



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2005)1715 final

Brussels, 27 September 2005

MINUTES
of the 1715th meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 21 September 2005
(morning)

PV(2005)1715 final

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Single sitting: Wednesday 21 September (morning)

The sitting opened at 0915 hours with Mr Barroso, President, in the chair.

Present:

Mr BARROSO	President	
Ms WALLSTRÖM	Vice-President	
Mr VERHEUGEN	Vice-President	Items 9 to 22
Mr BARROT	Vice-President	
Mr KALLAS	Vice-President	
Mr FRATTINI	Vice-President	
Ms REDING		
Mr DIMAS		Items 1 to 17
Mr ALMUNIA		Except items 16 and 17
Ms HÜBNER		
Mr BORG		
Ms GRYBAUSKAITĖ		
Mr POTOČNIK		
Mr FIGEL'		
Mr KYPRIANOU		
Mr REHN		
Mr MICHEL		Items 1 to 15
Mr KOVÁCS		
Ms KROES		Items 1 to 18
Ms FISCHER BOEL		
Mr McCREEVY		
Mr ŠPIDLA		
Mr MANDELSON		
Mr PIEBALGS		

Absent:

Ms FERRERO-WALDNER

The following sat in to represent absent Members of the Commission

Ms GEBETSROITHNER A member of Ms Ferrero-Waldner's staff

The following also sat in

Mr PETITE	Director-General, Legal Service	
Ms LE BAIL	Commission Spokeswoman	
Ms HELFFERICH	Spokeswoman	Items 16 and 17
Mr ROSCAM ABBING	Spokesman	Items 19 and 20
Ms CORUGEDO STENERBERG	Press and Communication DG	
Mr ITALIANER	Deputy Chef de cabinet to the President	
Ms MARTINHO	Chief Adviser in the President's Office	Items 16 and 17
Mr LAITENBERGER	A member of the President's staff	
Ms KONTOU	Chef de cabinet to Mr Dimas	Items 16 and 17
Mr SCHELLEKENS	Deputy Chef de cabinet to Mr Dimas	Items 16 and 17
Mr BEKX	Deputy Chef de Cabinet to Mr Almunia	Items 16 and 17
Mr DRÖLL	Chef de cabinet to Mr Potočnik	Items 9 to 15
Mr VANDENBERGHE	Deputy Chef de cabinet to Mr Potočnik	Items 9 to 15
Ms PROUT	A member of Mr Potočnik's staff	Items 9 to 15
Mr GUERSENT	Deputy Chef de cabinet to Ms KROES	Item 18
Ms BRANDTNER	A member of Ms Kroes's staff	Item 18
Mr TAVARES	Bureau of European Policy Advisers (BEPA)	

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

1. AGENDAS

(OJ(2005)1715/3; SEC(2005)1136/2)

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)1715)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 19 September.

3. MINUTES OF 1714th MEETING (14 September)

(PV(2005)1714)

The Commission approved the minutes of its 1714th meeting.

4. WRITTEN PROCEDURES AND EMPOWERMENT

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2005)1137 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 12 and 16 September.

4.2. SENSITIVE WRITTEN PROCEDURES

(SEC(2005)1138)

The Commission took note of written procedures initiated between 12 and 16 September for the adoption of decisions with political implications.

4.3. EMPOWERMENT

(SEC(2005)1139 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 12 and 16 September.

**4.4. EMPOWERMENT IN THE FIELD OF DEROGATIONS FOR THE USE
OF HYDROCHLOROFLUOROCARBONS AND
CHLOROFLUOROCARBONS**

(SEC(2005)1164)

The Commission granted the Commission Member responsible for the environment the empowerment set out in SEC(2005)1164.

4.5. DELEGATION AND SUBDELEGATION OF POWERS

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation procedure between 12 and 16 September, as archived on the "Greffé 2000" (Registry) website.

5. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2005)1140/2)

ADMINISTRATIVE MATTERS
(PERS(2005)117)

5.1. DG ECFIN - A*14 FUNCTION OF CHIEF ADVISER (EU-10)
(PERS(2004)239 to /5)

The Commission had before it applications under Article 29(2) of the Staff Regulations for the function of Chief Adviser in the Economic and Financial Affairs DG, reserved for a national of one of the new Member States (PERS(2004)239, /3 and /4).

The Commission took note of the opinions of the Consultative Committee on Appointments of 6 April and 23 June (PERS(2004)239/2, /3 and /5).

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr ALMUNIA, it then decided to appoint Mr Peter BASCH to the post.

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

**5.2. DG SANCO – FUNCTION OF DIRECTOR, EXECUTIVE AGENCY FOR
THE PUBLIC HEALTH PROGRAMME**
(PERS(2005)99 to /3)

The Commission had before it applications for the function of Director, Executive Agency for the Public Health Programme, published in accordance with its decision of 15 December 2004 creating the agency.

The Commission took note of the opinions of the Consultative Committee on Appointments of 22 and 30 June (PERS(2005)99 to /3).

The Commission proceeded to consider the applicants' qualifications for the post. It also considered the applicants' ability, efficiency and conduct in the service. On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr KYPRIANOU, it then decided:

- to appoint Mr Luc BRIOL Director of the Executive Agency for the Public Health Programme;
- to second Mr Luc BRIOL to the Agency in the interests of the service for the duration of his term of office, with a view to exercising his functions as Director as a member of the temporary staff.

These decisions would take effect on a date to be fixed later.

5.3. *DG ADMIN – AMENDMENT OF COMMISSION DECISION ON THE RULES ON THE SECONDMENT OF NATIONAL EXPERTS TO THE COMMISSION*
(C(2005)3608)

The Commission adopted the amendments to its decision on the rules on the secondment of national experts to the Commission, as set out in C(2005)3608.

This decision would take effect immediately.

5.4. *RULES GOVERNING THE COMPOSITION OF MEMBERS' CABINETS AND SPOKESPERSONS*
(SEC(2004)1485/4)

The Commission took note of the amendments made by the PRESIDENT to the rules he had drawn up on the composition of Members' Offices and the Spokespersons, as set out in SEC(2004)1485/4.

These rules would take effect immediately.

**6. COMMISSION REPORT UNDER ARTICLE 104(3) OF THE EC TREATY
CONCERNING THE UNITED KINGDOM
(SEC(2005)1144 to /3; SEC(2005)1149 to /3; SEC(2005)1155)**

The Commission approved the report in accordance with Article 104(3) of the EC Treaty, as set out in SEC(2005)1144/3, and authorised its transmission to the Economic and Financial Committee (EFC) together with the technical background document (SEC(2005)1149/3), of which it took note.

7. RELATIONS WITH NON-MEMBER COUNTRIES

**7.1. VISIT BY Mr KYPRIANOU TO ROMANIA
(SEC(2005)1177)**

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

**7.2. VISIT BY Mr BORG TO ICELAND
(SEC(2005)1179)**

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

8. OTHER MATTERS

**8.1. DEVELOPMENTS ON THE OIL MARKETS AND ACTION TAKEN IN
RESPONSE TO HIGH OIL PRICES
(SEC(2005)1167)**

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

**8.2. MEETING BETWEEN Mr PIEBALGS AND THE PRESIDENT OF THE
OPEC CONFERENCE (VIENNA, 18 SEPTEMBER)
(SEC(2005)1180)**

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

**9. PROPOSAL FOR A COUNCIL DECISION CONCERNING THE SPECIFIC
PROGRAMME TO BE CARRIED OUT BY MEANS OF DIRECT ACTIONS
BY THE JOINT RESEARCH CENTRE UNDER THE SEVENTH
FRAMEWORK PROGRAMME OF THE EUROPEAN COMMUNITY FOR
RESEARCH, TECHNOLOGICAL DEVELOPMENT AND
DEMONSTRATION ACTIVITIES (2007-13)
(COM(2005)439 to /3; SEC(2005)1135; SEC(2005)1157)**

