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SECRETARIAT-GENERAL

PV(2006) 1737 final

Brussels, 22 March 2006

MINUTES

of the 1737th meeting of the Commission

held in Strasbourg

(Winston Churchill Building)

on Tuesday 14 March 2006

(afternoon)

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Single sitting: Tuesday 14 March (afternoon)

The sitting opened at 13.15 with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	President	
Ms WALLSTRÖM	Vice-President	
Mr VERHEUGEN	Vice-President	(items 12 in part) and 13)
Mr BARROT	Vice-President	
Mr FRATTINI	Vice-President	
Ms REDING		
Mr DIMAS		
Mr BORG		
Ms GRYBAUSKAITĖ		
Mr POTOČNIK		
Mr FIGEL'		
Mr REHN		
Mr KOVÁCS		
Ms FISCHER BOEL		
Ms FERRERO-WALDNER		
Mr ŠPIDLA		Items 9 to 13
Mr MANDELSON		Items 1 to 13 (in part)

Absent:

Mr KALLAS

Vice-President

Mr ALMUNIA

Ms HÜBNER

Mr KYPRIANOU

Mr MICHEL

Ms KROES

Mr McCREEVY

Mr PIEBALGS

The following sat in to represent absent Members of the Commission

Ms MANFREDI	A member of Mr Kallas's staff
Mr PANIGALLI	A member of Ms Hübner's staff
Mr GIORDANI	A member of Mr Kyprianou's staff
Ms SUTTON	A member of Ms Kroes's staff
Ms SOEWARTA	A member of Mr Piebalgs's staff

The following also sat in

Mr ITALIANER	Deputy Chef de cabinet to the President	
Mr PETITE	Director-General, Legal Service	
Ms CORUGEDO STENEBERG	DG Communication	
Mr LAITENBERGER	Commission Spokesman	
Mr THEBAULT	Chief Adviser in the President's Office	
Mr GAZTELU MEZQUIRIZ	A member of Mr Verheugen's staff	Items 9 to 13 (in part)
Mr LEARDINI	Secretariat-General	Items 1 to 11

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

1. AGENDAS

(OJ(2006) 1737/3; SEC(2006)327/2)

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)1737)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 13 March.

3. APPROVAL OF MINUTES OF 1736th MEETING (8 March)

(PV(2006) 1736)

The Commission approved the minutes of its 1736th meeting.

4. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2006)328 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 6 and 10 March.

4.2. SENSITIVE WRITTEN PROCEDURES

(SEC(2006)329)

The Commission took note of written procedures initiated between 6 and 10 March for the adoption of decisions with political implications.

4.3. EMPOWERMENT

(SEC(2006)330 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 6 and 10 March.

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 6 and 10 March, as archived on the "Greffé 2000" (Registry) website.

5. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2006)331/2)

ADMINISTRATIVE MATTERS

(PERS(2006)36/2)

5.1. DG RTD – APPOINTMENT OF A*14/15 DIRECTOR

(PERS(2004)171 to /4)

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director, Directorate M (Investment in research and links with other policies) in the Research DG (PERS(2004) 171 and /4).

The Commission took note of the opinions of the Consultative Committee on Appointments of 17 February and 21 April 2005² (PERS(2004)171/2 and /3).

(14 March 2006)

The Commission proceeded to compare the applicants' qualifications for the post. It also considered the applicants' ability, efficiency and conduct in the service. On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr POTOČNIK, it then decided to appoint Mr Isi SARAGOSSI to the vacant post.

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

**5.2. DG EAC – APPOINTMENT OF A*14/15 DIRECTOR
(PERS(2005)174 to /3)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director, Resources Directorate in the Education and Culture DG in (PERS(2005) 174).

The Commission took note of the opinions of the Consultative Committee on Appointments of 15 December 2005 and 12 January 2006 (PERS(2005)174/2 and /3).

The Commission proceeded to compare the applicants' qualifications for the post. It also considered the applicants' ability, efficiency and conduct in the service. On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr FIGEL', it then decided to appoint Mr Antonio SILVA MENDES to the vacant post.

