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SECRETARIAT-GENERAL

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Strasbourg, 24 April 2007

MINUTES
of the 1784th meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 18 April 2007
(morning)

PV(2007)1784 final

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Single sitting: Wednesday 18 April 2007 (morning)

The meeting opened at 10.47 hours with Mr BARROSO, President, in the chair. Item 12 was chaired by Ms WALLSTRÖM.

Present:

Mr BARROSO	President	Items 1 to 12 (in part)
Ms WALLSTRÖM	Vice-President	
Mr VERHEUGEN	Vice-President	
Mr BARROT	Vice-President	
Mr KALLAS	Vice-President	
Mr FRATTINI	Vice-President	
Ms REDING		Items 1 to 12 (in part)
Mr DIMAS		
Mr ALMUNIA		
Ms HÜBNER		
Mr BORG		
Ms GRYBAUSKAITĖ		
Mr POTOČNIK		
Mr KYPRIANOU		
Mr REHN		
Mr KOVÁCS		
Ms KROES		
Ms FISCHER BOEL		
Mr McCREEVY		
Mr ŠPIDLA		
Mr MANDELSON		
Ms KUNEVA		Items 1 to 12 (in part)
Mr ORBAN		

Absent:

M FIGEL'

Mr MICHEL

Ms FERRERO-WALDNER

Mr PIEBALGS

The following sat in to represent absent Members of the Commission

Mr ADAMIŠ	Chef de cabinet to Mr FIGEL'
Ms WEYAND	Chef de cabinet to Mr MICHEL
Mr CHILD	Chef de cabinet to Ms FERRERO-WALDNER

The following also sat in

Mr VALE DE ALMEIDA	Chef de cabinet to the PRESIDENT
Ms DURAND	Deputy Director-General, Legal Service
Ms CORUGEDO STENEBERG	DG Communication
Mr LAITENBERGER	Commission Spokesman
Mr GASPAR	Acting Director-General, Bureau of European Policy Advisers (BEPA)
Ms MARTINHO	Chief adviser in the PRESIDENT's Office
Mr PESONEN	Chef de cabinet to Mr REHN

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

1. AGENDAS

(OJ(2007)1784/3; SEC(2007)455/2)

The Commission took note of that day's agenda and of the tentative agendas for forthcoming meetings.

The Commission adopted the decision at item 8 on the agenda during an interruption at 8.57 hours of the working meeting the Commission was holding. All the Members present that day except Mr ALMUNIA participated, as did Mr PIEBALGS and the Secretary-General.

2. WEEKLY MEETING OF CHEFS DE CABINET

(SEC(2007)1784)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 16 April.

3. MINUTES OF 1783rd MEETING (4 April)

(PV(2007)1783)

The Commission approved the minutes of its 1783rd meeting.

4. INTERINSTITUTIONAL RELATIONS

(SEC(2007)486)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 13 April (SEC(2007)486).

It paid particular attention to the following:

4.1. LEGISLATIVE MATTERS

i) Preparation for the April 2007 part-session of Parliament

(point 1.2 of the 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

- Assessment and management of flood risks (Directive) – SEEBER report – 2006/0005 (COD)

The Commission approved the line set out in SP(2007)1676.

Empowerment

- Assessment and management of flood risks (Directive) – SEEBER report – 2006/0005 (COD)

The Commission empowered Mr DIMAS, under Article 13 of its Rules of Procedure, in agreement with the PRESIDENT and Ms WALLSTRÖM and any other Members associated, to adopt and transmit to the Council its opinion on the amendments, in accordance with Article 251(2) of the Treaty, once Parliament had been consulted, and if necessary to attach to its opinion an amended proposal, on the basis of the line set out in SP(2007)1676.

Codecision, 1st reading

- Community vessel traffic monitoring and information system (Directive) – STERCKX report – 2005/0239 (COD)

The Commission approved the line set out in SP(2007)1678.

(18 April 2007)

- Investigation of accidents in the maritime transport sector (Directive) – KOHLÍČEK report – 2005/0240 (COD)

The Commission approved the line set out in SP(2007)1679.

