



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2005)1726 final

Strasbourg, 21 December 2005

MINUTES

of the 1726th meeting of the Commission

held in Strasbourg

(Winston Churchill Building)

on Tuesday 13 December 2005

(afternoon)

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PV(2005)1726 final

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Single sitting: Tuesday 13 December 2005 (afternoon)

The sitting opened at 1310 hours with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	President	
Ms WALLSTRÖM	Vice-President	
Mr BARROT	Vice-President	
Mr FRATTINI	Vice-President	Items 1 to 12 (in part)
Ms REDING		Items 1 to 13 (in part)
Mr ALMUNIA		
Mr BORG		
Ms GRYBAUSKAITĖ		
Mr POTOČNIK		
Mr FIGEL'		
Mr KYPRIANOU		
Mr REHN		
Mr MICHEL		
Mr KOVÁCS		
Ms KROES		
Ms FERRERO-WALDNER		Items 1 to 13 (in part)
Mr McCREEVY		Items 1 to 12
Mr ŠPIDLA		
Mr PIEBALGS		

Absent:

Mr VERHEUGEN Vice-President

Mr KALLAS Vice-President

Mr DIMAS

Ms HÜBNER

Ms FISCHER BOEL

Mr MANDELSON

The following sat in to represent absent Members of the Commission

Mr GAZTELU	A member of Mr Verheugen's staff	
Mr SCHELLEKENS	Deputy Chef de cabinet to Mr Dimas	Items 1 to 13 (in part)
Mr PANIGALLI	A member of Ms Hübner's staff	Items 1 to 13 (in part)
Mr ELLERMANN-KINGOMBE	A member of Ms Fischer Boel's staff	Items 1 to 13 (in part)

The following also sat in

Mr PETITE	Director-General, Legal Service	
Mr VALE DE ALMEIDA	Chef de cabinet to the President	
Mr LAITENBERGER	Commission Spokesman	
Ms MARTINHO	Chief Adviser in the President's Office	
Ms MARTINEZ ALBEROLA	Member of the President's staff	
Mr CYMBRON	Member of the President's staff	Items 13 and 14
Ms KACINSKIENE	Intern in the President's Office	
Ms CARPARELLI	Deputy Chef de cabinet to Ms Wallström	
Mr CHANTERIE	A member of Ms Reding's staff	Items 13 (in part) and 14
Mr FORAX	A member of Ms Reding's staff	Item 12
Mr PAULGER	Information Society and Media DG	Item 12
Mr SZLASZEWSKI	Secretariat-General	

Secretariat: Ms DAY, 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)1726/3; SEC(2005)1620/2)

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)1726)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 12 December.

**3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1725th MEETING
(7 December)**

(PV(2005)1725; PV(2005)1725, Part II)

The Commission approved the minutes of its 1725th meeting.

**4. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF
POWERS**

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2005)1621 *et seq.*)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 5 and 9 December.

4.2. SENSITIVE WRITTEN PROCEDURES
(SEC(2005)1622)

The Commission took note of written procedures initiated between 5 and 9 December for the adoption of decisions with political implications.

4.3. EMPOWERMENT
(SEC(2005)1623 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 5 and 9 December.

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 5 and 9 December, as archived on the "Greffé 2000" (Registry) website.

5. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2005)1624/2)

ADMINISTRATIVE MATTERS
(PERS(2005)156/2)

**5.1. DG ADMIN – APPOINTMENT OF RAPPORTEURS FOR THE
SELECTION PROCEDURE FOR MANAGERIAL POSTS**
(PERS(2005)165)

On a proposal from Mr KALLAS, in agreement with the PRESIDENT, the Commission decided to appoint ten additional rapporteurs for the selection procedure for managerial posts to be added to the existing list, in accordance with the communication in PERS(2005)165.

This decision would take effect immediately.