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

**5.3. JRC – TERMINATION OF THE INTERNAL SELECTION PROCEDURE
TO APPOINT A GRADE A*14/15 DIRECTOR
(PERS(2004)97 to /4)**

Having noted the procedure followed as set out in point 3 of PERS(2006) 36/2, the Commission, on a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr POTOČNIK, decided to terminate

the selection procedure COM/163/2004 without appointing anyone to the post.

This decision would take effect immediately.

**5.4. OIB – EXTENSION OF THE DIRECTOR'S TERM OF OFFICE
(PERS(2003)10 to /3)**

Having noted the procedure followed as set out in point 4 of PERS(2006) 36/2, the Commission, on a proposal from Mr KALLAS, in agreement with the PRESIDENT, decided to extend until 15 March 2008 the term of office of Mr Piet VERLEYSSEN as Director of the Office for infrastructure and logistics in Brussels.

This decision would take effect immediately.

**5.5. OIL – EXTENSION OF THE DIRECTOR'S TERM OF OFFICE
(PERS(2003)11 to /3)**

Having noted the procedure followed as set out in point 5 of PERS(2006) 36/2, the Commission, on a proposal from Mr KALLAS, in agreement with the PRESIDENT, decided to extend until 15 March 2008 the term of office of Ms Martine REICHERTS as Director of the Office for infrastructure and logistics in Luxembourg.

This decision would take effect immediately.

**5.6. 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*16 official.

**6. MOBILITY PLAN FOR COMMISSION STAFF IN BRUSSELS 2006-2009
(SEC(2006)344 to /3; SEC(2006)349)**

The Commission approved the guidelines set out in communication SEC(2006) 344/3, and asked Mr KALLAS to see that they were implemented.

**7. COMMISSION DECISION CONCERNING NATIONAL PROVISIONS
IMPOSING ON SUPERMARKETS AN OBLIGATION TO PLACE
GENETICALLY MODIFIED FOODS ON SEPARATE SHELVES FROM
NON-GENETICALLY MODIFIED FOODS, NOTIFIED BY CYPRUS
PURSUANT TO ARTICLE 95(5) OF THE EC TREATY
(C(2006)797 to /6; SEC(2006)348)**

The Commission adopted in the authentic language (Greek) the decision set out in C(2006) 797/6, declaring the notification from the Republic of Cyprus to be inadmissible. It noted that the decision would be notified to the Republic of Cyprus and published in the Official Journal of the European Union.

**8. COMMISSION DECISION CONCERNING A PROCEEDING UNDER
ARTICLE 8(2) OF COUNCIL REGULATION (EC) 139/2004 ON MERGERS
(CASE COMP/M.3868 – DONG/ELSAM/ENERGI E2)
(C(2006)793 to /8)**

The Commission

- took note of the opinion of the Advisory Committee on Concentrations of 1 March in C(2006) 793/3;
- took note of final report given by the hearing officer on 7 March in C(2006) 793/4;

- adopted, in the authentic language (English), the decision in C(2006) 793/6 to /8, declaring the notified operation to be compatible with the common market and the agreement on the European Economic Area;
- decided to notify the decision to the company concerned, together with the final report of the hearing officer and the opinion of the Advisory Committee;
- decided that the most important parts of the decision, together with the opinion of the Advisory Committee and the final report of the hearing officer, would be published in the official languages of the Union in the Official Journal (with all business secrets removed);
- decided to publish the decision (with business secrets removed) on the Internet.

9. INTERINSTITUTIONAL RELATIONS

(SEC(2006) 332 and /2)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 10 March (SEC(2006)323 and /2).

It paid particular attention to the following points:

9.1. LEGISLATIVE MATTERS

i) Preparations for March I part-session

(point 1.2.1 of the record)

- GRÄSSLE Report – Financial regulation applicable to the general budget of the European Communities – COM(2005) 181 – 2005/0090 (CNS)

The Commission adopted the line set out in SP(2006)890.

ii) Preparations for Council meeting (Agriculture) on 20 March

(point 1.4 of the record)

- "Protection of geographical indications and designations of origin of agricultural products and foodstuffs"/Traditional specialities guaranteed of agricultural products and foodstuffs". These items are also on the agenda of the March I plenary session (GRAEFE ZU BARINGDORF reports).

The Commission authorised Ms FISCHER BOEL to accept, at the Council meeting (Agriculture) to be held on 20 March, a Presidency compromise which would be adopted by qualified majority following the line set out in SI (2006) 206.

