



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2006)1754 final

Brussels, 30 August 2006

MINUTES
of the 1754th meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 19 July 2006
(morning)

PV(2006)1754 final

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Single sitting: Wednesday 19 July (morning)

The sitting opened at 09.08 with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	President	
Mr VERHEUGEN	Vice-President	
Mr BARROT	Vice-President	
Mr KALLAS	Vice-President	
Mr FRATTINI	Vice-President	Items 1 to 15
Ms REDING		
Mr DIMAS		
Mr ALMUNIA		
Ms HÜBNER		Items 1 to 15 (in part)
Mr BORG		
Ms GRYBAUSKAITĖ		
Mr POTOČNIK		Items 1 to 15 (in part)
Mr FIGEL'		
Mr KYPRIANOU		
Mr REHN		
Mr MICHEL		
Mr KOVÁCS		
Ms KROES		
Ms FISCHER BOEL		
Ms FERRERO-WALDNER		
Mr McCREEVY		
Mr ŠPIDLA		
Mr MANDELSON		Items 1 to 13 (in part) and 14 (in part) to 16
Mr PIEBALGS		Items 13 (in part) to 16

Absent:

Ms WALLSTRÖM

Vice-President

(19 July 2006)

The following sat in to represent absent Members of the Commission

Mr ANNERBERG	Chef de cabinet to Ms Wallström	Items 1 to 15 (in part)
Ms CARPARELLI	Deputy Chef de cabinet to Ms Wallström	Items 15 (in part) and 16

The following also sat in

Mr VALE DE ALMEIDA	Chef de cabinet to the President	
Mr PETITE	Director-General, Legal Service	
Mr SØRENSEN	Director-General, DG Communication	
Mr LAITENBERGER	Commission Spokesman	Items 1 to 15 (in part)
Ms CARVALHO	Acting Director-General, Bureau of European Policy Advisers (BEPA)	Items 1 to 15 (in part)
Mr ELLIS	Adviser in the President's Office	Items 1 to 13 and 15
Ms MARTÍNEZ ALBEROLA	A member of the President's staff	Items 1 to 14
Mr BERTOZZI	A member of Mr Frattini's staff	Item 14
Mr KORTE	Chef de cabinet to Ms Hübner	Items 15 (in part) and 16
Mr HEDBERG	A member of Mr Rehn's staff	Item 15 (in part)
Ms NIKOLAY	A member of Mr Mandelson's staff	Items 13 (in part) and 14 (in part)
Ms AHRENKILDE	DG Communication	Items 15 (in part) and 16

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

1. AGENDAS

(OJ(2006)1754/3; SEC(2006)959/2)

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)1754)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 17 July.

3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1753RD MEETING

(12 JULY)

(PV(2006)1753 AND /2; PV(2006)1753, PART II)

The Commission approved the minutes of its 1753rd meeting.

4. MONITORING THE APPLICATION OF COMMUNITY LAW

**4.1. STATE AID – GUIDELINES ON STATE AID INTENDED TO
PROMOTE RISKY INVESTMENT IN SMALL AND MEDIUM-SIZED
ENTERPRISES**

(SEC(2006)939 to /3; SEC(2006)997)

The Commission adopted in principle the guidelines in SEC(2006) 939/3 and empowered the Commission Member with special responsibility for competition to finalise the text after revision by the lawyer-revisers in all the official languages and to publish the guidelines in the Official Journal.

4.2. STATE AID - RECAPITULATIVE LIST**(SEC(2006)1017); SEC(2006)997)**

The Commission adopted the decisions in the recapitulative list (SEC(2006)1017).

4.3. INFRINGEMENTS - CASES POSTPONED BECAUSE OF UNAVAILABILITY OF DOCUMENTS - REGULARISATION**(SEC(2006)969)**

The Commission adopted the decisions in SEC(2006)969.

4.4. INFRINGEMENTS - URGENT OR POSTPONED CASES**(SEC(2006)982); SEC(2006)981)**

The Commission adopted the decisions in SEC(2006)982, subject to the following clarifications:

2005/2096	<i>Portugal</i>
VAT – Reduced rate on babies' nappies	
2005/2097	<i>Poland</i>
VAT – Reduced rate on babies' nappies	
2005/2104	<i>Malta</i>
VAT – Reduced rate on babies' nappies	
2005/2105	<i>Czech Republic</i>
VAT – Reduced rate on babies' nappies	
2005/2106	<i>Hungary</i>
VAT – Reduced rate on babies' nappies	
<u>Decisions:</u>	Letter of formal notice + press release

(19 July 2006)

The Commission decided to send letters of formal notice in the above-mentioned cases, in accordance with Article 226 of the Treaty. Aware of the sensitive nature of the issue from the social point of view for some Member States, Mr KOVÁCS announced that, after submitting a report to the Council on the application of reduced rates of VAT in the Member States, he would present a proposal for including babies' nappies in Annex H of the Sixth VAT Directive to the Commission in 2007. The Member States' replies to the letters of formal notice would be included in the June 2007 report. The Commission took note of this intention and considered that the next stages of the infringement procedures would have to be delayed in order to give the Council time to react to the Commission's proposals. The decision to send letters of formal notice to the Member States concerned would be transmitted together with an explanation of the Commission's approach towards these infringement proceedings and its undertakings with regard to the report and the forthcoming proposal, stressing in particular the consideration given to social and family aspects.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. *WRITTEN PROCEDURES APPROVED*

(SEC(2006)960 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 10 and 14 July.

