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SECRETARIAT-GENERAL

PV(2006)1764 final

Strasbourg, 14 November 2006

MINUTES

of the 1764th meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 8 November 2006

(morning)

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PV(2006)1764 final

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Single sitting: Wednesday 8 November 2006 (morning)

The sitting opened at 0835 hours with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	President
Ms WALLSTRÖM	Vice-President
Mr VERHEUGEN	Vice-President
Mr BARROT	Vice-President
Ms REDING	Member
Mr DIMAS	Member
Mr ALMUNIA	Member
Ms HÜBNER	Member
Mr BORG	Member
Ms GRYBAUSKAITĖ	Member
Mr POTOČNIK	Member
Mr FIGEL'	Member
Mr KYPRIANOU	Member
Mr REHN	Member
Mr KOVÁCS	Member
Ms KROES	Member
Ms FISCHER BOEL	Member
Mr McCREEVY	Member
Mr ŠPIDLA	Member
Mr PIEBALGS	Member

Absent:

Mr KALLAS	Vice-President
Mr FRATTINI	Vice-President
Mr MICHEL	Member
Ms FERRERO-WALDNER	Member
Mr MANDELSON	Member

The following sat in to represent absent Members of the Commission

Mr HOLOLEI	Chef de cabinet to Mr KALLAS
Ms SCHMITT	Deputy Chef de cabinet to Mr FRATTINI
Mr DOENS	Chef de Cabinet to Mr MICHEL
Mr CHILD	Chef de cabinet to Ms FERRERO-WALDNER
Ms WENDT	A member of Mr MANDELSON's staff

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	
Ms CARVALHO	Acting Director-General, Bureau of European Policy Advisers (BEPA)	
Mr THEBAULT	Deputy Chef de cabinet to the President	Items 14 and 15
Ms MARTINHO	Chief Adviser in the President's Office	Items 14 and 15
Mr PESONEN	Chef de cabinet to Mr REHN	Item 14
Mr FILORI	A member of Mr REHN's staff	Item 14
Mr PASCUAL BREMON	DG Enlargement	Item 14

Secretary: Ms DAY, Secretary-General, assisted by Mr KERSTING, Unit Head in the Secretariat-General.

1. AGENDAS

(OJ(2006)1764/3 ; (SEC(2006)1393/2)

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)1764)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 6 November.

**3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1763RD MEETING
(24 OCTOBER)**

(PV(2006)1763 ; PV(2006)1763, PART II)

The Commission approved the minutes of its 1763rd meeting.

4. INTERINSTITUTIONAL RELATIONS

(SEC(2006)1398)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 27 October (SEC(2006)1398).

It paid particular attention to the following:

4.1. LEGISLATIVE MATTERS

i) Codecision procedure

(point 1.1.1 of the IRG record)

Application of the new decision on committee procedure to current dossiers – state of play

- Proposal for a European Parliament and Council regulation amending Regulation (EC) No 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (TSEs) – COM(2004)775 – 2004/0270 (COD).

The Commission authorised Mr KYPRIANOU to support a future political agreement currently being prepared in the Council, following the line set out in SI(2006)1010.

- Alignment of the 24 priority dossiers on Council decision 2006/512/EC of 17 July 2006

The Commission took note that the 24 priority dossiers to be aligned on Council decision 2006/512/EC of 17 July 2006 would be adopted in the form of separate proposals by the end of the year.

Dossiers pending a common position

- COSTA report – Common rules in the field of civil aviation security – COM(2005)429 – 2005/0191 (COD)

The Commission authorised Mr BARROT to pursue contacts with Parliament and the Council in order to facilitate a speedy conclusion of the dossier, in particular by sending a letter to Parliament concerning a future proposal for legislation on the cost of European airport infrastructure, following the line set out in SI(2006)1001.

ii) Preparations for November I part-session

(point 1.2 of the IRG record)

In accordance with the rules in force, the Commission authorised the Commission Members responsible, in agreement with the PRESIDENT and 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 – 2nd reading

- GEBHARDT report – Services in the internal market – COM(2004)2 – 2004/0001 (COD)

The Commission adopted the line set out in SP(2006)4903 and noted that at this stage no amendments had been tabled to the common position.

