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SECRETARIAT-GENERAL

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Brussels, 13 September 2006

MINUTES
of the 1756th meeting of the Commission
held in Strasbourg
(Winston Churchill Building)
on Tuesday 5 September 2006
(afternoon)

PV(2006)1756 final

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Single sitting: Tuesday 5 September (afternoon)

The sitting opened at 13.14 with Mr BARROSO, President, in the chair. Items 10 (in part) and 11 were chaired by Mr VERHEUGEN.

Present:

Mr BARROSO	President	Items 1 to 10 (in part)
Ms WALLSTRÖM	Vice-President	Items 1 to 9 (in part)
Mr VERHEUGEN	Vice-President	
Mr BARROT	Vice-President	
Mr KALLAS	Vice-President	
Mr FRATTINI	Vice-President	Items 1 to 10 (in part)
Ms REDING		Items 1 to 10 (in part)
Mr DIMAS		Items 1 to 10 (in part)
Mr ALMUNIA		
Ms HÜBNER		
Mr BORG		
Ms GRYBAUSKAITĖ		Items 1 to 10 (in part)
Mr POTOČNIK		
Mr FIGEL'		
Mr KYPRIANOU		
Mr REHN		Items 8 (in part) and 9
Mr MICHEL		Items 1 to 9
Mr KOVÁCS		Items 1 to 10 (in part)
Ms KROES		
Ms FISCHER BOEL		
Ms FERRERO-WALDNER		Items 1 to 9 (in part), 10 and 11
Mr McCREEVY		
Mr ŠPIDLA		Items 1 to 10 (in part)
Mr MANDELSON		Items 1 to 10 (in part)

Absent:

Mr PIEBALGS

1. AGENDAS

(OJ(2006)1756/3; SEC(2006)1088/2)

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)1756)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 4 September.

3. APPROVAL OF MINUTES OF 1755TH MEETING (30 AUGUST)

(PV(2006)1755)

The Commission approved the minutes of its 1755th meeting.

4. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2006)1089 *et seq.*)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the empowerment procedure between 28 August and 1 September.

4.2. SENSITIVE WRITTEN PROCEDURES

(SEC(2006) 1090 and /2)

The Commission took note of the sensitive written procedures for which the time limit expires between 4 and 8 September and of the “finalisation” written procedure initiated following the weekly meeting of Chefs de cabinet on 4 September.

4.3. EMPOWERMENT

(SEC(2006)1091 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the empowerment procedure between 28 August and 1 September.

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 28 August and 1 September, as archived on the "Greffé 2000" (Registry) website.

5. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2006)1092)

ADMINISTRATIVE MATTERS

(PERS(2006)119)

DG COMP – APPOINTMENT OF AD14/15 DIRECTOR

(PERS(2006)116 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, Services Directorate in the Competition DG (PERS(2006) 116 and /2).

The Commission took note of the opinions of the Consultative Committee on Appointments of 17 and 20 July (PERS(2006)116/3 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 and Ms KROES, it then decided to appoint Mr Cecilio MADERO VILLAREJO to the vacant post.

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

**6. PROPOSAL FOR A COUNCIL REGULATION FIXING THE FISHING OPPORTUNITIES AND ASSOCIATED CONDITIONS FOR CERTAIN FISH STOCKS AND GROUPS OF FISH STOCKS APPLICABLE IN THE BALTIC SEA FOR 2007
(COM(2006)485 AND /2)**

The Commission adopted the proposal for a Council Regulation in COM(2006) 485 for transmission to the Council.

7. OTHER BUSINESS

***UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES
(SEC(2006)1121)***

The Commission took note of the information note from Mr ŠPIDLA in SEC(2006)1121.

8. INTERINSTITUTIONAL RELATIONS

(SEC(2006)1086)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 1 September (SEC(2006)1086).