- Liability of carriers of passengers by sea and inland waterways in the event of accidents (Regulation) – COSTA report – 2005/0241 (COD)

The Commission approved the line set out in SP(2007)1680.

- Port State control (Directive) – VLASTO report – 2005/0238 (COD)

The Commission approved the line set out in SP(2007)1681.

- Ship inspection and survey organisations (Directive) – DE GRANDES PASCUAL report – 2005/0237 (COD)

The Commission approved the line set out in SP(2007)1682.

- Enforcement of intellectual property rights – Criminal measures (Directive) – ZINGARETTI report – 2005/0127 (COD)

The Commission approved the line set out in SP(2007)1683/3.

- Transmission of national accounts data (Regulation) – GARCIA-MARGALLO Y MARFIL report – 2005/0253 (COD)

The Commission approved the line set out in SP(2007)1687.

ii) Preparations for the Justice and Home Affairs Council meeting (19-20 April)

(point 1.3 of the record)

- Visa Information System (VIS) and the exchange of data between Member States on short stay-visas (Regulation) – LUDFORD report – 2004/0287 (COD)

(18 April 2007)

The Commission authorised Mr FRATTINI to pursue contacts with Parliament and the Council in order to reach agreement at first reading following the line set out in SI(2007)317. If no agreement was reached, the Commission would review situation, in particular in the light of the needs for planning the development of the system.

- Access for consultation of the Visa Information System (VIS) (decision) – LUDFORD report – 2005/0232 (CNS)

The Commission authorised Mr FRATTINI to pursue contacts with Parliament and the Council in order to reach agreement on the draft decision, following the line set out in SI(2007)318.

4.2. RELATIONS WITH THE COUNCIL

iii) Programming of Council activities

(SI(2007)320)

The Commission took note of the information in SI(2007)72 on the Council meetings between 12 and 25 April.

iv) Proposal for a Council Regulation concerning certain restrictive measures against Iran – draft Commission declaration on the implementation by the Council of certain economic sanctions

(point 2.3 of the record)

The Commission authorised staff to make, in the Council bodies, the declaration contained in the annex to SI(2007)319, following the line set out in that note.

4.3. RELATIONS WITH PARLIAMENT

v) Action taken on Parliament's non-legislative resolutions (points 3.3.2 and 3.3.3 of the record)

The Commission approved documents SP(2007)1426(2) and /2 and SP(2007)1730 and /2 on the action taken on the non-legislative resolutions of Parliament adopted at its January II and February 2007 sessions respectively, for transmission to Parliament.

5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

5.1. WRITTEN PROCEDURES APPROVED

(SEC(2007)456 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 2 and 13 April 2007.

5.2. SENSITIVE WRITTEN PROCEDURES

(SEC(2007)457)

The Commission took note of the sensitive written procedures for which the time limit expired between 16 and 20 April 2007.

5.3. EMPOWERMENT

(SEC(2007)458 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 2 and 13 April 2007.

5.4. GENERAL EMPOWERMENT FOR THE ADOPTION OF CERTAIN DECISIONS IN CONNECTION WITH THE MANAGEMENT OF THE EUROPEAN REFUGEE FUND

(SEC(2007)490)

The Commission granted the general empowerment as set out in SEC(2007)490 to the Member of the Commission responsible for freedom, security and justice.

5.5. *DELEGATION AND SUBDELEGATION OF POWERS*

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation/subdelegation procedure between 2 and 13 April 2007, as archived in Greffe 2000.

6. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2007)459/2)

ADMINISTRATIVE MATTERS

(PERS(2007)48/2)

6.1. *DGT – APPOINTMENT OF AN AD14 DIRECTOR (EU-10)*

(PERS(2006)48 TO /6)

The Commission had before it applications under Article 29(2) of the Staff Regulations for the post of Director, Transversal Linguistic Services in the Translation Directorate-General (PERS(2006)48 to /3, and /6).

The Commission took note of the opinions of the Consultative Committee on Appointments of 15 December 2006 and 18 January 2007 (PERS(2006)48/4 and /5).