Empowerment

- GEBHARDT report – Services in the internal market – COM(2004)2 – 2004/0001 (COD)

Under Article 13 of its Rules of Procedure the Commission empowered Mr McCREEVY, in agreement with the PRESIDENT, Ms WALLSTRÖM and any other Members associated, to adopt its opinion on the amendments, together with any amended proposals, on the basis of the line set out in SP(2005)4903, once Parliament had given its opinion, and transmit them to the Council in accordance with Article 251(2)(c) of the Treaty.

Codecision – 1st reading

- LIENEMANN report – Framework for Community action in the field of marine environmental policy – COM(2005)505 – 2005/0211 (COD)

The Commission approved the line set out in SP(2006)4904 and /3.

- MATSOUKA report – Social security schemes for workers moving within the Community – COM(2005)676 – 2005/0258 (COD)

The Commission adopted the line set out in SP(2006)4905 with a view to securing agreement at first reading.

- BACHELOT NARQUIN report – Creation of the European globalisation adjustment fund – COM(2006) 91 – 2006/0033 (COD)

The Commission approved the line set out in SP(2006)4907 and /3 and authorised Mr ŠPIDLA to maintain contacts with Parliament and the Council in order to reach an agreement at first reading.

- ANDERSSON – SESPROS report (European system of integrated social protection statistics) – COM(2006)11 – 2006/0004 (COD)

The Commission approved the line set out in SP(2006)4908 and authorised Mr ALMUNIA to maintain contacts with Parliament and the Council in order to reach an agreement at first reading.

- SORNOSA MARTINEZ report – Measuring devices containing mercury – COM(2006)69 – 2006/0018 (COD)

The Commission approved the line set out in SP(2006)4909 and /2 and authorised Mr VERHEUGEN to maintain contacts with Parliament and the Council in order to reach an agreement at first reading.

- HASSE FERREIRA report – Placing on the market of pyrotechnic articles – COM(2005)457 – 2005/0194 (COD)

The Commission approved the line set out in SP(2006)4910 and authorised Mr VERHEUGEN to maintain contacts with Parliament and the Council in order to reach an agreement at first reading.

iii) Action to be taken on Parliament's opinions

(SP(2006) 4802)

The Commission decided to empower the Members responsible for the areas concerned, in agreement with the PRESIDENT and Ms WALLSTRÖM and any other Commission Members concerned, to adopt the amended proposals for transmission to Parliament and the Council (SP(2006)4802)

4.2. RELATIONS WITH PARLIAMENT

iv) Action taken on Parliament's opinions and resolutions

(point 3.2 of the IRG record)

- Action taken on Parliament's non-legislative resolutions

The Commission adopted SP(2006)4861 and /2 on action taken on non-legislative resolutions adopted by Parliament at its September I part-session, for transmission to Parliament.

v) Part-session from 23 to 26 October

(SP(2006)4872)

The Commission took note of the information supplied relating to Parliament's October II part-session (SP(2006)4872).

5. MONITORING THE APPLICATION OF COMMUNITY LAW

5.1. STATE AID – RECAPITULATIVE LIST

(SEC(2006)1429 AND /2)

The Commission adopted the decisions in the recapitulative list (SEC(2006)1429/2).

**5.2. INFRINGEMENTS – CASES POSTPONED BECAUSE OF
UNAVAILABILITY OF DOCUMENTS – REGULARISATION
(SEC(2006)1421)**

The Commission adopted the decisions in SEC(2006)1421.

**6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF
POWERS**

**6.1. WRITTEN PROCEDURES APPROVED
(SEC(2006)1394 et seq.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 23 October and 3 November.

