



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2005)1720 final

Brussels, 9 November 2005

MINUTES

of the 1720th meeting of the Commission

held in Strasbourg

(Winston Churchill Building)

on Tuesday 25 October 2005

(afternoon)

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PV(2005)1720 final

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Single sitting: Tuesday 25 October 2005 (afternoon)

The sitting opened at 1321 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
Ms REDING	
Mr DIMAS	
Mr ALMUNIA	
Mr BORG	
Ms GRYBAUSKAITĖ	
Mr POTOČNIK	
Mr FIGEL'	
Mr KYPRIANOU	
Mr REHN	
Mr KOVÁCS	
Ms KROES	
Ms FERRERO-WALDNER	
Mr McCREEVY	
Mr ŠPIDLA	
Mr MANDELSON	

Absent:

Ms HÜBNER

Mr MICHEL

Ms FISCHER BOEL

Mr PIEBALGS

The following sat in to represent absent Members of the Commission

Mr KORTE	Chef de cabinet to Ms Hübner
Ms ARNOULD	A member of Mr Michel's staff
Ms BORCHMANN	A member of Ms Fischer Boel's staff
Ms SOEWARTA	A member of Mr Piebalgs'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 KREUZHUBER	Spokesman	Item 7
Ms NAGY	Spokeswoman	Item 8
Mr ITALIANER	Deputy Chef de cabinet to the President	
Mr CABRAL	Adviser hors classe in the President's Office	
Ms MARTINHO	Chief Adviser in the President's Office	
Mr ELLIS	A member of the President's staff	Item 12
Ms GMINDER	A member of Ms Wallström's staff	
Mr TEMPEL	Chef de cabinet to Mr Verheugen	
Ms CANEVARI	A member of Mr Dimas's staff	Items 1 to 7
Mr HEDEBERG	A member of Mr Rehn's staff	Item 8

Mr GUERSENT	Deputy Chef de cabinet to Ms Kroes	Item 8
Ms SCHMIDT	Enterprise and Industry DG	Item 7
Mr AYRAL	Enterprise and Industry DG	Item 15
Ms BUGNOT	Secretariat-General	Item 9
Mr LEARDINI	Secretariat-General	Item 9

Secretariat: Mr O’SULLIVAN, Secretary-General, assisted by Mr AYET PUIGARNAU, Director in the Secretariat-General, and Mr KERSTING, Unit Head in the Secretariat-General.

1. AGENDAS

(OJ(2005)1720/3; SEC(2005)1335/2)

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)1720)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 24 October.

**3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1719th MEETING
(20 October)**

(PV(2005)1719 and /2; PV(2005)1719, Part II)

The Commission approved the minutes of its 1719th meeting.

4. WRITTEN PROCEDURES AND EMPOWERMENT

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2005)1336 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 17 and 21 October.

4.2. SENSITIVE WRITTEN PROCEDURES

(SEC(2005)1337)

The Commission took note of written procedures initiated between 18 and 21 October for the adoption of decisions with political implications.

4.3. EMPOWERMENT
(SEC(2005)1338 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 17 and 21 October.

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 17 and 21 October, as archived on the "Greffé 2000" (Registry) website.

5. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2005)1339)

ADMINISTRATIVE MATTERS
(PERS(2005)132)

5.1. DG EMPL - AMENDMENT OF ORGANISATION CHART
(SEC(2005)1374)

On a proposal from Mr KALLAS in agreement with the PRESIDENT and Mr ŠPIDLA, the Commission approved the amendment of the organisation chart of the Employment, Social Affairs and Equal Opportunities DG as set out in SEC(2005)1374, involving the creation of a new Directorate EMPL.I "International and horizontal affairs".

This decision would take effect on 1 November.

5.2. DGT.C – TERMINATION OF SELECTION PROCEDURE FOR AN A*14/A*15 FUNCTION OF DIRECTOR
(PERS(2005)34 to /3)

On a proposal from Mr KALLAS in agreement with the PRESIDENT and Mr FIGEL', the Commission, having noted the procedure followed as set out in document PERS(2005)132, decided to terminate without appointment the

selection procedure COM/2005/543 and to fill the vacant post by internal transfer.

