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SECRETARIAT-GENERAL

PV(2006)1742 final

Brussels, 3 May 2006

MINUTES
of the 1742nd meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 26 April 2006
(morning)

PV(2006)1742 final

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Single sitting: Wednesday 26 April 2006 (morning)

The sitting opened at 1000 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

Mr DIMAS

Mr ALMUNIA

Ms HÜBNER

Ms GRYBAUSKAITĖ

Mr POTOČNIK

Mr FIGEL'

Mr REHN

Items 1 to 14

Mr MICHEL

Items 1 to 14

Mr KOVÁCS

Ms KROES

Ms FISCHER BOEL

Ms FERRERO-WALDNER

Mr ŠPIDLA

Items 1 to 15 (in part)

Mr PIEBALGS

Absent:

Ms REDING

Mr BORG

Mr KYPRIANOU

Mr McCREEVY

Mr MANDELSON

The following sat in to represent absent Members of the Commission

Mr STROHMEIER	Chef de cabinet to Ms Reding	
Mr TABONE	Chef de cabinet to Mr Borg	
Mr SCHINAS	Chef de cabinet to Mr Kyprianou	
Mr POWER	Chef de cabinet to Mr McCreevy	
Mr HAUGAARD	A member of Mr Mandelson's cabinet	Items 8 (in part) to 15

The following also sat in

Mr VALE DE ALMEIDA	Chef de cabinet to the President	
Mr PETITE	Director-General, Legal Service	
Ms CORUGEDO STENEGER	Communication DG	
Mr LAITENBERGER	Commission Spokesman	
Mr MOAVERO-MILANESI	Director-General, Bureau of European Policy Advisers (BEPA)	Items 1 to 8 and 13 to 15 (in part)
Mr THEBAULT	Chief Adviser in the President's Office	Items 1 to 8
Ms SCHREIBER	Chef de cabinet to Mr Špidla	Items 1 to 8

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

1. AGENDAS

(OJ(2006)1742/3; SEC(2006)495/2)

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)1742)

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

3. MINUTES OF 1741st MEETING (12 April)

(PV(2006)1741)

The Commission approved the minutes of its 1741st meeting.

4. MONITORING THE APPLICATION OF COMMUNITY LAW

4.1. STATE AID - RECAPITULATIVE LIST

(SEC(2006)527 and /2; SEC(2006)494)

The Commission adopted the decisions in the recapitulative list (SEC(2006)527/2).

**4.2. INFRINGEMENTS - CASES POSTPONED BECAUSE OF
UNAVAILABILITY OF DOCUMENTS - REGULARISATION**

(SEC(2006)214)

The Commission adopted the decisions in SEC(2006)214.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED

(SEC(2006)496 et seq)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 10 and 21 April.

5.2. SENSITIVE WRITTEN PROCEDURES

(SEC(2006)497)

The Commission took note of written procedures initiated between 10 and 21 April for the adoption of decisions with political implications.

5.3. EMPOWERMENT

(SEC(2006)498 et seq)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 10 and 21 April.

5.4. DELEGATION AND SUBDELEGATION OF POWERS

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation procedure between 10 and 21 April, as archived on the "Greffé 2000" (Registry) website.

6. COMMISSION DECISION CONCERNING A PROCEEDING UNDER ARTICLE 8(2) OF COUNCIL REGULATION (EC) No 139/2004 ON MERGERS (CASE COMP/M.3916 – T-MOBILE AUSTRIA/TELE.RING) (C(2006)1695 to /6)

The Commission

(26 April 2006)

- took note of the opinion of the Advisory Committee on Concentrations of 7 April in C(2006)1695/3;
- took note of the final report of the Hearing Officer of 18 April in C(2006)1695/4;
- adopted, in the authentic language (German), the decision set out in C(2005)1695/6, declaring the operation notified compatible with the common market and with the functioning of the agreement on the European Economic Area, subject to the company concerned complying with the commitments entered into, as set out in the Annex to the decision;
- 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);
- decided to publish the decision (with business secrets removed) on the Internet.

**7. IMPLEMENTING THE COMMUNITY LISBON PROGRAMME – COMMISSION COMMUNICATION TO PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS ON SOCIAL SERVICES OF GENERAL INTEREST IN THE EU
(COM(2006)177 to /4; SEC(2006)516; SEC(2006)518)**

The Commission approved the communication set out in COM(2006)177/4 for transmission to Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, together with the Annexes which are the subject of the staff paper distributed as SEC(2006)516, the contents of which were noted, without prejudice to a linguistic revision of the staff paper.

8. INTERINSTITUTIONAL RELATIONS

(SEC(2006)514)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 21 April (SEC(2006)514).