**10. PROPOSAL FOR A COUNCIL DECISION CONCERNING THE SPECIFIC
PROGRAMME “COOPERATION” IMPLEMENTING THE SEVENTH
FRAMEWORK PROGRAMME (2007-13) OF THE EUROPEAN
COMMUNITY FOR RESEARCH, TECHNOLOGICAL DEVELOPMENT
AND DEMONSTRATION ACTIVITIES
(COM(2005)440 to /3; SEC(2005)1135; SEC(2005)1157)**

- 11. PROPOSAL FOR A COUNCIL DECISION CONCERNING THE SPECIFIC PROGRAMME "IDEAS" IMPLEMENTING THE SEVENTH FRAMEWORK PROGRAMME (2007-13) OF THE EUROPEAN COMMUNITY FOR RESEARCH, TECHNOLOGICAL DEVELOPMENT AND DEMONSTRATION ACTIVITIES**
(COM(2005)441 to /3; SEC(2005)1135; SEC(2005)1157)
- 12. PROPOSAL FOR A COUNCIL DECISION CONCERNING THE SPECIFIC PROGRAMME "PEOPLE" IMPLEMENTING THE SEVENTH FRAMEWORK PROGRAMME (2007-13) OF THE EUROPEAN COMMUNITY FOR RESEARCH, TECHNOLOGICAL DEVELOPMENT AND DEMONSTRATION ACTIVITIES**
(COM(2005)442 to /3; SEC(2005)1135; SEC(2005)1157)
- 13. PROPOSAL FOR A COUNCIL DECISION ON THE SPECIFIC PROGRAMME: "CAPACITIES" IMPLEMENTING THE SEVENTH FRAMEWORK PROGRAMME (2007-13) OF THE EUROPEAN COMMUNITY FOR RESEARCH, TECHNOLOGICAL DEVELOPMENT AND DEMONSTRATION ACTIVITIES**
(COM(2005)443 to /3; SEC(2005)1135; SEC(2005)1157)
- 14. PROPOSAL FOR A COUNCIL DECISION CONCERNING THE SPECIFIC PROGRAMME TO BE CARRIED OUT BY MEANS OF DIRECT ACTIONS BY THE JOINT RESEARCH CENTRE IMPLEMENTING THE SEVENTH FRAMEWORK PROGRAMME (2007-11) OF THE EUROPEAN ATOMIC ENERGY COMMUNITY (EURATOM) FOR NUCLEAR RESEARCH AND TRAINING ACTIVITIES**
(COM(2005)444 to /3; SEC(2005)1135; SEC(2005)1157)

15. PROPOSAL FOR A COUNCIL DECISION CONCERNING THE SPECIFIC PROGRAMME IMPLEMENTING THE SEVENTH FRAMEWORK PROGRAMME (2007-11) OF THE EUROPEAN ATOMIC ENERGY COMMUNITY (EURATOM) FOR NUCLEAR RESEARCH AND TRAINING ACTIVITIES
(COM(2005)445 to /3; SEC(2005)1135; SEC(2005)1157)

Mr POTOČNIK tabled a series of proposals for Decisions for the implementation, through seven specific programmes, of the seventh Community and Euratom framework research programmes, adopted by the Commission on 6 April (PV(2005)1696, items 21-22; COM(2005)119 final). The proposals for specific programmes, designed to be fully in line with the proposals for framework programmes, set out in practical terms the manner in which the Commission was planning to respond to Europe's research needs and enable it to develop its full potential in support of the renewed Lisbon strategy for growth and employment. Emphasising the great importance attached to simplifying and speeding up the implementation of research programmes, Mr POTOČNIK stated that he would shortly be tabling a proposal on the rules for participation in the various programmes. In due course he would be ready to consider the arrangements for implementing the programmes without, however, calling the agreed general principles into question. Lastly, he was aware that stem cell research was a sensitive issue raising a number of ethical questions, and he outlined the current state of play and his reasons for proposing that the status quo be preserved, the Community being allowed to financing this research within the limits and the very strict monitoring rules currently applied.

