



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2005)1712 final

Brussels, 6 September 2005

MINUTES
of the 1712th meeting of the Commission
held in Brussels
(Berlaymont)
on Thursday 1 September 2005
(morning)

These minutes were approved by the Commission at its 1713th meeting, held in Strasbourg on 6 September 2005.

They contain 22 pages.

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Single sitting: Thursday 1 September (morning)

The sitting opened at 1005 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	Items 1 to 14
Ms REDING		
Mr DIMAS		
Ms HÜBNER		
Ms GRYBAUSKAITĖ		
Mr POTOČNIK		
Mr FIGEL		
Mr KYPRIANOU		
Mr MICHEL	Items 1 to 14	
Mr KOVÁCS		
Ms KROES	Items 1 to 14	
Ms FISCHER BOEL		
Mr ŠPIDLA		
Mr MANDELSON		
Mr PIEBALGS	Items 1 to 12	

Absent:

Mr ALMUNIA
Mr BORG
Mr REHN

Ms FERRERO-WALDNER

Mr McCREEVY

The following sat in to represent absent Members of the Commission

Ms LAMELA	Chef de cabinet to Mr Almunia
Mr TABONE	Chef de cabinet to Mr Borg
Ms ÅSENIUS	A member of Mr Rehn's staff
Mr SCHWAIGER	Deputy Chef de cabinet to Ms Ferrero-Waldner
Mr POWER	Chef de cabinet to Mr McCreevy

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 ROSCAM ABBING	Spokesman	
Mr TOD	Spokesman	Item 15
Ms CORUGEDO STENEBOG	Press and Communication DG	
Ms MARTINHO	Chief Adviser in the President's Office	Item 14
Mr ANDRESEN GUIMARAES	A member of the President's staff	Item 14
Mr ELLIS	A member of the President's staff	Item 14
Mr SAGREDO	A member of Mr Barrot's staff	Item 15
Mr BERTOZZI	A member of Mr Frattini's staff	Items 1 to 12
Ms SCHINAS	Chef de cabinet to Mr Kyprianou	Item 15
Mr FRASER	Chef de cabinet to Mr Mandelson	Item 14
Mr HAUGAARD	A member of Mr Mandelson's staff	Item 14
Mr KESTERIS	Chef de cabinet to Mr Piebalgs	
Mr PELAYO	Secretariat-General	Item 14

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

1. AGENDAS

(OJ(2005)1712/3; SEC(2005)1012/2)

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)1712)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Tuesday 30 August.

3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1711th MEETING

(20 July)

(PV(2005)1711 and /2; PV(2005)1711, Part II)

In line with the arrangements agreed at the meeting in question, the Commission took note of the approval on 27 July of the minutes and special minutes of its 1711th meeting.

4. WRITTEN PROCEDURES AND EMPOWERMENT

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2005)1013 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 18 July and 26 August.

4.2. SENSITIVE WRITTEN PROCEDURES

(SEC(2005)1014)

The Commission took note of written procedures initiated between 18 July and 26 August for the adoption of decisions with political implications.

4.3. EMPOWERMENT

(SEC(2004)1015 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 18 July and 26 August.

4.4. DELEGATION AND SUBDELEGATION OF POWERS

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation procedure between 18 July and 26 August, as archived on the "Grefte 2000" (Registry) website.

5. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2005)1016/2)

ADMINISTRATIVE MATTERS

(PERS(2005)112/2)

**5.1. DG EMPL – REOPENING OF PUBLICATION OF AN A*14 DIRECTOR
POST (EU-10)***

(PERS(2004)153)

On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr ŠPIDLA, the Commission decided under Article 29(2) of the Staff Regulations to authorise the reopening of the publication of the vacancy notice in PERS(2004)153 for a period of one month.

This decision would take effect immediately.

**5.2. DG EAC – A*14 POST OF DIRECTOR, EUROPEAN CENTRE FOR
THE DEVELOPMENT OF VOCATIONAL TRAINING (CEDEFOP)
(PERS(2005)105 to /3)**

The Commission had before it applications for the post of Director of the European Centre for the Development of Vocational Training (CEDEFOP), published in accordance with Council Regulation (EC) No 337/75 of 10 February 1975 establishing the Centre (PERS(2005)105/3).

