



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2005)1708

Strasbourg, 5 July 2005

MINUTES
of the 1708th meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 29 June 2005
(morning)

These minutes were approved by the Commission at its 1709th meeting, held in Strasbourg on 5 July 2005.

They contain 22 pages.

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Single sitting: Wednesday 29 June (morning)

The sitting opened at 1045 hours with Mr Barroso, President, in the chair.

Present:

Mr BARROSO	President	
Ms WALLSTRÖM	Vice-President	
Mr VERHEUGEN	Vice-President	
Mr KALLAS	Vice-President	Except item 13
Mr FRATTINI	Vice-President	Except item 13
Ms REDING		Except item 13
Mr DIMAS		
Mr ALMUNIA		
Ms HÜBNER		
Mr BORG		
Ms GRYBAUSKAITĖ		
Mr POTOČNIK		
Mr FIGEL		
Mr KYPRIANOU		
Mr REHN		
Mr MICHEL		Items 10 to 13
Mr KOVÁCS		
Ms KROES		
Ms FISCHER BOEL		Except item 13
Ms FERRERO-WALDNER		
Mr McCREEVY		
Mr ŠPIDLA		
Mr PIEBALGS		Items 7 to 12

Absent:

Mr BARROT	Vice-President
Mr MANDELSON	

The following sat in to represent absent Members of the Commission

Mr LE BRET	Chef de cabinet to Mr Barrot	Items 11 to 13
Ms JORNA	Deputy Chef de cabinet to Mr Barrot	Items 1 to 10
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 CARVOUNIS	Director-General (acting), Press and Communication	
Ms LE BAIL	Commission Spokeswoman	
Ms HELFFERICH	Spokeswoman	Item 10
Ms NAGY	Spokeswoman	Items 11 and 12
Ms TORRES	Spokeswoman	Items 7 to 9
Mr ITALIANER	Deputy Chef de cabinet to the President	
Mr CABRAL	Adviser <i>hors classe</i> in the President's Office	Items 7 to 9
Ms MARTINEZ ALBEROLA	A member of the President's staff	Item 10
Ms CARPARELLI	Deputy Chef de cabinet to Ms Wallström	Item 10
Ms LAMELA	Chef de cabinet to Mr Almunia	Items 7 to 9
Mr GIUDICE	A member of Mr Almunia's staff	Items 7 to 9
Mr KORTE	Chef de cabinet to Ms Hübner	Items 1 to 10
Mr ADAMIŠ	Chef de cabinet to Mr Figel'	Items 11 and 12
Mr PESONEN	Chef de cabinet to Mr Rehn	Items 11 and 12
Mr FILORI	A member of Mr Rehn's staff	Items 11 and 12
Ms WEYAND	Chef de cabinet to Mr Michel	Items 1 to 9
Mr ELLERMANN-KINGOMBE	A member of Ms Fischer Boel's staff	Item 13
Mr KESTERIS	Chef de cabinet to Mr Piebalgs	Item 13

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

1. AGENDAS

(OJ(2005)1708/3; SEC(2005)843/2)

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)1708)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 27 June.

3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1707th MEETING

(22 June)

(PV(2005)1707; PV(2005)1707, Part II)

The Commission approved the minutes of its 1707th meeting.

4. MONITORING THE APPLICATION OF COMMUNITY LAW

STATE AID - SPECIFIC CASE

(SEC(2005)890/2)

The Commission adopted the decision in SEC(2005)890/2.

5. WRITTEN PROCEDURES AND EMPOWERMENT

5.1. WRITTEN PROCEDURES APPROVED

(SEC(2005)844 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 20 and 24 June.

5.2. SENSITIVE WRITTEN PROCEDURES

(SEC(2005)845)

The Commission took note of written procedures initiated between 20 and 24 June for the adoption of decisions with political implications.

5.3. EMPOWERMENT

(SEC(2005)846 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 20 and 24 June.

5.4. EXTENSION OF EMPOWERMENT REGARDING THE DESIGNATION OF MEDICINAL PRODUCTS AS ORPHAN MEDICINAL PRODUCTS

(SEC(2005)884)

The Commission empowered the Member responsible for enterprise and industry as set out in SEC(2005)884.