It paid particular attention to the following points:

8.1. LEGISLATIVE MATTERS

i) Preparations for the April II 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

- GAUZÈS report – Service in the Member States of judicial and extrajudicial documents in civil or commercial matters – COM(2005)305 – 2005/0126(COD)

The Commission adopted the line set out in SP(2006)1726 and /2 and authorised Mr FRATTINI to continue contacts with the co-legislators with a view to an agreement at first reading.

- FLORENZ report – Allocation of quotas of hydrochlorofluorocarbons with respect to the new Member States – COM(2004)550 – 2004/0296(COD)

The Commission adopted the line set out in SP(2006)1727 with a view to securing agreement at first reading.

ii) Preparations for the Conciliation Committee meeting on 2 May
(point 1.3 of the record)

- BLOKLAND report – Batteries and accumulators – COM(2003)723 – 2003/0282(COD)

The Commission authorised Mr DIMAS to support the joint text that the Conciliation Committee is asked to approve following the line set out in SPI(2006)50.

- KORHOLA report – Aarhus Convention – COM(2003)622 – 2003/0242(COD)

The Commission authorised Mr DIMAS to pursue contacts with Parliament and the Council with a view to promoting an agreement on a joint text following the line set out in SPI(2006)51.

iii) Preparations for the Justice and Home Affairs Council meeting (27-28 April)
(point 1.4 of the record)

- Proposal for a Parliament and Council Regulation on the law applicable to non-contractual obligations (Rome II) – COM(2006)83 – 2003/0168(COD)

The Commission authorised Mr FRATTINI to pursue negotiations with the Council with a view to promoting a political agreement which would be adopted by qualified majority at the Justice and Home Affairs Council meeting, following the line set out in SI(2006)329/2.

8.2. **RELATIONS WITH THE COUNCIL**

(SI(2006)330)

iv) Structural Funds – Earmarking

(point 2.3 of the record)

The Commission held an exchange of views on the practical arrangements for earmarking to be applied to the Structural Funds for the period 2007-13. These arrangements relate particularly to the assignment, relative to target thresholds, of the expenditure committed under the cohesion objectives of “convergence” and “regional competitiveness and employment”, which contribute directly to competitiveness and job creation under the Lisbon Strategy. It considered in particular the following aspects:

- in the case of the cohesion objective of “regional competitiveness and employment”, the appropriateness of excluding expenditure allocated to transport from total expenditure that contributes directly to achieving the Lisbon objectives;
- the original *raison d’être* of earmarking (which was to progress beyond the debate between considerations of competitiveness and those relating to cohesion in the context of the negotiations on the financial perspective 2007-13), the acknowledged differences between the respective needs of the “convergence” objective regions and the regions affected by the “regional competitiveness and employment” objective, as well as the need for coherence with the on-going negotiations on the basic cohesion policy legislation;
- the relatively low percentage which transport expenditure represented in overall expenditure committed under the “regional competitiveness and employment” objective;
- the fact that certain cohesion expenditure is affected by earmarking does not mean that other expenditure cannot also contribute to the Lisbon

objectives; this is further confirmation of the importance which investment in transport infrastructures undeniably has for these objectives;

- the need to avoid any dilution of the list of categories of expenditure affected by earmarking, already presented to the Council, as the PRESIDENT pointed out in a letter to the President of the European Council on 19 April;
- the need to allow a degree of flexibility in the system, so that each Member State and the Commission can decide to add to the list those investments which are particularly important in the context of implementing national reform programmes.

The PRESIDENT concluded the exchange of views by reiterating the importance which must be attached to investment in transport and broadband networks, not least for achieving the Lisbon goals. He therefore suggested that the statement which the Commission proposed to have entered in the Council minutes, confirming the earmarking of certain expenditure, include a specific reference to transport infrastructure and broadband networks as well as to environmental programmes and projects, without prejudice to the financing of other expenditure which is also an integral part of the Lisbon Strategy and which contributes significantly to improving EU competitiveness.

The Commission supported this approach.

8.3. RELATIONS WITH PARLIAMENT

v) Action taken on Parliament's opinions and resolutions (point 3.4 of the record)

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

The Commission adopted SP(2006)1725 on the action taken on opinions and resolutions adopted by Parliament at its March I and II part-sessions, for transmission to Parliament.

- Approval of the action taken on the European Parliament resolution on the human rights and democracy clause in European Union agreements (AGNOLETTO Report)

The Commission adopted SP(2006)1347/4 on the action taken on the European Parliament resolution on the human rights and democracy clause in European Union agreements, for transmission to Parliament.