OTHER MATTERS

5.3. *ACTIVITIES OF Mr VITORINO AFTER LEAVING THE COMMISSION (SEC(2005)1373)*

The Commission approved the communication in SEC(2005)1373.

6. OTHER BUSINESS

6.1. *DEVELOPMENTS ON THE OIL MARKETS AND ACTION TAKEN IN RESPONSE TO HIGH OIL PRICES (SEC(2005)1383)*

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

6.2. *UNESCO CONVENTION ON CULTURAL DIVERSITY (PARIS, 20 OCTOBER) (SEC(2005)1382)*

The Commission took note of the information note distributed by Mr FIGEL' in agreement with Mr MANDELSON.

6.3. *GENETICALLY MODIFIED MAIZE BT10 – STATE OF PLAY AND REVISION OF MEASURES CURRENTLY IN FORCE (SEC(2005)1391)*

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

7. INTERINSTITUTIONAL RELATIONS (SEC(2005)1341)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 21 October (SEC(2005)1341).

It paid particular attention to the following points:

7.1. LEGISLATIVE MATTERS

i) Preparations for October II part-session: legislation (point 1.2.1 of the record)

In accordance with the rules in force, the Commission authorised the Commission Members responsible, in agreement with the PRESIDENT, Ms WALLSTRÖM and any other Members associated, to take a position on Parliament's amendments to its proposals. It paid particular attention to the following:

- 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 and /2.

ii) Common interinstitutional approach to impact assessments (point 1.3 of the record)

The Commission authorised its representative at the interinstitutional discussions to continue the negotiations and to take part in an agreement, provided the present draft was not watered down and that it included a review clause relating to impact analyses on Member States' initiatives under the third pillar.

**7.2. RELATIONS WITH THE COUNCIL
(SI(2005)941)**

iii) List of sensitive dossiers
(point 2.2 of the record)

Avian influenza

Mr KYPRIANOU outlined the current situation as regards avian influenza, in particular in the light of the discussions at several meetings of the Council over the previous week as well as in Parliament bodies. He referred to the cases detected or suspected in various Community and non-member countries. After mentioning recent decisions taken in the veterinary sector, he also referred to the efforts being made in the Member States to prepare to deal with the possibility of a human pandemic. He broached the question of the creation of stocks of anti-viral products and stated that the Commission could play an important role in this area, provided that the Council gave it clear responsibility to do this.

In a brief exchange of views, the Commission focused in particular on the question of hunting migratory birds and the possibility of banning this, and on the international dimension of the whole avian influenza issue.

The Commission noted the information supplied by Mr KYPRIANOU, and the PRESIDENT concluded by thanking him for his handling of this highly delicate dossier and asked him to continue to ensure the greatest degree of transparency and to maintain close contacts with the Member States and Parliament.

Cross-border consolidation in the banking sector

Mr MCCREEVY and Ms KROES reported on developments in this matter, which the informal ECOFIN Council had considered in September of the previous year and which was now on the agenda for the ECOFIN Council meeting on 8 November. They expressed particular concern that cross-border consolidation remained far less advanced in the banking sector than in other service sectors.

Recalling that in preparation for the Council discussion, the Commission had the previous week approved a communication *Intra-Community investments in the financial services sector* (C(2005)4080), Mr McCREEVY set out the broad lines of the messages it contained. The debate that was to take place at the Council meeting was only the first stage of a process which could be long.

Ms KROES referred to the sectoral inquiry currently in progress which could provide further explanations for the low level of cross-border consolidation. She also reminded the meeting of the need to fully safeguard the Commission's competence as regards company mergers.

The Commission took note of this information.

REACH

Mr VERHEUGEN and Mr DIMAS reported on the state of play in this important dossier. Before the dossier went to Parliament for its first reading, the Commission would first have to take a formal position on Parliament's amendments. This first reading was currently scheduled for the mid-November plenary, but a postponement could not be ruled out. They then outlined the main points of the position they could propose to the Commission in order to help secure a political agreement under the UK Council Presidency; this position would reconcile the needs as regards job creation and growth, with those relating to protection of the environment and human health. In this connection, they focused on the results of the feasibility studies carried out with a view to implementation of the future regulation.

