



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2005)1718 final

Brussels, 20 October 2005

MINUTES
of the 1718th meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 12 October 2005
(morning)

PV(2005)1718 final

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Single sitting: Wednesday 12 October 2005 (morning)

The sitting opened at 0935 hours with Ms WALLSTRÖM, Vice-President, in the chair.

From 1015 hours it was chaired by the PRESIDENT.

Present:

Mr BARROSO President

Ms WALLSTRÖM Vice-President

Mr VERHEUGEN Vice-President

Mr BARROT Vice-President

Mr KALLAS Vice-President

Ms REDING

Mr ALMUNIA

MS HÜBNER

Mr BORG

Ms GRYBAUSKAITĖ

Mr POTOČNIK

Mr FIGEL'

Mr KYPRIANOU

Mr REHN

Mr MICHEL

Mr KOVÁCS

Ms KROES

MS FERRERO-WALDNER

Items 15 to 17

Mr McCREEVY

Mr ŠPIDLA

Mr PIEBALGS

Absent:

Mr FRATTINI Vice-President

Mr DIMAS

Ms FISCHER BOEL

Mr MANDELSON

The following sat in to represent absent Members of the Commission

Ms SCHMITT Deputy Chef de cabinet to Mr FRATTINI

Ms KONTOU Chef de cabinet to Mr Dimas

Ms BORCHMANN A member of Ms Fischer Boel's staff

Ms WENDT A member of Mr Mandelson's staff

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 TOD Spokesman Item 16

Mr CARVOUNIS Acting Director-General, Press and Communication

Mr ITALIANER Deputy Chef de cabinet to the President

Mr ELLIS A member of the President's staff Item 17

Ms CARPARELLI Deputy Chef de cabinet to Ms Wallström Item 8

Mr GRAY A member of Ms Wallström's staff Item 8

Ms HOFFMAN Deputy Chef de cabinet to Ms Reding Item 17

Mr SCHINAS Chef de cabinet to Mr Kyprianou Item 16

Mr DOENS Deputy Chef de Cabinet to Mr Michel Item 17

Mr CHILD Chef de cabinet to Ms Ferrero-Waldner Item 8

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

1. AGENDAS

(OJ(2005)1718/3; SEC(2005)1245/2; SEC(2005)1304)

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)1718)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 10 October.

3. MINUTES OF 1717th MEETING (5 October)

(PV(2005)1717)

The Commission approved the minutes of its 1717th meeting.

4. INTERINSTITUTIONAL RELATIONS

(SEC(2005)1234 and /2; SI(2005)879)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 7 October (SEC(2005)1234 and /2).

It paid particular attention to the following points:

4.1. LEGISLATION

i) Preparations for October I part-session

(point 1.2.1 of the record)

Codecision procedure - 1st reading

- NOVAK report – Quality assurance in higher education –
COM(2004)642, 04/0239(COD)

The Commission adopted the line set out in SP(2005)3925.

- LEHIDEUX report – Measures for Sugar Protocol countries –
COM(2005)266, 05/0117(COD)

Subject to a small drafting change, the Commission adopted the line set out in SP(2005)3926 and authorised Mr MICHEL to pursue contacts with Parliament and the Council with a view to securing agreement at first reading .

Consultation procedure

- BUSK report - Exceptional market support measures - COM(2004)712
- 04/254(CNS)

The Commission adopted the line set out in SP(2005)3927.

ii) Preparations for Coreper (14 October)

(point 1.2.2 of the record)

Food additives – DRCAR MURKO report – COM(2004)650,
04/0237(COD)

The Commission adopted the line set out in SI(2005)856 and decided to support the Presidency compromise with a view to securing agreement at first reading.

iii) Preparations for Council meeting (Competitiveness) (11 October)

(point 1.2.3 of the record)

Formation of public limited liability company (2nd Company Law Directive) – KAUPPI report – COM(2004)730, 04/0256(COD)

The Commission took note of the information note in SI(2005)876, providing for the possibility that the Commission should make a positive contribution to conclusion of the dossier at first reading in accordance with the line set out.

iv) Conciliation

(point 1.2.4 of the record)

Quality of bathing water – MAATEN report – COM(2002)581,
02/0254(COD)

The Commission authorised Mr DIMAS, at the Conciliation Committee meeting on 12 October, to defend the line set out in SPI(2005)73 and /2 in order to help bring the positions of Parliament and the Council closer together.

v) *Legislative proposals connected with the financial perspective*
(point 1.3 of the record)

The Commission took note of the new version of the draft joint declaration set out in the Annex to SI(2005)872 which was in line with the previous version approved on 21 September (PV(2005)1715, item 21.1.ii) and would be put to the triologue scheduled for 13 October.

