ASSOCIATION AGREEMENT WITH THE EUROPEAN UNION
(COM(2005)476/4; SEC(2005)476/2; SEC(2005)478/4; SEC(2005)484)**

Mr REHN introduced the communication he was tabling. Recognising that such an agreement would establish the first contractual tie between the European Union and Serbia and Montenegro, he stated that the feasibility study which had been carried out showed that Serbia and Montenegro had achieved sufficient progress to satisfy the prerequisites for negotiating a Stabilisation and Association Agreement with the Union and had developed the capacity to conduct the negotiations successfully. He emphasised the progress achieved as regards the functioning of the democratic institutions and compliance with the rule of law, particularly in connection with the agreement reached on the revision of the Constitutional Charter regarding direct elections to the Parliament of the State Union. Serbia and Montenegro had also made significant progress as regards cooperation with the International Tribunal in The Hague (ICTY), although it was important to continue and consolidate this trend. After a brief review of the latest developments in the matter of Kosovo and in Bosnia-Herzegovina, Mr REHN concluded by stressing the importance for the Union of contributing to the efforts being made to bring stability to the region.

The Commission took note of these observations and held an exchange of views on this item, in which the following aspects were discussed:

- in view of the progress made by Serbia and Montenegro, the importance of sending a positive signal to the country and supporting it in this process of embracing the democratic values and principles of the Union;

- given the political context, the need to present the dossier very carefully to the outside world, explaining the difference between starting negotiations with a view to a stabilisation and association agreement and negotiations for accession to the Union;
- as emphasised by Mr REHN in his introduction, the Commission's commitment to equal treatment of all Balkan countries as regards their cooperation with the ICTY, taking into account the respective situation of these countries as they established closer ties with the Union.

After its discussions the Commission approved the communication in COM(2005)476/4 for transmission to the Council and Parliament, together with staff paper SEC(2005)478/4, the contents of which were noted.

11. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2005)465/2)

ADMINISTRATIVE MATTERS

(PERS(2005)51/2)

11.1. DG RELEX - TEMPORARY OCCUPATION OF THE POST OF HEAD OF DELEGATION IN KENYA

The Commission, on a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms FERRERO-WALDNER, decided under Article 7(2) of the Staff Regulations that Mr Derek FEE, an A*12 official, currently Administrator in the Delegation in Kenya, should temporarily occupy the function of Head of the Commission Delegation in Kenya with effect from 1 September 2004 until the post was definitively filled, subject to a maximum of twelve months.

This decision would take effect immediately.

**11.2. GOPA – CHANGE OF NAME, ADJUSTMENT TO MISSION AND
MODIFICATION OF ORGANISATION CHART
(SEC(2005)496 to /3)**

On a proposal from Mr KALLAS, in agreement with the PRESIDENT, the Commission approved the communication set out in SEC(2005)496 to /3 and decided :

- to change the name of GOPA to the *Bureau of European Policy Advisers* (BEPA), with effect from 15 April;
- to alter the organisation's mission, as set out in SEC(2005)496 and /3;
- to add three adviser posts;
- to adopt the organisation chart of BEPA annexed to SEC(2005)496, with effect from 15 April;
- to adopt the new staffing rules for BEPA, as set out in SEC(2005)496 and /3.

These decisions would take effect immediately.

**11.3. DG AGRI – REINSTATEMENT OF AN A*15 OFFICIAL AFTER A
PERIOD OF LEAVE ON PERSONAL GROUNDS**

On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms FISCHER BOEL, the Commission decided to reinstate Mr Wolfgang BURTSCHER, an A*15 official, after a period of leave on personal grounds, in the post of Director, Directorate D (Direct support, market measures, promotion) in the Agriculture and Rural Development DG.

This decision would take effect on 1 May.

**11.4. AMENDMENT OF COMMISSION DECISION OF 28 APRIL 2004
CONCERNING THE EXERCISE OF THE POWERS CONFERRED BY
THE STAFF REGULATIONS ON THE APPOINTING AUTHORITY
AND BY THE CONDITIONS OF EMPLOYMENT OF OTHER
SERVANTS ON THE AUTHORITY RESPONSIBLE FOR CONCLUDING
CONTRACTS OF EMPLOYMENT;
DRAFT COMMISSION DECISION ON THE ARRANGEMENTS
CONCERNING THE PROMOTION PROCEDURE FOR OFFICIALS
REMUNERATED FROM RESEARCH APPROPRIATIONS IN THE
GENERAL BUDGET
(SEC(2005)497 to /3)**

On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr POTOČNIK, the Commission approved, with immediate effect, the decisions in SEC(2005)497 and /3.