**5.2. DG COMP – AUTHORISATION FOR RECRUITMENT OF A
TEMPORARY STAFF MEMBER 2(A) AND EXTERNAL PUBLICATION
OF THE A*14 FUNCTION OF CHIEF ECONOMIST
(PERS(2005)166)**

On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms KROES, the Commission authorised:

- the recruitment of a temporary staff member for the A*14 function of chief economist in the Directorate-General for Competition for a period of three years, non-renewable;
- the publication, under Article 2(a) of the Conditions of Employment of Other Servants of the European Communities, of the vacancy notice in PERS(2005)166.

These decisions would take effect immediately.

**6. ALLOCATION OF HUMAN RESOURCES AND DECENTRALISED
ADMINISTRATIVE EXPENDITURE FOR 2006
(SEC(2005)1631 to /3; SEC(2005)1637)**

The Commission approved the communication in SEC(2005)1631/3.

More particularly, and subject to the adoption of the 2006 budget, the Commission:

- approved the overall allocation of human resources and appropriations for decentralised administrative expenditure (global envelope);
- approved the allocations for its departments;
- approved the target per Directorate-General for the recruitment of staff from the new Member States;

- instructed the Directorate-General for Personnel and Administration to:
 - make available to Directorates-General all the posts per category in accordance with the timetable set out in the communication and its annexes;
 - to monitor closely the recruitment of nationals of the new Member States;
- instructed the Directorate-General for the Budget to:
 - make available appropriations for decentralised administrative expenditure in accordance with the principles set out in the communication and its annexes;
 - neutralise the savings arising from the replacement of auxiliaries by contract staff and to re-allocate, by budget transfer, these resources to Directorates-General for the replacement of absent staff.

7. DRAFT NOTICE ON THE RULES FOR ACCESS TO THE COMMISSION FILE IN CASES PURSUANT TO ARTICLES 81 AND 82 OF THE EC TREATY, ARTICLES 53, 54 AND 57 OF THE EEA AGREEMENT AND COUNCIL REGULATION (EC) No 139/2004 (SEC(2005)1627 TO /3; SEC(2005)1640)

The Commission approved the notice in SEC(2005)1627/3 for publication in the C series of the Official Journal.

8. RELATIONS WITH NON-MEMBER COUNTRIES

8.1. MEETING WITH THE UKRAINE MINISTER FOR OIL AND ENERGY (BRUSSELS, 8 DECEMBER) (SEC(2005)1736)

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

**8.2. MINISTERIAL MEETING OF THE ENERGY COMMUNITY OF
SOUTH-EAST EUROPE (SOFIA, 9 DECEMBER)
(SEC(2005)1737)**

The Commission took note of the information note from Mr PIEBALGS.

**8.3. KOSOVO
(SEC(2005)1735)**

The Commission took note of the information note from Mr REHN.

**8.4. VISIT TO INDIA (25 AND 26 NOVEMBER)
(SEC(2005)1734)**

The Commission took note of the information note from Ms REDING.

9. OTHER BUSINESS

**9.1. YOUTH ASSEMBLY (BRUSSELS, 5-11 DECEMBER)
(SEC(2005)1672)**

The Commission took note of the information note from Mr FIGEL'.

**9.2. IMPLEMENTATION OF THE COMMUNICATION ON TRANSLATION
(SEC(2005)1738)**

The Commission took note of the information note from Mr FIGEL'.

**9.3. INTERNATIONAL CONFERENCE ON CLIMATE CHANGE
(MONTREAL, 28 NOVEMBER TO 9 DECEMBER)
(SEC(2005)1733)**

The Commission took note of the information note from Mr DIMAS.

