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MINUTES
of the 1728th meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 11 January 2006
(morning)

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CONTENTS

Attendance list

5-6

1. AGENDAS (OJ(2006)1728/3; SEC(2006)1/2).....	7
2. WEEKLY MEETING OF CHEFS DE CABINET (SEC(2006)1728)	7
3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1727TH MEETING (21 DECEMBER) (PV(2005)1727; PV(2005)1727, PART II)	7
4. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS.....	7
4.1. WRITTEN PROCEDURES APPROVED (SEC(2006)2 et seq.)	7
4.2. SENSITIVE WRITTEN PROCEDURES (SEC(2006)3/2) SEC(2006)31).....	8
4.3. EMPOWERMENT (SEC(2006)4 et seq.).....	9
4.4. DELEGATION AND SUBDELEGATION OF POWERS	9
5. INTERINSTITUTIONAL RELATIONS (SI(2006)2).....	9
5.1. GENERAL POLITICAL SITUATION AND GUIDELINES FOR THE FIRST HALF OF 2006.....	9
5.2. COUNCIL MEETING (AGRICULTURE AND FISHERIES) (Brussels, 20-22 December) (SEC(2006)1486; SI(2005)1292).....	12
6. COMMISSION OPINION ON THE EXISTENCE OF AN EXCESSIVE DEFICIT IN THE UNITED KINGDOM - APPLICATION OF ARTICLE 104(5) OF THE EC TREATY (SEC(2006)19 TO /3; SEC(2006)28; SEC(2006)32)	12
7. COMMISSION RECOMMENDATION FOR A COUNCIL DECISION ON THE EXISTENCE OF AN EXCESSIVE DEFICIT IN THE UNITED	

KINGDOM - APPLICATION OF ARTICLE 104(6) OF THE EC TREATY (SEC(2006)20 AND /2; SEC(2006)28; SEC(2006)32).....	12
8. COMMISSION RECOMMENDATION FOR A COUNCIL RECOMMENDATION WITH A VIEW TO BRINGING AN END TO THE SITUATION OF AN EXCESSIVE GOVERNMENT DEFICIT IN THE UNITED KINGDOM -- APPLICATION OF ARTICLE 104(7) OF THE EC TREATY (SEC(2006)21 AND /2; SEC(2006)28; SEC(2006)32).....	12
9. COMMISSION RECOMMENDATION FOR A COUNCIL OPINION, IN ACCORDANCE WITH THE THIRD PARAGRAPH OF ARTICLE 9 OF COUNCIL REGULATION (EC) NO 1466/97, ON THE UPDATED CONVERGENCE PROGRAMME OF DENMARK (2005-10) SEC(2006)22 AND /2; SEC(2006)29; SEC(2006)32).....	13
10. COMMISSION RECOMMENDATION FOR A COUNCIL OPINION, IN ACCORDANCE WITH THE THIRD PARAGRAPH OF ARTICLE 5 OF COUNCIL REGULATION (EC) NO 1466/97, ON THE UPDATED STABILITY PROGRAMME OF FINLAND (2005-09) (SEC(2006)23 AND /2; SEC(2006)29; SEC(2006)32).....	13
11. COMMISSION RECOMMENDATION FOR A COUNCIL OPINION, IN ACCORDANCE WITH THE THIRD PARAGRAPH OF ARTICLE 9 OF COUNCIL REGULATION (EC) NO 1466/97, ON THE UPDATED CONVERGENCE PROGRAMME OF HUNGARY (2005-08) (SEC(2006)24 TO /3; SEC(2006)29; SEC(2006)32).....	13
12. COMMISSION RECOMMENDATION FOR A COUNCIL OPINION, IN ACCORDANCE WITH THE THIRD PARAGRAPH OF ARTICLE 9 OF COUNCIL REGULATION (EC) NO 1466/97, ON THE UPDATED STABILITY PROGRAMME OF THE CZECH REPUBLIC (2005-08) (SEC(2006)25 AND /2; SEC(2006)29; SEC(2006)32)	13