9. COMMUNICATION TO THE COMMISSION – TOWARDS A STRATEGY FOR WELL-BEING AT WORK IN THE EUROPEAN COMMISSION: MULTIANNUAL ACTION PROGRAMME (2006-09)

(SEC(2006)500 to /3; SEC(2006)512)

10. COMMUNICATION TO THE COMMISSION – A MANAGEMENT POLICY ON ABSENCE FOR MEDICAL REASONS AND INVALIDITY
(SEC(2006)501 to /3; SEC(2006)512)

11. COMMISSION DECISION ESTABLISHING A HARMONISED POLICY FOR HEALTH AND SAFETY AT WORK FOR ALL COMMISSION STAFF
(C(2006)1623 to /3; SEC(2006)512)

12. COMMISSION DECISION ON THE EUROPEAN COMMISSION POLICY ON PROTECTING THE DIGNITY OF THE PERSON AND PREVENTING PSYCHOLOGICAL HARASSMENT AND SEXUAL HARASSMENT
(C(2006)1624 to /3; SEC(2006)512)

(26 April 2006)

Mr KALLAS briefly presented the initiatives dealt with in the communications and decisions he was tabling. He emphasised the importance of the contribution of this package of initiatives to improving general working conditions within the Commission and, consequently, to the well-being of its staff at work. He pointed out that these documents took account of the results of several studies and consultations carried out among the staff and their representatives.

Following this presentation, the Commission took note of the information, approved the communications in SEC(2006)500/3 and SEC(2006)501/3 and adopted the decisions in C(2006)1623/3 and C(2006)1624/3.

13. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2006)499/3)

ADMINISTRATIVE MATTERS

(PERS(2006)53/2)

13.1. DG TREN – APPOINTMENT OF A*15/16 DEPUTY DIRECTOR-GENERAL

(PERS(2006)38 to /3)

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Deputy Director-General, Energy and Transport (PERS(2006)38).

The Commission took note of the opinions of the Consultative Committee on Appointments of 14 and 29 March (PERS(2006)38/2 and /3).

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Mr KALLAS, in agreement with the PRESIDENT, Mr BARROT and Mr PIEBALGS, it then decided to appoint Mr Dominique RISTORI to the vacant post in question.

This Decision would enter into force on 1 August 2006.

13.2. DG ECHO – CHANGE TO ORGANISATION CHART

(SEC(2006)526)

On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr MICHEL, the Commission decided :

- to set up a new Resources, Finances and Legal Affairs Directorate;
- to set up a new Food Aid and Disaster Preparedness Unit;
- to approve the organisation chart set out in SEC(2006)526.

These decisions would take effect on 16 May.

13.3. BEPA – RESIGNATION OF THE A*16 DIRECTOR-GENERAL

On the occasion of the departure of Mr Enzo MOAVERO-MILANESI, Director-General of the Bureau of European Policy Advisers, to take up his duties as judge at the Court of First Instance, the PRESIDENT and Mr KALLAS paid tribute to him and thanked him for his services to the Commission over many years and in various high-ranking posts. On behalf of the Commission they wished him every success in his new position.

On a proposal from Mr KALLAS, in agreement with the PRESIDENT, the Commission decided to accept, in accordance with Article 48 of the Staff Regulations, the resignation of Mr Enzo MOAVERO-MILANESI, an A*16 official currently Director-General of the Bureau of European Policy Advisers.

The Commission also decided that the future activity of Mr MOAVERO-MILANESI as a judge at the Court of First Instance is not in conflict with the legitimate interests of the institution, in compliance with Article 16 of the Staff Regulations.

These decisions would take effect on 3 May.

ANY OTHER BUSINESS

13.4. EUROPEAN SCHOOLS

(SEC(2006)532 and /2; SEC(2006)517; SEC(2006)513)

The Commission took note of the information note from Mr KALLAS in SEC(2006)532/2.

14. RELATIONS WITH THIRD COUNTRIES

14.1. VISIT TO ROMANIA (BUCHAREST, 6 AND 7 APRIL)

(SEC(2006)520)

The Commission took note of the information note from Mr KALLAS in SEC(2006)520.

14.2. EU-JAPAN SUMMIT (TOKYO, 24 APRIL)

The PRESIDENT and Ms FERRERO-WALDNER reported on the results of the 15th EU-JAPAN Summit held in Tokyo on 24 April.

Welcoming the quality of the bilateral cooperation and noting that both partners share the same values and face the same challenges, they reviewed the various subjects raised with Prime Minister Junichiro Koizumi:

- the case for strengthening the strategic bilateral dialogue;
- the need to improve the Japanese legal framework in order to facilitate foreign direct investment;
- energy questions and the need for cooperation on energy efficiency and alternative energy sources;
- the environment;
- international trade and designations of origin;

- intra-Asian relations and the European example of political and economic integration;
- relations with China, Russia, Iran and the Middle East.