5.5. DELEGATION AND SUBDELEGATION OF POWERS

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation procedure between 20 and 24 June, as archived on the "Greffé 2000" (Registry) website.

6. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2005)847)

ADMINISTRATIVE MATTERS

(PERS(2005)95)

***LEGAL SERVICE - TEMPORARY APPOINTMENT TO A FUNCTION OF
PRINCIPAL LEGAL ADVISER***

The Commission, on a proposal from Mr KALLAS in agreement with the PRESIDENT, decided under Article 7(2) of the Staff Regulations that Mr Thomas VAN RIJN, at the time an A3 official in the Legal Service, should be considered to have temporarily occupied the function of Principal Legal Adviser in the Legal Service from 1 January to 15 August 2004.

This decision would take effect immediately.

**7. COMMISSION OPINION ON THE EXISTENCE OF AN EXCESSIVE
DEFICIT IN ITALY - APPLICATION OF ARTICLE 104(5) OF THE EC
TREATY**

(SEC(2005)886 to /3; SEC(2005)894)

**8. COMMISSION RECOMMENDATION FOR A COUNCIL DECISION ON
THE EXISTENCE OF AN EXCESSIVE DEFICIT IN ITALY -
APPLICATION OF ARTICLE 104(6) OF THE EC TREATY**

(SEC(2005)887 to /3; SEC(2005)894)

**9. COMMISSION RECOMMENDATION FOR A COUNCIL
RECOMMENDATION TO ITALY WITH A VIEW TO BRINGING AN END
TO THE SITUATION OF AN EXCESSIVE GOVERNMENT DEFICIT
(SEC(2005)916 to /3; SEC(2005)917)**

Mr ALMUNIA presented the dossier, outlining the earlier phase of the excessive deficit procedure concerning Italy (viz. the adoption on 7 June of a report under Article 104(3) EC, which the Economic and Financial Committee had subsequently considered and issued an opinion on) and the content of the three instruments he was proposing that the Commission adopt. He explained why he was proposing that the time allowed for correcting the excessive deficit should extend to the end of 2007 and he described the main points of the recommendations being made to Italy to bring to an end its excessive deficit situation.

Following a brief exchange of views with particular reference to the tone of the documents, which was intended to strike a balance between the Commission's determination to be firm on the application of the Stability and Growth Pact while allowing for the economic circumstances of the Member States, the Commission adopted:

- an opinion on the existence of an excessive deficit in Italy (application of Article 104(5) EC), as set out in SEC(2005)886/3;
- a recommendation for a Council Decision concerning that excessive deficit (application of Article 104(6) EC), as set out in SEC(2005)887/3;
- a recommendation for a Council recommendation regarding Italy (application of Article 104(7) EC), as set out in SEC(2005)916/3;

and it decided that these documents would be transmitted to the Council.

10. INTERINSTITUTIONAL RELATIONS

(SEC(2005)853)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 24 June (SEC(2005)853).

It paid particular attention to the following:

10.1. RELATIONS WITH PARLIAMENT

i) Part-session from 22 to 23 June

(SP(2005)2627)

The Commission took note of the information supplied relating to Parliament's part-session of 22 to 23 June (SP(2005)2627).

ii) Action to be taken on Parliament's opinions

(SP(2005)2525)

The Commission approved the empowerment decisions relating to the action to be taken on the amendments presented by Parliament under the codecision and consultation procedures (SP(2005)2525).

iii) Preparations for July 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

- TRAKATELLIS report - Dangerous substances and preparations (phthalates in toys and childcare articles), COM(1999)577, 99/0238 (COD)

The Commission adopted the line set out in SP(2005)2676.

- ROCARD report - Patentability of computer-implemented inventions, COM(2002)92, 02/0047 (COD)

The Commission adopted the line set out in SP(2005)2693/2 and /3 and authorised Mr McCREEVY to pursue contacts with Parliament and the Council so as to come to an agreement consistent with that line.

Codecision procedure - 1st reading

- CHICHESTER report - Security of electricity supply and infrastructure investment, COM(2003)740, 03/0301 (COD)

Further to the line taken on this matter at its 1700th meeting (PV(2005)1700, item 9.1.iii) and taking note of the agreement reached between Parliament and the Council concerning the powers of the regulator, the Commission adopted the statement in SP(2005)1903/2.