The Commission took note of the procedure followed for this appointment as set out in PERS(2005)112/2 and of the opinions of the Consultative Committee on Appointments of 6 and 14 July (PERS(2005)105 and /2).

The Commission proceeded to consider the applicants' qualifications for the post. On a proposal from Mr KALLAS, in agreement with the PRESIDENT

and Mr FIGEL, it then decided to appoint Ms Avianna BULGARELLI to the post.

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

**5.3. DG TREN - A*14 / A*15 POST OF CHIEF ADVISER
(PERS(2005)37 to /3)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the function of Chief Adviser in the Energy and Transport DG (PERS(2005)37).

The Commission took note of the opinions of the Consultative Committee on Appointments of 14 and 23 June (PERS(2005)37/2 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 PRESIDENT, Mr BARROT and Mr PIEBALGS, it then decided to appoint Mr Luc WERRING to the post.

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

**5.4. OLAF – ADOPTION OF A SHORTLIST FOR THE RECRUITMENT OF
AN A*15/A*16 DIRECTOR
(PERS(2004)244/9)**

Having noted Opinion No 3/2005 of the OLAF Supervisory Committee (PERS(2004)244/9), the Commission, on a proposal from Mr KALLAS, in agreement with the PRESIDENT, decided to confirm the list of five qualified candidates which it had adopted on 20 July (PV(2005)1711, Part II, item 11) and to send this list to Parliament and the Council.

**6. COMMISSION DECISION CONCERNING THE REDUCTION OF THE ASSISTANCE FROM THE COHESION FUND TO PROJECT No 95/09/65/040 (THE NEW ATHENS INTERNATIONAL AIRPORT AT SPATA) GRANTED BY COMMISSION DECISION C(1996)1356 OF 24 MAY 1996
(C(2005)3243 to /2)**

The Commission adopted, in the authentic language (Greek), the decision in C(2005)3243. The decision would be notified to the Greek authorities.

**7. A POSSIBLE CONTRIBUTION BASED ON AIRLINE TICKETS AS A NEW SOURCE OF FINANCING DEVELOPMENT: TECHNICAL REFLECTIONS IN THE RUN-UP TO THE UN HIGH-LEVEL EVENT
(SEC(2005)1065 to /3; SEC(2005)1067 to /4; SEC(2005)1069)**

The Commission took note of the communication in SEC(2005)1065/3 and the accompanying staff paper (SEC(2005)1067/3). The staff paper would be sent to the Council with a view to the informal Council meeting (Economic and Financial Affairs) on 9 and 10 September.

8. MONITORING THE APPLICATION OF COMMUNITY LAW

**8.1. *INFRINGEMENTS - CASE DEFERRED BECAUSE OF UNAVAILABILITY OF DOCUMENTS - REGULARISATION*
(SEC(2005)1056)**

The Commission adopted the decision in SEC(2005)1056.

8.2. INFRINGEMENTS - URGENT CASE

(SEC(2005)1075; SEC(2005)1077; SEC(2005)1073)

The Commission adopted the decision in SEC(2005)1077.

More generally, on the handling of cases under Article 228 of the Treaty, it took note of the communication in SEC(2005)1073 and confirmed the line set out at item 3 thereof on the position to be taken pending the new communication on the implementation of the Article in question.

9. COMMISSION COMMUNICATION TO THE COUNCIL, PARLIAMENT, THE ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS *MIGRATION AND DEVELOPMENT: SOME CONCRETE ORIENTATIONS*

(COM(2005)304 to /4; SEC(2005)1058)

10. PROPOSAL FOR A PARLIAMENT AND COUNCIL DIRECTIVE ON COMMON STANDARDS AND PROCEDURES IN MEMBER STATES FOR RETURNING ILLEGALLY STAYING THIRD-COUNTRY NATIONALS

(COM(2005)391 to /3; SEC(2005)1057; SEC(2005)1058)