Having noted Mr POTOČNIK's remarks, the Commission held an in-depth discussion, paying particular attention to the following:

- the importance of the seven specific programmes as an essential contribution to the renewed Lisbon strategy; the advisability of concentrating efforts on areas of scientific endeavour which had already been found to be promising and necessary means of promoting growth and job-creation;
- the importance of energy research;
- the need to provide research with the budgetary resources that it needed to match its declared ambitions, given the risk of widening the gap with other international partners; the possible effects of the budgetary authority's final agreement on the financial perspective and the conclusions to be drawn;
- the financing of stem-cell research: the advisability of maintaining the status quo; the current rules and the importance of the guidelines; the need to intensify research with a view to identifying alternative sources of cell materials; the role of the Union and the Commission; the political and institutional context following enlargement; potential reactions to the proposals; Parliament's position and the line to be taken there.

Following the debate, the PRESIDENT congratulated Mr POTOČNIK on the ambitious proposals presented, and noted that there was broad agreement on them. It was important to ensure that proper communication activities were undertaken and to stress that European research must be provided with the budgetary resources it required.

Given the particularly large scale of research expenditure, the Commission noted that questions relating to the institutional architecture and the arrangements for implementing the seventh framework programme would be reviewed in the light of the final agreement on the financial perspective, though the principles agreed when the framework programme was adopted would not be called into question.

Concerning the institutional context, the Commission noted that it was ready to consider any amendments proposed by Parliament to the proposals for seventh framework programmes or specific programmes at subsequent stages of the legislative procedure.

Subject to these clarifications, the Commission adopted the proposals set out in COM(2005)439/3 to COM(2005)445/3 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.

16. COMMUNICATION TO THE COUNCIL AND PARLIAMENT: THEMATIC STRATEGY ON AIR POLLUTION

(COM(2005)446 to /4; SEC(2005)1132; SEC(2005)1133/2; SEC(2005)1134; SEC(2005)1150; SEC(2005)1163)

17. PROPOSAL FOR A PARLIAMENT AND COUNCIL DIRECTIVE ON IMPROVING AIR QUALITY

(COM(2005)447 to /3; SEC(2005)1133/2; SEC(2005)1134; SEC(2005)150; SEC(2005)1163)

Mr DIMAS tabled his two air quality proposals. The aim of the thematic strategy on air pollution was in particular to reduce the number of premature deaths caused by atmospheric-pollution-related diseases by 40% by 2020, and it paid special attention to particulates and pollution by tropospheric ozone. Proceeding on the basis of a solid impact assessment and extensive consultations with interested parties, the proposals reconciled environmental and competitiveness concerns and should be highly beneficial to both the environment and health. The proposal for a Directive also aimed to merge the existing legal instruments into a single air quality Directive, which would make a significant contribution to achieving the goals of the *Better*

lawmaking initiative. Mr DIMAS concluded by thanking Commission Members and their Offices and departments for their cooperation in preparing the dossier.

Having noted Mr DIMAS's remarks, the Commission held an exchange of views, paying special attention to the following:

- the balanced nature of the proposals, the measures being designed to secure a fair balance between costs and effectiveness;
- the additional costs and the benefits generated by the proposed measures for the economy in general and for the various sectors concerned (industry, agriculture, public health etc.);
- the need, particularly for reasons connected with growth and competitiveness, to identify the best policy mix to achieve the strategy's objectives, particularly by encouraging innovatory initiatives in other sectors such as the motor industry;
- the ability of environmental legislation to stimulate innovation;
- the importance of creating conditions of legal certainty and predictability for industry and the need to avoid saddling it with new burdens (at both national and Community levels), so as to avoid further stimulating delocalisation;
- the quality of the impact assessment; the value for present purposes but also more generally of giving priority to a broad vision of impact assessments, focusing on all possible means of achieving the effects sought, not only by these measures, and not just on a specific policy area and its instruments; the need to have a precise impact assessment when the national emission ceilings were due to be set (in 2006);
- the importance of monitoring the implementation of the measures;
- the role of nuclear energy.

