



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

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Brussels, 3 May 2005

MINUTES
of the 1699th meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 27 April 2005
(morning)

These minutes were approved by the Commission at its 1700th meeting, held in Brussels on 3 May 2005.

They contain 23 pages.

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Single sitting: Wednesday 27 April (morning)

The sitting opened at 0910 hours with Mr Barroso, President, in the chair.

Present:

Mr BARROSO	President
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Mr VERHEUGEN	Vice-President
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Mr BARROT	Vice-President
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Mr KALLAS	Vice-President
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Mr FRATTINI	Vice-President
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Ms REDING

Mr DIMAS

Mr ALMUNIA

Mr BORG

Ms GRYBAUSKAITĖ

M. POTOČNIK

M. FIGEL'

Mr KYPRIANOU

Mr REHN

Mr KOVÁCS

Ms KROES

Ms FISCHER BOEL

Mr McCREEVY

Mr ŠPIDLA

Mr PIEBALGS

Absent:

Ms WALLSTRÖM

Vice-President

Ms HÜBNER

Mr MICHEL

Ms FERRERO-WALDNER

Mr MANDELSON

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The following sat in to represent absent Members of the Commission

Mr ANNERBERG	Chef de cabinet to Ms Wallström
Mr KORTE	Chef de cabinet to Ms Hübner
Ms GARDES	A member of Mr Michel's staff
Mr CHILD	Chef de cabinet to Ms Ferrero-Waldner
Mr REDONNET	Deputy 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
Ms LE BAIL	Commission Spokeswoman
Ms MARTINHO	Chief Adviser in the President's Office
Mr CARVOUNIS	Press and Communication DG

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

1. AGENDAS

(OJ(2005)1699/3; SEC(2005)534/2)

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)1699)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 25 April.

3. MINUTES OF 1698th MEETING (20 April)

(PV(2005)1698)

The Commission approved the minutes of its 1698th meeting.

4. MONITORING THE APPLICATION OF COMMUNITY LAW

INFRINGEMENTS - URGENT CASE

(SEC(2005)576)

The Commission adopted the decision in SEC(2005)576.

5. WRITTEN PROCEDURES AND EMPOWERMENT

5.1. WRITTEN PROCEDURES APPROVED

(SEC(2005)535 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 18 and 22 April.

5.2. SENSITIVE WRITTEN PROCEDURES

(SEC(2005)536)

The Commission took note of written procedures initiated between 18 and 22 April for the adoption of decisions with political implications.

5.3. EMPOWERMENT

(SEC(2005)537 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 18 and 22 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 18 and 22 April, as archived on the "Greffé 2000" (Registry) website.

**6. COMPLIANCE WITH THE CHARTER OF FUNDAMENTAL RIGHTS IN
COMMISSION LEGISLATIVE PROPOSALS - METHODOLOGY FOR
SYSTEMATIC AND RIGOROUS MONITORING**

(COM(2005)172 to /3)

The Commission adopted the communication in COM(2005)172 and /3 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions. The communication will be published in the Official Journal of the European Union.

**7. PRELIMINARY DRAFT AMENDING BUDGET No 3/2005
PROPOSAL FOR A PARLIAMENT AND COUNCIL DECISION ON
MOBILISATION OF THE FLEXIBILITY INSTRUMENT IN FAVOUR OF
REHABILITATION AND RECONSTRUCTION ASSISTANCE TO
TSUNAMI-AFFECTED COUNTRIES
(SEC(2005)548 to /3)**

The Commission:

- approved preliminary draft amending budget No 3/2005, as set out in SEC(2005)548 ;
- approved the proposal for a Parliament and Council Decision set out in SEC(2005)548/3 on mobilisation of the flexibility instrument in favour of rehabilitation and reconstruction assistance to tsunami-affected countries, presented in accordance with point 24 of the Interinstitutional Agreement of 6 May 1999;
- decided to transmit these documents to Parliament and the Council.

**8. INTERINSTITUTIONAL RELATIONS
(SEC(2005)541)**

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on 22 April (SEC(2005)541).

It paid particular attention to the following:

8.1. RELATIONS WITH PARLIAMENT

- i) Preparations for April II 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

- COELHO report - access to the Schengen Information System by the services responsible for issuing registration certificates for vehicles - COM(2003)510 - 03/0198 (COD)

The Commission adopted the line set out in SP(2005)1704.