11. COMMISSION COMMUNICATION TO THE COUNCIL, PARLIAMENT, THE ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS: A COMMON AGENDA FOR INTEGRATION – FRAMEWORK FOR THE INTEGRATION OF THIRD-COUNTRY NATIONALS IN THE EUROPEAN UNION

(COM(2005)389 to /4; SEC(2005)1058)

**12. COMMISSION COMMUNICATION TO THE COUNCIL AND
PARLIAMENT ON REGIONAL PROTECTION PROGRAMMES
(COM(2005)388 to /3; SEC(2005)1058)**

The Commission considered together the three communications and the proposal for a Directive, making up the package of measures in the field of immigration and asylum presented by Mr FRATTINI in association or in agreement, according to the dossiers, with Mr MICHEL, Ms FERRERO-WALDNER and Mr ŠPIDLA.

The PRESIDENT paid tribute to the collective responsibility shown by Mr FRATTINI, the members associated, the Members' Offices and the departments in the preparation of these complex dossiers. It was clear that the Commission had to adopt as balanced an approach as possible between the requirements of the countries of destination and the immigrants' countries of origin, and between the legal imperatives and compliance with human rights.

Mr FRATTINI noted that the series of measures he was proposing came in response to the requests by the Council and the European Council following the adoption in November 2004 of the Hague Programme concerning questions such as the return of illegally staying nationals of non-member countries, a coherent framework for integration, the link between migration and development, and the definition of regional protection programmes.

The proposal for a Directive (COM(2005)391/3) aimed to define clear, transparent and fair common standards for the return, removal, temporary custody and re-entry of illegally staying nationals of non-member countries and the use of coercive measures, taking fully into account compliance with the human rights and fundamental freedoms of the persons concerned. This should help maintain the integrity, credibility and effectiveness of Union immigration policy. Mr FRATTINI reviewed the main points of the proposal, such as the establishment of a transparent and fair procedure for bringing illegal residence to an end; the promotion of the

principle of voluntary return thanks to the definition of a general rule providing in principle for a departure deadline; the limitation of the use of coercive measures, making these subject to compliance with the proportionality principle; the introduction of a ban on re-entry that would be valid throughout the Union, and the limitation of the use of temporary custody, making this subject to compliance with the proportionality principle and to minimum standards for its implementation.

The communication on integration (COM(2005)389/4) was designed to lay down a coherent European framework for the integration of third-country nationals into the EU. The pillars of this communication took the form of proposals for concrete measures to carry the basic common principles into effect at national level, but also a series of Union support mechanisms. It was important to clarify the rights and obligations of immigrants, to put in place specific cooperation activities and to develop exchanges of information on integration, focusing on action and evaluation, citing in this connection the annual report on immigration and integration.

Mr FRATTINI pointed out that, in the communication on migration and development (COM(2005)390/4), the Commission set itself the objective, in a spirit of partnership with countries of origin, of establishing a link between migration and development cooperation in order to help reduce poverty in those countries. The communication examined subjects such as the remittance by migrants of moneys to their countries of origin, the diasporas as vectors of development in those countries, and efforts to mitigate the negative effects of the brain drain, and it proposed a series of policy guidelines to help maximise the positive repercussions of migration on the development of the migrants' countries of origin. The communication had been prepared in close cooperation with the Member States and with the relevant international organisations.

Concerning the communication on regional protection programmes (COM(2005)388/3), Mr FRATTINI noted that the great majority of refugees

remained in their region of origin, in conditions of extreme poverty and a lack of security. It was therefore important that persons needing protection should be able to secure as soon as possible the protection best meeting their needs. In a spirit of partnership and shared responsibility, the regional protection programmes aimed to help non-member countries that were receiving substantial communities of refugees, or that were having to deal with a large number of asylum-seekers, to strengthen their own protection capacities. The first regional protection programme would be implemented as a pilot programme in the western new independent States (Ukraine, Moldova and Belarus).

Mr FRATTINI also informed the Commission of how he envisaged the package being handled by the other institutions, its presentation being planned at the informal meeting of justice and home affairs ministers on 8 and 9 September in Newcastle.