13. COMMISSION RECOMMENDATION FOR A COUNCIL OPINION, IN ACCORDANCE WITH THE THIRD PARAGRAPH OF ARTICLE 9 OF COUNCIL REGULATION (EC) NO 1466/97, ON THE UPDATED CONVERGENCE PROGRAMME OF SLOVAKIA (2005-08) (SEC(2006)26 AND /2; SEC(2006)29; SEC(2006)32)	13
14. COMMISSION RECOMMENDATION FOR A COUNCIL OPINION, IN ACCORDANCE WITH THE THIRD PARAGRAPH OF ARTICLE 9 OF COUNCIL REGULATION (EC) NO 1466/97, ON THE UPDATED CONVERGENCE PROGRAMME OF SWEDEN (2005-08) (SEC(2006)27 AND /2; SEC(2006)29; SEC(2006)32)	14
15. RELATIONS WITH NON-MEMBER COUNTRIES.....	15
15.1. <i>TRADE CONFLICT AND AGREEMENT BETWEEN RUSSIA AND UKRAINE ON NATURAL GAS (SEC(2006)43)</i>	15
15.2. <i>SITUATION IN THE MIDDLE EAST</i>	16
16. OTHER BUSINESS.....	17
16.1. <i>PREVENTIVE MEASURES TAKEN IN THE UNION RELATING TO AVIAN FLU AND A POSSIBLE PANDEMIC (SEC(2006)48)</i>	17
16.2. <i>APPLICATION OF TRANSITIONAL PROVISIONS ON THE FREE MOVEMENT OF WORKERS (SEC(2006)42)</i>	17
16.3. <i>REINFORCED PRACTICAL COOPERATION ON ASYLUM (SEC(2006)41)</i>	18

Single sitting: Wednesday 11 January 2006 (morning)

The sitting opened at 0910 hours with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	President	
Ms WALLSTRÖM	Vice-President	
Mr VERHEUGEN	Vice-President	Items 1 to 15 (in part)
Mr BARROT	Vice-President	
Mr KALLAS	Vice-President	
Mr FRATTINI	Vice-President	Items 1 to 15 (in part)
Ms REDING		Items 1 to 5 (in part)
Mr DIMAS		
Mr ALMUNIA		Items 1 to 15 (in part)
Ms HÜBNER		
Mr BORG		
Ms GRYBAUSKAITĖ		
Mr POTOČNIK		
Mr FIGEL'		
Mr KYPRIANOU		
Mr REHN		
Mr MICHEL		Items 1 to 15 (in part)
Mr KOVÁCS		
Ms KROES		
Ms FISCHER BOEL		
Ms FERRERO-WALDNER		
Mr McCREEVY		
Mr ŠPIDLA		
Mr MANDELSON		
Mr PIEBALGS		

The following also sat in

Mr VALE DE ALMEIDA	Chef de cabinet to the President	
Mr PETITE	Director-General, Legal Service	
Mr CARVOUNIS	Acting Director-General, Press and Communication	Items 1 to 16 (in part)
Mr LAITENBERGER	Commission Spokesman	Items 1 to 14
Mr MOAVERO-MILANESI	Director-General, Bureau of European Policy Advisers (BEPA)	Items 1 to 5, 15 and 16
Mr CABRAL	Adviser <i>hors classe</i> in the President's Office	Items 6 to 15 (in part)
Ms MARTINHO	Chief Adviser in the President's Office	Items 5 (in part) and 16 (in part)
Mr ELLIS	A member of the President's staff	Items 5 (in part) and 15 (in part)
Ms MARTINEZ ALBEROLA	A member of the President's staff	Items 1 to 4 and 16 (in part)
Ms HOFFMANN	Deputy Chef de cabinet to Ms Reding	Items 5 (in part) to 16
Mr GIUDICE	A member of Mr Almunia's staff	Items 6 to 14
Mr SCHWAIGER	Deputy Chef de cabinet to Ms Ferrero-Waldner	Item 15
Ms SCHREIBER	Chef de cabinet to Mr Špidla	Items 15 and 16
Mr BOUDA	A member of Mr Špidla's staff	Items 15 and 16
Ms RASA	A member of Mr Piebalgs' staff	Item 15
Mr LEARDINI	Secretariat-General	Items 1 to 5

Secretary: Ms DAY, Secretary-General, assisted by Mr AYET PUIGARNAU, Director in the Secretariat-General.

1. AGENDAS

(OJ(2006)1728/3; SEC(2006)1/2)

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(2006)1728)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Friday 6 January.

