



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2007) 1807 final

Strasbourg, 9 November 2007

MINUTES
of the 1807th meeting of the Commission
held in Brussels
(Berlaymont)
on Tuesday 6 November 2007
(morning)

PV(2007) 1807 final

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Single sitting: Tuesday 6 November 2007 (morning)

The sitting opened at 09.15 hours with Mr BARROSO, President, in the chair. Item 20 was chaired in part by Ms WALLSTRÖM.

Present

M. BARROSO	President	Items 1 to 20 (in part)
Ms WALLSTRÖM	Vice-President	
Mr VERHEUGEN	Vice-President	
Mr BARROT	Vice-President	
Mr KALLAS	Vice-President	
Mr FRATTINI	Vice-President	
Ms REDING		
Mr DIMAS		
M. ALMUNIA		
Ms HÜBNER		
Mr BORG		
Mr KYPRIANOU		
Mr REHN		Items 1 to 15
Mr KOVÁCS		
Ms KROES		
Ms FISCHER BOEL		Items 1 to 15
Mr McCREEVY		
Mr ŠPIDLA		
Mr MANDELSON		
Mr PIEBALGS		Items 8 (in part) to 20
Ms KUNEVA		
Mr ORBAN		

Absent

Ms GRYBAUSKAITĖ

Mr POTOČNIK

Mr FIGEL'

Mr MICHEL

Ms FERRERO-WALDNER

The following sat in to represent absent Members of the Commission

Mr RIBOKAS	A member of Ms GRYBAUSKAITĖ's staff
Mr DRÖLL	Chef de cabinet to Mr POTOČNIK
Mr ADAMIŠ	Chef de cabinet to Mr FIGEL'
Mr ROSA	A member of Mr MICHEL's staff
Ms GEBETSROITHNER	A member of Ms FERRERO-WALDNER's staff

The following also sat in

Mr THEBAULT	Deputy Chef de cabinet to the President	
Mr PETITE	Director-General, Legal Service	
M. SØRENSEN	Director-General, DG Communication	
Mr LAITENBERGER	Commission Spokesman	
Ms CARVALHO	Bureau of European Policy Advisers	Items 1 to 15
Ms MARTINHO	Chief adviser in the PRESIDENT's Office	
Mr SIGNORE	A member of Mr FRATTINI's staff	Items 16 to 19
Mr PESONEN	Chef de cabinet to Mr REHN	Items 1 to 15
Mr BORCHARDT	Chef de cabinet to Ms FISCHER BOEL	Item 20
Ms SOEWARTA	A member of Mr PIEBALGS's staff	Items 1 to 8 (in part)
Mr LEIGH	Director-General, DG Enlargement	Items 1 to 15

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

1. AGENDAS

(OJ(2007)1807/3; SEC(2007)1438/3)

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(2007)1807)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 5 November 2007.

3. APPROVAL OF MINUTES OF 1806TH MEETING (23 OCTOBER 2007)

(PV(2007)1806)

The Commission approved the minutes of its 1806th meeting.

4. INTERINSTITUTIONAL RELATIONS

(SEC(2007)1464)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Wednesday 31 October 2007(SEC(2007)1464).

It paid particular attention to the following:

4.1. LEGISLATIVE MATTERS

(i) Action to be taken on Parliament's legislative opinions

(SP(2007)5538)

The Commission decided to empower the Commission Members responsible for the sectors in question, in agreement with the PRESIDENT and Ms WALLSTRÖM and, if necessary, with the other Members concerned, to adopt the amended proposals for transmission to Parliament and the Council, as set out in SP(2007)5538, drawn up following the October II part-session of Parliament, the contents of which were noted.

(ii) Codecision procedure

(point 1.1.1 of the IRG record)

Dossier at first reading

- Law applicable to contractual obligations "Rome I" (Regulation) – DUMITRESCU report - 2005/0261 (COD)

The Commission took note of the document setting out points that could help to secure an agreement at first reading, distributed as SI(2007) 954/2.