10. COMMISSION COMMUNICATION TO PARLIAMENT, THE COUNCIL, THE ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS ON THE REVIEW OF THE SUSTAINABLE DEVELOPMENT STRATEGY – A PLATFORM FOR ACTION (COM(2005)658 to /7; SEC(2005)1649)

The PRESIDENT introduced the communication which was designed to revise the Sustainable Development Strategy laid down at the Gothenburg European Council in June 2001. Working on the basis of the existing framework, it proposed the adjustment of certain components in order to remedy the weaker points of the strategy, by proposing, “hand in hand with Lisbon”, specific measures in areas such as climate change, health, use of natural resources, pollution and poverty. Emphasising the importance for the EU of maintaining the 2001 level of ambition while endeavouring to be even more effective in delivery of the strategy, the PRESIDENT told the Commission that the document, which he considered well-balanced, would be amended on some points relating particularly to clean technologies for the environment and the greening of public procurement.

The Commission approved the communication in COM(2005)658/6 and /7, subject to these drafting changes, for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.

11. MONITORING THE APPLICATION OF COMMUNITY LAW

11.1. INFRINGEMENTS - REPORT A2/2005 ON ESTABLISHED INFRINGEMENTS (SEC(2005)1512); SEC(2005)1511)

The Commission adopted the decisions in SEC(2005)1512 and SEC(2005)1511, subject to the following clarifications:

France – Case 2001/5325 – Organisation of professional football

Decision: Reasoned opinion

Mr McCREEVY presented the case concerning the organisation of professional football in France, for which he proposed that the Commission send a reasoned opinion to the French authorities. After observing that it was legally bound to take action following the complaints received, the Commission held an exchange of views during which it considered in particular the following aspects:

- the degree of proportionality of the action proposed in relation to the situation in question;
- the political arguments for sending the reasoned opinion and the timing;
- the importance of continuing a constructive dialogue with the French authorities after the reasoned opinion had been sent;
- the specific nature of sporting activities, which had prompted the insertion of an article in the draft Constitution for Europe. In this connection, the PRESIDENT suggested to Mr FIGEL' that he prepare a debate, to be held within the Commission, on the place of sport in society;
- the growing professionalism in sport, which had been evident for a number of years, and the position of major football clubs as limited

companies, irrespective of whether they were listed on the stock exchange.

At the end of its discussions, the Commission decided to send a reasoned opinion to the French authorities and to continue a constructive dialogue on the matter with these authorities. This last aspect would be highlighted in the press release.

Finland – Case 2005/0096 – Transposal of Directive 2003/24/EC on safety rules and standards for passenger ships

Decision: held over with a view to termination

France – Case 1992/2248 – Application of Directive 90/219/EEC on the contained use of genetically modified micro-organisms

Decision: Second referral + one month allowed for compliance + authorisation of contacts

**11.2. URGENT CASE
(SEC(2005)1659)**

The Commission adopted the decision in SEC(2005)1659.

**11.3. IMPLEMENTATION OF ARTICLE 228 OF THE TREATY
(SEC(2005)1658; SEC(2005)1616 AND /2; SEC(2005)254/5;
SEC(2005)1666; SEC(2005)1652)**

The Commission:

- adopted the recast communication in SEC(2005)1658 with a view to publication in the Official Journal of the European Union;
- empowered the PRESIDENT, in agreement with the Commission Member responsible for economic and monetary affairs, to adopt, on its behalf and under its responsibility, measures updating the recast communication as set out in SEC(2005)1616;

- adopted the amendments to the manual of procedures for monitoring the application of Community law contained in SEC(2005)254/5 to guide departments in the management of their work;
- instructed the Secretariat-General and the Legal Service to inform the departments concerned of the new approach, of the amended version of the manual of procedures and of the way in which the new approach should be applied;
- instructed the Secretariat-General and the Legal Service to regularly update the manual of procedures in cooperation with the departments concerned.