The PRESIDENT concluded by thanking Mr DIMAS for the quality of his proposals, which were evidence of the Commission's willingness to embark on an ambitious environment policy while remaining realistic and concerned to ensure proper implementation in compliance with the Union's competitiveness strategy.

After its discussion, the Commission:

- approved the communication on the thematic strategy on air pollution, as set out in COM(2005)446/4;
- adopted the proposal for a Directive on ambient air quality, as set out in COM(2005)447 to /3;
- took note of the two staff papers (SEC(2005)1132 and SEC(2005)1133/2);
- decided to transmit these documents to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions:

18. MONITORING THE APPLICATION OF COMMUNITY LAW

18.1. STATE AID - SPECIFIC CASES

(SEC(2005)1165; SEC(2005)1178)

The Commission adopted the decisions in SEC(2005)1178.

18.2. STATE AID – CONSULTATION DOCUMENT ON STATE AID FOR INNOVATION

(COM(2005)436 to /3; SEC(2005)1165)

Ms KROES introduced the consultation document that she was tabling. This was the first time the more detailed economic approach outlined in the state aid action plan approved by the Commission in June was being applied, and

she highlighted the consistency between the proposed measures and the revised Lisbon objectives of growth and job-creation. The document was purely consultative at this stage, but it clearly showed the importance attached by the Commission to innovation as a key factor for business competitiveness, subject to full compliance with the competition rules. State aid could not be regarded as the main instrument for promoting innovation, and effective competition continued to play the dominant role, but aid schemes could have a positive impact in certain specific cases where market forces alone did not suffice. Ms KROES noted the urgent need to press ahead here and considered that the consultation document would send a strong political message to the Member States and to industry.

The Commission held a brief exchange of views, paying special attention to the following:

- without prejudice to the priority given to small businesses, the advisability of widening the approach to include large companies and the services sector, given the replies received during the public consultation and, as regards services, when the statistical instruments enabling the problems faced to be quantified were available;
- the importance of looking beyond state aid considerations and creating a propitious environment for private-sector funding for innovation.

Summing up, the PRESIDENT noted that the document showed the Commission's commitment to promoting innovation in the EU and offered a positive practical example of its willingness to act accordingly in the field of competition, which was within its powers.

Following its discussion, the Commission approved the consultation document in COM(2005)436/3 for transmission to Parliament, the Council,

the Economic and Social Committee, the Committee of the Regions and the Member States.

**18.3. INFRINGEMENTS - URGENT OR POSTPONED CASES
(SEC(2005)1143)**

The Commission adopted the decisions in SEC(2005)1143.

- 19. COMMISSION COMMUNICATION TO PARLIAMENT AND THE COUNCIL CONCERNING TERRORIST RECRUITMENT: ADDRESSING THE FACTORS CONTRIBUTING TO VIOLENT RADICALISATION (COM(2005)313 to /6; SEC(2005)1156)**
- 20. PROPOSAL FOR A PARLIAMENT AND COUNCIL DIRECTIVE ON THE RETENTION OF DATA PROCESSED IN CONNECTION WITH THE PROVISION OF PUBLIC ELECTRONIC COMMUNICATIONS SERVICES AND AMENDING DIRECTIVE 2002/58/EC (COM(2005)438 to /3; SEC(2005)1131; SEC(2005)1156)**

Mr FRATTINI introduced the two papers he was tabling. They formed part of a comprehensive strategy of prevention, preparation and response to terrorist attacks, which also included several other measures recently adopted by the Commission or shortly to come before it. The communication on terrorist recruitment was the Commission's contribution to the strategy the Council was to adopt before the end of the year, as agreed in the Hague Programme. It proposed various avenues to be explored to prevent terrorist recruitment, focusing on a number of particularly important factors such as audiovisual policy, the internet, intercultural and interfaith dialogue, education, integration policies, and cooperation between law-enforcement services. The objective pursued by the proposal for a Directive on the retention of

electronic data, presented in agreement with Ms REDING, was to improve Europe's response to terrorist attacks, the conservation of data being of decisive importance for the investigation of serious crimes, and particularly terrorist attacks.

