



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2006)1739 final

Strasbourg, 4 April 2006

MINUTES

of the 1739th meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 29 March 2006

(morning)

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PV(2006)1739 final

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Single sitting: Wednesday 29 March (morning)

The sitting opened at 09.07 with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	President	
Ms WALLSTRÖM	Vice-President	
Mr VERHEUGEN	Vice-President	Items 10 and 11
Mr BARROT	Vice-President	
Mr KALLAS	Vice-President	
Mr FRATTINI	Vice-President	Items 10 (in part) and 11)
Ms REDING		Items 10 (in part) and 11)
Mr ALMUNIA		Items 10 and 11
Ms HÜBNER		
Ms GRYBAUSKAITĖ		
Mr POTOČNIK		
Mr FIGEL'		
Mr KYPRIANOU		
Mr REHN		
Mr MICHEL		Items 10 and 11
Mr KOVÁCS		
Ms KROES		
Ms FISCHER BOEL		
Mr McCREEVY		
Mr ŠPIDLA		

Absent:

Mr DIMAS

Mr BORG

Ms FERRERO-WALDNER

Mr MANDELSON

Mr PIEBALGS

The following sat in to represent absent Members of the Commission

Ms KONTOU	Chef de cabinet to Mr Dimas	
Mr TABONE	Chef de cabinet to Mr Borg	
Mr CHILD	Chef de cabinet to Ms Ferrero-Waldner	
Mr FRASER	Chef de cabinet to Mr Mandelson	Items 1 to 10 (in part)
Mr KESTERIS	Chef de cabinet to Mr Piebalgs	

The following also sat in

Mr VALE DE ALMEIDA	Chef de cabinet to the President	
Mr PETITE	Director-General, Legal Service	
Mr WORINGER	DG Communication	Items 10 and 11
Mr LAITENBERGER	Commission Spokesman	Items 10 and 11
Mr MOAVERO-MILANESI	Director-General, Bureau of European Policy Advisers (BEPA)	
Mr ITALIANER	Deputy Chef de cabinet to the President	

Secretary: 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(2006)1739/3; SEC(2006)390/3)

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)1739)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 27 March.

3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1738TH MEETING

(22 MARCH)

(PV(2006)1738; PV(2006)1738, PART II)

The Commission approved the minutes of its 1738th meeting.

4. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2006)391 *et seq.*)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 20 and 24 March.

4.2. SENSITIVE WRITTEN PROCEDURES

(SEC(2006)392)

The Commission took note of written procedures initiated between 20 and 24 March for the adoption of decisions with political implications.

4.3. EMPOWERMENT

(SEC(2006)393 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 20 and 24 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 20 and 24 March, as archived on the "Greffé 2000" (Registry) website.

5. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2006)394)

ADMINISTRATIVE MATTERS

(PERS(2006)41)

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

(PERS(2006)42 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, Horn of Africa, East and Southern Africa, Indian Ocean and Pacific Directorate in the Development DG (PERS(2006) 42).

The Commission took note of the opinions of the Consultative Committee on Appointments of 17 and 20 March (PERS(2006)42/2 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 MICHEL, it then decided to appoint Mr Roger MOORE to the vacant post.

This Decision entered into force on 1 April.

5.2. DG SANCO – APPOINTMENT OF A*14 DIRECTOR (EU-10)
(PERS(2005)103 to /5)

The Commission had before it applications under Article 29(2) of the Staff Regulations for the function of Director, Public health and risk assessment Directorate in the Health and Consumer Protection DG, reserved for a national of one of the new Member States (PERS(2005)103 to /3).

The Commission took note of the opinions of the Consultative Committee on Appointments of 3 and 16 February (PERS(2005)103/4 and /5).

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

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

6. PROPOSAL FOR A COUNCIL REGULATION ADJUSTING FROM 1 MAY 2006 THE SCALE FOR MISSIONS BY OFFICIALS AND OTHER SERVANTS OF THE EUROPEAN COMMUNITIES IN THE MEMBER STATES
(COM(2006)143 AND /2; SEC(2006)397)

The Commission adopted the proposal for a Council Regulation adjusting from 1 May 2006 the scale for missions by officials and other servants of the European Communities in the Member States in COM(2006)143 for transmission to the Council, along with a report on hotel ceilings and daily subsistence allowances in staff paper SEC(2006)397, the contents of which were noted.