(iii) Preparations for November I part-session of Parliament

(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 associated, to take a position on Parliament's amendments to its proposals.

It paid particular attention to the following:

Codecision – 1st reading

- Framework for the protection of soil (Directive) – GUTIERREZ-CORTINES report – 2006/0086 (COD)

The Commission approved the line set out in SP(2007)5627, /3 and /4.

- Inclusion of aviation activities in the scheme for greenhouse gas emission allowance trading within the Community (Directive) – LIESE report – 2006/0304 (COD)

The Commission approved the line set out in SP(2007)5628, /3 and /4.

- Electricity market: application of certain provisions to Estonia (Directive) – NIEBLER report – 2007/0141 (COD)

The Commission approved the line set out in SP(2007)5629 and took note that at this stage no amendment to its proposal had been tabled.

- Implementing powers conferred on the Commission – placing of biocidal products on the market (Directive) – WESTLUND report – 2006/0288 (COD)

The Commission approved the line set out in SP(2007)5631.

- Implementing powers conferred on the Commission – maximum residue levels of pesticides in or on food and feed (Regulation) – STURDY report – 2006/0294 (COD)

The Commission approved the line set out in SP(2007)5632 and /2.

- Community statistics on public health and health and safety at work (Regulation) – SCHEELE report – 2007/0020 (COD)

The Commission approved the line set out in SP(2007)5637.

- Quarterly statistics on Community job vacancies (Regulation) – ATHANASIU report – 2007/0033 (COD)

The Commission approved the line set out in SP(2007)5309/2.

Consultation

- Statutes for the Euratom Supply Agency (Decision) – JORDAN CIZELJ report – 2007/0043 (CNS)

The Commission approved the line set out in SP(2007)5640 and /2.

- Application of the Schengen acquis in the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (Decision) – COELHO report – 2007/0810 (CNS)

The Commission approved the line set out in SP(2007)5641.

4.2. RELATIONS WITH THE COUNCIL

(iv) Programming of Council business

(SI(2007)933)

The Commission took note of the information in SI(2007)933 on the Council meetings between 1 and 14 November 2007.

(v) Preparations for the Justice and Home Affairs Council meeting (8-9 November 2007)

(point 2.3 of the IRG record)

- Mediation in civil and commercial matters (Directive) – McCARTHY report – 2004/0251 (COD)

The Commission authorised Mr FRATTINI, with a view to the Justice and Home Affairs Council meeting on 8 and 9 November 2007, to support the Presidency compromise on mediation in civil and commercial matters, following the line set out in SI(2007)955/2.

4.3. RELATIONS WITH PARLIAMENT

Results of Parliament's October II part-session

(SP(2007)5509; point 1.1.1 of the IRG record)

The Commission took note of the information on the proceedings of the part-session of Parliament held in Strasbourg from 22 to 25 October 2007, contained in SP(2007)5509.

In this connection, Ms WALLSTRÖM referred briefly to the intervention of Mr PÖTTERING, President of Parliament, who had opposed the wish of the Permanent Representatives Committee (COREPER) to split in two the proposal for a Regulation on the statute and financing of European political parties at European level (LEINEN report, 2007/0130 (COD)). Ms WALLSTRÖM stated that in her next contacts with COREPER, she would raise the issue of this splitting, in the hope that it would still be possible to put matters right.

5. MONITORING THE APPLICATION OF COMMUNITY LAW

INFRINGEMENTS - CASES POSTPONED BECAUSE OF NON- AVAILABILITY OF DOCUMENTS - REGULARISATION SEC(2007)1450.

The Commission adopted the decisions in SEC(2007)1450.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

6.1. WRITTEN PROCEDURES APPROVED

(SEC(2007)1439 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 22 and 31 October 2007.

6.2. SENSITIVE WRITTEN PROCEDURES

(SEC(2007)1440)

The Commission took note of the sensitive written procedures for which the time limit expired between 5 and 9 November 2007.