It paid particular attention to the following points:

8.1. LEGISLATIVE MATTERS

i) Preparations for September II plenary session

(point 1.2 of the record)

Codecision – 1st reading

– TRÜPEL Report – Key competences for lifelong learning –
COM(2005)548 – 2005/0221 (COD)

The Commission approved the line set out in SP(2006)3850 and /2 and authorised Mr FIGEL' to maintain contacts with Parliament and the Council in order to reach an agreement at first reading.

ii) 2007 Budget – Administrative appropriations for the Commission

Recalling that on 5 September the Council presented to the Council the draft budget for 2007 which it had approved in July, Ms GRYBAUSKAITĖ described the present situation, particularly as regards the administrative appropriations which had recently been the subject of correspondence between the PRESIDENT and the Finnish Prime Minister, President of the European Council. Parliament's first reading of the budget was scheduled for the part-session of 23 and 24 October.

Ms GRYBAUSKAITĖ thought that two of the most serious problems were the reduction in appropriations for salaries in the 2007 budget and the multiannual plan to reduce Commission staff numbers.

As regards the reduction in appropriations for salaries in 2007, Ms GRYBAUSKAITĖ pointed out that this would make it impossible to recruit any new staff in 2007 and that there would be a drastic reduction in the number of staff who were leaving the Commission being replaced (41 instead of 460). The multiannual plan would mean a reduction over the next seven years of 1 700 posts in the Commission's establishment plan.

Ms GRYBAUSKAITĖ stressed the urgent need to react quickly before the end of the budget's first reading in Parliament at the end of October and asked the Commission Members to begin working straight away with the various Parliament and Council bodies and with the national authorities to make them aware of the harmful consequences of such proposals. Before the end of the week she would therefore present the Commission Members with new arguments and documents detailing the situation.

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

- the impact these proposals might have, in particular on the recruitment of EU-10 nationals and on the geographical balance with the Commission, and the different implications for various departments depending on the composition of their personnel;
- looking at the consequences of these proposals, should they finally be accepted, for example in terms both of the institution's administrative structure and of political flexibility and administrative simplification;
- the vital importance of presenting Parliament, the Council and the Member States with concrete examples of the real impact the Council's planned reductions would have on both current and future policies and programmes;
- the need to base all arguments against these reductions on consideration of the work and actions implemented by the Commission;

- the necessity for Commission Members to rapidly come up with both precise and clear arguments.

The PRESIDENT concluded by pointing out that, in its reply to the objections made by the Commission, the Council Presidency had not taken into consideration the Commission's numerous new tasks, for example as a consequence of enlargement or relating to immigration. It was unrealistic to increase the workload while reducing resources.

The PRESIDENT reiterated the request to Commission Members to help turn the situation around, including by approaching Parliament's committees covering the various policy areas. He asked Members to keep his and Ms GRYBAUSKAITĖ's cabinets informed of any action and developments, in order to ensure the best possible coordination in a matter so crucial to the Commission's operation in the years to come.

The Commission took note of this information.

8.2. RELATIONS WITH THE COUNCIL

(SI(2006)745)

iii) Results of the "Gymnich" Informal Foreign Ministers' Meeting (Lappeenranta, 1 and 2 September)

(SEC(2006)1120)

The Commission took note of the information note from Ms FERRERO-WALDNER in SEC(2006)1120.

8.3. RELATIONS WITH PARLIAMENT

iv) Action taken on Parliament's opinions and resolutions

(point 3.5 of the record)

- Action taken on Parliament's opinions and resolutions

The Commission approved SP(2006)3801 on the action taken on Parliament's opinions and resolutions at its July 2006 part-session, for transmission to Parliament.

- Action taken on Parliament's non-legislative resolutions

The Commission approved SP(2006)387 to /3 on the action taken on the non-legislative resolutions adopted by Parliament at its June and July part-sessions, for transmission to Parliament.