**6.2. SENSITIVE WRITTEN PROCEDURES
(SEC(2006)1395)**

The Commission took note of the sensitive written procedures for which the time limit expired between 6 and 10 November.

**6.3. EMPOWERMENT
(SEC(2006)1396 et seq.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 23 October and 3 November.

6.4. DELEGATION AND SUBDELEGATION OF POWERS

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation procedure between 23 October and 3 November, as archived on the "Greffé 2000" (Registry) website.

7. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2006)1397)

ADMINISTRATIVE MATTERS
(PERS(2006)149)

**7.1. DG EAC – EXTERNAL PUBLICATION OF A VACANCY NOTICE FOR
AN AD15 DEPUTY DIRECTOR-GENERAL (EU-10)**
(PERS(2006)100 TO /4 ; PERS(2006)147)

On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr FIGEL', the Commission decided to authorise the external publication, under Article 29(2) of the Staff Regulations, of the vacancy notice in PERS(2006)147 for the post of Deputy Director-General, Education and Culture DG.

This decision would take effect immediately.

**7.2. DG SANCO – EXTERNAL PUBLICATION OF A VACANCY NOTICE
FOR AN AD15 DEPUTY DIRECTOR-GENERAL (EU-25)**
(PERS(2006)68 TO /5 ; PERS(2006)148)

Having noted the procedure followed, as set out in point 2 of PERS(2006)149, the Commission, on a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr KYPRIANOU, decided to authorise the external publication, under Article 29(2) of the Staff Regulations, of the vacancy notice in PERS(2006)148 for a post of Deputy Director-General, Health and Consumer Protection DG.

This decision would take effect immediately.

**7.3. DG SANCO – GRADING OF THE PRESIDENT OF THE COMMUNITY
PLANT VARIETY OFFICE
(SEC(2006)1425)**

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

- took note of the communication from Mr KALLAS distributed as SEC(2006)1425;
- approved the draft letter distributed in the annex to SEC(2006)1425;
- authorised Mr KALLAS to sign this letter on behalf of the Commission.

These decisions would take effect immediately.

**8. PROPOSAL FOR A COUNCIL DECISION ON THE PRINCIPLES,
PRIORITIES AND CONDITIONS CONTAINED IN THE EUROPEAN
PARTNERSHIP WITH MONTENEGRO
(COM(2006)654 TO /3; SEC(2006)1419)**

The Commission approved the proposal for a Council decision set out in COM(2006)654/3, for transmission to the Council and Parliament, and to national parliaments.

**9. COMMISSION COMMUNICATION TO PARLIAMENT, THE COUNCIL, THE ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – REGIONS FOR ECONOMIC CHANGE
(COM(2006)675 ; SEC(2006)1413 AND /2 ; SEC(2006)1432 AND /2 ; SEC(2006)1420)**

The Commission approved the communication in COM(2005)675 for transmission to Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, and to national parliaments together with the staff paper SEC(2006)1432/2, the contents of which were noted. The Commission also authorised Ms HÜBNER to undertake, with the Member States, the regions and the cities, the necessary work for implementing this initiative.

**10. COMMISSION DECISION ON A PROCEEDING PURSUANT TO ARTICLE 65 OF THE EC TREATY (*CASE COMP/F/38.907 – STEEL BEAMS*)
(C(2006)5342 TO /4)**

The Commission

- took note of the opinion of the Advisory Committee on Restrictive Practices and Dominant Positions of 23 October in C(2006)5342/3;
- took note of the final report of the Hearing Officer of 24 October in C(2006)5342/4;
- adopted, in the authentic language (French), the decision in C(2003)5342, concluding that the three companies in question, which belong to a single enterprise, had infringed Article 65(1) of the ECSC Treaty and imposing a total fine of €10 million;
- decided that the decision would be notified to the companies concerned, together with the final report of 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 in the Official Journal (with all business secrets removed);
- decided to publish the decision (with business secrets removed) on the Internet.