6.3. EMPOWERMENT

(SEC(2007)1441 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 22 and 31 October 2007.

6.4. GENERAL EMPOWERMENT IN THE FIELD OF THE EUROPEAN FISHERIES FUND FOR THE PROGRAMMING PERIOD 2007-2013 ***(SEC(2007)1471)***

The Commission granted the general empowerment as set out in SEC(2007)1471 to the Commission Member responsible for fisheries and maritime affairs.

6.5. DELEGATION AND SUBDELEGATION OF POWERS

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation procedure between 22 and 31 October 2007, as archived on "Greffé 2000" (Registry).

7. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2007)1442)

(ADMINISTRATIVE MATTERS
(PERS(2007)102)

7.1. DG COMPETITION – REOPENING OF INTERNAL PUBLICATION OF
AD15/16 POST OF DEPUTY DIRECTOR-GENERAL
(PERS(2007)92 AND /2)

On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms KROES, the Commission decided to authorise the republication, under Article 29(1)(a)(i) and (iii) of the Staff Regulations, of the vacancy notice in PERS(2007)92/2 for the post of Deputy Director-General responsible for state aid in the Competition Directorate-General.

This decision would take effect immediately.

7.2. DG INFORMATION SOCIETY AND MEDIA – APPROVAL OF LEAVE
ON PERSONAL GROUNDS OF A DIRECTOR

The Commission took note of the information in point 2 of PERS(2007)102 and, on a proposal from M. KALLAS, in agreement with the PRESIDENT and Ms REDING, decided to approve the request for leave on personal grounds, under Article 40 of the Staff Regulations, presented by Mr Ulf DAHLSTEN, an AD14 official and Director, Emerging Technologies and Infrastructures in the Information Society and Media Directorate-General, for the period from 1 January 2008 to 31 December 2008.

This decision would take effect on 1 January 2008.

8. COMMISSION COMMUNICATION TO PARLIAMENT AND THE COUNCIL – ENLARGEMENT STRATEGY AND MAIN CHALLENGES 2007-2008

2007 PROGRESS REPORTS FOR ALBANIA, BOSNIA AND HERZEGOVINA, CROATIA, THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA, KOSOVO (UNDER UNSCR 1244 OF 10 JUNE 1999), MONTENEGRO, SERBIA AND TURKEY

(COM(2007)663 TO A/3; SEC(2007)1429 AND /2); SEC(2007)1430 AND /2); SEC(2007)1431 AND /2); SEC(2007)1432 AND /2); SEC(2007)1433 AND /2); SEC(2007)1434 AND /2); SEC(2007)1435 AND /2); SEC(2007)1436 AND /2); SEC(2007)1437; SEC (2007)1459)

The PRESIDENT briefly introduced the dossier being submitted by Mr REHN to the Commission for approval, which he described as following on directly from the Commission's debate on enlargement policy on 10 October 2007. He reminded the meeting that this debate had produced a consensus reaffirming the policy based on the three principles of consolidation, conditionality and communication, combined with the policy of integration capacity, all of which were established by the European Council of December 2006 in what was known as the "renewed consensus".

This year's enlargement package rightly emphasised monitoring and the pursuit of objectivity, coherence and continuity, while setting out the fundamental challenges which remained outstanding for the various countries.

The PRESIDENT again stressed the importance of communication, which had been recognised during the debate on 10 October and was highlighted in the strategy document being presented that day. Particular attention should be paid to communicating the positive results of the fifth enlargement, which must be widely disseminated in order to prepare the ground for taking the process further.

He praised the work that had been done to prepare this enormous dossier, which had continued even over the traditional All Saints' Day holiday, and expressed his

satisfaction that it had been possible to resolve almost all the issues raised during the preparatory phase before the present meeting.

Mr REHN then took the floor and thanked the Commission Members and their Cabinets for the constructive cooperation surrounding the preparation of this dossier. He began by saying that an agreement had been reached on the questions that had remained outstanding after the weekly meeting of Chefs de cabinet, and this agreement would be reflected in the final version of the conclusions of the strategy document and in the progress report for Turkey.