Codecision procedure - 1st reading

- KLASS report - Protection of groundwater against pollution - COM(2003)550 - 03/0210 (COD)

The Commission adopted the line set out in SP(2005)1705.

- MITCHELL report - Financing development cooperation and economic cooperation

Having already adopted the line set out in SP(2005)1371, (PV(2005) 1696, item 4.1), the Commission took note of SP(2005)1371/2, updating the most important information on developments in this matter.

Simple consultation procedure

- HARKIN report - European Foundation for the Improvement of Living and Working Conditions - COM(2004)57 - 04/0026(CNS)
- HUGHES report - European Agency for Health and Safety at Work - COM(2004)50 - 04/0014(CNS)

The Commission adopted the line set out in SP(2005)1564/3 and SP(2005)1570/3 respectively.

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 SP(2005) 1704, 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:

- COELHO report - Access to the Schengen Information System by the services responsible for issuing registration certificates for vehicles.

8.2. RELATIONS WITH THE COUNCIL

(SI(2005)352)

ii) *Preparation of COREPER I of 27 April and of the May I plenary session*

(point 1.2.2 of the record)

Proposal for a Parliament and Council Regulation amending Regulation (EC) No 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies as regards the extension of transitional measures (ROTH-BEHRENDT report) - COM(2004)775 - 04/0270 (COD)

With a view to concluding the matter at first reading, the Commission adopted the line set out in SI(2005)353.

iii) *General Affairs and External Relations (Luxembourg, 25-26 April)* **(SI(2005)358)**

Ms GRYBAUSKAITĖ reported on the broad lines of the debate on the financial perspective 2007-2013 that had taken place at the Council (General affairs and external relations) meeting. She mentioned in particular the cool reception that all the Member States, for various reasons, had given to the compromise text on cohesion policy presented by the Luxembourg Presidency of the Council; the Commission had also expressed its reservations. Ms GRYBAUSKAITĖ pointed out that, at the informal meeting of Ministers of European Affairs, also held on 26 April, it had been decided to call a Council / Parliament / Commission trialogue in mid-June, some time between the vote by Parliament and examination by the European Council. Ms GRYBAUSKAITĖ welcomed the fact that Parliament would thus be more directly involved in the negotiations on this highly important matter and reminded the meeting, in this connection, that after the vote by Parliament, the temporary parliamentary committee currently dealing with the financial perspective would be wound up and the Committee on Budgets would have to take over. Lastly, Ms GRYBAUSKAITĖ stated that the revenue aspects of the financial perspective would be considered at the forthcoming informal meeting of the Ministers for Economic and Financial Affairs, scheduled for 13-14 May.

The PRESIDENT considered that, despite the negative reception given to the compromise text presented by the Presidency, the Council (General affairs and external relations) meeting had had a positive impact in that it had started the decisive phase of the negotiations on a very proactive basis on the part of the Presidency and had clearly highlighted the need for all parties to make an effort. So while the Commission had also expressed reservations on the text, he had wanted to express his openness to the compromise as a token of support to the Presidency's determination to reach agreement. He had also drawn the Council's attention to the need to take Parliament's concerns into account and accordingly welcomed the intention to hold a trialogue.

As regards external relations, Mr REHN pointed out that the Council meeting had been the setting for the signing of the Accession Treaty with Bulgaria and Romania, a decisive step on the road to a Community of 27 Member States. He added that the Council had endorsed the Commission's recent communication on Serbia and Montenegro. The Council had invited the Commission, at the earliest opportunity, to present negotiating directives for a stabilisation and association agreement with that country, which might make it possible, if appropriate, for negotiations to proceed in parallel with Serbia and Montenegro on the one hand, and with Bosnia-Herzegovina on the other, and would also make the best possible preparation for positive developments in the talks on Kosovo.

iv) *EU / Croatia Association Council (Luxembourg, 26 April)*

Mr REHN reported on the thrust of the EU / Croatia Association Council meeting and the meeting of the ad hoc working party on Croatia's cooperation with the International Criminal Tribunal for Yugoslavia (ICTY). He drew attention to the view expressed by Ms DEL PONTE that Croatia is not yet cooperating fully with the Tribunal and to the working party's confirmation that the Council conclusions of 16 March are still valid. The bodies concerned had taken note of the action plan presented by Croatia. As soon as there were some significant developments and in close cooperation with the ICTY, the Council would in due course take up the matter again on the basis of an oral report from the Task Force.