11. TRENDS IN THE MEMBER STATES

(SEC(2006)1439)

The Commission took note of the information note from Ms WALLSTRÖM distributed as SEC(2006)1439.

12. RELATIONS WITH THIRD COUNTRIES

12.1. VISIT TO RUSSIA (MOSCOW, 30 AND 31 OCTOBER)

(SEC(2006)1454)

The Commission took note of the information note from Mr PIEBALGS in SEC(2006)1454.

12.2. VISIT TO SERBIA (BELGRADE, 26 AND 27 OCTOBER)

(SEC(2006)1445)

The Commission took note of the information note from Mr FIGEL in SEC(2006)1445.

13. OTHER BUSINESS

13.1. ANNUAL REPORT OF THE COURT OF AUDITORS CONCERNING THE FINANCIAL YEAR 2005

(SEC(2006)1444)

The Commission took note of the information note from Mr KALLAS in SEC(2006)1444.

13.2. INTERNET GOVERNANCE FORUM (ATHENS, 30 OCTOBER TO 2 NOVEMBER)

(SEC(2006)1456)

The Commission took note of the information note from Ms REDING in SEC(2006)1456.

13.3. FAILURE OF PART OF THE EUROPEAN ELECTRICITY SUPPLY NETWORK ON 4 NOVEMBER

(SEC(2006)1453)

The Commission took note of the information note from Mr PIEBALGS in SEC(2006)1453.

13.4. ECONOMIC FORECASTS – AUTUMN 2006

(SEC(2006)1446)

The Commission took note of the information note from Mr ALMUNIA in SEC(2006)1446.

**14. ENLARGEMENT STRATEGY AND MAIN CHALLENGES (2006-2007)
INCLUDING ANNEXED SPECIAL REPORT ON THE EU'S CAPACITY TO
INTEGRATE NEW MEMBERS**

**(COM(2006)649 TO /5 ; SEC(2006)1383 TO /3 ; SEC(2006)1384 TO /3 ;
SEC(2006)1385 AND /2 ; SEC(2006)1386 TO /3 ; SEC(2006)1387 TO /3 ;
SEC(2006)1388 AND /2 ; SEC(2006)1389 AND /2 ; SEC(2006)1390 TO /3 ;
SEC(2006)1391 ; SEC(2006)1419)**

The PRESIDENT introduced this point by expressing his full support for the approach presented by Mr REHN. He emphasised the important contribution this communication made to developing enlargement strategy and recalled the discussions on the subject at the Commission's informal breakfast on 12 October. He particularly stressed the importance of the report on the EU's capacity to integrate new members, which was annexed to the communication.

The PRESIDENT then highlighted the Commission's basic principles as regards enlargement. He particularly stressed the Commission's conviction that the principles and values on which the European Union is founded, and respect for the integrity of the Union itself, were non-negotiable.

The PRESIDENT highlighted the need for further political reforms in Turkey and the Turkish Government's duty to comply with its commitments to the EU and its Member States. He felt that the approach set out in the communication was based on an accurate and objective analysis of the situation and explained the relevance of the conclusions on Turkey in the context of the current negotiations. He stressed the fact that Turkey must honour its commitments and that any failure to do so would inevitably have negative consequences for the negotiations.

The PRESIDENT stated that he would, if necessary, refer the matter back to the Commission before the European Council in December 2006 in order to analyse the situation in the light of the approaches currently being made by the Finnish Presidency and Turkey's reactions to the communication. He reaffirmed his support for progress in the accession negotiations with Turkey, reminding the meeting of the unanimous European Council decision to enter into these negotiations. The

Commission would, of course, take any measure required if Turkey failed to honour its commitments.