**12. PROPOSAL FOR A EUROPEAN PARLIAMENT AND COUNCIL
DIRECTIVE AMENDING COUNCIL DIRECTIVE 89/552/EEC ON THE
COORDINATION OF CERTAIN PROVISIONS LAID DOWN BY LAW,
REGULATION OR ADMINISTRATIVE ACTION IN MEMBER STATES
CONCERNING THE PURSUIT OF TELEVISION BROADCASTING
ACTIVITIES
(COM(2005)646 to /4; SEC(2005)1625 to /3; SEC(2005)1626 and /2;
SEC(2005)1639)**

Ms REDING presented the proposal for a Directive that she was tabling. She stated that the dossier had been prepared during a period of consultation lasting more than two years, with all the interested parties. She pointed out that the principal objective of the proposal was to adapt the rules to a vastly changing environment, while creating a framework which would allow encouragement to be provided, as far as possible, for European content production. A special effort had been made to strike a balance between cultural aspects and considerations of competitiveness and free movement, in full compliance with the “better lawmaking” principles.

The PRESIDENT congratulated Ms REDING on behalf of the entire Commission for the quality of the initiative presented, which achieved a good balance between the many interests involved in what was indeed a very complex area.

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

- the arguments for having differentiated levels of consumer protection between linear and non-linear services, in particular as regards the advertising of alcohol and prescription drugs;
- the wider scope of this proposal in comparison with the current “Television without frontiers” Directive;
- the impact of the future Directive on the development of the non-linear services sector;
- advertising specifically directed at children.

At the end of its discussions, the Commission decided to amend recital 41 of the proposal adding the following sentence: *"Article 88 Paragraph 1 of Directive 2001/83/EC^[1] which prohibits advertising to the general public of certain medicine products applies, as provided in Paragraph 5 of the same Article, without prejudice to Article 14 of Directive 89/552/EEC; the relation between Directive 2001/83/EC and Directive 89/552/EEC should remain the same after the entry into force of the present Directive."* and the following footnote *"As amended last by Directive 2004/27/EC of the European Parliament and of the Council of 31 March 2004 amending Directive 2001/83/EC on the Community code relating to medicinal products for human use; Official Journal L 136, 30/4/2004 p. 34 – 57"*.

The Commission adopted the proposal for a Directive as amended, subject to linguistic revision of Article 1 of the English version of the text, for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of

the Regions, accompanied by the impact assessment and its statistical annex set out in the SEC(2005) 1625/3 and SEC(2005) 1626/2, the contents of which were noted.

13. INTERINSTITUTIONAL RELATIONS (SEC(2005)1618)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 9 December (SEC(2005)1618).

It paid particular attention to the following points:

13.1. LEGISLATIVE MATTERS

i) Preparations for December part-session (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:

1st reading

- McCARTHY report – Payment orders

The Commission adopted the line set out in SP(2005)3557/3 and /4.

ii) Follow-up to the Council meeting (Environment), 2 December (point 1.3 of the record)

Financial Instrument for the Environment (LIFE +)

The Commission adopted the line set out in SI(2005)1228 and /2.

iii) Preparations for Council meeting (Agriculture), 20 to 22 December
(point 1.4 of the record)

Avian influenza: Proposal for a Council decision amending
Decision 90/424/EEC on expenditure in the veterinary field.

The Commission authorised Mr KYPRIANOU, at the Agriculture Council from 20 to 22 December, to offer his support for a Presidency compromise which would muster only a qualified majority, in accordance with the line set out in SI(2005)1237.

13.2. RELATIONS WITH THE COUNCIL
(SI(2005)1249)

iv) Information on developments in the Council since 25 November
(point 2.1 of the record)