**7. COMMISSION DECISION ON A PROCEEDING UNDER ARTICLE 82 OF THE EC TREATY AND ARTICLE 54 OF THE EEA AGREEMENT (CASE COMP/E-1/38.113 - PROKENT-TOMRA)
(C(2006)734 to /8; SEC(2006)428)**

The Commission:

- took note of the opinion of the Advisory Committee on Restrictive Practices and Dominant Positions of 20 and 27 March in C(2006)734/3 and /6;
- took note of the final report of the Hearing Officer of 22 March in C(2005)734/4;
- adopted in the authentic language (English) the decision set out in C(2006)734/7, noting that those to whom the decision was addressed had infringed Article 82 of the EC Treaty and Article 54 of the Agreement on the European Economic Area, and imposing a fine on them;
- decided that the decision in C(2006)734/8 would be notified to the companies concerned, together with the final report of the Hearing Officer;
- 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);

- also decided to publish the decision (with business secrets removed) on the Internet.

8. COMMISSION DECISION CONCERNING A PROCEEDING UNDER ARTICLE 8(1) OF COUNCIL REGULATION (EC) 139/2004 ON MERGERS (CASE COMP/M.3975 – CARGILL/DEGUSSA FOOD INGREDIENTS) (C(2006)1034 to /4)

The Commission:

- took note of the opinion of the Advisory Committee on Concentrations of 13 March in C(2006)1034/2;
- took note of the final report of the Hearing Officer of 15 March in C(2005)1034/3;
- adopted, in the authentic language (English), the decision in C(2006) 1034/4, 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 in the Official Journal (with all business secrets removed);
- also decided to publish the decision (with business secrets removed) on the Internet.

9. RELATIONS WITH THIRD COUNTRIES

9.1. *FOURTH MEETING OF THE PERMANENT PARTNERSHIP COUNCIL BETWEEN THE EUROPEAN UNION AND RUSSIA IN THE FIELD OF JUSTICE, FREEDOM AND SECURITY (MOSCOW, 21 and 22 MARCH)*

(SEC(2006)427)

The Commission took note of the information note from Mr FRATTINI in SEC(2006)427.

9.2. *FIFTH MEETING OF EUROMED TRADE MINISTERS (MARRAKESH, 24 MARCH)*

(SEC(2006)429)

The Commission took note of the information note from Mr MANDELSON in SEC(2006)429.

9.3. *HIGH-LEVEL CONFERENCE ON PROMOTING SOCIAL COHESION – EXPERIENCE IN THE EUROPEAN UNION, LATIN AMERICA AND THE CARIBBEAN (BRUSSELS, 27 AND 28 MARCH)*

(SEC(2006)431)

The Commission took note of the information note from Ms FERRERO-WALDNER and Mr ŠPIDLA in SEC(2006)431.

10. INTERINSTITUTIONAL RELATIONS

(SEC(2006)384)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 24 March (SEC(2006)384).

It paid particular attention to the following points:

10.1. LEGISLATIVE MATTERS

i) Action to be taken on Parliament's opinions

(SP(2006) 1321)

In agreement with the PRESIDENT and Ms WALLSTRÖM and any other Commission Members concerned, the Commission decided to empower the Members responsible for the sector concerned to adopt the amended proposals for transmission to Parliament and the Council.

ii) Preparations for April I part-session legislation

(point 1.2 of the record)

The Commission, in accordance with the rules in force, authorised the Commission Members responsible, in agreement with the PRESIDENT, Ms WALLSTRÖM and any other Members concerned, to take a position on Parliament's amendments to its proposals.

It paid particular attention to the following:-

Codecision – 1st reading

- TAKKULA Report – "Citizens for Europe" programme – COM(2005) 116 – 2005/0041 (COD)

The Commission adopted the line set out in SP(2006)1128/2.

- PRETS Report – European Capitals of Culture (2007-2013) – COM(2005)209 – 2005/0102 (COD)

The Commission adopted the line set out in SP(2006)1237 and authorised Mr FIGEL' to accept the compromise reached between the co-legislators in order to secure an agreement at first reading.

- CASHMAN Reports – COM(2005) 381

- Simplification of the checks on persons at external borders (Switzerland, Liechtenstein) - 2005/0159 (COD)
- Simplification of the checks on persons at external borders (following enlargement) - 2005/0158 (COD)

The Commission adopted the line set out in SP(2006)1314.

Simple consultation:

- KÓSAÉ KOVÁCS Report – Guidelines for the employment policies of the Member States – COM(2006) 32 – 2006/0010 (CNS)

The Commission adopted the line set out in SP(2006)1315/3.

- ROURE Report – Joint use of liaison officers posted abroad by the law enforcement agencies of the Member States – UK initiative – 2005/0808 (CNS)

The Commission adopted the line set out in SP(2006)1317.