Mr REHN introduced the strategy document and the chapter containing its *Conclusions and Recommendations* set out in COM(2006)649/4 and /5, which he was tabling. He began by thanking the Commission Members for their constructive contributions throughout the process of preparing the communication. He reminded the meeting of the three basic principles of the enlargement strategy set out in the document, namely consolidation, conditionality and communication.

Mr REHN stated that the negotiations and the enlargement process as a whole would be reviewed regularly, particularly from the point of view of the EU's capacity to integrate new members, but also in terms of the repercussions on the Community budget. He pointed out that institutional reforms had to be introduced at the latest by the time the next candidate country was ready to join the Union. In the light of experience gained in previous negotiations, it would be better if certain difficult issues, such as the reform of the legal system and the fight against corruption, were tackled early on in the current negotiations.

Mr REHN then briefly outlined the conclusions of the monitoring reports. In the case of Turkey, further internal reforms had been introduced, contrary to the impression sometimes given in the media. The Turkish parliament, for example, was currently debating the ninth package of legislative reforms, which included measures on religious foundations. Nevertheless, he emphasised that Turkey would have to introduce further substantial legislative reforms, particularly as regards the effective protection of freedom of expression. As regards Turkey's relations with the Republic of Cyprus, Mr REHN pointed out that the Turkish Government had still not implemented the additional protocol to the Ankara agreement. Failure to redress the situation immediately would inevitably have serious repercussions on the progress of the negotiations with Turkey as a whole.

Mr REHN also reaffirmed his support for the initiatives by the Finnish Presidency aimed at advancing the negotiations with Turkey. In the light of developments over the next few weeks, the matter might be referred to the Commission again in order

for it to formulate its recommendations before the European Council in December 2006. He stressed that the EU was firmly committed to fulfilling its obligations, but that the Turkish Government must also comply with its commitments.

Turning to the other monitoring reports, Mr REHN noted that considerable efforts were still required in many cases. More specifically, he mentioned the progress made by Croatia, but also the delays that had been found. He briefly reviewed the situation in the other countries.

The Commission noted this information. During the in-depth exchange of views which followed Mr REHN's presentation the Members praised the quality and even-handedness of the communication and the reports and thanked Mr REHN for this. Members' contributions related in particular to the following aspects:

- the importance of the enlargement debates for the future of the EU in general;
- the vital importance of the EU's values and the geographical and geopolitical considerations for the enlargement strategy;
- the transparency of the approach proposed by the communication and the importance of maximum coherence between the analysis and the conclusions;
- recent developments in public opinion in the EU and the candidate countries as regards both enlargement and European integration as a whole, and the need to understand these phenomena and to take them into account, without, however, renouncing responsible political leadership;
- the obligation of the Commission and the governments of the Member States to give a detailed and balanced explanation to the public of the challenges of enlargement and its benefits for the European Union, and the values on which any enlargement must be based;
- the importance of the prospect of EU accession to the citizens of the candidate countries and the potential candidates and the resulting obligations on the Commission;

- the particular challenges of future enlargements, given the specific characteristics of the candidate countries and the potential candidates, particularly Turkey;
- the strategic and geopolitical role played by Turkey and the western Balkans and Turkey's current and future role in EU energy policy;
- the significant benefits and opportunities which each enlargement represents for the development of the EU;
- the major importance of the EU's capacity to integrate new members, given the challenges any enlargement poses for the coherence of the EU as it stands;
- the links between deepening European integration and future enlargements and the urgent need to implement institutional reforms in the EU;
- the fact that any major decision on enlargement is based on a unanimous decision of the European Council or the Council;
- the links between the neighbourhood policy and the enlargement strategy;
- the links between enlargement and the implementation of the Lisbon Programme;
- the position the Commission should be adopting on the specific matter of the ongoing accession negotiations with Turkey ahead of the European Council meeting in December;
- the relevance and use that can be made of the experience gained in previous accession negotiations in current and future negotiations;
- the need for close monitoring of the enlargement process at all stages.