- FAVA report - ERDF, COM(2004)495, 04/0167 (COD)

After endorsing the approach advocated by Ms HÜBNER as regards Parliament's amendment 63 (i.e. to uphold the Commission's position at this stage, but keep a close watch on the debate on the question in Parliament and the Council and review in the light of the positions taken by the co-legislators), the Commission adopted the line set out in SP(2005)2665/3.

- OLBRYCHT report - European grouping of cross-border cooperation, COM(2004)496, 04/0168 (COD)

The Commission adopted the line set out in SP(2005)2671/2.

- SILVA PENEDA report - European Social Fund (ESF), COM(2004)493, 04/0165 (COD)

The Commission adopted the line set out in SP(2005)2655/2.

- JÖNS report - PROGRESS, COM(2004)488, 04/0158 (COD)

The Commission adopted the line set out in SP(2005)2653.

- NIEBLER report - Equal opportunities and equal treatment of men and women in matters of employment and occupation, COM(2004) 279, 04/0084 (COD)

The Commission adopted the line set out in SP(2005)2654 and authorised Mr ŠPIDLA to pursue contacts with Parliament and the Council so as to reach an agreement.

- WALLIS report - Law applicable to non-contractual obligations ("Rome II"), COM(2003) 427, 03/168 (COD)

The Commission adopted the line set out in SP(2005)2687/2, authorised Mr FRATTINI to pursue contacts with Parliament and the Council with a view to the conclusion of an agreement and empowered him to submit an amended proposal that would take account both of the amendments passed by Parliament and of the outcome of the Council's discussions, in accordance with the above line.

- ISLER BEGUIN report - Financial Instrument for the Environment (LIFE+), COM(2004) 621, 04/0218 (COD)

The Commission adopted the line set out in SP(2005)2696 and /2.

- BLOKLAND report - Pollutant Release and Transfer Registers, COM(2004)634, 04/0231 (COD)

The Commission adopted the line set out in SP(2005)2673 and /2.

Simple consultation

- KIRKHOPE report – EU-Switzerland Association Agreements:
(1) Schengen acquis, (2) Determination of the State responsible for examining a request for asylum, COM(2004)593, 04/0199/0200 (CNS)

The Commission adopted the line set out in SP(2005)2613 and decided to reject the two amendments contained in the report seeking to change the legal basis.

Assent

- HATZIDAKIS report - ERDF, ESF and Cohesion Fund, COM(2004)492, 04/0163 (AVC)

The Commission took note of SP(2005)2669/2.

- ANDRIA report - Cohesion Fund, COM(2004)494, 04/0166 (AVC)

The Commission took note of SP(2005)2670.

iv) 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:

- TRAKATELLIS report - Dangerous substances and preparations (phthalates in toys and childcare articles) - SP(2005)2676
- ROCARD report - Patentability of computer-implemented inventions - SP(2005)2693/2 and /3.

v) Action taken on the non-legislative resolutions adopted by Parliament at the April II part-session

(point 3.4 of the record)

The Commission adopted and decided to transmit to Parliament the responses to the non-legislative resolutions adopted by Parliament at the April II part-session on which it had undertaken to take action (SP(2005)2645).

10.2. RELATIONS WITH THE COUNCIL

vi) Council meetings, 23 June to 6 July

(SI(2005)617)

Environment, 25 June, Luxembourg

(SI(2005)612 and /2)

Mr DIMAS commented on the main results of the Council meeting (Environment). He drew attention to the political agreements reached concerning the proposal for a Directive on the protection of underground water against pollution (the agreement still being in line with the Commission proposal) and the proposal for a Directive establishing an infrastructure for

spatial information - INSPIRE (political agreement which the Commission could not endorse). On other items on the agenda, the Council also (1) gave its unanimous support to the Community strategy proposed by the Commission with a view to banning exports of mercury, (2) adopted unanimous conclusions on the decommissioning of ships, (3) took note of an interim report and held a general discussion on the REACH authorisation system, and (4) held an interesting discussion on the question of climate change. On the matter of GMOs, Mr DIMAS reported that the Council had rejected eight Commission proposals for the repeal of national safeguard measures and had failed to muster the majority required for accepting or rejecting a proposal for a decision concerning the placing on the market of a genetically modified maize product (MON 863). Given the sensitive nature of the GMO issue and of the decisions the Commission would have to take following the outcome of the Council, Mr DIMAS highlighted the need for careful monitoring, in close association with the Commissioners most concerned.