5.2. *SENSITIVE WRITTEN PROCEDURES*

(SEC(2006)961)

The Commission took note of the sensitive written procedures for which the time limit expired between 17 and 24 July.

5.3. EMPOWERMENT**(SEC(2006)962 et seq.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 10 and 14 July.

5.4. EMPOWERMENT CONFERRED**(SEC(2006)1007 to /3)**

The Commission empowered the Commission Member responsible for competition, in agreement with the PRESIDENT, as set out in SEC(2006)1007/3.

5.5. 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 14 July, as archived on the "Greffé 2000" (Registry) website.

5.6. DELEGATION OF POWERS IN THE AREA OF THE FIGHT AGAINST CONTRABAND AND COUNTERFEITING**(SEC(2006) 1009 and /2)**

The Commission decided to delegate to the Director-General of the European Anti-Fraud Office the power, on behalf of the Commission and under its responsibility, to institute a mechanism for distributing between the Community and the Member State concerned the supplementary payments having become due following seizures of cigarettes, in accordance with Article 4 of the agreement on the fight against contraband and counterfeiting concluded with Philip Morris International on 9 July 2004. This delegated power would be exercised in accordance with the terms set out in SEC(2006)1009 and /2 and in SEC(2006) 991 (see item 8 of these minutes).

6. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2006)963/2)

ADMINISTRATIVE MATTERS

(PERS(2006)105/2)

**6.1. DG COMP – APPOINTMENT OF AD15 DEPUTY
DIRECTOR-GENERAL (EU-25)**

(PERS(2005)168 to /4; PERS(2006)50 to /6)

The Commission had before it applications under Article 29(1)(a)(i) and (iii) and Article 29(2) of the Staff Regulations for the post of Deputy Director-General (Mergers) of the Competition DG (PERS(2005)168, /2 and /4). PERS(2006) 50, /2, /3 and /5).

The Commission took note of the opinions of the Consultative Committee on Appointments of 27 February (PERS(2005)168/3) and 4 and 12 July (PERS(2006)50/4 and /6).

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms KROES, it then decided to appoint Ms Nadia CALVIÑO to the post.

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

**6.2. DG ECFIN – APPOINTMENT OF AD15/16 DEPUTY
DIRECTOR-GENERAL**

(PERS(2006)52 to /4)

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, Economic and Financial Affairs (PERS(2006)52 and /2).

The Commission took note of the opinions of the Consultative Committee on Appointments of 6 June and 7 July (PERS(2006)52/3 and /4).

(19 July 2006)

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

This decision would take effect on 1 September 2006.

**6.3. SG – APPOINTMENT OF AD14/15 DIRECTOR
(PERS(2006)96 to /4)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) and 1(b) of the Staff Regulations for the post of Director, Relations with the European Parliament, the European Ombudsman, the Economic and Social Committee, the Committee of the Regions and National Parliaments in the Secretariat-General (PERS(2006)96 and /2)

The Commission took note of the opinions of the Consultative Committee on Appointments of 19 and 22 June 2006 (PERS(2006)96/3 and /4).

The Commission proceeded to compare the applicants' qualifications for the post. It also considered their ability, efficiency and conduct in the service. On a proposal from Mr KALLAS, in agreement with the PRESIDENT, it then decided to appoint Mr Fernando FRUTUOSO DE MELO to the post.

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

**6.4. DG RELEX – APPOINTMENT OF AD14/15 DIRECTOR
(PERS(2006)70 to /5)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director, Asia (except Japan and Korea) in the External Relations DG (PERS(2006)70 to /3).

The Commission took note of the opinions of the Consultative Committee on Appointments of 11 May and 15 June (PERS(2006)70/4 and /5).

(19 July 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 Ms FERRERO-WALDNER, it then decided to appoint Mr James MORAN to the vacant post.

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

Notwithstanding this decision, the Commission also noted the sound qualifications of Mr Seamus GILLESPIE and Mr Alan SEATTER

**6.5. SJ – APPOINTMENT OF AD14/15 PRINCIPAL LEGAL ADVISER
(PERS(2006)78 to /4)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Principal Legal Adviser, Employment and Social Affairs, Education and Culture, Health, Food Safety and Consumer Protection in the Legal Service (PERS(2006)78 and /2).

The Commission took note of the opinions of the Consultative Committee on Appointments of 18 May and 1 June (PERS(2006)78/3 and /4).

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

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

**6.6. SJ – APPOINTMENT OF AD14/15 PRINCIPAL LEGAL ADVISER
(PERS(2006)79 to /3)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Principal Legal Adviser, Competition in the Legal Service (PERS(2006)79).