In a brief exchange of views, the Commission considered certain aspects of implementation, in particular the question of who should bear the "burden of proof" when it had to be demonstrated that a certain product could be placed on the market without disproportionate risk for the environment and human health and the general wish to simplify as extensively as possible.

The Commission took note of the information supplied and noted that the matter would be tabled again, as specified above, by the usual internal procedures.

7.3. RELATIONS WITH PARLIAMENT

iv) Action taken on opinions and resolutions adopted by Parliament at the September I and II part-sessions

(point 3.5.2 of the record)

The Commission adopted SP(2005)4139 and /2 on the action taken on Parliament's opinions and resolutions adopted at its September I and II part-sessions, for transmission to Parliament.

v) Participation of Members of Parliament in international conferences

(point 3.7 of the record)

World Summit on the Information Society, Tunis (16-18 November) and Annual Meeting of States Parties to the Ottawa Convention on the Prohibition of Anti-Personnel Mines, Zagreb (28 November – 2 December)

The Commission decided to accept the requests addressed by President BORRELL to the PRESIDENT concerning the participation of seven and three members of Parliament respectively at the above-mentioned conferences.

8. COMPREHENSIVE MONITORING REPORT ON THE STATE OF PREPAREDNESS FOR EU MEMBERSHIP OF BULGARIA AND ROMANIA

(COM(2005)534 to /4; SEC(2005)1353/3; SEC(2005)1352/3; SEC(2005)1354/3; SEC(2005)1370)

Mr REHN introduced the communication he was tabling. He thanked all the Members' Offices and departments for the excellent cooperation in the preparation of this package. Both Bulgaria and Romania had made substantial progress since the publication of the strategic document and the previous annual reports in October 2004. The planned accession date of 1 January 2007 therefore remained possible, but there could be no denying that a great deal still had to be done in both countries if they were to be in a position to satisfy all their obligations by the date

set. The Commission intended presenting a monitoring report in April/May 2006 based on the results of peer-review evaluations carried out on the ground in February/March 2006, and on the outcome of specific consultations. If, on that occasion, it was found that there was a serious risk that one of the two States would clearly not be ready to guarantee the accession requirements in January 2007, the Commission could recommend deferring the accession of Bulgaria and/or Romania until 1 January 2008. Mr REHN then gave a brief rundown of the current situation of the various chapters, on the one hand, by reference to the political and economic criteria and, on the other hand, in the legislative and administrative areas (adoption and implementation of the *acquis*). The following week, warning letters setting out the main difficulties still remaining would be sent to the two countries, in consultation with the offices of the Commission Members most concerned.

During an exchange of views, the Commission considered in particular the following aspects:

- the need to monitor closely the adoption and above all the implementation of the *acquis* in certain specific areas (particularly environment and judicial reform);
- protection of children in the case of Romania, including the Romanian legislation on protection of children and adoption, which came into force in January 2005.

Following its discussions, the Commission approved the communication in COM(2005)534/4 for transmission to Parliament and the Council, accompanied by the impact assessment in SEC(2005)1353/3 as well as two specific follow-up reports distributed as SEC(2005)1352/3 and SEC(2005)1354/3.

9. UNLOCKING EUROPE'S FULL POTENTIAL: THE COMMISSION'S LEGISLATIVE AND WORK PROGRAMME FOR 2006 (COM(2005)531 to /5; SEC(2005)1392; SEC(2005)1369)

The PRESIDENT introduced the legislative and work programme for 2006 which he was tabling, in agreement with Ms WALLSTRÖM, for adoption. Comprising nearly a hundred initiatives, the work programme was aimed at giving substance to the strategic objectives adopted in January. It also flowed from the Annual Policy

Strategy 2006. Emphasising that achievement of the work programme would be the yardstick that Parliament, the Council, national parliaments and other interested parties would use to judge the Commission, the PRESIDENT noted that this programme should enable decisive progress to be made towards achieving the political goals of the European Union.