4.2. RELATIONS WITH PARLIAMENT

vi) *Approval of action taken on non-legislative resolutions adopted by Parliament at the June I and July part-sessions*
(point 3.5.2 of the record)

The Commission approved and decided to transmit to Parliament the report on action taken on Parliament's non-legislative resolutions adopted during the June I and July part-sessions (SP(2005)3923).

vii) *Participation by Members of Parliament in international conferences*
(point 3.6 of the record)

**2nd additional request: WTO Ministerial Conference, Hong Kong,
13–18 December (cf. record of IRG of 1 July, SEC(2005)905)**

The Commission decided to reply to the request addressed by President BORRELL to the PRESIDENT concerning the participation of thirty members of Parliament at this conference, indicating that, for logistical reasons and for the sake of proportionality in comparison with the size of the Community delegation, a maximum of 26 members could be included in this delegation.

5. MONITORING THE APPLICATION OF COMMUNITY LAW

INFRINGEMENTS - REPORT B2/2005 ON SUSPECTED INFRINGEMENTS (SEC(2005)1109; SEC(2005)1112; SEC(2005)1113)

The Commission adopted the decisions in SEC(2005)1113.

6. WRITTEN PROCEDURES AND EMPOWERMENT

6.1. WRITTEN PROCEDURES APPROVED (SEC(2005)1246 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 3 and 7 October.

6.2. SENSITIVE WRITTEN PROCEDURES (SEC(2005)1247)

The Commission took note of written procedures initiated between 3 and 7 October for the adoption of decisions with political implications.

6.3. EMPOWERMENT (SEC(2005)1248 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 3 and 7 October.

6.4. DELEGATION AND SUBDELEGATION OF POWERS

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation procedure between 3 and 7 October, as archived on the "Greffé 2000" (Registry) website.

7. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2005)1249/2)

ADMINISTRATIVE MATTERS
(PERS(2005)127/2)

**7.1. DG ADMIN - INITIAL COMMUNICATION UNDER ARTICLE 50 OF
THE STAFF REGULATIONS**

The Commission decided to initiate the procedure laid down in Article 50 of the Staff Regulations with respect to an A*15 official.

**7.2. DG EMPL – A*14 DIRECTOR OF THE EUROPEAN FOUNDATION
FOR THE IMPROVEMENT OF LIVING AND WORKING CONDITIONS**
(PERS(2005)107 to /3)

The Commission had before it the list of applications for the post of Director, European Foundation for the Improvement of Living and Working Conditions (Eurofound), presented by the Foundation's Governing Board.

The Commission took note of the procedure followed for this appointment as set out in PERS(2005)127/2 and of the opinions of the Consultative Committee on Appointments of 23 June and 19 July (PERS(2005)107 and /2).

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

This decision would take effect on a date to be determined.

7.3. DG TRADE - A*14 CHIEF ADVISER (EU-10)
(PERS(2004)230 to /7)

The Commission had before it applications under Article 29(2) of the Staff Regulations for the function of Chief Adviser in the Trade DG, reserved for a national of one of the new Member States (PERS(2004)230 to /5).

The Commission took note of the opinions of the Consultative Committee on Appointments of 8 and 22 September (PERS(2004)230/6 and /7).

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

This decision would take effect on a date to be determined.

7.4. DG TRADE - A*14 DIRECTOR (EU-10)
(PERS(2004)155 to /5)

The Commission had before it applications under Article 29(2) of the Staff Regulations for the post of Director, Directorate H (Textiles, new technologies, intellectual property, public procurement, trade analysis. bilateral trade relations IV) in the Trade DG, reserved for a national of one of the new Member States (PERS(2004)155, /2 and /5).

The Commission took note of the opinions of the Consultative Committee on Appointments of 11 January and 10 March (PERS(2004)155/3 to /5).

The Commission proceeded to compare the candidates' qualifications for the post. On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr MANDELSON, it then decided to appoint Ms Ewa SYNOWIEC to the post.

This decision would take effect on a date to be determined.