After a quick exchange of views, the PRESIDENT confirmed his intention of organising an in-depth discussion on the question of GMOs as soon as possible.

Transport, telecommunications and energy, 27 and 28 June, Luxembourg
(SI(2005)622; SI(2005)623; SI(2005)624)

Ms REDING reported on the salient points of the “Telecommunications” part of the meeting. In the debate on the Commission communication *i2010 - an information society for growth and employment*, the Commission's initiative had been welcomed. Given the importance of information and communication technologies in achieving the goals of the revised Lisbon strategy, the Commission must urge Member States to integrate this dimension into their national action programmes drawn up under the strategy. Ms REDING then touched on the discussions on preparations for the World Summit on the

Information Society from 16 to 18 November, for which the Council had adopted the Union's position, two questions remaining outstanding at this stage at international level, viz. the financial mechanisms for closing the digital gap between developed countries and developing countries, and certain issues of internet governance.

The Commission took note of this information.

vii) Financial contributions to be paid by the Member States to the European Development Fund

(point 2.4 of the record)

The Commission authorised its departments to accept the Presidency compromise so that it could to be adopted by qualified majority, along the lines set out in SI(2005)619.

**11. COMMISSION COMMUNICATION CIVIL SOCIETY DIALOGUE
BETWEEN THE EU AND CANDIDATE COUNTRIES
(COM(2005)290 to /4; SEC(2005)891; SEC(2005)895)**

**12. DRAFT EU COMMON POSITION ESTABLISHING A NEGOTIATING
FRAMEWORK WITH TURKEY
(SEC(2005)888 to /3; SEC(2005)895)**

The Commission considered these documents together.

The PRESIDENT opened the debate by noting that the Commission had to provide a detailed response to a specific task set by the December 2004 European Council, confirmed unanimously by the Member States in the conclusions of the European Council on 16 and 17 June. While account must be taken of the legitimate concerns

expressed by some members of the public, the only responsible position for the Commission to take was to honour the undertakings given to the candidate countries, both by the Council and by Parliament, and to comply fully with its own obligations.

After thanking the Commissioners for their constructive cooperation in the preparation of the documents, Mr REHN presented in detail the two closely linked communications before the Commission. Echoing the PRESIDENT's remarks, he said that the draft EU common position establishing a negotiating framework for accession talks with Turkey constituted a technical implementation measure for political decisions adopted earlier at the highest political level, reflecting faithfully the carefully chosen terms of the European Council on the crucial subjects. While not underestimating the present difficult political context and the sensitivities of European public opinion, he did, however, express his conviction that, in this way, the Commission was doing its institutional duty and was keeping its word on what had been promised (*pacta sunt servanda*). As regards the two preconditions laid down in December 2004 for the accession negotiations with Turkey to start, Mr REHN pointed out that Turkey had promulgated and actually brought into force on 1 June 2005 a number of items of legislation as part of a far-reaching reform policy, and had formally undertaken to sign very soon the protocol extending the Ankara Agreement to the ten new Member States. He also reviewed the specific details of the proposed negotiating framework, which drew on experience from past enlargements and laid more stress on verifiable acts of the candidate countries; the Commission would conduct an assessment of the *acquis* and would propose benchmarks for the opening and provisional closure of each chapter. As the process itself was just as important as the result, while the shared objective of the negotiations was accession, the negotiations were an open process and the outcome could not be guaranteed in advance; if the final result was that the candidate country was not in a position to assume in full all the obligations flowing from its membership, everything should be done to ensure that it was solidly attached to the European structures by the stoutest bonds possible.