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

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

**6.2. DGT – CLOSURE OF AN EXTERNAL SELECTION PROCEDURE FOR AN AD14 FUNCTION OF DIRECTOR (EU-10) AND INTERNAL AND INTERINSTITUTIONAL PUBLICATION OF A VACANCY NOTICE FOR AN AD14/15 DIRECTOR
(PERS(2006)47 A /6; (PERS(2007)49 AND /2)**

Having noted the procedure followed, as set out in item 2 of PERS(2007)48/2, the Commission, on a proposal from Mr KALLAS, in agreement with the PRESIDENT and M. ORBAN, decided:

- to terminate the selection procedure COM/2006/10024 without making an appointment;
- to authorise the publication, under Article 29(1)(a)(i) and (iii) and 29(1)(b) of the Staff Regulations, of the vacancy notice in PERS(2007)49/2.

These decisions would take effect immediately.

**7. GREEN PAPER: PUBLIC ACCESS TO DOCUMENTS HELD BY INSTITUTIONS OF THE EUROPEAN COMMUNITY – A REVIEW
(COM(2007)185 TO /5; SEC(2007)478)**

The Commission

- approved the Green Paper in COM(2007)185/5, for transmission to the European Parliament, the Council, the Economic and Social Committee, the Committee of the Regions and the Ombudsman, and to the national parliaments;
- asked the Secretariat-General to conduct the public consultation and to inform it of the results.

8. COMMISSION DECISION ON A PROCEEDING PURSUANT TO ARTICLE 81 OF THE EC TREATY (CASE COMP/37.766 – DUTCH BEER MARKET)

(C(2007)1697 TO /7; SEC(2007)511)

The Commission

- took note of the opinions of the Advisory Committee on Restrictive Practices and Dominant Positions of 23 March and 13 April 2007 in C(2007)1697/3 and /6;
- took note of the final report of the Hearing Officer of 26 March 2007 in C(2007)1697/4;
- adopted, in the authentic language (Dutch), the decision set out in C(2007)1697/7, noting that the companies to whom the decision was addressed had infringed Article 81 of the EC Treaty and imposing on some of these companies fines totalling €273 783 000;
- decided that the decision in C(2007)1697/7 would be notified to the companies concerned, together with the final report of the Hearing Officer;
- decided that the most important parts of the decision, together with the opinions 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.

9. COMMISSION COMMUNICATION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – GLOBAL EUROPE: A STRONGER PARTNERSHIP TO DELIVER MARKET ACCESS

(COM(2007)183 TO /4; SEC(2007)452 TO /3; SEC(2007)453 AND /2; SEC(2007)462; SEC(2007)460; SEC(2007)479)

The Commission

- approved the communication in COM(2007)183/4, for transmission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, and to the national parliaments, accompanied by the impact assessment and summary in the staff papers distributed as SEC(2007)452/3 and SEC(2007)453/2, the contents of which were noted;
- took note of the opinion of the Impact Assessment Board on this dossier, as set out in SEC(2007)462;
- took note of the document distributed as SEC(2007)460, concerning certain organisational issues linked to this dossier;
- noted that trade relations between the European Union and the African, Caribbean and Pacific States (ACP) were currently covered by the negotiations on the economic partnership agreements. The ACP States would not therefore be included among the priority countries for the removal of trade barriers in the plan for stronger partnership to deliver market access. Over half the ACP States belong to the group of least developed countries and for this reason could not in any case appear on the list of priority countries.

10. RELATIONS WITH THIRD COUNTRIES

10.1. VISIT TO CHINA (BEIJING, 1 TO 3 APRIL)

(SEC(2007)508)

The Commission took note of the information note from Mr VERHEUGEN distributed as SEC(2007)508.

10.2. MINISTERIAL MEETINGS EU / UNITED STATES / RUSSIA, AND EU / UNITED STATES IN THE FIELD OF JUSTICE, SECURITY AND HOME AFFAIRS (BERLIN, 4 AND 5 APRIL)

(SEC(2007)509)

The Commission took note of the information note from Mr FRATTINI distributed as SEC(2007)509.

10.3. VISIT TO ASIA (JAPAN, 3 TO 8 APRIL; KOREA, 8 TO 10 APRIL; CHINA, 11 TO 13 APRIL)

(SEC(2007)515)

The Commission took note of the information note from Ms REDING distributed as SEC(2007)515.