Having taken note of these observations, the Commission held a brief debate during which it commented in more detail on the following aspects:

- the importance for the Commission of pushing things forward in these areas, among other things with a view to the high-level debate on migration and development to be held in 2006 under the auspices of the UN General Assembly;
- the key principle of the co-ownership of the approach (partnership with the countries concerned) for the regional protection programmes;
- whether or not to propose a minimum deadline for the voluntary departure referred to in Article 6(2) of the proposal for a Directive (COM(2005)391/3);
- the need for the Union to make the new rules known to the populations of the countries of origin, and the importance for the Commission of having an appropriate information and communication policy in place in this matter, thereby helping to send those countries an unequivocal message that was both clear and firm.

The PRESIDENT concluded by drawing particular attention, as a good example of the progress of European integration, to the section of the proposal conferring a European dimension on the effects of national return measures by introducing a ban on re-entry that would be valid throughout the Union.

After its discussion, the Commission:

- approved the communication in COM(2005)390/4 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions;
- adopted the proposal for a Directive in COM(2005)391/3 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions;
- took note of staff paper SEC(2005)1057, which would accompany the proposal for a Directive;
- approved the communication in COM(2005)389/4 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions;
- approved the communication in COM(2005)388/3 for transmission to Parliament and the Council.

13. TRENDS IN THE MEMBER STATES (SEC(2005)1088)

Ms WALLSTRÖM commented on the information note distributed as SEC(2005)1088 covering developments in European public opinion from 15 July to 26 August. Drawing particular attention to a new section on the lively and

innovative debate taking place in internet blogs on European questions, and indicating that other improvements would gradually be introduced to this regular information note, Ms WALLSTRÖM reminded the meeting that the action plan adopted by the Commission on 20 July for communication on Europe (SEC(2005)985/5, /7 and /8 and PV(2005)1711, item 19) called for increased use of modern communication tools.

Ms WALLSTRÖM referred briefly to the results of the August Eurobarometer (surveys carried out in May and June) on general public satisfaction in the candidate countries, their perception of the main problems and the operation of democracy in their countries and their support for accession to the Union.

Having emphasised the importance of the new technologies and, more particularly, of drawing the appropriate lessons from the use of the internet in the countries most advanced in this area in support of a modern information and communication policy, the Commission took note of this information.

14. RELATIONS WITH NON-MEMBER COUNTRIES

14.1. TEXTILE IMPORTS FROM CHINA

Mr MANDELSON outlined the difficulties that had arisen over the summer as regards the blockage at customs posts of a large volume of textile products from China because of a lack of appropriate import certificates. He reviewed the background to these problems, which followed the signing of the Shanghai agreement on 10 June and the entry into force of the implementing Regulation on 12 July. He congratulated the Trade DG on the speed and efficiency with which the new rules had been put into effect. He then explained the approach he was proposing to find a solution as soon as possible, particularly as regards

the release of the stocks. This was a very sensitive matter, both for the Member States and for relations with China, especially given the imminent summit between the two partners.

In an in-depth exchange of views following this introduction, the Commission considered in particular the following aspects:

- the need to muster the greatest possible consensus within the Commission on what was a highly sensitive dossier;
- the importance of preserving the Shanghai agreement, while securing a constructive commitment on the part of the Chinese authorities to the agreed solution; in this connection, the leverage at the Commission's disposal in the negotiations with the Chinese authorities;
- the specific nature of the Chinese economic and political system;
- the risk that this kind of problem could recur in other sectors and products as the globalisation of the economy progressed;
- the urgency of considering in depth the question of the necessary restructuring of European industry, including the textile industry, an issue to be tackled in the communication on a modern industrial policy that Mr VERHEUGEN would be tabling in the autumn. The need to put in place mechanisms actively to encourage efforts at innovation by European industry was mentioned, as was the dynamism already being shown by substantial sections of the European textile industry. The meeting also recalled the communication approved by the Commission in the spring on restructuring and employment, which already provided a number of instruments to facilitate the sound management of restructuring efforts (COM(2005)120 final);

- the management of information to the outside world on the new measures to be adopted, only a few months after the signing of the Shanghai agreement;
- the impact of these measures on the textile industry in other partner countries of the Union;
- irrespective of the current situation, the need to apply classic anti-dumping instruments in circumstances where this was justified.