9.2. RELATIONS WITH THE COUNCIL

(SI(2006) 215)

iii) Briefing by the Commission on the latest developments within the Council

(point 2.1 of the record)

- Gymnich meeting of Foreign Ministers (Salzburg, 10 and 11 March) – SEC(2006) 372

Ms FERRERO-WALDNER and Mr REHN reported on the informal meeting of Foreign Ministers held in Salzburg the previous week.

Firstly, Ms FERRERO-WALDNER brought up the question of financial aid for Palestine, which had been central to the debate. At the invitation of the Council (General affairs and external relations) of 27 February, she had presented jointly with the Secretary-General of the Council/High Representative for CFSP, Mr SOLANA, a factual non paper on this matter. She had then talked about possible options as regards this financing, pointing out the need to avoid a humanitarian crisis and the collapse of the Palestinian Authority. Interest was shown in these options at the meeting, although no

decision was taken pending both the results of the forthcoming elections in Israel and the formation of the new Palestinian executive. The Commission was therefore asked to consider exactly what conditions were needed for humanitarian aid to continue, given that in the past this type of aid has often required the cooperation of government bodies. Lastly, Ms FERRERO-WALDNER pointed out that there had been considerable support in Salzburg for Mr Mahmoud Abbas, the President of the Palestinian Authority.

Ms FERRERO-WALDNER then outlined the thrust of the discussions on intercultural dialogue with the Muslim world and also mentioned the positive reception of an informal document presented jointly by Mr SOLANA and the Commission. At this stage it was not planned to initiate a debate within the United Nations or sponsor a resolution on this question. She did, however, suggest that an initiative by the Anna Lindh Foundation and discussion of best practice in this area might be useful.

Ms FERRERO-WALDNER reported on the debate on Iran, particularly with regard to the attitude to adopt on civil society. Several projects were ready for launching but implementation of these projects was being hampered by the difficult negotiations on the nuclear issue.

As regards the discussions on Ukraine and Belarus, on the eve of parliamentary elections in Ukraine and presidential elections in Belarus, Ms FERRERO-WALDNER said that, as regards Ukraine, the question of initiating a European perspective or a preferential trading relationship had been raised, subject to the conclusion of the negotiations under way with the World Trade Organisation, in order to encourage the process of democratic reform. As regards Belarus, it was planned to impose sanctions, but these should not be detrimental to the population.

Further to his information note, Mr REHN reported on the discussions on the Western Balkans held at the same informal meeting. There had been consensus on the importance of bringing a European perspective to the

region, while taking account of the need to ensure that these countries met the criteria laid down for them, and of the Union's absorption capacity.

He informed the Members of the latest developments concerning the death of Mr Slobodan Milosevic and the preparations for his funeral. He regretted that he had died before victims could see justice done. The International Criminal Court for the former Yugoslavia must now be allowed to continue its work, and in particular Mr Ratko Mladic and Mr Radovan Karadjic must be arrested and transferred to The Hague for trial. Only then would Serbia finally be able to turn this painful page of its history and move towards a European perspective. Mr REHN concluded by stressing that the Union must, in these critical times for Serbia, support the democratic forces operating there.

The Commission took note of the information note from Mr REHN in SEC(2006) 372.

9.3. RELATIONS WITH PARLIAMENT

iv) Action taken on Parliament's opinions and resolutions (point 3.5 of the record)

- Commission communication on the action taken on non-legislative resolutions adopted by Parliament at the January part-session

The Commission adopted SP(2006) 919 on the action taken on the non-legislative resolutions adopted by Parliament at its January part-session, for transmission to Parliament.

- Commission communication on the action taken on opinions and resolutions adopted by the European Parliament at the February 2006 I and II part-sessions

The Commission adopted SP(2006) 1012 on the action taken on opinions and resolutions adopted by Parliament at its February I and II part-sessions, for transmission to Parliament.

v) Participation of Members of Parliament at international conferences – High-level segment of the 8th Conference of Parties to the Convention on Biological Diversity (Curitiba, Brazil, 27 to 29 March)

(point 3.8 of the record)

The Commission decided to give a positive answer to the request from Mr BORRELL, President of Parliament, to the PRESIDENT regarding the attendance of seven Members of Parliament at the above-mentioned conference.