Turning more specifically to the part of the dossier concerning Turkey, he noted the contrasts in the progress report, which clearly identified the areas in which the candidate country had progressed, but criticised the failure to act in other sectors, adopting a line that was both critical and fair.

Mr REHN felt that the time had come for Turkey, with its new Government, to relaunch the momentum for reform. He was glad that the new Government had made constitutional reform a priority, with a view to strengthening democracy and individual freedoms, but hoped that this approach would not delay the reforms that were urgently needed in the areas of freedom of expression and freedom of religion.

He emphasised that it was unacceptable in a European democracy that writers, journalists, academics and other intellectuals, or indeed ordinary citizens, should be prosecuted for expressing criticism in a non-violent way. Freedom of thought, freedom of expression and freedom of religion were essential to create an open, democratic and confident society.

Mr REHN therefore stressed the need for the immediate repeal or amendment of Article 301 of the Turkish Criminal Code on denigrating Turkish identity, the Republic, and the foundation and institutions of the State, and explained that a clear link had now been established between the amendment of these provisions on freedom of expression and the opening of the chapter of the accession negotiations on judicial questions and fundamental rights. He also highlighted the requirement imposed on Turkey that it comply with its commitments on the full and non-

discriminatory implementation of the Ankara Protocol, so that eight other chapters of the negotiations could be opened.

Mr REHN mentioned the internal difficulties Turkey had had to overcome, with the serious constitutional crisis surrounding the presidential election earlier this year and the heightened political tensions this produced, and was glad that the country had come out of this episode with stronger democratic institutions.

He stated that the accession process was a strong incentive for reform, but at the same time the EU needed to move ahead in accordance with the negotiating framework. Some chapters of the negotiations were being blocked by certain Member States, and no date had been set to open these chapters, which were technically ready. This could create a worrying problem of credibility for the European Union. It showed that conditionality was no longer working as it should, and Mr REHN insisted on the importance of pursuing rigorous analysis and maintaining an attitude towards Turkey that was both firm and fair.

He then turned to the current crisis in Turkey resulting from the cross-border terrorist attacks by the Kurdistan Workers Party (PKK), which appeared on the European list of terrorist organisations. He reminded the meeting that the European Union condemned all terrorist action and understood Turkey's need to protect its citizens, but stressed that it would continue to promote a solution based on cooperation between the competent authorities and respect for international law. He felt that, in this context, it was more important than ever to maintain the prospect of EU membership for Turkey's citizens. The US President, George W. Bush, and the Turkish Prime Minister, Recep Tayyip Erdogan, had met in Washington on Monday 5 November, and Mr REHN felt that the chances of avoiding large-scale military intervention by Turkey against the PKK seemed to be improving.

Mr REHN then moved on to the part of the dossier relating to the countries of the Western Balkans and began by commending the steady progress that had been made. Croatia was on the right road and was set to become a model for the other countries in the region. He also noted positive signs in Albania and Montenegro. Outstanding areas of concern remained the question of the status of Kosovo, the

issue of community-building in Bosnia and Herzegovina, and the application of certain democratic principles in Serbia.

On the question of Serbia, Mr REHN reported on the latest contacts with Ms Carla Del Ponte, Chief Prosecutor of the International Criminal Tribunal for the Former Yugoslavia (ICTY), following her visit to Belgrade in October. He was pleased to report that Ms Del Ponte had signalled an improvement in the Serbian Government's cooperation with the ICTY, a positive trend which was confirmed by certain EU Member States. As a result, he intended to initial the Stabilisation and Association Agreement with Serbia in Brussels on Wednesday 7 November. Further efforts were still needed to achieve full cooperation, but he shared Ms Del Ponte's optimism in this regard. It was in any case necessary to be technically ready to sign the Agreement as soon as Serbia showed that it was fully cooperating. He observed that this decisive stage sent a particularly positive signal to Serbia for the future, at a time when the trials of political leaders which were opening in The Hague provided a sad reminder of the past.