(19 July 2006)

The Commission took note of the opinions of the Consultative Committee on Appointments of 18 May and 8 June (PERS(2006)79/2 and /3).

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

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

**6.7. SJ – APPOINTMENT OF AD14/15 PRINCIPAL LEGAL ADVISER
(PERS(2006)73 to /4)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Principal Legal Adviser, Justice, Freedom and Security, Private Law, Criminal Law in the Legal Service (PERS(2006)73 and /2).

The Commission took note of the opinions of the Consultative Committee on Appointments of 16 May and 1 June (PERS(2006)73/3 and /4).

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

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

**6.8. DG COMP – APPOINTMENT OF AD14 CHIEF COMPETITION
ECONOMIST (EU-25)
(PERS(2005)166 to /6)**

The Commission had before it applications under Article 2(a) of the Conditions of Employment of Other Servants of the European Communities for the post of Chief Competition Economist in the Competition DG for a non-renewable period of three years (PERS(2005)166 to /4).

(19 July 2006)

The Commission took note of the opinions of the Consultative Committee on Appointments of 20 June and 13 July (PERS(2005)166/5 and /6).

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms KROES, the Commission decided to appoint Mr Damien NEVEN as a member of the temporary staff under Article 2(a) of the Conditions of Employment of Other Servants of the European Communities to the post, for a non-renewable period of three years.

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

6.9. *DG SANCO – INTERINSTITUTIONAL PUBLICATION OF A VACANCY NOTICE FOR AD15/16 DEPUTY DIRECTOR-GENERAL (PERS(2006)68 and /2)*

Having taken note of the information in point 9 of PERS(2006) 105/2, the Commission, on a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr KYPRIANOU, decided to authorise the publication under Article 29(1)(b) of the Staff Regulations of the vacancy notice in PERS(2006) 68/2, for the post of Deputy Director-General, Health and Consumer Protection DG.

This decision would take effect immediately.

6.10. *COMMISSION DECISION ON ADOPTING THE RULES LAYING DOWN THE PROCEDURE FOR IMPLEMENTING ARTICLE 45.2 OF THE STAFF REGULATIONS (C(2006)3313 and /2)*

The Commission, on a proposal from Mr KALLAS, in agreement with the PRESIDENT, adopted the decision on adopting the rules laying down the procedure for implementing Article 45(2) of the Staff Regulations in C(2006) 3313 and /2.

**7. FLEXTIME IN THE COMMISSION – A NEW GUIDE TO FLEXTIME
(SEC(2006)956 TO /3; SEC(2006)993)**

As flexitime had been applied in some Commission departments since 1986 and its use was widespread in Member State administrations and in the private sector, the Commission agreed in principle to the initiative to bring the rules up to date and extend flexitime to all departments.

While acknowledging that flexitime was a modern personnel management system and that it had been shown to increase motivation and productivity, some Commission Members and Directors-General had expressed concern about the implementation of the proposed system. In particular, they had asked that further analysis should be made of good practice and the different ways available for ensuring the right balance between the departments' need to have available the appropriate staff in appropriate numbers, work obligations and the possibility for staff to recuperate extra hours worked, within certain limits. Further examination of the situation of staff who worked irregular hours, such as inspectors, was also considered necessary.

The Commission approved in principle the new flexitime guide annexed to the communication in SEC(2006) 956/3 and decided to empower Mr KALLAS, in agreement with the PRESIDENT, to finalise the details for implementing flexitime, including simple and user-friendly management tools, as of 1 January 2007, following further consultation with the Cabinets and the Directors-General after the summer break.

**8. FIGHT AGAINST CONTRABAND AND COUNTERFEITING
(SEC(2006)991)**

The Commission approved the communication establishing the distribution and processing of supplementary payments made by Philip Morris International in connection with seizures of cigarettes in accordance with Article 4 of the Anti-Contraband and Anti-Counterfeit Agreement concluded on 9 July 2004 between Philip Morris International, the European Community and ten Member States (plus fourteen Member States which had since signed up to the agreement). This communication was the subject of SEC(2006) 991 (see also item 5.6 of these minutes).

**9. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING A MECHANISM FOR THE CREATION OF RAPID BORDER INTERVENTION TEAMS AND AMENDING COUNCIL REGULATION (EC) No 2007/2004 AS REGARDS THAT MECHANISM
(COM(2006)401 TO /3; SEC(2006)953; SEC(2006)954; SEC(2006)955; SEC(2006)992)**

The Commission adopted the proposal for a regulation in COM(2005)401/3 for transmission to Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, together with its annex, and the impact assessment and its summary in staff papers SEC(2006)953, SEC(2006)954 and SEC(2006) 955 respectively, the contents of which were noted.

10. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING A COMMUNITY CODE ON VISAS

(COM(2006)403 TO /3; SEC(2006)957; SEC(2006)958; SEC(2006)992)

The Commission adopted the proposal for a regulation in COM(2005)403/3 for transmission to Parliament and the Council, together with the impact assessment and its summary in staff papers SEC(2006)957 and SEC(2006)958 respectively, the contents of which were noted.