8.4. RELATIONS WITH THE ECONOMIC AND SOCIAL COMMITTEE, THE COMMITTEE OF THE REGIONS, THE EUROPEAN OMBUDSMAN AND NATIONAL PARLIAMENTS

v) Follow-up to the Opinions of the Economic and Social Committee – 1st quarter 2006 (January, February and March plenary sessions)

(point 4.1 of the record)

The Commission approved the replies to the opinions adopted by the Economic and Social Committee during the first quarter of 2006 in SC(2006) 39 and /2 for transmission to the Economic and Social Committee.

vi) Follow-up procedure for national parliaments' opinions

(point 4.2 of the record)

The Commission approved the document in SP(2006)3312/5.

9. RELATIONS WITH THIRD COUNTRIES

MEETINGS WITH THE BULGARIAN AND ROMANIAN PRIME MINISTERS (SOFIA, 1 SEPTEMBER)

Mr REHN informed the Commission of the results of his recent meetings with Mr Stanishev, the Prime Minister of Bulgaria, and Mr Tariceanu, the Prime Minister of Romania. At the meeting in Strasbourg on 26 September he would present the final follow-up reports on Bulgaria's and Romania's state of preparation for accession to the EU.

The Commission took note of this information.

10. POLICY DEBATE – HEALTH SERVICES

(SEC(2006)1095 AND /2; SEC(2006)1101)

M. KYPRIANOU presented the information note by thanking Commission Members for their contributions, in particular Mr McCREEVY and Mr ŠPIDLA. He stressed the note's internal nature, saying that its purpose was to encourage debate within the Commission on the central questions relating to health services, without, however, deciding on final proposals at this stage. On the basis of the information note and the results of the present discussion, he would draw up a communication to be submitted to the Commission before the end of September and which would then be the subject of a public consultation; this could be initiated at the end of September or beginning of October, with a deadline for replies of end-December. Lastly, the results of the public consultation should enable final proposals to be made, in close collaboration with the Commission Members most concerned and their departments, for submission to the Commission at the beginning of 2007.

Mr KYPRIANOU pointed out, in recalling the background to this action, that the Commission had proposed that health services be included in the scope of the

services directive, but that this had been rejected by Parliament. It had then been envisaged making specific proposals for health services.

M. KYPRIANOU then alluded to Court of Justice case law, particularly on patient mobility and the application of the basic principles of the internal market in health services, and the conclusions of the Council meeting (Employment, social policy, health and consumers) of 2 June, which stressed the need for a legislative framework at Community level. He also highlighted the importance of clear rules for the whole of the EU, in the patients' interests and for their legal certainty, and for the benefit of Member States' health services, which could use their resources more efficiently while respecting the principles of access for all, solidarity and equality of treatment.

Mr KYPRIANOU concluded his introduction by asking Commission Members to comment during the discussion on the three main questions, namely:

- the choice of instruments, legislative and/or non-legislative, which the Commission considered the most appropriate for implementing the different aspects of the matter;
- the scope of measures the Commission could envisage, particularly as regards patient mobility and the freedom to provide services, and better coordination of Member States' health systems;
- the public consultation procedure, and in particular the character of the document used as a basis for this consultation, which, using this information note as a starting point, would define the Commission's policy guidelines with respect to initiatives and priorities to be considered.

The PRESIDENT welcomed M. KYPRIANOU's initiative and thanked him for it. He mentioned the results of the debate on the services directive in Parliament and stressed the political, social and economic importance of healthcare services. Aspects relating to patient mobility and the freedom to provide services unquestionably had a Community dimension. This initiative contributed to the

Citizens' Agenda and to a Europe of real results, and he stressed its sensitivity, which necessitated a cautious and unified approach, particularly towards Member States. Lastly, he asked the Commission Members to concentrate on the main issues suggested by Mr KYPRIANOU, in particular the choice of instruments for the initiative envisaged, their scope and the Commission's long-term strategy in the health services field.