The Commission then held a discussion during which the following points were raised:

General points

- the factual approach of the communication and the progress reports and the balanced nature of the analysis of the progress achieved and the work still to be done by the countries concerned;
- the importance of sending clear messages, given the difficulty of the reforms the candidate countries were being asked to make;
- the due regard for the EU's integration capacity throughout the dossier;
- the importance the forthcoming Slovenian Presidency of the Council intended to give to the question of enlargement and the driving role the Commission could play;

- the value of the experiences and lessons that could be learnt from the last enlargement for taking this process forward;
- the current difficulties in one Member State as regards integrating nationals of a new Member State and the balance to be struck between compliance with the fundamental principles, such as free movement of persons, and measures to ensure the safety of the population; the need to re-examine the relevant legislation in this connection;
- the question of the integration of the Roma minority, which should be considered in advance, given the size of this Community in the countries of the Western Balkans;
- the importance of the accession process for public opinion in the countries concerned, and the fact that the Commission's progress reports served as a benchmark;

Western Balkans

- the differentiated approach, which covered the specific details of the different countries concerned and their various stages of progress;
- the situation in the Former Yugoslav Republic of Macedonia and the resulting impossibility of opening accession negotiations at this stage;
- by contrast, the positive and encouraging nature of developments as regards Serbia, and the prospects for signing the Stabilisation and Association Agreement;
- the importance of improving Serbia's European prospects before the end of the period allocated for solving the question of the status of Kosovo;
- the repercussions of the question of Kosovo's status for the situation in several countries of the Western Balkans;

- the difficulties to be expected after 10 December 2007, the date on which the UN Security Council would rule on the future of Kosovo;

Turkey

- the recognition of the strategic importance of the relations between the EU and Turkey;
- the value of the thorough analysis and balanced presentation of the progress achieved by Turkey as well as the questions that remained outstanding;
- the recognition of the important progress achieved by Turkey as regards stabilisation of constitutional rule and democracy and the need for the country to relaunch the momentum for reform;
- the need for further reforms to ensure that the human rights legislation (particularly Article 301 of the Criminal Code) and its interpretation by the judiciary complied with the European Convention on Human Rights and the case-law of the European Court of Human Rights;
- the importance of Turkey complying with its international obligations towards the Member States, and particularly Cyprus, including the Additional Protocol to the Ankara Agreement, and the role of the United Nations in the overall settlement of the latter question;
- the recognition of the bilateral nature of the agreement of 8 July 2006 signed by representatives of the Greek and Turkish Cypriot communities, but also the conviction that this agreement deserved the constructive support of Turkey and other players;
- the links between the accession negotiations with Turkey and the Kurdish conflict, and the instruments available to the EU to contribute to the reconstruction of the Kurdish regions;

- the positive practical advances in relations between the EU and Turkey, including the increase in trade since the implementation of the customs union and cooperation in education, training and research;
- the duration of the accession negotiations with Turkey, the prospects in this regard, and the question of whether relations with Turkey should be limited to this specific process;
- the question of the significance to be attributed to good neighbourly relations in the progress report on Turkey, and the likely repercussions for the importance of conditionality in the accession negotiations;
- the importance of ensuring full respect for the rights of women, including women in rural areas, and the rights of children, particularly as regards the question of child labour both in Turkey and in other candidate countries.

Mr REHN replied to the various comments and requests for clarification. He noted in particular that there was not unanimous support among the Member States for the initialling of the Stabilisation and Association Agreement with Serbia. He did, however, praise the quality of the contacts with the ICTY prosecutor. He undertook to examine ways of promoting full respect for the rights of women throughout Turkish territory and confirmed the need to maintain a consistent approach to child labour in all of the candidate countries.

The PRESIDENT wound up the debate by thanking Mr REHN and all of the departments for their work and the Commission Members for their constructive contributions and the excellent cooperation which had characterised the preparation of this important and sensitive dossier.