11. COMMISSION COMMUNICATION ON THE ASSESSMENT OF THE ACTION TAKEN BY GERMANY IN RESPONSE TO THE COUNCIL DECISION OF 14 MARCH WITH A VIEW TO BRINGING AN END TO THE SITUATION OF AN EXCESSIVE DEFICIT – APPLICATION OF ARTICLE 104(9) OF THE TREATY

(SEC(2006)990 TO /3; SEC(2006)995)

The Commission adopted the communication in SEC(2006)990/3 for transmission to the Council.

12. COMMISSION DECISION ON A PROCEDURE UNDER ARTICLE 8(2) OF COUNCIL REGULATION (EC) No 139/2004 ON THE CONTROL OF CONCENTRATIONS BETWEEN UNDERTAKINGS (CASE COMP/M.3796 – OMYA/HUBER PCC)

(C(2006)3163 TO /7)

The Commission:

- took note of the opinion of the Advisory Committee on Concentrations of 30 June in C(2006)3163/4;

- took note of the final report of the Hearing Officer of 14 July in C(2005)3163/6;
- adopted, in the authentic language (English), the decision set out in C(2005)3163/7, declaring the operation notified to be compatible with the single market and with the Agreement on the European Economic Area, provided that the undertaking concerned complied with the commitments entered into, as set out in C(2006) 3163/2, annexed to the decision;
- decided to notify the decision in C(2006) 3163/7 to the company concerned, and C(2006) 3163/2, annexed to that decision, 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.

13. INTERINSTITUTIONAL RELATIONS

(SEC(2006)966)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 14 July (SEC(2006)966).

It paid particular attention to the following points:

13.1. LEGISLATIVE MATTERS

i) Draft budget for 2007 – Administrative appropriations for the Commission

(point 1.1.1 of the record; SI(2006)693); SEC(2006)989 and /2; SEC(2006)994)

Ms GRYBAUSKAITĖ presented the situation as regards the 2007 budgetary procedure following the Council meeting (Budget) of 14 July. She mentioned in particular the Commission's human resources. The reductions in the appropriations in the 2007 budget proposed by the Finnish Presidency were intended to drastically reduce Commission staff, by 1 700 posts during 2007-13, which represented 8.5% of total staff, or the equivalent of three Directorates-General.

Ms GRYBAUSKAITĖ was extremely concerned about the measures proposed by the Council Presidency and their effects on the proper functioning of the Commission in the years ahead. The introduction of these measures in 2007 would mean that the Commission would find it almost impossible to recruit new staff next year. She also questioned the soundness of the analysis and the arguments the Finnish Presidency had used to justify its proposals.

She said that the Presidency's handling of the procedure had lacked transparency and flexibility. The next stages in negotiating the budget would be very difficult, in particular because of the support given to the Presidency's proposals by many Member States. She was, however, convinced that Parliament and the other Member States would support the Commission's position.

As regards the recruitment of staff from the ten new Member States, she regretted that the Council Presidency had made a link between the insufficient number of objectives reached and its proposals to reduce Commission staff. In this regard, Ms GRYBAUSKAITĖ invited Members to make an active contribution to reaching the EU-10 recruitment objectives.

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

- the inconsistency of the Council Presidency's proposed measures with the interinstitutional agreement on budgetary discipline and the improvement of the budgetary procedure, and the financial perspective 2007-13;
- the impact the Finnish Presidency's position would have on the climate of budgetary negotiations and trust between the parties;
- the clear risks of compromising the efficiency, or even the proper functioning, of the Commission, in the event of these posts being cut;
- the patent incompatibility between the proposed reduction in Commission resources and staff and the increase in tasks assigned to it;
- the need to strengthen cooperation between all Commission services and the Personnel and Administration DG in order to rapidly increase the level of recruitment from the new Member States;
- the need to ensure effective communication regarding the updating of the flexitime rules within the Commission so as to avoid any confusion with this particular matter.

The PRESIDENT concluded by thanking Ms GRYBAUSKAITĖ for her work on the 2007 budgetary procedure. He emphasised the need to continue and strengthen contacts with the Council Presidency and with the other parties concerned, especially Parliament and certain Member States. He asked the Commission Members to start increasing their efforts and to keep the Secretariat-General informed of the results. The matter would be raised with the Commission again as soon as possible after the summer break.

In this connection, Ms GRYBAUSKAITĖ presented the situation as regards implementation of the 2006 budget at the end of the first half of the year. The system for monitoring the implementation of payment appropriations, in place since May 2006, had been relevant and useful. The main aims of the monitoring system were to improve forecasts, increase implementation rates and reduce the risk of surplus at the end of the financial year.

She pointed out that the difference between forecasts and implementation of payment appropriations at the end of June had reached €3.25 billion, three times the amount at the same point in 2005. In particular, there were delays in implementing appropriations under the "Rural development (new Member States)" and "Structural measures" headings, but implementation under the "Internal policies" and "External operations" headings had improved over 2005.