**8. COMMUNICATION TO THE COUNCIL, PARLIAMENT, THE
ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF
THE REGIONS - *THE COMMISSION'S CONTRIBUTION TO THE PERIOD
OF REFLECTION AND BEYOND: PLAN D FOR DEMOCRACY, DIALOGUE
AND DEBATE*
(COM(2005)494 to /4; SEC(2005)1280)**

Presenting her communication on Plan D (the objective of which was to provide the Commission's response to the invitation from the Heads of State and Government to hold, during the period of reflection following the Dutch and French referendums on the Constitution, a wide-ranging debate involving the general public, civil society, social partners, national parliaments and political parties; the communication would be adopted by written procedure to terminate on Thursday 13 October),

Ms WALLSTRÖM noted that the constitutional crisis could be resolved only by the Member States but that the Commission would be able (as the Heads of State and Government had indicated in their statement of 18 June) to play a special role. In Ms WALLSTRÖM's view, this role should in particular involve providing material and instruments for the debate, in which the institution should also take part. As to their involvement in the debate, Ms WALLSTRÖM underlined that Commission Members should visit as many Member States as possible. In order properly to coordinate these visits, she asked colleagues to inform the Secretariat-General (before the end of the week if possible) of all the visits they were planning to make to the Member States so that an overall timetable could be drawn up. She also asked them to think about how best to incorporate Plan D into the communication strategies of their respective Directorates-General. Ms WALLSTRÖM finally provided some pointers to the work that was planned for implementing and

monitoring the plan, particularly the establishment of a steering group made up of representatives of Members' Offices and departments.

The Commission noted the information provided by Ms WALLSTRÖM and held a brief exchange of views, referring in particular to the following points:

- the period to be covered by the schedule of visits;
- the case for producing a standard format for the visits;
- the people it would be particularly important for the Commission Members to meet, such as governments, national parliaments, social partners, representatives of the civil society, press, etc.;
- the high importance the Commission Members should give, in this connection, to contacts at a local political level and with young people;
- the need for a period of listening before the institutional debate was relaunched;
- the need to involve the Commission representations in the preparation and the actual organisation of the visits and the various possibilities for doing this;
- the importance of giving the debate some real-life content, in particular so that European added value could be explained.

**9. COMMISSION COMMUNICATION TO THE COUNCIL, PARLIAMENT,
THE ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE
OF THE REGIONS - *IMPLEMENTING THE COMMUNITY LISBON
PROGRAMME: MORE RESEARCH AND INNOVATION – INVESTING FOR
GROWTH AND EMPLOYMENT – A COMMON APPROACH*
(COM(2005)488 to /4; SEC(2005)1253 to /3; SEC(2005)1289 and /2;
SEC(2005)1277)**

**EUROPEAN TECHNOLOGY PLATFORMS IN THE ICT DOMAIN
(SEC(2005)1307)**

The Commission:

- approved the communication in COM(2005)488/4;
- took note of the staff papers SEC(2005)1253/3 (annex setting out the various phases of the implementation of the actions proposed in the communication) and SEC(2005)1289/2 (impact assessment);
- decided to send the three documents to the Council, Parliament, the Economic and Social Committee and the Committee of the Regions;
- took note of Ms REDING's information note on the European technology platforms in the ICT domain (SEC(2005)1307).

**10. PROPOSAL FOR A COUNCIL FRAMEWORK DECISION ON THE
EXCHANGE OF INFORMATION UNDER THE PRINCIPLE OF
AVAILABILITY
(COM(2005)490 to /4; SEC(2005)1270; SEC(2005)1272)**

The Commission:

- adopted the communication in COM(2005)490/4 for transmission to Parliament, the Council and the European Data Protection Supervisor;
- took note of SEC(2005)1270 for transmission to the above institutions as a staff paper.

**11. COMMUNICATION ON A STRATEGY ON THE EXTERNAL DIMENSION
OF THE AREA OF FREEDOM, SECURITY AND JUSTICE: EUROPEAN
COMMISSION CONTRIBUTION
(COM(2005)491 to /5; SEC(2005)1272)**

The Commission adopted the communication in COM(2005)491/5 for transmission to the Council and, for information, to Parliament.