He also noted the Commission's unanimous decision to make the following amendments to the strategy document in COM(2007)663/3 and the progress report on Turkey in SEC(2007)1436/2:

- In Chapter 4 of the strategy document ("*Conclusions and recommendations*"), the second paragraph of point 6) would read as follows:

"Turkey has not fulfilled its obligation of full non-discriminatory implementation of the Additional Protocol to the Association Agreement nor made progress towards normalisation of bilateral relations with the Republic of Cyprus. The Commission will continue reporting in its forthcoming annual reports, in accordance with the 11 December 2006 Council Conclusions endorsed by the European Council."

- Also in Chapter 4 of the strategy document, point (b) would read as follows:

"The Commission expects progress in the accession negotiations with Turkey in the course of the year. Chapters for which technical preparations have been completed should be opened in accordance with established procedures."

The pace of negotiations depends on the results of the reforms in Turkey. Turkey's progress could gather momentum if it succeeds in meeting opening benchmarks."

The Commission has proposed to the Council that revision of freedom of expression provisions in the Turkish Penal Code (article 301 and other relevant articles) should be a benchmark for opening the key chapter on judiciary and fundamental rights."

Turkey should fulfil the commitments related to full non-discriminatory implementation of the Additional Protocol to the Association Agreement in accordance with the Council Conclusions of 11 December 2006, and until Turkey does so, eight chapters will not be opened."

- In the progress report on Turkey (SEC(2007)1436/2), the first paragraph of the section on "Cyprus" in Chapter 2.3 ("*Regional issues and international obligations*"), would read as follows:

"The Turkish government has continued to express its commitment to a comprehensive settlement of the Cyprus problem under the auspices of the United Nations. It is expected that the government will continue to support the launching of fully fledged negotiations on a comprehensive settlement, for which

the 8 July 2006 agreement between the leaders of the two communities on the island should prepare the ground."

- A footnote was inserted in the seventh paragraph of the same section ("*In its December 2005 verdict [...] on the issue of just satisfaction.*"), which would read as follows:

"14. See also the case of Loizidou v. Turkey (Application no 15318/89) on which the Committee of Ministers commented on 17 October 2007."

Subject to these amendments and to a final technical revision of the documents, the Commission approved the document Enlargement Strategy and Main Challenges 2007-2008 in COM(2007) 663/3 for transmission to Parliament and the Council and to the national parliaments, together with the 2007 progress reports in SEC(2007)1429 and /2, SEC(2007)1430 and /2, SEC(2007)1431/2, SEC(2007)1432 and /2, SEC(2007)1433 and /2, SEC(2007)1434 and /2, SEC(2007)1435 and /2, and SEC(2007)1436/2, the contents of which were noted.

9. PROPOSAL FOR A COUNCIL DECISION ON THE PRINCIPLES, PRIORITIES AND CONDITIONS CONTAINED IN THE EUROPEAN PARTNERSHIP WITH ALBANIA AND REPEALING DECISION 2006/54/EC

(COM(2007)656 AND /2); SEC(2007)1437; SEC (2007)1459)

Subject to a final technical revision, the Commission adopted the proposal for a Council Decision set out in COM(2007)656/2, for transmission to Parliament and the Council and to the national parliaments.

10. PROPOSAL FOR A COUNCIL DECISION ON THE PRINCIPLES, PRIORITIES AND CONDITIONS CONTAINED IN THE EUROPEAN

**PARTNERSHIP WITH BOSNIA AND HERZEGOVINA AND REPEALING
DECISION 2006/55/EC**

(COM(2007)657 AND /2); SEC(2007)1437; SEC(2007)1459)

Subject to a final technical revision, the Commission adopted the proposal for a Council Decision set out in COM(2007)657/2, for transmission to Parliament and the Council and to the national parliaments.