v) *EU / Turkey Association Council (Luxembourg, 26 April)*

Mr REHN briefly outlined the results of the meeting of the EU / Turkey Association Council. He drew attention to the Union's firm request that the democratic reform process begun by Turkey should continue and the particular concerns that had been expressed about certain recent events in Turkey. Referring to the road map that should in principle lead to the opening of accession negotiations with Turkey on 3 October next, he mentioned that Turkey had initialled the protocol to the Ankara agreement

that would extend the customs union agreement to all the Member States of the European Union. This protocol would be referred to the Commission by written procedure at the beginning of May, and the Luxembourg Council Presidency planned that it be signed in June. Mr REHN concluded by pointing out that the Commission should be presenting the draft negotiating mandate for the accession negotiations to the Council towards the end of June.

9. PRELIMINARY DRAFT BUDGET 2006
(SEC(2005)547/6 to /18 ; SEC(2005)551)

Ms GRYBAUSKAITĖ briefly presented the preliminary draft budget for 2006, which she was tabling. It was the last budget to be proposed within the current financial perspective. It was therefore important that this budget, while being realistic and modest, should guarantee proper completion of a whole series of Community programmes and projects. Ms GRYBAUSKAITĖ highlighted, with reference to the planned amounts of commitment appropriations and, in particular, payment appropriations, the differences between the 2006 financial year and the needs to be covered in the financial perspective 2007-13. For instance, the preliminary draft budget before them did not include the costs of the future enlargement (Bulgaria and Romania), certain expenditure on competitiveness and the full integration of the ten new Member States in the common agricultural policy and the cohesion policy. This difference was the key political message that would need to be conveyed to the other Community institutions and to the outside world.

Ms GRYBAUSKAITĖ thanked the Members and the Commission departments for their constructive cooperation in the preparation of the preliminary draft budget.

The Commission took note of this information and emphasised the importance of careful presentation. It then:

- approved the estimates of expenditure (documents I, II, III and IV — SEC(2005)547/13 to 15 and /17 to /18) as the basis for the preliminary draft budget of the European Communities for the financial year 2006;
- approved the supplementary allocation of human resources for 2005 in accordance with the principles set out in document III bis and in its annex (SEC(2004)547/16);
- took note of the annex to document II containing the activity statements (SEC(2005)547/6 and 12);
- authorised the Member of the Commission with responsibility for financial programming and the budget to transmit to the budgetary authority for information documents I, II and IV referred to above, in the three procedural languages, and the annex to document II containing the activity statements, also referred to above;
- empowered the Member of the Commission with responsibility for financial programming and the budget, in agreement with the PRESIDENT, to finalise documents I, II and IV referred to above, converting them into the corresponding volumes of the preliminary draft budget, for transmission to the budgetary authority;
- empowered the Member of the Commission with responsibility for financial programming and the budget, in agreement with the PRESIDENT and for the financial year 2006, to adopt a proposal for a decision for the mobilisation of the flexibility instrument in favour of rehabilitation and reconstruction assistance to the tsunami-affected countries affected in accordance with the point 24 of the interinstitutional agreement of 6 May 1999, for transmission to Parliament and the Council.

10. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2005)538/3)

ADMINISTRATIVE MATTERS

(PERS(2005)57/2)

10.1. DG EMPL - A*15/A*16 (EU-10) FUNCTION OF DEPUTY

DIRECTOR-GENERAL

(PERS(2004)132 to /4)

The Commission took note of the procedural aspects relating to the filling of this post as set out in PERS(2005)57/2. In the light of the opinions of the Consultative Committee on Appointments of 18 October 2004 and 2 December 2004 (PERS(2004) 132/2 and /3), the Commission, on a proposal from Mr KALLAS in agreement with the PRESIDENT and Mr SPIDLA, decided to appoint Ms Lenia SAMUEL to the post of Deputy Director-General in the Employment, Social Affairs and Equal Opportunities DG.

This decision would take effect as soon as possible.