Ms GRYBAUSKAITĖ thanked Members and their cabinets for their support for this initiative. She asked them for proactive and continuous follow-up in close collaboration with the departments for which they were responsible, and with the Member States and candidate countries, stressing the importance of an increase in implementation rates for the Commission's credibility. There would be a new and more detailed progress report next October.

After Ms GRYBAUSKAITĖ's presentation, there was a very brief exchange of views during which particular mention was made of the advantages of encouraging better distribution of Member States' payment requests throughout the financial year, especially as regards the Structural Funds, in order to ensure a more balanced flow of payments.

The PRESIDENT thanked Ms GRYBAUSKAITĖ for her initiative. He asked Members to make an active contribution, from now until the autumn, to the efforts to reach the same implementation rates as last year. He stressed the importance of good budgetary implementation for relations between the Commission and the other institutions, and as regards present and future budgetary negotiations.

ii) Preparations for September I part-session

(point 1.2 of the record)

Codecision – 1st reading

- KRASTS Report – Statistical classification of economic activities – COM(2006)39 – 2006/0011 (COD)

The Commission approved the line set out in SP(2006)3285/2 and authorised Mr ALMUNIA to maintain contacts with Parliament and the Council in order to reach an agreement at first reading.

- GRÖNER Report – Specific programme "Fight against violence (Daphne)" for 2007-13 – COM(2005)122 – 2005/037A (COD)

The Commission approved the line set out in SP(2006)3287/2.

13.2. RELATIONS WITH PARLIAMENT

iii) Action taken on Parliament's opinions and resolutions

(point 3.4.2 of the record)

The Commission approved SP(2006)3310 on the action taken on Parliament's opinions and resolutions at its June 2006 part-session, for transmission to Parliament.

iv) Action taken on Parliament's non-legislative resolutions

(point 3.4.3 of the record)

The Commission approved SP(2006)3065/2 and /3 on the action taken on the non-legislative resolutions adopted by Parliament at its May I part-session, for transmission to Parliament.

v) Action taken on Parliament's non-legislative resolutions

(point 3.4.4 of the record)

The Commission approved SP(2006)3286 on the action taken on the non-legislative resolutions adopted by Parliament at its May II part-session, for transmission to Parliament.

vi) Action taken on Parliament's non-legislative resolutions

(point 3.4.5 of the record)

The Commission approved SP(2006)3311 and /2 on the follow-up to the non-legislative resolutions adopted by Parliament at its June I part-session, for transmission to Parliament.

**14. COMMUNICATION FROM THE COMMISSION TO PARLIAMENT AND THE COUNCIL ON POLICY PRIORITIES IN THE FIGHT AGAINST ILLEGAL IMMIGRATION OF THIRD-COUNTRY NATIONALS
(COM(2006)402 TO /4; (SEC(2006)964 AND /2; (SEC(2006)965 AND /2; (SEC(2006)1010 AND /2; SEC(2006)992)**

Mr FRATTINI briefly presented the communication he was tabling, in agreement with Mr MICHEL, Ms FERRERO-WALDNER and Mr ŠPIDLA. He thanked all Commission Members and their departments for their cooperation during the preparation of this initiative. He reminded the meeting of the substance of the policy debate held on 24 May (PV(2006)1746, item 10, pages 14 to 18) and the global strategy decided upon by the December 2005 Council meeting, and especially the link to be established between development policy and the immigration issue. Discussions had been held with the African authorities at the Euro-African conference in Rabat on 10 and 11 July, and these had also highlighted the need for such a coordinated approach.

He described the nine priority areas defined in the communication, stressing in particular cooperation with third countries, external border security and the need for an effective return policy. He underlined the advantages of the European approach in relation to national procedures and pointed out the growing expectations of Member States vis-à-vis the European Union as regards the organisation of border controls, especially those Member States in the geographical front line and therefore particularly affected by the massive influx of illegal immigrants.

Mr FRATTINI wound up his presentation by highlighting, among the priority areas, the fight against the illegal employment which was a key pull factor. He thanked Mr ŠPIDLA for his collaboration on this crucial aspect of illegal immigration, underlining the distorting effect it could have on competition, and the unacceptable exploitative conditions endured by workers. He also mentioned the role played by Member States.

After this presentation the Commission's held a discussion which highlighted the following points:

- the particularly crucial nature of the immigration issue for the European public and the need to show that the European Union was fulfilling their expectations;
- the importance of a global approach combining development and external relations aspects in finding solutions to illegal immigration, but also the potential of legal immigration;
- the importance of the development aspect of the initiative but, bearing in mind that the effects would not be felt for several years, the advisability of continuing the search for instruments and financial means which could rapidly attack the roots of the problem;
- the importance of the negotiation of re-entry agreements in the context of the Cotonou Agreement, with the difficulty, however, of connecting some Community funding set aside for development to the signing and adherence to

the re-entry agreements without harming the populations of the countries concerned;

- the need to take action on the problem of illegal employment and to combat this key pull factor more efficiently;
- the need to keep sight of the fact that, although the ways in which illegal immigrants arrived during the summer were particularly shocking, most had first entered a Union country legally and this required concerted action at European level;
- the benefits of regular debate to appraise the efficiency of the proposed priority actions' implementation;
- the special situation of States on the external borders hard hit by the influx of illegal immigrants, and the intensification of the problem during the summer and the consequences thereof.