The Commission thanked Mr KYPRIANOU for the excellent quality and well-balanced nature of the information note. It then held an in-depth discussion, covering the following aspects in particular:

- the political, social and economic importance of health and its particular sensitivity for all Member States, and the undertaking the Commission had given to Parliament and the Council during the discussion of the services directive;
- the need to end patients' legal uncertainty and to ensure greater clarity and transparency in the interests of the public as a whole;
- the need to respect patient mobility rights already acquired through Court of Justice judgments;
- the advantages of a well-structured public consultation which presented all possible options in an open manner;
- the need, by the end of the process, to find a global and unified solution which ensured coherence and balance between legislative and non-legislative measures, and between Community and national levels, taking account of the subsidiarity principle and the impossibility of harmonising the very varied national health systems;
- the basic principles which any health initiative must respect; access for all to high-quality medical care, solidarity and fairness, and equal treatment in terms of cross-border healthcare;

- the vital importance of finding a balance between the free movement of patients and the freedom to provide medical services, and freedom of establishment;
- the benefits of patient mobility and the freedom to provide services for European citizens and their quality of life, and for the health sector and the economy as a whole;
- the importance of informing patients before they take advantage of mobility;
- the implications for public finances in the Member States and the Community of any health service legislation;
- the need to define a compensation system favourable to the health systems of Member States accepting those who take advantage of patient mobility;
- the innovative aspect of the initiative and its possible contribution to the development of medical technology, centres of excellence and better coordination between Member States;
- as regards patient mobility and the freedom to provide services, the need to take account of the special situation in border regions and the EU's most remote regions;
- the desire for a work coordination point for the various Commission departments when developing this initiative.

Mr VERHEUGEN closed the discussion by thanking Mr KYPRIANOU and his departments for the dossier's excellent preparation. There was very broad support for Mr KYPRIANOU's note. He noted the Commission's wish for a unified approach, in close cooperation and communication with the Member States and Parliament. The idea of treating patient mobility and the freedom to provide services within the framework of a legislative initiative which respected Court of Justice case law received the Commission's approval. On the other hand, consideration at this stage of matters other than patient mobility and the freedom to provide health services was focused mostly on reinforcing cooperation.

Mr VERHEUGEN also remarked on the Commission's unanimous agreement to initiate a public consultation procedure and to organise it on the basis of a Commission communication, with this information note serving as a starting point. He therefore asked Mr KYPRIANOU to present the communication to the Commission before the end of September; it would address a number of questions, in particular the different aspects of the initiative envisaged, instruments and the optimal distribution of responsibilities between Community and national levels. Lastly, Mr VERHEUGEN noted that Mr KYPRIANOU would inform the Commission in 2007 of any proposals. He stressed the need to take account of the time required to carry out substantial impact assessments.

The Commission took note of the results of the policy debate and of the information note from Mr KYPRIANOU in SEC(2006)1095/2.

**11. IMPLEMENTING THE COMMUNITY LISBON PROGRAMME -
PROPOSAL FOR A RECOMMENDATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL ON THE ESTABLISHMENT OF
THE EUROPEAN QUALIFICATIONS FRAMEWORK FOR LIFELONG
LEARNING**

(COM(2006)479 TO /3; SEC(2006)1094; SEC(2006)1093; SEC(2006)1102)

Mr FIGEL' briefly presented the proposal for a recommendation he was tabling. He stressed that the European Qualifications Framework for Lifelong Learning was an important and anticipated element of the Community Lisbon Programme. The mechanism envisaged would have eight levels of certification and three descriptors (knowledge, aptitude and competence) and would be based on "learning outcomes", that is what the learner knows, understands and is able to do by the end of the learning process. Lastly, Mr FIGEL' described the reasons which had guided the choice of legal instrument (a proposal for recommendation by the legislature).

The Commission took note of this information. It adopted the proposal for a European Parliament and Council recommendation in COM(2006) 479/3 for transmission to Parliament, the Council, the Economic and Social Committee, the Committee of the Regions and the national parliaments, together with the impact assessment and its summary in staff papers SEC(2006) 1094 and SEC(2006) 1093 respectively, the contents of which were noted.

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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 16.03.