**10.2. DG FISH - AMENDMENT OF ORGANISATION CHART AND
TRANSFER IN THE INTEREST OF THE SERVICE OF A GRADE A*15
OFFICIAL**

On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms FERRERO-WALDNER, the Commission decided:

- to create a grade A*14/A*15 function of Head of the Maritime Affairs Task Force, reporting to the Director-General of the Fisheries and Maritime Affairs DG;
- to transfer to this function, in the interest of the service, Mr John RICHARDSON, a grade A*15 official, currently Head of the Commission delegation in New York in the External Relations DG.

These decisions would take effect immediately.

The Commission noted in this connection that when it came to approve the Green Paper on maritime policy, it would also have before it proposals for action to be taken concerning the administrative structures and the future of the Maritime Affairs Task Force.

10.3. DG RELEX - TRANSFER OF AN A*15 OFFICIAL IN THE INTEREST OF THE SERVICE

The Commission, on a proposal from Mr KALLAS in agreement with the PRESIDENT, Ms FISCHER BOEL and Ms FERRERO-WALDNER, decided to fill the post of Head of the Commission delegation in Brazil in the External Relations DG by the transfer in the interest of the service of Mr Joao José PACHECO, a grade A*15 official and currently Director of Directorate AII (International affairs II, in particular enlargement) in the Agriculture and Rural Development DG.

This decision would take effect immediately.

10.4. DG TRADE/A - A*14/A*15 POST OF DIRECTOR (PERS(2004)231 to /3)

The Commission had before it applications under Article 29(1)(a) (i) and (iii) of the Staff Regulations for the post of Director, Directorate A (Resources. Interinstitutional relations and communication policy. Information technology) in the Trade DG (PERS(2004) 231).

The Commission took note of the opinions of the Consultative Committee on Appointments of 10 and 13 January (PERS(2004)231/2 and /3).

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

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PRESIDENT and Mr MANDELSON, it then decided to appoint Mr Stefaan DEPYPERE to the post.

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

10.5. DG RELEX – REQUEST FOR EXEMPTION FROM RETIREMENT OF A GRADE A*15 OFFICIAL

The Commission, on a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms FERRERO-WALDNER, decided to accept the request for exemption from retirement at the age of 65 presented by Mr Gérard DEPAYRE, a grade A*15 official and currently Deputy Head of the Commission Delegation in Washington, for a period limited to two months until 31 July 2005.

This decision would take effect immediately.

**10.6. SJ – CLOSURE OF THE SELECTION PROCEDURE FOR THE POST OF DEPUTY DIRECTOR-GENERAL IN GRADE A*15/A*16 AND INTERNAL RE-PUBLICATION
(PERS(2005)15 to /2; PERS(2005)58)**

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

- to terminate selection procedure COM/239/05;
- to authorise re-publication of the vacancy notice in PERS(2005)58 under Article 29(1)(a)(i) and (iii) of the Staff Regulations.

These decisions would take effect immediately.

**10.7. DG ADMIN - COMMUNICATION ON THE STATE OF PLAY OF RECRUITMENTS (EU-10)
(SEC(2005)565/2)**

Mr KALLAS reported on the state of play of recruitment to the Commission of officials and temporary staff from the ten new Member States. He stated that one year after accession, there were a series of positive results to report, the overall recruitment figures were satisfactory and the pace of recruitment was faster than in the previous enlargement. All the same, and without calling into question the approach chosen, some points were a matter of concern and required special attention. They were: the impact on the recruitment objectives for the smaller Member States of the absence of a distinction between category A* language and non-language staff; the constraints deriving from cooperation between the institutions with a view to ensuring a fair level of recruitment for each of them; the pace of recruitment to management posts; the geographical balance of recruitment; the shortage of candidates in certain fields, particularly the new technologies. Mr KALLAS concluded by emphasising that he would be keeping a close watch on the situation and would inform the Commission regularly. He urged his colleagues to emphasise in their contacts the importance for candidates in preparing carefully, in particular on the question of European integration, given that the level of the candidates was on the whole very high.

The Commission took note of these observations and of the communication from Mr KALLAS (SEC(2005)565/2).

The PRESIDENT concluded on this item confirming that the merits and abilities of the candidates remained the decisive factors in recruitment decisions, while keeping in mind the long term evolution in terms of an appropriate geographical balance, without calling these principles into question.

OTHER MATTERS

10.8. ACTIVITES OF MS LOYOLA DE PALACIO AFTER LEAVING THE COMMISSION
(SEC(2005)555/2)

The Commission approved the communication in SEC(2005)555/2.