The PRESIDENT expressed his support for the approach proposed by Mr FRATTINI and said that the Commission would extend action in this area, subject to the necessary resources being available. He asked Mr FRATTINI to look for coordinated solutions in collaboration with Ms FERRERO-WALDNER and Mr MICHEL. He came back to the idea suggested during the discussion of raising the question of accession to re-entry agreements when awarding the incentive tranche of the 10th European Regional Development Fund linked to good governance. He said that the matter could be raised at the meeting with the African Union Commission in Addis Ababa to be held in October. Lastly, he said that an enormous tragedy was being played out at the Union's borders and stressed that it was the Commission's duty, in collaboration with the Member States, to do everything in its power to bring it to an end.

The Commission approved the communication in COM(2006) 402/4 for transmission to Parliament and the Council, together with the impact assessment and its summary, and the second annual report on the development of a common

policy on illegal immigration in staff papers SEC(2006)964/2, SEC(2006)965/2 and SEC(2006)1010/2 respectively, the contents of which were noted.

15. RELATIONS WITH THIRD COUNTRIES

15.1. PREPARATIONS FOR BULGARIA'S AND ROMANIA'S ACCESSION TO THE EUROPEAN UNION

(SEC(2006)1011)

15.2. VISIT TO BULGARIA BY MR ŠPIDLA (SOFIA, 12 TO 14 JULY)

(SEC(2006)1029)

15.3. VISIT TO BULGARIA AND ROMANIA BY MR KYPRIANOU (SOFIA AND BUCHAREST, 13 AND 14 JULY)

(SEC(2006)1023)

Mr REHN presented the information note reporting on the progress made by Bulgaria and Romania for their accession to the European Union. First of all he thanked Members who had visited the candidate countries or who had said that they would visit soon.

He mentioned the action plans which the two countries had drawn up to deal with outstanding problems and which the Commission had announced in May. These plans were still being implemented and therefore only an intermediary assessment could be made at the present time, the adoption of the final report being expected for 26 September. Mr REHN summarised the intermediate assessment, pointing out that efforts had intensified but that progress made was still insufficient.

As regards Bulgaria, he first of all raised the unresolved problem of the fight against corruption and organised crime, and announced that a peer review of this matter would begin in the days ahead. Progress had been made in several areas of the Community *acquis*, particularly as regards motor vehicle

insurance and updating the decommissioning strategy for the four units at Kozloduy nuclear power station. As regards political criteria, efforts had been made to ensure the independence of the judiciary. He concluded by stressing the need for concrete results in the fight against corruption and organised crime.

As regards Romania, Mr REHN described progress made in several areas of the *acquis* such as genetically modified organisms, motor vehicle insurance, tax administration IT systems and agriculture. He also described the work under way and the investigations in the area of the fight against corruption, and the efforts to reform the judicial system, which must be continued.

He ended his presentation on a mixed note, observing that, while the progress made was perhaps not as decisive as might have been wished, it demonstrated that real efforts had been made. As regards Bulgaria, he nevertheless pointed out the strong resistance being met by reformers which could pose an obstacle to achieving further progress.

Mr ŠPIDLA briefly presented the information note following his visit to Bulgaria from 12 to 14 July. He welcomed the attention given by the Bulgarian authorities to social issues, progress made in legislation and the introduction of vital strategies in this area. Although it was too early to make a definitive assessment, considerable progress had been made up to now and knowledge of European social policy was of a very high level.

Mr KYPRIANOU described his visit to the two countries on 13 and 14 July. He reminded the meeting that several "red flags" or "orange flags" had been raised in his sphere of competence in the May report. Considerable progress had been made since then but he stressed that some aspects still gave cause for concern and could clearly not be resolved before the end of the year. He said that transitional measures should be taken as soon as possible in order to deal with this problem. In particular, there was the problem of swine fever in both countries, which posed a serious threat and might justify exclusion from the internal market, and the problem of the construction of rendering plant, which

could also lead to transitional measures being imposed. The installation of border inspection posts, mental health care provision and the problem of the trade in human egg cells also required close monitoring.

The Commission held a brief exchange of views which raised the following points:

- the progress made by the two countries in the area of competition policy and state aid and the advisability of maintaining pressure and closely monitoring developments in this area, given its importance;
- the close collaboration between the two countries with respect to agriculture, the progress made and the efforts the Commission should make to best support this progress, but also the possible application of the safeguard clause in the September report;
- the positive situation in both countries as regards the environment *acquis* but the need for Bulgaria to respect its undertaking to close the four units at the Kozloduy nuclear power station.

M. REHN agreed that, if necessary, safeguard measures could be taken in some areas prior to the September report, particularly as regards swine fever and the rendering plant.