As regards initiatives relating to the “Prosperity” aspect, he said that 2006 would be the year during which Member States would be called on to demonstrate their capacity to take decisive action for the implementation of the renewed Lisbon Strategy. The achievement of this objective, which the Member States had in fact set themselves, would be monitored by the Commission, which would present in this connection a wide range of specific initiatives seeking to better prepare European citizens for growth and to make Europe an attractive place for economic activities. As regards the “Solidarity” aspect, the PRESIDENT pointed to the importance for the Commission to progress towards the achievement of the goals of promoting cohesion and social justice and to adopt a new approach to the long-term challenges; population ageing, climate change and security of energy supplies all required the Commission to determine a coherent political approach. Certain recent events (terrorist acts, risks of diseases, etc.) demonstrated the need for an EU reaction on matters covered by the “Security” aspect. As regards the external dimension, the PRESIDENT thought it likely that 2006 would mark the beginning of a new era, as the new approach to Africa started to produce the first results, the neighbourhood policy became operational and a positive and definitive conclusion was reached in the Doha Round.

Emphasising the Commission's collective responsibility for the work programme, the PRESIDENT drew attention to the special role that the European Parliament had played this year. In accordance with the new framework agreement between the two institutions, the annual policy strategy had triggered an in-depth dialogue between Commission Members and Parliament's committees. One result was that some 20% of the work programme's priority initiatives were direct suggestions made by Parliament. It was further noted that Parliament's other suggestions had been taken into account either in ongoing actions or in initiatives already adopted this year or to be adopted in 2006 in parallel with the work programme.

The PRESIDENT noted finally that with the presentation of the work programme, the Commission accepted a number of obligations, viz. achieving in 2006 (as in 2005) a high level of implementation, ensuring that the principles intended to improve the quality of legislation be applied to all Commission initiatives and, lastly, collective responsibility, as the work programme reflected the collective vision concerning the institution's top priorities.

Following a brief exchange of views, the Commission agreed to add to the priority initiatives of aspect II ("Solidarity") contained in the annex to COM(2005)531/5 a communication on a coordinated European approach seeking to combat damage caused by alcohol and a communication concerning minimum standards as regards working conditions for seamen. The text of the communication would also be revised slightly.

Subject to these amendments, the Commission:

- approved the communication in COM(2003)531/5 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.
- noted that it would look again at the list of priority initiatives in the 2006 programme at the mid-term review, when it would assess whether to include certain actions proposed but not accepted at the present time or to exclude others appearing on the list;
- took note that the Secretariat-General would reinforce its monitoring capacity, with one of its Directorates dealing more specifically with better regulation.

10. IMPLEMENTING THE COMMUNITY LISBON PROGRAMME – A STRATEGY FOR THE SIMPLIFICATION OF THE REGULATORY ENVIRONMENT (COM(2005)535 to /4; SEC(2005)1372)

Mr VERHEUGEN introduced the communication which he, together with the PRESIDENT, was submitting to the Commission, emphasising the vital importance for the European Union of being able to produce, in accordance with the "better

regulation” initiative, the most effective legislation possible, capable of promoting growth, employment and investment. Based on a sliding three-year work programme, itself based on the practical experience of the Member States and interested parties, the present strategy should produce a radical change as regards simplification. The new approach would include analysis of certain individual sectors (motor vehicles, construction and waste) as regards the impact of legislation, the economic, environmental and social aspects, and the use of techniques such as repeal, codification, recasting, etc. It would be particularly important for the Commission to assume political ownership of the strategy and to ensure constant monitoring of implementation. For this, the monitoring capacity of the Secretariat-General in this area would be strengthened.

After noting the presentation by Mr VERHEUGEN, the Commission:

- approved the communication in COM(2005)535/4 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions;
- took note of the PRESIDENT's decision to assign to the group of Commission Members responsible for the Lisbon Strategy and the group of Commission Members of the “Competitiveness” Council the task of supporting work on simplification;
- took note that the Secretariat-General would reinforce its monitoring capacity, with one of its Directorates dealing more specifically with better regulation.

11. IMPLEMENTING THE COMMUNITY LISBON PROGRAMME – THE CONTRIBUTION OF TAXATION AND CUSTOMS POLICIES TO THE LISBON STRATEGY

(COM(2005)532 to /4; SEC(2005)1346)

The PRESIDENT and Mr KOVÁCS presented the communication which Mr KOVÁCS was tabling for approval. The PRESIDENT underscored the potential of the initiatives identified in the communication, particularly as regards the smooth operation of the internal market and the reduction of costs for business; none of this

would impinge on the prerogatives of the Member States as regards taxation. He reminded the meeting that the objective at the present stage was to catalogue the initiatives already taken and to clarify the Commission's intentions, without prejudice to concrete proposals, which would be presented in accordance with the usual internal procedures.