**11.5. DG TREN – SELECTION OF EXECUTIVE DIRECTOR OF THE
GALILEO SUPERVISORY AUTHORITY
(PERS(2005)52)**

Having noted the procedure followed, as set out in PERS(2005)51/2, the Commission, on a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr BARROT:

- approved the shortlist of four candidates set out in PERS(2005)51/2;
- decided to consider this list as the Commission's proposal under Article 7 of Parliament and Council Regulation (EC) No 1321/2004 of 12 July 2004;
- instructed Mr BARROT to communicate this decision to the Administrative Board of the Galileo Supervisory Authority.

These decisions would take effect immediately.

OTHER MATTERS

11.6. MOBILITY POLICY FOR OFFICIALS OCCUPYING A POST OF DIRECTOR-GENERAL (SEC(2005)513)

The PRESIDENT and MR KALLAS briefly presented the information note distributed to the Commission. They reviewed the background to the mobility policy for senior management and underlined the importance of this first stage, which consisted of interviewing the Directors-General and the Commission Members concerned. In the light of these contacts, proposals would be presented to the Commission which complied with the rules on mobility and took into account the need to limit disruption to the working of the institution.

Having taken note of this information, the Commission agreed with the approach set out in SEC(2005)513.

BUDGETARY MATTERS

11.7. TECHNICAL ADJUSTMENTS TO THE COMMISSION PROPOSAL FOR THE MULTIANNUAL FINANCIAL FRAMEWORK 2007-13 (SEC(2005)494/2; SEC(2005)510)

The Commission approved SEC(2005)494/2 for transmission to Parliament and the Council.

**12. INTEGRATED GUIDELINES FOR GROWTH AND JOBS (2005-08),
INCLUDING A COMMISSION RECOMMENDATION ON THE BROAD
GUIDELINES FOR THE ECONOMIC POLICIES OF THE
MEMBER STATES AND THE COMMUNITY (UNDER ARTICLE 99 OF
THE EC TREATY) AND A PROPOSAL FOR A COUNCIL DECISION ON
GUIDELINES FOR THE EMPLOYMENT POLICIES OF THE MEMBER
STATES (UNDER ARTICLE 128 OF THE EC TREATY)
(COM(2005)141 to /4; SEC(2005)485)**

After a presentation of the main points of the communication by Mr VERHEUGEN and Mr ŠPIDLA, in the absence of Mr ALMUNIA, the PRESIDENT noted that the integrated guidelines were the first tangible result of the refocusing of the Lisbon Strategy on specific measures for growth and employment, in line with the Commission's proposals and the conclusions of the European Council. These integrated guidelines set out a coherent vision of macroeconomic, microeconomic and employment priorities and provided a stable framework for action by the Union and the Member States over the next three years. They would serve as a basis for drawing up the national reform programmes to be presented by the Member States in the autumn. The PRESIDENT emphasised the need to preserve the overall coherence of the approach and noted that, by presenting this ambitious road map for boosting growth and employment, the Commission was confirming its role as the driving force in this field. A communication focusing more closely on the methodological aspects of the Member States' reform programmes would be presented in May.

The Commission held a brief exchange of views and took note of the comments by Mr DIMAS, Mr FIGEL' and Mr PIEBALGS concerning the links between this dossier and their own portfolios.

The Commission adopted the proposal in COM(2005)141/4 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.

- 13. SPEEDING UP PROGRESS TOWARDS THE MILLENNIUM
DEVELOPMENT GOALS: THE EUROPEAN UNION'S CONTRIBUTION
(COM(2005)132 to /4; SEC(2005)452; SEC(2005)456; SEC(2005)460)**
- 14. SPEEDING UP PROGRESS TOWARDS THE MILLENNIUM
DEVELOPMENT GOALS: FINANCING FOR DEVELOPMENT AND AID
EFFECTIVENESS
(COM(2005)133 to /3; SEC(2005)453; SEC(2005)454; SEC(2005)460)**
- 15. SPEEDING UP PROGRESS TOWARDS THE MILLENNIUM
DEVELOPMENT GOALS: POLICY COHERENCE FOR DEVELOPMENT
(COM(2005)134 to /3; SEC(2005)455; SEC(2005)460)**

Mr MICHEL presented the three communications together, outlining the main points. The millennium development goals could still be achieved with a major effort, and the Union had a special responsibility as the leading development aid donor and the leading trading partner of the developing countries. Investing in development for the sake of a safer and more stable world was also in the interests of the European Union, and a three-pronged approach was proposed to meet this challenge. This entailed a significant increase in official development aid (with a new interim objective to be set at 0.56% of GNI, with a view to attaining the 0.7% target in 2015), greater coherence in Community policies and better coordination between the Member States and the Union, and, lastly, a concentration of aid efforts on Africa, which was to be given special priority because it was lagging furthest behind in the millennium goals. These proposals were intended to provide the framework for the EU's contribution to the United Nations High-Level Event in September 2005. In addition to this, the process now under way should also pave the way for a new declaration on EU development policy designed to lay down a true European Development Strategy. Mr MICHEL concluded by emphasising the

importance of a collective effort and thanking his colleagues for their cooperation and support for the dossier.