Ministerial conclave, 7 December – Financial perspective 2007-13

Reminding the meeting of the consensus that had been reached at the last exchange of views on the line to be followed in the ministerial conclave on 7 December, the PRESIDENT reported on the outcome of this ministerial meeting, stating in particular that the Council Presidency's negotiation "box" had met with near unanimous opposition and that the Presidency had announced that a new "box" would be presented the following day, 14 December, ahead of the European Council meeting. After reporting on his meetings with Mr BLAIR and Mr CHIRAC and with the representatives of most of the governments of the Member States, the PRESIDENT insisted on the need to reach an agreement before 2006 and said that he had written to the President of the European Council on Monday 12 December setting out the principles that had to be satisfied in the agreement on the financial perspective and on which the Commission's final position would be based. He outlined some of these principles: it was essential that the EU have a more ambitious budget than was in the last Presidency proposal; the agreement

should be fair to the new Member States; the budget should be modern and coherent and offer room for flexibility. The PRESIDENT then presented his arguments against the cuts in administrative expenditure, in view of the importance of ensuring sound management. He drew the attention of the Commission Members to the important role of Parliament and to the usefulness, in future, of a review of the structure of the budget, as a wide-ranging revision clause might facilitate agreement on the British rebate. The PRESIDENT concluded by emphasising that he himself and Ms GRYBAUSKAITĖ had stuck faithfully to the line laid down by the Commission and that the Commission should take on the role of facilitator, particularly in the final stage of the negotiations.

Ms GRYBAUSKAITĖ for her part reported on the debate that had taken place in the House that day, Tuesday 13 December, on the 2006 budget, referring to the link that a large number of speakers had made between the 2006 budget and the negotiations on the next financial perspective. Like the PRESIDENT, Ms GRYBAUSKAITĖ pointed to the vital importance for the Union to have an agreement on the financial perspective before 2006.

After taking note of this information, the Commission held an exchange of views, focusing in particular on the following points:

- the immediate course of the negotiations, particularly with respect to the various Community policies;
- the likely reaction of the British Presidency to the PRESIDENT's letter;
- the role of the Commission and of Parliament in the negotiation process;
- the real possibility of an agreement;
- the probable developments following the European Council, in particular in the approach of Parliament;
- the possible consequences of the British proposals for enlargement;

- the role that the revision clause could play in a possible agreement.

In conclusion, the PRESIDENT noted the unanimous support for the line he had proposed and thanked the Commission Members for their confidence in Ms GRYBAUSKAITĖ and himself for the continuation of the negotiations.

v) Preparations for Council meeting (Fisheries), 20, 21 and 22 December
(point 2.3 of the record)

TACs and quotas

The Commission authorised Mr BORG, at the Council meeting (Fisheries) on 20, 21 and 22 December, to support a Presidency compromise on the allowable catches and fishing quotas in accordance with the line set out in SI(2005)1220.

vi) Contribution of the Swiss Confederation to reducing economic and social disparities within the enlarged EU
(point 2.4 of the record)

The Commission authorised departments to defend, within Council bodies, the need for a Community framework for the contribution of Switzerland which would take the form of a memorandum of understanding setting out the essential elements and providing that bilateral agreements between the beneficiary Member States and Switzerland would be compatible with its content.

13.3. RELATIONS WITH PARLIAMENT

vii) Approval of the action taken on the non-legislative resolutions adopted by Parliament at the October II part-session
(point 3.5.2 of the record)

The Commission adopted SP(2005)4912 and /2 on the action taken on the non-legislative resolutions adopted by Parliament at its October II part-session, for transmission to Parliament.

14. TRENDS IN THE MEMBER STATES
(SEC(2005)1670 AND /2)

WHITE PAPER ON A EUROPEAN COMMUNICATION POLICY –
PROGRESS REPORT
(SEC(2005)1663 TO /3)

Ms WALLSTRÖM briefly outlined the broad trends observed in the European press during the period from 4 November to 7 December. She drew particular attention to the November 2005 Eurobarometer which contained fairly worrying results on the general image of the EU, but also a number of positive signs on the perception of the European security and defence policy, the stabilisation of confidence in the Commission and the support for a European constitution. Ms WALLSTRÖM pointed out that the Commission would have the chance to return to these questions when the draft White Paper on a European communication policy was tabled at the beginning of 2006.

The Commission took note of this information and of the progress report on the preparatory work on the White Paper on a European communication policy in SEC(2005)1663/3.

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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 1618 hours.