The Commission held a brief exchange of views on these issues. While emphasising the positive developments in bilateral relations between the EU and Japan, it mentioned in particular the possibility of improvements in areas such as bilateral cooperation in science and technology, the level of representation of EU business circles in high-level meetings with Japan, and the removal of administrative obstacles in the Japanese regulatory framework.

Ms FERRERO-WALDNER then spoke briefly about her official visits to South Korea and Vietnam between 19 and 23 April.

The Commission took note of this information.

15. OTHER MATTERS

15.1. EUROPE DAY CELEBRATIONS, 9 MAY

(SEC(2006)541 and /2)

The Commission took note of the information note from Ms WALLSTRÖM distributed as SEC(2006)541/2.

15.2. FIRST COMMISSION MEETING ON GROWTH AND DEVELOPMENT BY THE WORLD BANK (WASHINGTON, 19 and 20 April)

(SEC(2006)540)

The Commission took note of the information note from Ms HÜBNER in SEC(2006)540.

**15.3. CIVIL PROTECTION RESPONSE TO FLOODS IN CENTRAL EUROPE,
SPRING 2006
(SEC(2006)543)**

The Commission took note of the information note from Mr ALMUNIA in SEC(2006)307.

**15.4. SECOND REPORT ON THE IMPLEMENTATION OF THE
COMMUNICATION ON TRANSLATION IN A MULTILINGUAL
COMMUNITY: MANAGEMENT OF SUPPLY AND DEMAND IN THE
COMMISSION UP TO THE END OF THE YEAR 2006
(SEC(2006)528 and /2)**

Mr FIGEL' presented the second report on the progress made in the field of translation as a result of the transitional measures taken since the adoption in 2005 of the communication on translation in a multilingual Community in SEC(2005)984/3 (PV(2005)1711, pages 29 to 31).

He emphasised the importance of multilingualism for the unity and diversity of the EU and drew the attention of Commission Members to the new measures that had been announced, the objective of which was to increase transparency and improve the dissemination of information about the Commission's initiatives in the twenty official languages. These measures concern, in particular, the provision of summaries of the impact assessments which accompany legislative proposals and brief notes and other documents accompanying press releases, on condition, however, that these do not exceed 10 or 7 pages respectively.

Mr FIGEL' then mentioned the translation of Commission Members' websites, which was being carried out by the Translation DG in the twenty official languages, and called on those responsible for these sites to put the translated pages on line as quickly as possible and to update them regularly.

The Commission took note of the information note from Mr FIGEL' in SEC(2006)528 and /2.

**15.5. EVOLUTION OF OIL MARKETS, CONSEQUENCES OF HIGH PRICES OF OIL AND SUGGESTED ACTIONS
(SEC(2006)542)**

Mr PIEBALGS reported on the evolution of the international oil markets and on the outlook for gas policy in particular. He reviewed the factors behind the current situation, such as tensions between supply and demand, the volatility of prices and stock exchanges, and the shortage of refining capacity. He recommended that the Commission continue to follow the political line adopted in September 2005, focusing on five areas of action (PV(2005)1713, pages 18 to 21), which had been taken up again in the Green Paper on a European strategy for sustainable, competitive and secure energy (PV(2006)1736, pages 16 to 19). Mr PIEBALGS also referred to the results of the 10th ministerial meeting of the International Energy Forum held in Doha from 23 to 24 April.

The Commission held a brief exchange of views, in the course of which Members referred to the importance of multilateralism and international cooperation as regards energy, the growing tendency of certain exporting countries to evade dialogue with consumer and transit countries, and the importance of energy efficiency and diversification.

The Commission took note of the information note from Mr PIELBALGS in SEC(2006)542.

**15.6. SPRING 2006 MEETINGS OF THE IMF AND THE WORLD BANK
(WASHINGTON, 22-23 APRIL)
(SEC(2006)546)**

The Commission took note of the information note from Mr ALMUNIA in SEC(2006)546.

**15.7. PREPARATIONS FOR THE COMMISSION SEMINAR ON THE
FUTURE OF EUROPE (LANAKEN, 27-28 APRIL)**

Looking ahead to the seminar that the Commission would be holding in Lanaken on 27 and 28 April, Ms WALLSTRÖM briefed Commission Members on a number of lessons to be drawn at this stage from her department's initial analyses of the special Eurobarometer on the future of Europe, the complete results of which would be published on 5 May.

The Commission took note of this information.

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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 1119 hours.