The Commission took note of this information and held an in-depth exchange of views. It highlighted the following aspects in particular:

- the importance of this initiative; combating poverty should be the counterpart on the external relations front of the priority given to growth and employment in internal affairs;
- the importance of the change represented by the priority given to Africa;
- the need to encourage developed countries and the most advanced developing countries to take part in this process;
- the contribution that foreign policy and trade policy instruments could make to development policy;
- the various sectoral dimensions of the dossier and the need to pay proper attention to them, particularly as regards implementing an energy policy that was consistent with a strategy for sustainable development, developing infrastructures along the lines of the trans-European networks, the cultural aspect, new technologies, and the digital divide;
- the limits to the scope for using Community agricultural surpluses, bearing in mind WTO rules and the impact on local production;
- the need to give special attention to the essential role of women in Africa and the use of micro-credit.

Winding up the debate, the PRESIDENT noted the very positive reception given to the dossier. He emphasised the need to make this a high-profile policy and announced his intention of writing to the members of the European Council asking them to give the matter the priority it deserved.

After its discussion the Commission:

- approved the communication in COM(2005)132/4 for transmission to Parliament, the Council and the Economic and Social Committee, accompanied by the impact assessment (cf. staff paper SEC(2005)452) and the consolidated report on the millennium development goals (cf. staff paper SEC(2005)456), the contents of which were noted;
- approved the communication in COM(2005)133/3 for transmission to Parliament and the Council, accompanied by the impact assessment (cf. staff paper SEC(2005)453) and the summary document on the follow-up to the commitments (cf. staff paper SEC(2005)454), the contents of which were noted;
- approved the communication in COM(2005)134/3 for transmission to Parliament, the Council and the Economic and Social Committee, accompanied by the impact assessment (cf. staff paper SEC(2005)455), the contents of which were noted.

16. RELATIONS WITH NON-MEMBER COUNTRIES

16.1. NEGOTIATIONS WITH THE UNITED STATES ON AIRBUS/BOEING

Mr MANDELSON reviewed developments in the dossier since his report to the Commission on 22 March (PV(2005)1695, item 10.2). Noting that the deadline of 11 April that had been set for completing the first phase of the negotiations had now passed, he gave his assessment of the likely developments in the coming weeks, given that the new US Trade Representative was about to take up his post. Mr MANDELSON confirmed his willingness to continue his efforts, in conjunction with the Member States concerned, to secure progress in the dossier, since, although the Union stood a good chance of success if the matter were referred to the WTO, such a dispute

would sour relations between the European Union and the United States for a long time to come.

The Commission took note of this information, and the PRESIDENT concluded by expressing the Commission's support for the approach set out by Mr MANDELSON, which was well thought-out and took into consideration the various elements of the case.

**16.2. VISIT BY MR MANDELSON TO TUNISIA AND MOROCCO
(SEC(2005)511)**

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

**16.3. WTO AGRICULTURAL NEGOTIATIONS - MINISTERIAL MEETING
OF THE CAIRNS GROUP (CARTAGENA, 29 MARCH-1 APRIL)
(SEC(2005)512)**

The Commission took note of the information note distributed by Ms FISCHER BOEL.

17. OTHER BUSINESS

**17.1. ACCIDENTAL RELEASE OF NON-AUTHORISED GENETICALLY
MODIFIED MAIZE IN THE US AND ITS CONSEQUENCES FOR THE
EU
(SEC(2005)514)**

Mr KYPRIANOU reported on the various contacts he had had and initiatives he had taken in connection with the accidental import into the Union of unauthorised transgenic maize Bt 10 from the United States. Although the quantities of maize concerned were small and the risk associated with the

product was minimal, it was important for the credibility and effectiveness of the system set up by the Union that Community law be rigorously applied. To this end, one possible measure might be for the Commission to ask Member States not to authorise imports of genetically modified maize from the United States unless the analytical report accompanying the shipment showed that the batches did not contain any maize Bt 10. These measures would be discussed with the Member States on Tuesday. On the basis of the results of these discussions and the opinion of the European Food Safety Agency, the necessary decisions would be submitted to the Commission by written procedure, after the opinion of the regulatory committee.

After a brief debate on the various aspects of the dossier, the PRESIDENT concluded by emphasising the need to send a clear message as to the Commission's determination not to allow Community law to be violated and to take all the necessary measures, without delay, to bring the situation under control.

17.2. SITE OF THE ITER EXPERIMENTAL REACTOR PROJECT

While urging caution in this matter, the PRESIDENT reported on the encouraging results of Mr POTOČNIK's talks with his Japanese counterpart concerning the site for the ITER reactor. Contacts would continue at the political and technical level with a view to reaching agreement by July.

17.3. PROPOSED AID FOR MG ROVER

Ms KROES drew the Commission's attention to contacts she had had with the British authorities to ensure that they notified the aid proposals in question, in line with the rules applicable in this matter.

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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 1600 hours.