The PRESIDENT concluded by fully supporting the intermediate assessment drawn up by Mr REHN, which acknowledged the progress made but stressed the need for further efforts.

The Commission took note of this information and the notes from Mr REHN, Mr ŠPIDLA and Mr KYPRIANOU in SEC(2006)1011, SEC(2006)1029 and SEC(2006)1023 respectively.

**15.4. EURO-AFRICAN CONFERENCE ON MIGRATION AND DEVELOPMENT (RABAT, 10 AND 11 JULY)
(SEC(2006)1036)**

The Commission took note of the information note from Mr FRATTINI and Ms FERRERO-WALDNER in SEC(2006)1036.

15.5. RESULTS OF THE G8 SUMMIT (ST. PETERSBURG, 15 TO 17 JULY 2006)

The PRESIDENT reported on the previous weekend's summit of G8 Heads of State or Government, the first to take place in Russia and under Russian presidency. The situation in the Middle East (see item 15.6 of these minutes), on which a declaration had been adopted, had somewhat dominated discussions. However, other important points on the agenda had been looked at, in particular energy security, infectious diseases, education, Africa and international trade. Before going over the main results in each of these areas, the PRESIDENT expressed his satisfaction with the excellent atmosphere at the summit, particularly during the informal discussion on democracy in Russia. The next G8 summit was scheduled for June 2007 under German presidency, at the Baltic coastal resort of Heiligendamm.

As regards energy security, the summit had endorsed a series of principles, including those of market openness and transparency, which would apply to all parties involved in the global energy chain. The relevant declaration referred positively to the principles of the Energy Charter, and this should be regarded as an important step for Russia. The declaration also contained consensual passages on the diversity of ways of ensuring energy security and reaching climate change objectives, passages arrived at after fairly difficult negotiation. Lastly, the declaration referred to energy poverty, particularly in Africa. The PRESIDENT pointed out that climate change would no doubt remain at the centre of debate in the years to come.

As regards infectious diseases, the PRESIDENT said that the appropriateness of international efforts to prevent and limit possible pandemics had been confirmed. He thought that the reference to consultation measures in the event of a flu pandemic, included in the declaration at the Commission's initiative, was the best possible result in the present circumstances. He also pointed out the need to extend certain types of vaccination, especially in Africa, and to anticipate the provision of vital infrastructure and sufficient qualified and motivated human resources.

The summit also adopted a declaration on education as a key means of meeting the challenges of a knowledge-based global economy and of facilitating the economic and social integration of immigrants in the host country. The declaration broadly reflected the European situation, in particular as regards transnational cooperation and the concept of the knowledge triangle ((life-long) education, research and innovation).

The debate on international trade was launched by the PRESIDENT. The main aim of the discussion was to impose a sense of urgency on the Doha Development Agenda negotiations by fixing a deadline for reaching agreement. This deadline had been fixed at one month and had been confirmed at Monday's wider meeting with the other major trading partners, attended by the Director-General of the World Trade Organisation. The PRESIDENT believed that this result warranted a degree of optimism, reinforced by the announcement in favour of flexibility made by several participants. He confirmed that any further flexibility on the European Union's part beyond the present mandate would inevitably mean having to consult the Member States. He also pointed out the undeniable advantage of reaching an agreement, albeit less ambitious, rather than facing deadlock.

The Commission, France and the United Kingdom had succeeded in keeping the debate on Africa on the agenda. A declaration concerning this continent was adopted which assessed progress made with regard to the undertakings

agreed on at last year's G8 summit at Gleneagles and considered ways forward.

On Monday 17 July, the meeting had been extended to representatives from Brazil, China, India, Mexico, South Africa, the African Union, the Commonwealth of Independent States and a series of international organisations and institutions. At Monday's dinner there had been a discussion on the state of democracy in Russia. The PRESIDENT welcomed the fact that such a discussion, though not without tension, could take place openly between the Heads of State or Government.

The Commission took note of this information.

15.6. SITUATION IN LEBANON

(SI(2006)699)

Ms FERRERO-WALDNER presented the situation in Lebanon, describing it as disastrous and as getting worse every day. The Commission Delegation in Beirut reported that 100 000 people had been displaced and that almost the entire Lebanese territory was blocked, as the road to Syria was no longer secure. Ms FERRERO-WALDNER stressed the need to find means of evacuating the European nationals still in Lebanon, especially two and four thousand in the south of the country. To this end, it was crucial that the Israeli authorities guaranteed security during evacuations, but up to now no response had been given to European intervention on this question.

Ms FERRERO-WALDNER said that the humanitarian situation was also very worrying, as there was a risk of medical supplies running out and there were increasing difficulties with regard to food supplies. She thanked Mr MICHEL for making available €5 million of humanitarian aid but stressed that conditions for effective humanitarian intervention on the ground remained extremely difficult.