3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1727th MEETING (21 December)

(PV(2005)1727; PV(2005)1727, Part II)

The Commission approved the minutes of its 1727th meeting.

4. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2006)2 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the empowerment procedure between 19 December and 6 January.

4.2. SENSITIVE WRITTEN PROCEDURES (SEC(2006)3/2) SEC(2006)31)

The Commission took note of written procedures initiated between 19 December and 6 January for the adoption of decisions with political implications.

It also noted in particular the launch of written procedures E/2006/21 (C(2005) 5939/3), E/2006/22 (C(2005) 5940/3) and E/2006/23 (C(2005) 5980/3), the deadline for which was 13 January, which concerned the following three draft decisions:

- Commission Decision authorising the placing on the market of foods and food ingredients derived from genetically modified maize line *MON 863* as novel foods or novel food ingredients under Parliament and Council Regulation (EC) No 258/97 (written procedure E/2006/21);
- Commission Decision authorising the placing on the market of foods and food ingredients produced from genetically modified *Roundup Ready maize line GA21* as novel foods or novel food ingredients under Parliament and Council Regulation (EC) No 258/97 (written procedure E/2006/22);
- Commission Decision concerning the placing on the market, in accordance with Parliament and Council Directive 2001/18/EC, of a maize product (*Zea mays L. hybrid MON 863 x MON 810*) genetically modified for resistance to corn rootworm and certain lepidopteran pests of maize (written procedure E/2006/23).

Without prejudice to the adoption of these three decisions, the Commission agreed on the need to hold a debate concerning the placing on the market of products from genetically modified organisms, in particular the decision-making procedures, taking particular account of developments in this area. This debate would be prepared very carefully and its date would depend on certain events (report of the World Trade Organisation panel and discussions in the Council).

4.3. EMPOWERMENT **(SEC(2006)4 et seq.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the empowerment procedure between 19 December and 6 January.

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 19 December and 6 January, as archived on the "Grefte 2000" (Registry) website.

5. INTERINSTITUTIONAL RELATIONS **(SI(2006)2)**

5.1. GENERAL POLITICAL SITUATION AND GUIDELINES FOR THE FIRST HALF OF 2006

The PRESIDENT reported on his meeting on Monday 9 January with the President of the Council, Mr SCHÜSSEL, during the Commission's visit to Vienna. Mr SCHÜSSEL and he had agreed that it was necessary to give priority to focusing efforts during the first half of the Austrian Presidency on growth and employment. However, the second part of the Presidency, culminating with the June European Council, should be devoted in particular to the debate on the future of Europe, with the twofold objective, on the one hand, of identifying the major issues concerning, for example the revision of the financial framework, the best way of using financial resources to contribute to the achievement of the Union's ambitions, subsidiarity, better regulation, management of globalisation, etc., and on the other, of establishing a road map for tackling these issues in the coming years. Mr SCHÜSSEL had asked the Commission to draw up a document that could serve as a basis for discussion at the June European Council. The PRESIDENT announced his intention of organising a Commission seminar on these matters in April.

The PRESIDENT referred specifically to some of the matters discussed at the meeting, such as the proposed services directive, the financial perspective, and preparations for the spring European Council.

The Commission's role, just as in the matter of the financial perspective for 2007-13, should be that of facilitator, and the Commission should take the opportunity to make constructive progress in certain particularly important dossiers, such as energy policy and the proposal for a Directive on services in the internal market.

The PRESIDENT ended by emphasising the importance he attached to a relationship of close collaboration between the Commission and the Austrian Presidency.

The Commission noted the information provided by the PRESIDENT and then held an in-depth discussion, during which it examined the following questions in particular:

- the Commission's role and position with respect to the Member States and the other institutions following the major developments in 2005;
- the possibility of seizing the opportunities offered by the positive climate generated following the agreement of European Council on the financial perspective;
- the advisability of now concentrating efforts on specific questions concerning citizens;
- the importance for the Commission of speaking with one voice, and the need to identify the most important dossiers and to concentrate communication efforts on these;
- the need to prepare with special care the debate on the future of Europe, and to limit work relating to the draft Constitution at this stage to questions of procedure and timetable in order to allow sufficient time for reflection;
- the advisability of emphasising that the implementation of the renewed Lisbon Strategy constituted a crucial stage for the Union's economic and employment policy;

- the need for the Commission to speak plainly in its dealings with the Member States with respect to the attainment of the goals of the strategy, for instance in the field of research, and the achievement of tangible results;
- the advisability of establishing links between "growth and employment", which was to be discussed at the spring European Council, and the "future of Europe", for debate at the June European Council;
- certain dossiers of particular importance, viz. energy policy, combating terrorism, migration, research, the removal of internal borders with the Member States which joined the EU in 2004, etc.