11. RELATIONS WITH THIRD COUNTRIES

11.1. UNITED STATES

VISIT BY MR DIMAS TO WASHINGTON AND NEW YORK FOR THE 13TH SESSION OF THE UN COMMISSION ON SUSTAINABLE DEVELOPMENT (18 - 22 APRIL)
(SEC(2005)580)

Mr DIMAS reported on his recent visit to the United States which had the dual purpose of representing the Commission in the Troika visit to Washington to strengthen the transatlantic dialogue on climate change and to take part in the 13th session of the UN Commission on Sustainable Development in New York. Mr DIMAS pointed to the more positive attitude shown by the American authorities to discussing the future framework of international cooperation in the field of questions on climate change. Similarly, the discussion partners had expressed their interest in re-launching the EU-US high-level dialogue on climate and environmental issues. Mr DIMAS also welcomed the satisfactory results secured following the long and difficult discussions at the 13th session of the UN Commission on Sustainable Development in New York, at which he had had the opportunity to present the EU contribution to delivery of the Millennium Development Goals.

SPRING MEETINGS OF THE IMF AND THE WORLD BANK (WASHINGTON, 16-17 APRIL)
(SEC(2005)582)

Mr ALMUNIA reported on his visit to the United States where he had taken part in the spring meetings of the International Monetary Fund and the World Bank and the meetings of the G7 finance ministers and the International Monetary and Financial Committee (IMFC). He also referred to the many bilateral meetings he had had in the margins of these meetings. Among the subjects discussed, he mentioned in particular the concerns expressed by the G7 finance ministers about the rise in oil prices and the impact on the world economy, global imbalances on current accounts and exchange rate policy. Mr ALMUNIA highlighted the importance the IMFC attaches to the Union's position on the Millennium Development Goals.

VISIT BY Mr KYPRIANOU TO THE UNITED STATES (18 - 23 APRIL)
(SEC(2005)585)

Mr KYPRIANOU reported on the thrust and the results of the various contacts he had had during his visit to the United States, particularly under the *Transatlantic Consumer Dialogue* and his meetings with senior representatives of the US administration. He highlighted the mutual interest of the United States and the European Union in enhanced cooperation in the fields of public health and consumer protection and referred to the need to improve the transatlantic exchange of information and expertise on health threats.

EU-US DIALOGUE ON THE REGULATION OF FINANCIAL MARKETS
(SEC(2005)579)

Mr McCREEVY outlined his encouraging contacts with the US authorities on the regulation of the financial markets of the United States and the European Union. He emphasised in particular the open and positive attitude of his opposite numbers to in-depth cooperation, particularly as regards equivalence of accounting standards, something which would be a significant step towards reducing regulatory obstacles for companies.

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The Commission took note of the observations of Mr DIMAS, Mr ALMUNIA, Mr KYPRIANOU and Mr McCREEVY and of the accompanying information notes they had distributed. It held a brief exchange of views on other questions of transatlantic cooperation, particularly in education and civil aviation.

In summing up, the PRESIDENT noted that while certain difficulties still existed, the climate for transatlantic relations was good, with both parties demonstrating their willingness to understand and resolve problems.

11.2. VISIT BY THE PRESIDENT TO MOSCOW (21 APRIL)

The PRESIDENT reported on his meeting with President Putin in preparation for the EU/Russia summit to be held on 10 May in Moscow. He emphasised the positive and open atmosphere of his talks with the Russian President and referred to the main points discussed. On the road map for the four common areas, he reported some progress in the Russian position concerning the overflying of Siberia, reciprocal facilitation of visa formalities and the conclusion of a readmission agreement between the EU and Russia. Other matters broached were: the question of Kaliningrad; the framework for EU/Russia relations after 2007; the status of the Russian-speaking minorities in the Baltic States; the signing of the border agreements with Estonia and Latvia; cooperation in the university sector; discussion of a global policy on energy in the G8, which Russia would be chairing for the first time; the political and economic situation in Russia. Reiterating the undertaking given by both parties to find solutions to the questions still outstanding, the PRESIDENT concluded by emphasising the interest that the Union and Russia shared in developing constructive relations.

The Commission took note of this information and held a brief exchange of views on the political situation in Russia and the prospects of finalising the partnership agreement at the forthcoming EU-Russia summit.

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The meeting closed at 1045 hours.