In conclusion, the PRESIDENT noted the very wide support among Commission Members for the approach advocated by Mr MANDELSON in his contacts in progress with the Member States, viz.:

- the arrangements for accounting for imports duly certified during June and July that had already arrived on the Community market within the quotas laid down for 2005; acceptance of possible overshoots of the quotas set, on the basis of the exceptional circumstances surrounding the implementation of the Shanghai agreement;
- the immediate release of the goods currently blocked at customs, even if they did not carry appropriate import certificates; this was in the light of the expectations of the textile trade and the vital importance of these stocks for small businesses;
- the amendment, as an interim and provisional measure, of the implementing Regulation in order to enable this release, by means of an increase in the quotas for 2005. This proposal, however, would be dependent on the continuation of negotiations with the Chinese authorities, in order to reach a common solution on the definitive arrangements for accounting for these goods under the Shanghai agreement.

Mr MANDELSON thanked the PRESIDENT and the other Commission Members for their support and for the collective responsibility shown in this matter.

In response to observations by Ms WALLSTRÖM on the frequency of fatal accidents to workers in Chinese mines, the PRESIDENT noted that a key question for the next summit with China would be working conditions, and that the signing of an agreement was planned in this connection.

14.2. VISIT BY MS FISCHER BOEL TO AUSTRALIA

Ms FISCHER BOEL reported on her brief visit to Australia in August for a meeting of the agriculture ministers of the United States, Canada, Australia, Japan and the EU. This meeting was of crucial importance for the preparations for the next stage of the round of negotiations launched at Doha, particularly as regards strengthening mutual confidence between the participants, and should smooth the way for the preparations for the WTO ministerial conference in Hong Kong in December. Ms FISCHER BOEL also welcomed the appointment of Mr Pascal LAMY as Director-General, WTO.

15. OTHER BUSINESS

15.1. AVIAN INFLUENZA **(SEC(2005)1089)**

Mr KYPRIANOU reviewed the history of the development of avian influenza, its geographical origins, the risks of its spreading in Europe, the unilateral preventive measures taken by the Dutch authorities in August, their repercussions on the consumer, and the legal aspects arising. He also reminded the meeting of all the prevention and control measures taken in the

EU so far and planned for the future in terms of human and animal health protection. There was close cooperation between the relevant Commission departments and the pharmaceutical industry to increase the availability of vaccines in the event of an epidemic. Member States must make a stronger commitment to purchasing the vaccines, thus encouraging the pharmaceutical industry to increase production. Mr KYPRIANOU reminded the meeting of the recent Commission proposal for the creation of a solidarity fund to cover the reimbursement of the costs of using the vaccines in the event of an influenza epidemic, and also referred to the international cooperation led by the EU with the aim of tackling the problem at source.

The PRESIDENT concluded by reminding the meeting of the sensitive nature of this matter, both for public health and at political level. He asked Mr KYPRIANOU to follow developments closely and to regularly update the Commission. He stressed the importance of maintaining total transparency in this file.

The Commission took note of this information and of the information note circulated by Mr KYPRIANOU.

15.2. AIRCRAFT ACCIDENTS IN AUGUST
(SEC(2005)1087)

Mr BARROT briefly presented the data set out in his information note SEC(2005)1087 on the air transport safety situation in Europe in the context of recent accidents. Having noted in particular the importance of acting with determination in the light of the rapid growth of air travel, as well as the undoubted added value of Community action in the field of aviation safety, he reviewed the legislative measures adopted by the present Commission since it had taken office and their state of transposition in the Member States, and referred to the Commission's decisive contribution to the adoption of an action

plan by the European Civil Aviation Conference on 27 August. He outlined some proposals he intended to table shortly in this area, particularly for increasing the powers of the European Aviation Safety Agency.

The PRESIDENT congratulated Mr BARROT on his interventions in this area over the summer break, and noted that new proposals on aviation safety would be put before the Commission, before the end of the year, in full compliance with the procedures in force.

The Commission took note of this information.

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The meeting closed at 1300 hours.