The PRESIDENT concluded by noting:

- with regard to the financial perspective, the Commission's total commitment to securing an agreement with Parliament as soon as possible. The Commission would address the second stage in a spirit of collective responsibility and solidarity and that it would fully perform its role of facilitator. Ms WALLSTRÖM, together with Ms GRYBAUSKAITĖ, was given the task of making the necessary contacts;
- with regard to the European Council in March, the existence within the Commission of full agreement on the importance of the Spring Report on growth and employment. He felt that the practical results of the spring European Council (particularly as regards small and medium-sized businesses, research, energy policy and the national reform programmes) would show that the EU was listening to citizens' concerns. Considerable efforts would have to be devoted to the Lisbon Strategy and the follow-up of the informal meeting of the Heads of State and Government at Hampton Court, and it would be important for the Commission to present to the spring European Council, depending on how the dossier developed in Parliament, at least the political aspects with a view to submitting a revised proposal for a Directive on services in the internal market;
- with regard to the June European Council, that the Commission had decided to present an initiative in May that would be prepared at a

seminar to be held in April to organise the debate on the future of Europe. Since the time was not yet ripe, the Commission's contribution should not address the substantive issues of the institutional debate but rather supply a framework for discussion and a timetable for addressing the various subjects. It should also propose a working method for the coming years.

5.2. COUNCIL MEETING (AGRICULTURE AND FISHERIES) (Brussels, 20-22 December)
(SEC(2006)1486; SI(2005)1292)

The Commission took note of the information note from Mr BORG concerning the fisheries aspects of this Council meeting, distributed as SEC(2006)44.

- 6. COMMISSION OPINION ON THE EXISTENCE OF AN EXCESSIVE DEFICIT IN THE UNITED KINGDOM - APPLICATION OF ARTICLE 104(5) OF THE EC TREATY**
(SEC(2006)19 to /3; SEC(2006)28; SEC(2006)32)
- 7. COMMISSION RECOMMENDATION FOR A COUNCIL DECISION ON THE EXISTENCE OF AN EXCESSIVE DEFICIT IN THE UNITED KINGDOM - APPLICATION OF ARTICLE 104(6) OF THE EC TREATY**
(SEC(2006)20 and /2; SEC(2006)28; SEC(2006)32)
- 8. COMMISSION RECOMMENDATION FOR A COUNCIL RECOMMENDATION WITH A VIEW TO BRINGING AN END TO THE SITUATION OF AN EXCESSIVE GOVERNMENT DEFICIT IN THE UNITED KINGDOM -- APPLICATION OF ARTICLE 104(7) OF THE EC TREATY**
(SEC(2006)21 and /2; SEC(2006)28; SEC(2006)32)