10. ANNUAL POLICY STRATEGY FOR 2007 - BOOSTING TRUST THROUGH ACTION

(COM(2006)122 to /5) (SEC(2006)342 to /3) SEC(2006)360 SEC(2006)347

The PRESIDENT presented the communication he was tabling, in agreement with Ms WALLSTRÖM and Ms GRYBAUSKAITĖ. He first of all mentioned the function of the annual strategy and pointed out that the Commission was currently defining political priorities and establishing the human resources that would be necessary for their implementation in 2007. As regards the financial resources which were also necessary, the Commission was actively participating in the negotiation of a new interinstitutional agreement, which should help in the preparation of the preliminary draft budget for 2007.

The PRESIDENT referred to the policy debate of 17 January 2006 (PV(2006) 1729, pp. 16 to 22), which had enabled a consensus to be reached on the need for the Commission to be fully operational in 2007 as regards achieving strategic goals. The EU needed both effective action and continuity, and it was necessary to prepare

the way now for important initiatives coming up during in the second part of the Commission's term of office. The conclusions reached in January had confirmed the legitimacy of the five-year strategic objectives and the priority attached to competitiveness and growth, in order to create more and better-quality jobs, with the annual policy strategy being built around these strategic objectives and achieving them in 2007.

The PRESIDENT thought that the watchwords for 2007 should be coherence and credibility: initiatives must be coherent both with the five-year strategy and with each other, while the Commission's credibility stemmed from its ability to produce concrete results.

With a view to the next stages of the annual process, he drew attention to the need both to reach a perfect consensus with the other institutions on priority action and to come up with high-quality proposals. Ms WALLSTRÖM would present the annual policy strategy at the Parliament's Conference of Committee Chairmen that day, thereby launching the debate and preparations for the Commission's 2007 work programme. Finally, he stressed the importance of the contacts that each Commission Member would have with the Parliamentary committees as part of a structured dialogue, and the need to raise the political profile of that dialogue.

Ms WALLSTRÖM briefly outlined the content of the communication and announced her intention to propose, at the Conference of Chairmen, the appointment in each parliamentary committee of a rapporteur who would help to improve the quality and effectiveness of the structured dialogue.

Following its discussions, the Commission approved the communication on the annual policy strategy for 2007 in COM(2006) 122/4 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.

It also took note of the information on allocation of resources and changes in the structure of policy areas and activities in SEC(2006) 342/3 and SEC(2006) 360.

11. POLICY ACHIEVEMENTS IN 2005

(COM(2006)124 to /5; SEC(2006)347)

The Commission held a brief exchange of views on the communication from the PRESIDENT, during which it discussed the case for producing this annual summary of the Commission's achievements as an attractive publication and its value as a means of communicating with the general public.

Following this exchange of views, the Commission approved the summary report of policy achievements in 2005 in COM(2006) 124/4 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.

12. RELATIONS WITH THIRD COUNTRIES

12.1. VISIT TO EGYPT (11 AND 12 MARCH)

(SEC(2006)367)

The Commission took note of the information note from Mr KYPRIANOU in SEC(2006)367.

12.2. VISIT TO TURKEY (4 TO 7 MARCH)

(SEC(2006)370)

The Commission took note of the information note from Mr ŠPIDLA in SEC(2006)370.

12.3. NEGOTIATIONS ON THE DOHA DEVELOPMENT AGENDA

Mr MANDELSON and Ms FISCHER BOEL described the state of negotiations on the Doha Development Agenda, particularly following the

meeting held in London on 10 and 11 March of the ad hoc group of Trade Ministers. This group is made up of the United States, Brazil, India, Japan, Australia and the European Union and aims to reconcile attitudes to certain key questions of the negotiation, such as the compromise between market access for agricultural products and for industrial products.

Mr MANDELSON detailed the very limited progress made with regard to certain parameters of the schemes for reducing customs duties and subsidies, although at this stage no proposal for a compromise on figures was being negotiated. He referred to the positions adopted by certain key partners in the negotiation, the prospects of making progress through more discreet contacts while taking into account the need for transparency, and the eventual effects of a negative outcome.