She then referred to the latest diplomatic initiatives whose sole objective was to find a solution to this major crisis. There had been a meeting on Tuesday 18 July with Mr Annan, Secretary-General of the United Nations, before his departure for Lebanon. Mr Solana, the EU High Representative, had already carried out an on-the-spot mission and had reported to the Council meeting (General Affairs and External Relations) of Monday 17 and Tuesday 18 July. All diplomatic initiatives were aimed at ending hostilities but had as yet had no effect on the ground. Consequently, Mr Annan's plan for the deployment of a stabilisation force should be welcomed and strongly supported: it offered something for all the opposing parties. Ms FERRERO-WALDNER wound up her presentation by underlining the need for the European Union to maintain a coherent and firm position in this very difficult situation.

During the exchange of views which followed, the Commission raised the following points:

- the need to implement Resolution 1559 of 2 September 2004 on the situation in Lebanon, adopted by the United Nations Security Council, in the interests of all parties concerned and the civilians seriously affected by the hostilities;
- the probable duration of the present conflict;
- the need to prepare humanitarian aid consistent with the extent of the crisis, as soon as the victims could be reached, and to do everything necessary to evacuate European nationals as quickly as possible;
- the important role to be played by the European Union and the Commission in the conflict, given its geographical proximity and its value as a test case for the Union's ability to react in a consistent manner.

The PRESIDENT concluded the exchange of views by expressing his support for the line proposed by Ms FERRERO-WALDNER. He mentioned the international community's ability to find a solution to the conflict and stressed

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that the opposing parties would have to genuinely want peace for peace to become a reality. He considered that the European Union was undoubtedly the most active major international actor on the diplomatic front and as regards support for serious initiatives on the ground. He thought that Mr Annan's plan should receive unqualified support. The most important thing was to avoid an extension of the conflict to the whole region and beyond. To this end, the Member States and the Commission had to work in perfect harmony and in complete unity. Although the situation was particularly difficult and a global solution did not seem possible at the moment, he was still optimistic about the deployment of a stabilisation force as suggested in Mr Annan's plan, especially in the light of contacts which had been made at the G8 summit in St. Petersburg

The Commission took note of this information.

16. OTHER BUSINESS

16.1. ACTION PLAN TOWARDS AN INTEGRATED INTERNAL CONTROL FRAMEWORK – STATE OF PLAY AT 30 JUNE (SEC(2006)1001)

The Commission took note of the information note from Mr KALLAS in SEC(2006)1001.

16.2. THIRD PROGRESS REPORT ON THE IMPLEMENTATION OF THE COMMUNICATION ON TRANSLATION IN A MULTILINGUAL COMMUNITY - MANAGING SUPPLY AND DEMAND IN THE COMMISSION UNTIL THE END OF 2006 (SEC(2006)1002)

M. FIGEL' presented to the Commission the third progress report on the implementation of the translation regime set up following the last European

Union enlargement. He reminded the meeting that the transitional period would end on 31 December and that from now until then the Commission would be presented with proposals to adapt the system for the period to follow.

In supply terms Mr FIGEL' said that in the Translation DG the number of translators for EU-10 languages now nearly matched the number which had been set. However, many of these translators were employed under various types of temporary contract, as the competitions had not yet produced satisfactory results. In particular, the recruitment of EU-10 management officials needed further efforts.

In terms of demand, the Translation DG was now able to meet it, although it was rising. Since the review of the transitional regime last year, the number of derogations from the rules fixed by it was fairly low, for which Mr FIGEL' thanked Members and their departments. He said that few translations in the EU-10 languages were now done externally, the Translation DG's capacity being in theory sufficient.

Mr FIGEL' then briefly outlined preparatory work under way for coping with the increase in the number of official languages (Bulgarian, Romanian and Irish). In this connection, he mentioned the recently approved reorganisation of the Translation DG and the objectives of improving governance of the DG's "antennae" in the Member States and modernising the way in which web pages were translated. His departments had also made efforts to improve, on request, the linguistic quality of original texts before starting the actual translation. Lastly, he reminded the meeting of the undertaking entered into on 1 July to translate the summaries of impact assessments accompanying Commission initiatives into all the official languages.

Mr FIGEL' asked Commission Members to encourage their departments to cooperate fully with the Translation DG in putting Members' websites on line in all the official languages. In conclusion, he referred to the consideration

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being given to multilingualism issues by a high-level group and by the Commission.

Mr REHN wished to see consideration given to the future status of Serbian, Croat and Bosnian, given the strong similarities between them.

The Commission took note of this information and the progress report in SEC(2006) 1002.

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Before closing the sitting, the PRESIDENT drew Commission Members' attention to the skeleton staff arrangements put in place to ensure continuity during the summer break. The subjects which deserved very close attention were the situation in the Middle East, progress in the Doha Development Agenda negotiations and certain competition decisions. There would be a meeting on the afternoon of 19 July presided by his Chef de cabinet to determine the final skeleton staff arrangements.

The PRESIDENT warmly thanked the interpreters, the Registry staff and the technical support teams who, each week, contributed to the smooth running of Commission meetings.

He wished the Commission Members a happy holiday and said he would see them after the summer, when a major feature would be a seminar on Tuesday 19 September.

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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 12.07.