**11. PROPOSAL FOR A COUNCIL DECISION ON THE PRINCIPLES,
PRIORITIES AND CONDITIONS CONTAINED IN THE ACCESSION
PARTNERSHIP WITH CROATIA AND REPEALING DECISION
2006/145/EC**

(COM(2007)658 AND /2); SEC(2007)1437; SEC(2007)1459)

Subject to a final technical revision, the Commission adopted the proposal for a Council Decision set out in COM(2007)658/2, for transmission to Parliament and the Council and to the national parliaments.

**12. PROPOSAL FOR A COUNCIL DECISION ON THE PRINCIPLES,
PRIORITIES AND CONDITIONS CONTAINED IN THE ACCESSION
PARTNERSHIP WITH THE FORMER YUGOSLAV REPUBLIC OF
MACEDONIA AND REPEALING DECISION 2006/57/EC**

(COM(2007)659 AND /2); SEC(2007)1437; SEC(2007)1459)

Subject to a final technical revision, the Commission adopted the proposal for a Council Decision set out in COM(2007)659/2, for transmission to Parliament and the Council and to the national parliaments.

**13. PROPOSAL FOR A COUNCIL DECISION ON THE PRINCIPLES, PRIORITIES AND CONDITIONS CONTAINED IN THE EUROPEAN PARTNERSHIP WITH SERBIA INCLUDING KOSOVO AS DEFINED BY UNITED NATIONS SECURITY COUNCIL RESOLUTION 1244 OF 10 JUNE 1999 AND REPEALING DECISION 2006/56/EC
(COM(2007)660 AND /2); SEC(2007)1437; SEC(2007)1459)**

Subject to a final technical revision, the Commission adopted the proposal for a Council Decision set out in COM(2007)660/2, for transmission to Parliament and the Council and to the national parliaments.

**14. PROPOSAL FOR A COUNCIL DECISION ON THE PRINCIPLES, PRIORITIES AND CONDITIONS CONTAINED IN THE ACCESSION PARTNERSHIP WITH TURKEY AND REPEALING DECISION 2006/35/EC
(COM(2007)661 AND /2); SEC(2007)1437; SEC(2007)1459)**

Subject to a final technical revision, the Commission adopted the proposal for a Council Decision set out in COM(2007)661/2, for transmission to Parliament and the Council and to the national parliaments.

**15. PROPOSAL FOR A COUNCIL REGULATION AMENDING REGULATION (EC) NO 533/2004 ON THE ESTABLISHMENT OF PARTNERSHIPS IN THE FRAMEWORK OF THE STABILISATION AND ASSOCIATION PROCESS
(COM(2007)662; SEC(2007)1437; SEC(2007)1459)**

Subject to a final technical revision, the Commission adopted the proposal for a Council Regulation set out in COM(2007)662, for transmission to Parliament and the Council and to the national parliaments.

16. COMMISSION COMMUNICATION TO PARLIAMENT AND THE COUNCIL – STEPPING UP THE FIGHT AGAINST TERRORISM (COM(2007)649 TO /4; SEC(2007)1460)

Mr FRATTINI presented the package of anti-terrorism documents set out in items 16 to 19 of this agenda. He began by saying that he was convinced of the need to send a clear message to European citizens regarding the Commission's determination to work on combating terrorism, a priority which had also been reaffirmed by the EU Heads of State or Government in their March 2007 Declaration on the occasion of the fiftieth anniversary of the signing of the Treaties of Rome. He gave figures about attacks and attempted attacks recorded in the Union in recent years, demonstrating the importance of continuing preventive measures.

He introduced the four documents making up the package, starting with the proposal amending Council Framework Decision 2002/475/JHA and seeking to make the promotion of terrorism a punishable offence (see also item 17 of these minutes). Mr FRATTINI stated that the proposal was designed to combat public incitement to terrorism, recruitment and training, activities which were not treated in the same way in all the Member States, and in particular were not the subject of criminal penalties everywhere. He said that the proposal was also concerned with combating the distribution of information on the manufacture of explosives, particularly via the Internet, emphasising, however, that the proposed measures would not undermine freedom of expression.