Endorsing the information given by Mr MANDELSON, Ms FISCHER BOEL drew the Commission's attention to certain signs of protectionism developing within the Union.

The Commission held an exchange of views, covering the following questions in particular:

- the likelihood of achieving progress in regional and bilateral negotiations, such as those under way between the European Union and Mercosur, in liaison with the multilateral negotiations on the Doha agenda;
- the difficulties encountered regarding the scope for reconciling positions, particularly as regards market access for agricultural products;
- possible compromises in certain areas such as industrial customs duties;
- the role played by emerging countries such as India, Brazil and, in particular, China, as well as by less-developed countries;

- the deadline imposed by the World Trade Organisation for formally adopting the structure of the arrangements applicable to market access for agricultural products and for non-agricultural products.

The PRESIDENT concluded by noting the need for the Commission to organise, using an appropriate method, a strategic debate on the Doha Round of negotiations and their links to other Union policies in the light of the results of contacts to be held before the end of April.

The Commission took note of this information.

13. OTHER MATTERS

13.1. BETTER REGULATION: PROGRESS REPORT AND OUTLOOK (SEC(2006)358)

The PRESIDENT and Mr VERHEUGEN reported on progress in the implementation of the Better Regulation initiative in relation to the guidelines agreed in March 2005 and specific measures launched subsequently, as well as the prospects for the coming months of this vast programme, which required joint action by many participants to achieve its objectives. They described the general context surrounding the Commission's activities in this area, particularly the renewed Lisbon strategy. They detailed the main progress made so far, namely the revised guidelines on impact assessment, simplification of the regulatory environment, the result of the review of legislative proposals put before the legislative authority, the assessment of administrative costs and Commission cooperation with the Member States via the high-level group set up under the initiative.

The PRESIDENT underlined the importance of a firm commitment from all Commission Members and departments to continue this exercise and bring it to a successful conclusion; it was already seen as test of this Commission's

credibility. It was important to produce high-quality results rapidly and to ensure proactive communication under each Commission Member's responsibilities.

Referring to the shared responsibility of Parliament and the Council in this area, Mr VERHEUGEN said there was a case for renewing the call on both institutions to give the requisite priority to dealing with some 20 proposals for simplification of the regulatory environment that were at this stage of the legislative process. There were also delays in implementing the codification programme, due in particular to the fact that part of the *acquis* had not been translated.

After a brief exchange of views, the PRESIDENT emphasised the value of identifying positive experiences in the field of better regulation for the benefit of Parliament, the Council and the various interested parties.

As regards the technical difficulties encountered in codifying the Community *acquis*, the PRESIDENT asked the Secretary-General, in cooperation with the Legal Service, to come up with lasting solutions to this problem under his own and Mr VERHEUGEN's aegis.

On the question of monitoring the quality of impact assessments, the PRESIDENT concluded that it was worth exploring the possibility of having a validation method within the Commission.

The Commission took note of this information and of the briefing note from the PRESIDENT and Mr VERHEUGEN in SEC(2006) 358.

**13.2. FOLLOW-UP TO THE WHITE PAPER ON COMMUNICATION
POLICY: MEETINGS WITH HEADS OF BRUSSELS OFFICES OF
NEWS AGENCIES AND WITH THE ASSOCIATION OF THE
INTERNATIONAL PRESS (API)
(SEC(2006)359)**

Ms WALLSTRÖM briefly described the various meetings she had had recently with Brussels-based media representatives as part of the consultation process opened following adoption of the White Paper on communication policy. A series of measures had been mentioned to increase the Commission's impact and visibility, such as reorganising some of the areas in the Berlaymont set aside for media activities, or media access to Commission Members and officials.

The Commission held a brief exchange of views, particularly on the possibility of increased use of existing information and communication units in the Directorates-General and departments, and on arrangements for contact between the media and officials as regards requests for technical information, in accordance with the Code of good administrative behaviour and under the responsibility of Commission Members.

The Commission took note of this information and of Ms WALLSTRÖM's briefing note in SEC(2006) 359.

13.3. AVIAN INFLUENZA – GENERAL SITUATION **(SEC(2006)369)**

The Commission took note of the information note from Mr KYPRIANOU in SEC(2006)369.

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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 15.22.