Mr FRATTINI highlighted the concern to strike a balance between the object pursued by the proposal and compliance with certain fundamental rights, such as the protection of privacy and personal data. Referring to work being done in the Council on a third-pillar Council Framework Decision since April 2004, Mr FRATTINI drew attention to the fact that the proposed legal instrument was an instrument of Community law to be adopted by the codecision procedure, closely involving Parliament.

Ms REDING confirmed Mr FRATTINI's view of the proposal for a Directive as a balanced instrument reflecting a compromise between the constraints inherent in combating terrorism and the needs of the industry. She also mentioned the various initiatives already taken or in preparation in her area of responsibility to support the fight against terrorism.

To amplify the general overview of the measures being taken to prevent and combat terrorism, Mr BARROT drew attention to two dossiers up for Commission adoption by written procedure on 22 September: the first report on the implementation of Regulation No 2320/2002 establishing common rules in the field of civil aviation security; and a proposal for a Parliament and Council Regulation on common rules in the field of civil aviation security. That report pointed to the higher level of security in the Union's airports following the entry into force of Regulation No 2320/2002 and the need for certain improvements that underlay the proposal for a Regulation now before the Commission.

The Commission took note of these various interventions and proceeded to consider the proposals now before it, paying special attention to the following:

- the importance of ensuring that the various policies implemented by the Commission, particularly as regards telecommunications, education and culture, made a coordinated contribution to attaining the objective of preventing terrorist recruitment; the essential role of these policies;
- as regards the proposal for a Directive on the retention of data, the relevance of the agreed solution providing for reimbursement of extra costs borne by service or network suppliers; the need for careful monitoring of the implementation of this provision and the need to avoid costs being passed on to the consumer; the implications of these costs being borne from public funds; and the potential perception of the proposal for a Directive outside the Union and the potential risks that it might be exploited as grounds for justifying violations of freedom of expression in non-member countries.

Concluding the exchange of views, the PRESIDENT noted recent developments in the field of justice, freedom and security, as the Member States were gradually becoming aware of the need for tougher Community action. He also emphasised the importance of highlighting the attention paid in the impact analysis to the implications of the proposal for a Directive as regards compliance with the fundamental rights.

After its discussion, the Commission:

- approved the communication in COM(2005)313/6 for transmission to Parliament and the Council;
- adopted the proposal for a decision in COM(2005)438/3 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions;

- took note of the impact analysis in SEC(2005)1131, which would be transmitted to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions in the form of a staff paper.

21. INTERINSTITUTIONAL RELATIONS

(SEC(2005)1141)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 16 September (SEC(2005)1141).

It paid particular attention to the following points:

21.1. RELATIONS WITH PARLIAMENT

i) Preparations for September II part-session: legislation (point 1.2. of the record)

Codecision procedure - 1st reading

- DOORN report – Audit of annual accounts and consolidated accounts – COM(2004)177, 04/0065 (COD)

Given the possibility that this item might be on the agenda for Parliament's September II part-session, the Commission adopted the line set out in SP(2005)3757.

- McCARTHY report - European order for payment procedure – COM(2004)173, 04/0055 (COD)

The Commission adopted the line set out in SP(2005)3557/2.