Winding up the debate, the PRESIDENT noted the Commission's unanimous support for a second policy discussion on the subject of the current negotiations, if this should prove necessary, prior to the European Council meeting in December, in

order to formulate specific recommendations. He expressed his pride in the work that had been achieved and noted a consensus in the Commission in favour of the communication presented by Mr REHN, subject to the following amendments:

- in sub-section 3.1 of the communication (*Accession Negotiations*), the first sentence of the first paragraph was amended to read as follows:

“Accession negotiations with Croatia and Turkey opened in October 2005 as was unanimously agreed by the Member States, providing further encouragement for political and economic reform in these countries and for good relations with their neighbours.”

- in Chapter 6 of the communication (*Conclusions and Recommendations*), the first indent of item 3 was amended to read as follows:

“The EU's capacity to integrate new members is determined by two factors:

- *maintaining the momentum ~~of~~ to reinforce and deepen European integration by ensuring the EU's capacity to function. This is in the interest of both present and future EU citizens; [...]*”
- in Chapter 6 of the communication (*Conclusions and Recommendations*), the following sentence was added after the last sentence of item 10 (“Croatia however [...] for former Yugoslavia.”):

“Good neighbourly relations and regional cooperation remain key.”
- in Chapter 6 of the communication (*Conclusions and Recommendations*), the following sentence was added after the last sentence of item 11 (“Turkey can [...] of membership.”):

“Good neighbourly relations remain key.”
- In Annex I (*Special report on the EU's capacity to integrate new members*”), the following paragraph was added after the second paragraph of the *Introduction* chapter (“In 1993 [...] integration capacity.”):

“The EU must ensure that it can maintain and deepen its own development while pursuing its enlargement agenda. Institutional reform is needed to improve the effectiveness of the decision-making of an enlarged EU. A new institutional settlement should have been reached by the time the next new member is likely to be ready to join the Union.”

Subject to these amendments, the Commission approved the strategy document in COM(2006)649/4 and /5, took note of the monitoring reports in SEC(2006)1383/2 and /3, SEC(2006)1384/2 and /3, SEC(2006)1385/2, SEC(2006)1386/2 and /3, SEC(2006)1387/3, SEC(2006)1388/2, SEC(2006)1389/2 and SEC(2006)1390/2 and /3, and decided to transmit both the strategy document and the monitoring reports to Parliament, the Council and the national parliaments.

15. OTHER BUSINESS (CONTINUED FROM ITEM 13)

ACCESSION OF BULGARIA AND ROMANIA TO THE EU ON 1 JANUARY 2007 : NOMINATION OF THE COMMISSIONERS-DESIGNATE

The PRESIDENT reported on his recent talks with the Bulgarian and Romanian authorities which led to the nomination, at the end of October, of Ms Meglena KUNEVA and Mr Leonard ORBAN as Commissioners-designate for the Republic of Bulgaria and Romania, respectively. He particularly praised the qualities and the personal, political and professional commitment of the two nominees and welcomed the contribution these nominations made to the gender balance within the Commission.

The PRESIDENT also referred to the decision taken in agreement with all of the interested parties relating to the portfolios attributed to the future new Commission Members. Ms KUNEVA would be responsible for consumer protection and Mr ORBAN would be in charge of multilingualism, which also included the dimension of intercultural dialogue, thereby strengthening the Commission's commitment to the cultural and linguistic diversity of the European Union. The

portfolios of Mr KYPRIANOU and Mr FIGEL would be adjusted accordingly. The PRESIDENT thanked the latter for their excellent cooperation to welcoming the two new Commission Members.

It was important that the two new Commission Members actually took office on the date of their countries' accession, given the political challenges the Commission would face at the beginning of the year 2007. The PRESIDENT was confident that the appointment procedure, which had already started and would continue over the next few weeks in the form of hearings and a vote in the European Parliament, would proceed smoothly.

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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 11.30.