Mr KOVÁCS pointed out that the initiatives he was proposing fitted neatly into the Community Lisbon programme and could therefore contribute to strengthening growth, job creation and improvement of competitiveness. While tax coordination was a highly sensitive area, requiring unanimity at Council level, the planned initiatives would be spread over a period of five years. Some of these initiatives could be in forms other than genuine legislative proposals and would not therefore be caught by the unanimity requirement. Others could, if necessary, be the subject of enhanced cooperation as provided for by the Treaty.

The exchange of views focused in particular on the following points:

- whether approval of this type of programme-communication should come under the renewed Lisbon Strategy;
- the link between this communication and the Commission's legislative and work programme that had been approved for 2006 that same day;
- compliance with certain decisions taken in the context of the "better regulation" initiative when the planned actions were selected and prepared;
- the advantages and limitations of tax competition;
- expiry, at the end of the year, of the current arrangements for reduced VAT rates for certain labour-intensive services.

At the end of its discussions and subject to an amendment to be made to the Annex to the communication, the title of which would read "*Lisbon Strategy: Key Taxation and Custom Policy Measures **already adopted or under consideration***", the Commission approved the communication in COM(2005)532/4 for transmission to the Council, Parliament and the Economic and Social Committee.

12. RELATIONS WITH NON-MEMBER COUNTRIES

12.1. DOHA DEVELOPMENT AGENDA

In presenting this item and in the absence of Ms FISCHER BOEL, who shared responsibility for the dossier, Mr MANDELSON referred to the letter they had jointly addressed to all Commission Members on 24 October relating to the current negotiations on the Doha Development Agenda. The other parties to the negotiations were unanimous in judging that before any other development was possible it was for the European Union to make a new offer on access to agricultural markets. Such an initiative should be taken before the end of October so that progress could also be made on industrial goods and services before the Hong Kong ministerial conference in December. Unless there was satisfactory progress in the negotiations, the Hong Kong conference might be cancelled and the Commission would probably be regarded as bearing the main responsibility for cancellation if it had not presented a new offer on access to agricultural markets. Finally, he highlighted the prime importance of achieving a result in accordance with the planned schedule since, looking beyond the risk of the Hong Kong ministerial conference being cancelled, there were major economic interests at stake.

The discussion focused on the following points:

- the exceptionally complex nature of the negotiations in question and the general public's perception of these negotiations;
- the possible options as regards the timing of a new offer;
- the assessment of offers presented by the other parties to the negotiations;
- the scope of the negotiating directives set by the Council and the difficulty of discerning them with absolute precision;
- the importance of securing a balanced result, both for agriculture alone and between agriculture and goods and services;
- the close involvement in the negotiations of certain emerging economy countries.

The PRESIDENT concluded by emphasising the importance of the dossier, which had now reached an absolutely crucial phase. Restating the Commission's total support for the two Members mandated to conduct the negotiations and to manage the entire process, Mr MANDELSON and Ms FISCHER BOEL, he confirmed the importance of securing a satisfactory result in accordance with the timetable set and the need, accordingly, to take an initiative at once. The Commission should therefore speedily present an offer of access to agricultural markets that:

- clearly respected the negotiating directives agreed by the Council;
- was substantial and credible, and would thus shift the focus of the debate on to the contributions of the other parties to the negotiations;
- carried strict and binding conditions for the other parties, both on agriculture and in other areas, particularly services.

The Commission endorsed this approach.

12.2. *WORLD SUMMIT ON THE INFORMATION SOCIETY* ***(SEC(2005)1390)***

In support of her information note, Ms REDING outlined the preparations for the World Summit on the Information Society, to be held in Tunis from 16 to 18 November, and referred in particular to certain problems encountered recently as regards internet governance.

The Commission took note of the information supplied and decided to return to this matter at its meeting on 9 November.

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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 1645 hours.