- RADWAN reports – (1) Taking up and pursuit of the business of credit institutions; (2) Capital adequacy of investment firms and credit institutions – COM(2004)486, 04/0155-0159 (COD)

The Commission adopted the line set out in SP(2005)3558 and authorised Mr McCREEVY to continue contacts with Parliament and the Council with a view to reaching agreement at first reading.

- JARZEMBOWSKI report – Development of the Community's railways – COM(2004)139, 04/0047 (COD)

The Commission adopted the line set out in SP(2005)3585, subject to rejection of amendment 4 and acceptance without amendment of amendment 13.

- SAVARY report – Certification of train crews operating locomotives and trains on the Community's rail network - COM(2004)142, 04/0048 (COD)

The Commission adopted the line set out in SP(2005)3637, subject to acceptance in principle of amendments 35 and 40.

- ZILE report – Contractual quality requirements for rail freight services – COM(2004)144, 04/0050 (COD)

The Commission adopted the line set out in SP(2005)3638.

- STERCKX report – International rail passengers' rights and obligations – COM(2004)143, 04/0049 (COD)

The Commission adopted the line set out in SP(2005)3639.

- VAN HECKE report – Patents for pharmaceutical products for countries with public health problems – COM(2002)92, 02/0047 (COD)

The Commission adopted the line set out in SP(2005)3640.

Simple consultation

- KREISSL-DÖRFLER report – Procedure for granting and withdrawing refugee status – COM(2002)326, 00/0238(CNS)

The Commission adopted the position set out in SP(2005)2968/3 on the understanding that an appropriate forms of words respecting the framework agreement should be found if Mr FRATTINI had to speak after a negative vote.

ii) *Legislative proposals in connection with the financial perspective 2007-2013* (item 1.3. of the record)

The Commission approved the draft joint statement set out in Annex 3 to SI(2005)789 as the basis for negotiations between the three institutions, authorised the Commission's Secretary-General to send it to his counterparts at Parliament and the Council, and instructed Ms GRYBAUSKAITĖ to pursue the discussions.

iii) ***Participation by Members of Parliament in international conferences***

(point 3.6.2 of the record)

High-level plenary session of the UN General Assembly, New York,
14-16 September (record of IRG, 15 July, SEC(2005)954)

The Commission took note of the exceptional *ad hoc* solution found by Ms FERRERO-WALDNER and Mr MICHEL in their answer to the letter from Mr DEVA, Member of Parliament.

iv) ***Action to be taken on Parliament's opinions (Session of 5-8 September)***

- ***corrigendum***

(SP(2005)3156/2)

The Commission approved the empowerment decisions relating to the action to be taken on Parliament's amendments under the codecision and consultation procedures requiring only a single reading (SP(2005)3156/2), rectifying its decision of 14 September (PV(2005)1714, item 8(1)(ii)).

21.2. RELATIONS WITH THE COUNCIL

v) ***Enlargement: Turkey***

(point 2.2 of the record)

Mr REHN reported on the state of play in Coreper with a view to the planned opening of accession negotiations with Turkey on 3 October. The "counter-statement" in response to the Turkish statement when Turkey signed the additional protocol to its association agreement with the Community was to be adopted by the Council by written procedure that day. He drew attention to the highlights of the counter-statement, in particular full compliance with the protocol and its non-discriminatory application, the recognition of all Member States as a necessary

component of the accession process, and the importance of supporting UN efforts to find a comprehensive solution to the Cyprus question. The counter-statement contained a general review clause, applicable in 2006, and described the outcome achieved, after weeks of debate in Council bodies, as both reasonable and balanced. Regarding the negotiating framework, certain details still had to be resolved before it could be finally adopted by the Council, probably in the week beginning 26 September.

The Commission took note of this information.

22. OTHER BUSINESS (continued from item 8)

COMMISSION SEMINAR , TUESDAY 20 SEPTEMBER

The Commission took note of the conclusions reached by the PRESIDENT following its seminar on the future of the EU and the Commission's political priorities on 20 September, in the light of the challenges facing it and the major issues of current concern.

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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 1300 hours.