On the communication tabled in agreement with Mr FIGEL and Mr ŠPIDLA on civil society dialogue between the EU and the candidate countries, Mr REHN pointed to the importance of fully involving the EU public in this dialogue, the objective being to strengthen mutual understanding by bringing the peoples closer together. In a background comment he reminded the meeting that, in its October 2004 recommendation on Turkey's progress towards accession (COM(2004)656 final), the Commission had emphasised the need to strengthen the dialogue between the European Union and Turkey and had undertaken to present proposals on the means of supporting this dialogue in future. In its December 2004 conclusions, the European Council had approved this approach and extended it to other candidate countries. The communication before the Commission for approval was designed to translate these objectives into a strategic framework. While it was necessary to develop the civil society dialogue with all the candidate countries, special attention was being given to Turkey.

The Commission then held an in-depth discussion on the documents before it. During its exchange of views, it reviewed the following points:

- the moment was ripe for the Commission to tackle the issue, given, on the one hand, the sensitiveness of the present political context and of public opinion and, on the other, the clear conclusions of the European Council of 16-17 June on the need to take things forward;
- the Commission's role in the process, since the negotiations would be conducted within an intergovernmental conference in which all the Member States and the candidate country would take part, and also the continuity of the political line laid down on Turkey's application since the 1999 Helsinki European Council;
- the need for the Commission to listen to civil society and to respond to any concerns voiced, by promoting an informed debate on enlargement throughout European society; in this connection, the question of whether or not to call on the

Council to initiate a debate and a consensus among European citizens on relations between the European Union and Turkey;

- without prejudice to the shared objective of accession, the crucial importance of the nature of the negotiations with the candidate countries as an open process with an outcome that cannot be guaranteed in advance;
- in the context of Turkey's good neighbour relations, the formula used in the common position of the European Union with a view to the EU-Turkey Association Council of 26 April on the peaceful settlement of disputes on the basis of international law;
- the actual situation in Turkey as regards respect for human rights and fundamental freedoms, with particular reference to the status of women;
- the need to give all the necessary attention to the criterion of the EU's absorption capacity;
- the replies that the European neighbourhood policy could give to some of the candidate countries;
- the specific aspects of the internal procedures for the conduct of accession negotiations (SEC(2000)746/2, communication approved by the Commission in May 2000, see PV(2000)1478), Mr REHN undertaking to keep the Commission regularly informed of the progress of the accession negotiations and to submit for its attention the draft common positions prepared by departments under his authority when required by their sensitive political nature or importance, even if the Commission was not required to adopt them formally.

Following its exchange of views, the Commission, noting the broad consensus reached:

for item 11:

- subject to any drafting amendments, approved the communication set out in COM(2005)290/4 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions;
- took note of the impact assessment in SEC(2005)891 for transmission to the above-mentioned institutions as a staff paper;

for item 12:

- decided to add the sentence “*The Commission shall monitor this capacity during the process of negotiations*” at the end of the first paragraph of point 7 of SEC(2005)888/3;
- took note of the communication set out in SEC(2005)888/3, amended as above;
- instructed the Enlargement DG to send the document to the Council’s Enlargement Group;
- noted that the press release would be adapted in the light of the comments made during the meeting.

13. RELATIONS WITH NON-MEMBER COUNTRIES

13.1. VISIT BY THE PRESIDENT TO AFRICA

The PRESIDENT would produce an information note on this item.

13.2. VISIT BY MR KALLAS TO UKRAINE

Mr KALLAS would produce an information note on this item.

13.3. SIXTH MEETING OF ASEM FINANCE MINISTERS (TIANJIN, CHINA) (SEC(2005)913)

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

13.4. *ITER NEGOTIATIONS*

The Commission congratulated Mr POTOČNIK on the positive conclusion of this matter.

13.5. *INTERNATIONAL CONFERENCE ON SUPPORT FOR IRAQ (BRUSSELS, 22 JUNE)* ***(SEC(2005)918)***

The Commission took note of the information note distributed by Ms FERRERO-WALDNER.

13.6. *MEETING OF G8 FOREIGN MINISTERS (LONDON, 23 JUNE)* ***(SEC(2005)919)***

The Commission took note of the information note distributed by Ms FERRERO-WALDNER.

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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 1340 hours.