10.4. SPRING MEETINGS OF THE IMF AND THE WORLD BANK (WASHINGTON, 14 AND 15 APRIL)

(SEC(2007)512)

The Commission took note of the information note from Mr ALMUNIA and Mr MICHEL distributed as SEC(2007)512.

10.5. JOINT STATEMENT AND PROTOCOL TO THE PARTNERSHIP AND COOPERATION AGREEMENT BETWEEN RUSSIA AND THE EU TO TAKE ACCOUNT OF THE ACCESSION OF BULGARIA AND ROMANIA TO THE EU
(SEC(2007)493)

The Commission took note of the information note from Ms FERRERO-WALDNER and Mr MANDELSON distributed as SEC(2007)493.

10.6. MINISTERIAL MEETINGS ON THE DOHA DEVELOPMENT AGENDA (NEW DELHI, 11 AND 12 APRIL)
(SEC(2007)518)

The Commission took note of the information from Mr MANDELSON in SEC(2007)518.

10.7. VISIT TO CROATIA (ZAGREB, 3 APRIL)
(SEC(2007)514)

The Commission took note of the information note from Mr PIEBALGS distributed as SEC(2007)514.

11. OTHER BUSINESS

THIRD MEETING OF THE COMMISSION ON GROWTH AND DEVELOPMENT (NEW YORK, 10 AND 11 APRIL)
(SEC(2007)510)

The Commission took note of the information note from Ms HÜBNER distributed as SEC(2007)510.

12. DEBATE ON THE WESTERN BALKANS

Mr REHN introduced the debate by setting it in the context of the negotiations between the EU and the countries of the Western Balkans in the run-up to the Zagreb summit scheduled for 11 May. He particularly mentioned the general state of the enlargement process and the stabilisation and association process and relations with the various countries of the region and their outlook in European terms.

Mr REHN referred to the new situation of the countries of the Western Balkans in relation to the EU following the latest enlargement. He reminded the meeting of the Thessaloniki Declaration of June 2003, which had confirmed support for the European perspective of the Western Balkan countries, and the conclusions of the December 2006 European Council which had repeated the conditions and commitments entered into by the Union in relation to the countries involved in the enlargement process.

Regarding Croatia, Mr REHN considered that the negotiations had proceeded at a satisfactory rate since they opened on 3 October 2005. He mentioned the questions that still raised difficulties – both economic questions such as the restructuring of the shipbuilding and steel industries and political questions such as judicial reform, the fight against corruption, the return of refugees and the protection of minority rights. He emphasised the link between progress in the negotiations and in the reforms, where Croatia would have to maintain steady progress in the months ahead, despite imminent elections.

Regarding the Former Yugoslav Republic of Macedonia, a candidate country since 16 December 2005, Mr REHN noted that there were considerable challenges to be overcome before negotiations could begin: a tense political climate, the slow pace of reform and a deficient administrative system.

Mr REHN then gave a brief run-down on relations with the other countries of the Region – Albania, Bosnia and Herzegovina, Montenegro and Serbia, clarifying their respective situations in the stabilisation and association process. He also mentioned

the key role of that process and the main instruments devoted to it. He spoke particularly of Serbia and Kosovo.

Regarding Serbia, Mr REHN pointed out that the negotiations for a stabilisation and association agreement, which had opened in October 2005, had been frozen since May 2006 following the deterioration of cooperation between Serbia and the International Criminal Tribunal for the Former Yugoslavia. But he considered that the negotiations could resume after the new Serbian Government was formed, if it undertook to cooperate properly with the International Criminal Tribunal, following the Conclusions adopted by the Council (General affairs and external relations) in February.

Regarding Kosovo, Mr REHN pointed to the vital importance of completing the UN Security Council process of determining its final status. He felt that the united European approach recently asserted in Bremen was essential for this purpose, particularly in view of the position of Russia. He reminded the meeting of the contacts between representatives of the EU and Russia and the joint report presented by himself and Mr SOLANA, Secretary-General of the Council / High Representative, at the informal meeting of Foreign Ministers in Bremen on 30 and 31 March. That report considered the practical stages that Kosovo would have to go through in the stabilisation and association process, and called for a feasibility study once the final status of Kosovo was fixed. He felt that the EU in any case would have to continue supporting the reforms so as to ensure stability in Kosovo.