12. OTHER BUSINESS

***12.1. REPORT ON EMPLOYMENT IN EUROPE 2005
(SEC(2005)1292)***

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

***12.2. DEVELOPMENTS ON THE OIL MARKETS AND ACTION TAKEN IN
RESPONSE TO HIGH OIL PRICES
(SEC(2005)1294)***

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

13. PRELIMINARY DRAFT COMMISSION REGULATION AMENDING REGULATION (EC, EURATOM) No 2342/2002 LAYING DOWN DETAILED RULES FOR THE IMPLEMENTATION OF COUNCIL REGULATION (EC, EURATOM) No 1605/2002 ON THE FINANCIAL REGULATION APPLICABLE TO THE GENERAL BUDGET OF THE EUROPEAN COMMUNITIES
(SEC(2005)1240 to /4; SEC(2005)1276)

14. COMMISSION STAFF PAPER: MODIFICATIONS LINKED TO THE REVISION OF THE FINANCIAL REGULATION PREFIGURING A DRAFT COMMISSION REGULATION AMENDING REGULATION (EC, EURATOM) NO 2342/2002 LAYING DOWN DETAILED RULES FOR THE IMPLEMENTATION OF COUNCIL REGULATION (EC, EURATOM) NO 1605/2002 ON THE FINANCIAL REGULATION APPLICABLE TO THE GENERAL BUDGET OF THE EUROPEAN COMMUNITIES
(SEC(2005)1244 to /6; SEC(2005)1276)

The Commission:

- approved the preliminary draft Commission regulation in SEC(2005)1240/4;
- took note of the staff paper set out in SEC(2005)1244/4 to /6;
- decided to transmit the preliminary draft regulation (SEC(2005)1240/4) for consultation before final approval to Parliament, the Council, the Economic and Social Committee, the Committee of the Regions, the Court of Auditors, the Court of Justice, the Ombudsman and the European Data Protection Supervisor, accompanied by the staff paper (SEC(2005)1244/4 to /6).

In connection with these dossiers, the Commission highlighted the need to pursue the objective of simplification and the search for proportionality between risk and management constraints in the practical framework of the management rules, with a view to facilitating the achievement of the Union's actions and political objectives.

To do this, it decided to set up a joint departments / Members' Offices working party which would, in the field of external aid, propose simplification measures for the management rules and implementation tools for external assistance. The working party would also be responsible for the clarification and coherent interpretation of the entire Financial Regulation. The working party would be chaired by the Budget DG and would make its proposals by March 2006.

**15. COMMUNICATION TO THE COMMISSION ON THE ANNUAL REPORT
OF THE COURT OF AUDITORS FOR 2004 – CURRENT SITUATION
(SEC(2005)1271 to /3; SEC(2005)1279; SEC(2005)1309)**

Mr KALLAS briefly informed the Commission Members of the state of play on the Court of Auditors annual report for 2004 and the procedure and timetable for its presentation and the launch of the discharge procedure for 2004. He mentioned the key elements likely to appear in the annual report and the assessment by the external auditor of the monitoring and control systems put in place by the Commission.

Noting the need to give further thought to a number of outstanding problems, Mr KALLAS highlighted the substantial progress made by the Commission as regards the reliability and quality of financial management and accounting. Lastly, he thanked the departments which had made this positive development possible.

The Commission held a brief exchange of views during which:

- on the statement of assurance as to the legality and regularity of the transactions underlying the budget, it commented on the difficulties inherent in the methodology currently applied in comparison with the ambitious objective of securing an unqualified positive statement, without any change in the legislation and in association with the Member States;
- it emphasised the usefulness of bilateral contacts between Commission Members and their opposite numbers in the Court of Auditors;
- it noted the importance for the institution of taking a coherent approach on communication and information to the outside world on this matter.

After this exchange of views, the Commission took note of the communication set out in SEC(2005)1271/3.

16. RELATIONS WITH NON-MEMBER COUNTRIES

16.1. EU-RUSSIA SUMMIT AND EU-RUSSIA PERMANENT PARTNERSHIP COUNCIL ON ENERGY (SEC(2005)1316; SEC(2005)1312)

The Commission took note of the information notes distributed by the PRESIDENT and Ms FERRERO-WALDNER and by Mr PIEBALGS.

16.2. COMMISSION RESPONSE TO THE EARTHQUAKE IN ASIA (SEC(2005)1313)

The Commission took note of the information note distributed by Mr MICHEL and Mr DIMAS.