- 9. COMMISSION RECOMMENDATION FOR A COUNCIL OPINION, IN ACCORDANCE WITH THE THIRD PARAGRAPH OF ARTICLE 9 OF COUNCIL REGULATION (EC) No 1466/97, ON THE UPDATED CONVERGENCE PROGRAMME OF DENMARK (2005-10)**
SEC(2006)22 and /2; SEC(2006)29; SEC(2006)32)
- 10. COMMISSION RECOMMENDATION FOR A COUNCIL OPINION, IN ACCORDANCE WITH THE THIRD PARAGRAPH OF ARTICLE 5 OF COUNCIL REGULATION (EC) No 1466/97, ON THE UPDATED STABILITY PROGRAMME OF FINLAND (2005-09)**
(SEC(2006)23 and /2; SEC(2006)29; SEC(2006)32)
- 11. COMMISSION RECOMMENDATION FOR A COUNCIL OPINION, IN ACCORDANCE WITH THE THIRD PARAGRAPH OF ARTICLE 9 OF COUNCIL REGULATION (EC) No 1466/97, ON THE UPDATED CONVERGENCE PROGRAMME OF HUNGARY (2005-08)**
(SEC(2006)24 to /3; SEC(2006)29; SEC(2006)32)
- 12. COMMISSION RECOMMENDATION FOR A COUNCIL OPINION, IN ACCORDANCE WITH THE THIRD PARAGRAPH OF ARTICLE 9 OF COUNCIL REGULATION (EC) No 1466/97, ON THE UPDATED STABILITY PROGRAMME OF THE CZECH REPUBLIC (2005-08)**
(SEC(2006)25 and /2; SEC(2006)29; SEC(2006)32)
- 13. COMMISSION RECOMMENDATION FOR A COUNCIL OPINION, IN ACCORDANCE WITH THE THIRD PARAGRAPH OF ARTICLE 9 OF COUNCIL REGULATION (EC) No 1466/97, ON THE UPDATED CONVERGENCE PROGRAMME OF SLOVAKIA (2005-08)**
(SEC(2006)26 and /2; SEC(2006)29; SEC(2006)32)

14. COMMISSION RECOMMENDATION FOR A COUNCIL OPINION, IN ACCORDANCE WITH THE THIRD PARAGRAPH OF ARTICLE 9 OF COUNCIL REGULATION (EC) No 1466/97, ON THE UPDATED CONVERGENCE PROGRAMME OF SWEDEN (2005-08) (SEC(2006)27 and /2; SEC(2006)29; SEC(2006)32)

Mr ALMUNIA presented the six communications he was tabling. In particular, he summarised the main features of the strengthening of the preventive arm of the stability and growth pact decided on as part of the reform of the pact. The examination of the stability and convergence programmes presented by the Member States came for the first time under this preventive arm of the pact. The six Commission recommendations on the stability programme for Finland and the convergence programmes of Denmark, Hungary, the Czech Republic, Slovakia and Sweden constituted the first package, which would be followed by two others in the near future, in order to cover all the Member States. Mr ALMUNIA then summarised the main conclusions drawn from each of the stability or convergence programmes considered, comparing the various national situations. Lastly, he outlined the latest developments in the public deficit situation in the United Kingdom which gave rise to the opinion and to the recommendations which the Commission had before it.

Without prejudice to a more detailed analysis, Mr ALMUNIA stated that the reform of the Stability and Growth Pact appeared to have achieved its objective of more appropriate application less likely to give rise to conflict situations. He also emphasised the relevance of the choice made with respect to the importance to be attached to the structural consolidation measures to be implemented, as a matter of priority in the favourable phases of the economic cycle.

The PRESIDENT welcomed the first results, which were highly positive, of the implementation of the reformed stability and growth pact. He emphasised the importance of consolidating a cooperative and transparent partnership between the Commission and the national authorities, in order to ensure strict compliance with the pact and its fair application.

Following this presentation, the Commission approved the communications in SEC(2006)19/3, SEC(2006)20/2, SEC(2006)21/2, SEC(2006)22/2, SEC(2006)23/2, SEC(2006)24/3, SEC(2006)25/2, SEC(2006)26/2 and SEC(2006)27/2, for transmission to the Council.

15. RELATIONS WITH NON-MEMBER COUNTRIES

15.1. *TRADE CONFLICT AND AGREEMENT BETWEEN RUSSIA AND UKRAINE ON NATURAL GAS* **(SEC(2006)43)**

In support of their information note, Ms FERRERO-WALDNER and Mr PIEBALGS reported on the background to, the specific technical, economic and political aspects of, the regional and international energy market context of, and the lessons to be drawn by the EU from, the recent conflict between the Ukraine and Russia concerning natural gas. Reminding the meeting of the major role played by the EU, the largest consumer of Russian gas, Mr PIEBALGS referred to the challenges this conflict posed for Russia, particularly with respect to its reliability as a supplier and its credibility during the period it would be chairing the G8. Mr PIEBALGS thanked the Commission Spokesman for his effective assistance in the media management of the crisis, and emphasised the importance of collective and in-depth preparation of the Green Paper on Energy which he would soon be presenting to the Commission.