Regarding the Zagreb summit on 11 May, Mr REHN explained that it would be devoted to considering progress and prospects in regional cooperation, including the establishment of a regional cooperation council and the appointment of its Secretary-General. Mr REHN also mentioned the enlarged and modernised Central Europe free-trade agreement, study grants for students from the region and the facilitation of visas for nationals of the countries of the region other than Serbia.

Mr REHN considered that all the countries of the Western Balkans had moved on from a stabilisation situation to a situation leading to European integration, even though they were progressing at different speeds. He noted that the stabilisation and

association agreements and the Central Europe free-trade area laid the foundations for economic development and that regional political cooperation had been revitalised and restructured. But he mentioned a number of risks, such as the instability that could come about if there was no agreement on the status of Kosovo in the United Nations, and the precarious and divided nature of democratic forces in Serbia.

Mr REHN concluded by pointing to the need to maintain a credible European perspective to support the peaceful development of the countries of the region, contain nationalist tendencies and press ahead with reforms. He thanked Commission Members for their excellent cooperation in the various areas concerned. He asked the Commission to continue its efforts in favour of the western Balkans, pointing out that the powers of action of the Commission and the EU would all have to be used in the months ahead.

The Commission then held a discussion in which it unanimously supported the general strategy presented by Mr REHN. The following points were mentioned in particular:

- the EU's responsibility for peacekeeping and the development of democracy and the market economy in the countries of the region;
- the need for a long-term EU commitment in the region;
- the vital importance of preserving a united and coordinated approach by the entire EU in the western Balkans;
- the inestimable contribution of commercial and economic factors to the stability of the region;
- the implications of the gradual accession of the countries of the Western Balkans to the EU for relations between those countries;
- the considerable progress that had been made on justice, home affairs and security in the negotiations between the EU and the countries of the region, in

particular as regards visa facilitation and readmission agreements, except in the case of Serbia which wanted immediate and total liberalisation of the visa rules;

- the next set of objectives to be attained here: liberalisation of visa rules, biometric passports, interoperability of border surveillance systems etc.;
- cooperation between prosecutors in the countries of the region in combating corruption, money-laundering, illegal trafficking and terrorism;
- the importance of the situation in the western Balkans for Bulgaria and Romania in many respects;
- the process of integration of the countries of the region in the European Research Area;
- the need for sustained contacts between the EU and the non-European permanent members of the UN Security Council, particularly Russia, in order to arrive at a positive Resolution on the status of Kosovo;
- the importance of explaining that Mr Ahtisaari's proposals were not directed against Serbia or against the Serbs of Kosovo but were in their interest;
- the importance of highlighting the EU's solidarity with Serbia and encouraging the democratisation process there;
- the humanitarian dimension of the situation in Kosovo, and the EU's specific responsibility in this respect;
- the key role of Kosovo and its status, but also of Serbia, for definitively consolidating peace and stability in the Region.

The PRESIDENT thanked Mr REHN for his presentation and for the work he had done in the Region. He felt that the Commission's strategy in the western Balkans was balanced and remained relevant. He noted with satisfaction that at the Zagreb summit the Commission would be able to present concrete results in a large number of dossiers, and thanked all the Commission Members who had contributed to them.

He asked the Commission to continue implementing the strategy determined for the western Balkans.

Mr REHN thanked and answered those Members who had spoken in the discussion. He emphasised the great significance of the progress made particularly on trade, security and research, which made a practical reality of the closer links between the western Balkans and the EU.

Regarding Serbia, he reminded the meeting of the conditionality inherent in the stabilisation and association process, and the Commission's determination to demand that Serbia abide by the principles of the rule of law and democracy.

Lastly, Mr REHN asked Commission Members to prepare the next stages, particularly with a view to Slovenia's Presidency of the Council in the first half of 2008. He also proposed that the question of visa liberalisation be put to a forthcoming meeting of the external relations group of Commission Members.

The Commission took note of this information and the results of the debate.

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The meeting closed at 11.50 hours.