10.2. RELATIONS WITH THE COUNCIL

(SI(2006)253)

iii) Follow-up to Spring European Council (Brussels, 23 and 24 March)

(SI(2006)300; SEC(2006)400)

The PRESIDENT presented the very positive results of the Spring European Council, particularly as regards the economic challenges facing the European Union and the consensus reached in the Council on how to tackle them. The success of this Council was largely due to the preparatory work carried out by the Commission on matters such as the Lisbon strategy, the Green Paper on energy policy, the European Technology Institute, gender equality, free movement of workers, corporate social responsibility, etc. The PRESIDENT

stressed that, given the Council's support for the Commission's initiatives, everything should be done to achieve the desired results as soon as possible.

He then referred to the progress of and prospects for the main issues before the Council, and in particular:

- accession by Member States to the renewed Lisbon strategy and the need to speed up its implementation;
- the mandate given to the Commission in several areas: the Better Regulation initiative, improving conditions for small and medium-sized enterprises, the European Globalisation Adjustment Fund, etc.;
- the particular consideration given by the Council to energy matters, the historic milestones it had created in trying to establish a genuine European policy in this area and the specific request made to the Commission, in cooperation with the Secretary-General of the Council/High Representative for CFSP, as regards the external component of this policy;
- the European Council's support for the principle of establishing a European Technology Institute and the agreed deadlines for this project, namely: a document on next steps, taking into account the opinions of all concerned (Member States, universities, businesses, the research community), to be put before the June European Council, and a legislative proposal based on an exhaustive impact study to be presented before the end of 2006;
- the European Council's agreement on the broad outlines of the amended proposal for a directive on services in the internal market based on the text approved by the European Parliament, and the consequences for connected matters such as the posting of workers, the health sector, etc.

Finally, he mentioned the close cooperation in certain areas already initiated between the Commission and future Presidencies, which was both a way of

ensuring success in these areas and a challenge for the Commission, which would have to show that it could produce these results.

The Commission held a brief exchange of views, covering the following questions:

- the important role played by the Commission and, more particularly, by the PRESIDENT in obtaining a consensus on the line to be followed as regards the amended proposal for a directive on services in the internal market;
- the need for a political contribution from the Commission at the forthcoming European Council on the future of Europe which would take a visionary approach, prepare the way for a positive outcome for the period of reflection initiated by the referenda on the Constitution and highlight the positive results of the last Union enlargement;
- the need to determine carefully the Union's approach to Belarus;
- the next steps for creating the European Technology Institute and its coordination with the European Research Council so as to avoid any overlap.

iv) Transport, Telecommunications, Energy (Brussels, 27 March)

(SI(2006)255)

Mr BARROT summarised the results of the Transport, Telecommunications and Energy Council in Brussels on 27 March. In particular, a unanimous decision had been adopted giving the Commission negotiating guidelines for concluding an agreement with Russia on overflying rights with regard to Siberia. The particularly successful results of this Council had certainly been helped by the positive climate created at the European Council of 23 and 24 March.

10.3. RELATIONS WITH PARLIAMENT

v) Action taken on non-legislative resolutions adopted by Parliament at its February I part-session

(point 3.3.2 of the record)

The Commission adopted SP(2006) 1319 on action taken on non-legislative resolutions adopted by Parliament at its February I part-session, for transmission to Parliament.

vi) Part-session from 22 to 23 March

(SP(2006) 1297)

The Commission took note of the information supplied in SP(2006) 1297 relating to Parliament's part-session held in Brussels from 22 to 23 February .

11. OTHER MATTERS

AVIAN INFLUENZA – GENERAL SITUATION

(SEC(2006)422)

Supplementing the information in his note SEC(2006) 422, Mr KYPRIANOU summarised the latest developments as regards avian influenza.

As far as animal health was concerned, the situation was stable within the European Union: the number of Member States affected had not increased and the three cases detected in poultry in France and Sweden were under control and being closely monitored. On the other hand, the situation in the Middle East was giving cause for concern: in several countries the epizootic seemed to be practically out of control. In addition, one person had died in Egypt.

Mr KYPRIANOU reported on the results of the two public health crisis simulation exercises involving both the Member States and the Commission which had taken

place in autumn 2005. The reports on each of these exercises would be published forthwith and Member States would be informed of their content.

The results were generally positive, but some weak points had been detected, which was the main objective of this type of exercise. The Commission departments had already begun to correct these weaknesses in coordination with the Member States. Examples were: insufficient thought given to preserving public order, maintaining the economy and various international aspects such as border control, transport generally and airports in particular. Some adjustments should also be made within the Commission, for example as regards information technology.

Mr KYPRIANOU underlined the importance in a public health crisis of perfect communication, which should be not just national but European. This and other matters linked to plans for health emergencies would be discussed at a meeting organised by the European Centre for Disease Prevention and Control in Stockholm.

The Commission took note of the information note from Mr KYPRIANOU in SEC(2006)422.

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The meeting closed at 10.08