Ms FERRERO-WALDNER briefly summarised the impact of the conflict on the Union's external relations. She referred particularly to the worrying situation in Moldova and the government crisis that had just arisen in Ukraine. With regard to the preparations for the Green Paper, she put forward a number of options and instruments that might contribute to increasing the security of the EU's energy supply, particularly in the framework of the neighbourhood policy and the Barcelona process.

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

- the need to guarantee a structure for the EU's energy market fully compatible with competition rules and, in this connection, the position of the company Gazprom;
- the encouragement of private investment in the energy sector, particularly in the field of infrastructure;

- the importance of diversification of energy supply;
- enhanced cooperation with all the energy-importing countries, including the United States, in order to make the trade in energy compatible with the rules laid down by the WTO.

The PRESIDENT concluded by emphasising the importance of careful preparation of the Green Paper and the need to call on all the Member States to take a coordinated and consistent approach both in the field of energy in general and with respect to Russia. He reminded the meeting that a genuine single market would facilitate investment, encourage more targeted research and strengthen energy efficiency. An ambitious and credible approach should take into account all the possible options. At international level, discussions in this area would begin at the G8 in Moscow (sherpas meeting on 19 and 20 January) and at the WTO. He also suggested looking at the matter again at the next meeting of the External Relations group of Commission Members.

The Commission took note of this information and of the note from Ms FERRERO-WALDNER and Mr PIEBALGS distributed as SEC(2006)43.

15.2. SITUATION IN THE MIDDLE EAST

Ms FERRERO-WALDNER briefly presented her analysis of the situation in the Middle East, particularly with respect to preparations for the elections in Palestine and Israel. Having mentioned the positive role of the EU's Electoral Observation Mission on the West Bank and in the Gaza Strip, she emphasised the extreme difficulty of the situation and drew attention to the useful and coherent work carried out by the Quartet.

Ms FERRERO-WALDNER announced her intention of visiting the region shortly.

The Commission took note of this information.

16. OTHER BUSINESS

16.1. PREVENTIVE MEASURES TAKEN IN THE UNION RELATING TO AVIAN FLU AND A POSSIBLE PANDEMIC (SEC(2006)48)

Mr KYPRIANOU reported on the latest developments regarding avian flu, its geographical expansion towards Turkey and the risks of propagation in Europe. He referred to certain problems noted with regard to animal health surveillance programmes, particularly in the areas affected by avian flu and in several neighbouring countries and emphasised the increased risk of a pandemic. It was important to improve cooperation with the World Health Organisation. He drew the Commission's attention to the international conference of donors to be held in Beijing on 18 January, organised by the Commission together with the World Bank and the Chinese Government. Finally, he reminded the meeting that the avian flu situation was constantly changing.

Following a brief exchange of views, the PRESIDENT concluded by emphasising the importance of continuing to ensure total transparency in the handling of this dossier and ensuring that all necessary preventive measures were taken.

The Commission took note of these observations and of the briefing note SEC(2006)48.

16.2. APPLICATION OF TRANSITIONAL PROVISIONS ON THE FREE MOVEMENT OF WORKERS (SEC(2006)42)

Mr ŠPIDLA reported on the progress of the work concerning the report to be produced by 1 May at the latest, in line with the provisions of the accession treaty for the ten new Member States. The purpose of this report was to assess the application of the transitional measures decided on by the Member States as regards free movement of workers. Mr ŠPIDLA would be putting a draft report before the Commission at the beginning of February. Summarising certain aspects of the dossier, he said that the report would present a rigorous analysis of the economic and social consequences of migratory flows of the active population between the countries of the EU,

based on comparable statistical data gathered by Eurostat. He mentioned briefly the first lessons to be drawn from the statistical data available so far and, in conclusion, asked Commission Members to let him have their observations.

The Commission held a brief exchange of views on certain specific situations, on the effects of transitional measures and of the free movement of workers in the various Member States, on the relevance of the pragmatic and objective approach pursued by Mr ŠPIDLA, and on the vital importance of this highly sensitive matter.

The Commission took note of these observations and of the briefing note SEC(2006)42.

**16.3. REINFORCED PRACTICAL COOPERATION ON ASYLUM
(SEC(2006)41)**

The Commission took note of the information note from Mr FRATTINI in SEC(2006)41.

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The meeting closed at 1332 hours.