16.3. AVIAN INFLUENZA
(SEC(2005)1311)

In support of his information note, which was part of the plan to keep the Commission regularly informed on the state of play with the preventive measures taken by the EU on avian influenza and a possible pandemic, Mr KYPRIANOU referred more particularly to the recent announcements by Romania and Turkey of suspected cases of avian influenza. The Romanian authorities had shown a proactive and cooperative attitude towards the efforts made by the Commission in analysis and prevention. The tests had not, at this stage, revealed sufficient evidence to conclude that there was infection with the avian influenza virus in that country. As far as Turkey is concerned (given the detection of the H5 virus) and pending the definitive results of the analyses of the samples taken in that country, Mr KYPRIANOU reminded the meeting of the Commission decision to ban imports of live poultry and feathers from Turkey. In this connection, he emphasised the Community's competence in veterinary matters. It was important to cooperate closely with the Member States so that all the necessary preventive measures would be taken to stave off a possible pandemic. He referred to the joint efforts of the Member States and the pharmaceutical industry to increase the availability of vaccines and anti-viral products, and the coordinated initiatives of the relevant international bodies seeking to develop national /regional strategies. There had also been close cooperation with the Council Presidency.

The PRESIDENT congratulated Mr KYPRIANOU on his effective and clear management in this matter, which the Commission needed to monitor daily. He advocated an attentive and transparent approach avoiding any alarmism.

The Commission took note of this information and of the information note circulated by Mr KYPRIANOU. It noted that Mr REHN would be particularly involved in any question affecting cooperation with the candidate countries.

**16.4. VISIT BY Ms FERRERO-WALDNER TO MOLDOVA AND UKRAINE
(SEC(2005)1315)**

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

**16.5. VISIT BY Mr FRATTINI TO WASHINGTON
(SEC(2005)1310)**

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

**16.6. VISIT BY Mr KYPRIANOU TO BULGARIA
(SEC(2005)1314)**

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

**17. COMMISSION COMMUNICATION TO THE COUNCIL, PARLIAMENT
AND THE ECONOMIC AND SOCIAL COMMITTEE - *EU STRATEGY FOR
AFRICA: TOWARDS A EURO-AFRICAN PACT TO ACCELERATE
AFRICA'S DEVELOPMENT*
(COM(2005)489 to /4; SEC(2005)1255; SEC(2005) 1256)**

The PRESIDENT opened the debate by emphasising the importance of the strategy set out in the communication presented by Mr MICHEL, in agreement with Ms FERRERO-WALDNER, with a view to giving effect to the EU's commitment

to help the African continent to achieve the millennium development goals. The timetable for adoption of the communication, which coincided with the meeting between the Commission and the Commission of the African Union, was a visible sign of the Commission's determination on this subject.

Mr MICHEL endorsed the PRESIDENT's remarks, emphasising the determination the Commission was showing in adopting this communication, in the sense of offering a solid long-term partnership to an Africa that was now represented by the African Union, a major strategic player just three years after its creation.

Mr MICHEL underscored the collective work that underlay the finalisation of the communication and reminded the meeting of the link between the strategy that was being proposed and the other major initiatives taken by the Commission in recent months in the field of development policy. He reiterated the key principles on which was based the new relationship advocated between Europe and Africa, namely the principles of equality, appropriation and partnership, which went hand in hand with the principles of intra-African subsidiarity and solidarity. Mr MICHEL then presented the three main thrusts of the outlined strategy, namely the preconditions for development (the promotion of peace and good governance); the conditions creating the economic framework necessary for development (economic growth, interconnections); and the aspects more directly connected with achievement of the millennium development goals, including health, education and the environment. Mr MICHEL highlighted certain specific aspects, such as the vital importance of political dialogue, the planned partnership on infrastructure and interconnectivity, and the proposed initiative as regards governance (including the recommended peer review mechanism).

Ms FERRERO-WALDNER followed on from Mr MICHEL's presentation by emphasising the harmony that had to be sought between the comprehensive message carried by this communication to the entire African continent and the political line taken by the Commission in relations with some African countries under other major

policies, particularly the European neighbourhood policy and the policy of cooperation with the Euro-Mediterranean region (Barcelona process). On this point, Ms FERRERO-WALDNER reminded the meeting of the scale of the relations already established with the countries of northern Africa, the objectives of which were broader than those advocated for the entire African continent. In this connection, the Commission was weighing more carefully the terms in which it should refer to the millennium development goals in this communication.

Following a brief exchange of views, the Commission approved the communication in COM(2005)489/4 subject to the following corrections to be made in the introduction (page 3):

- paragraph *Common objectives*: add the words “*and complemented*” after “*strengthened*”;
- penultimate paragraph: delete the words “*voluntary service*” (same correction on page 33).

The Commission decided to transmit the communication as amended to the Council, Parliament and the European Economic and Social Committee, accompanied by the impact assessment SEC(2005)1255 as a staff paper.

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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 1055 hours.