He went on to mention the second document, the Action Plan on enhancing the security of explosives, which included 47 practical measures, notably improving explosives databases under the supervision of Europol, and the creation of an early warning and immediate threat notification system between the Member States for thefts or loss of explosives as well as suspicious transactions involving explosives (see also item 18 of these minutes).

As regards the third document, the proposal for a Council Framework Decision on the use of Passenger Name Record (PNR) for law enforcement purposes (see also item 19 of these minutes), Mr Frattini reminded the meeting that experience had

shown that many terrorist plots involved journeys between a Member State of the Union and a non-member country, and that an analysis of this type of data could produce information which might be of vital importance to an investigation. Finally, he stated that the Member States were very largely in favour of using passenger databases, which already existed, to enhance the security of European citizens, as already happened in the case of flights to the United States, Canada and Australia. He pointed out that these data would only be used, however, for the investigation of serious crimes, such as terrorism and organised crime, notably trafficking in human beings or in drugs, and would in no circumstances include sensitive data such as racial origin or religious beliefs.

Finally, he pointed out that these three documents were accompanied by a report on the implementation of the Framework Decision on combating terrorism which would be adopted that day by written procedure. The report found in particular that some Member States had still not transposed the provisions adopted in 2002 into their national legislation.

Mr FRATTINI concluded by expressing his conviction that these initiatives, which had been widely discussed by groups of experts, police authorities, interested parties and the Member States, would make it possible to achieve tangible results in the fight against terrorism.

The Commission then held an exchange of views in which broad support was expressed for all these documents, which were felt to be of a high quality. The following aspects were mentioned in particular:

- the legal basis of these initiatives, and in particular the proposal for a Framework Decision on passenger name records, in the light of the amendments provided for in this area by the Treaty of Lisbon, and the advisability of introducing transitional policy measures in order to ensure the involvement of Parliament and the jurisdiction of the Court of Justice;
- the question of the effectiveness of the proposal on the exchange of data, given the difficulty of making use of the vast volume of information it was proposed

should be gathered, the implications in terms of the IT programmes and human resources needed, and the importance of training in this respect;

- the issues raised by these proposals in terms of respect for civil liberties and the desire for a general discussion within the Commission in the near future on how to reconcile technological development and the protection of the values of European societies in the context of Community policies;
- the need to assess the effectiveness and proportionality of the security measures currently in place as regards explosives, particularly in liquid form, in the context of air travel.

Replying to these comments, Mr FRATTINI acknowledged the need to find a political response to the legitimate concerns of Parliament pending ratification of the Treaty of Lisbon, and said that he had already made provision for detailed consultations with Parliament and its close involvement. He also reminded the meeting of the Declaration on Article 10 of the protocol on the transitional provisions, annexed to the Treaty of Lisbon, which called on the European Parliament, the Council and the Commission, within their respective powers, to seek to adopt, in appropriate cases and as far as possible within a period of five years, legal acts amending or replacing the acts of the Union in the field of police and judicial cooperation, so as to respect the powers of the institutions, in particular those of Parliament and of the Court of Justice, as provided for in the amended Treaties. Mr FRATTINI confirmed that anti-terrorist measures would of course be regarded as “appropriate cases”.

Mr FRATTINI also stressed the importance of ensuring that the information was used in an effective way, an approach which was already followed in Europol’s annual reports, which were now based on threat analysis. He also stated that a report was being prepared on the effectiveness of existing security measures, but reminded the meeting of the need to implement this type of measure at European level. Finally he mentioned the question of the balance between respect for individual freedoms and the right to security, but considered that the latter was a fundamental right in itself and compared it with the right to life, although he recognised the need to

guarantee the protection of personal data in the context of police and judicial cooperation. He also stated that the Justice and Home Affairs Council should reach an agreement on a new legal instrument to provide such protection by the end of the year.

The PRESIDENT noted that there was broad agreement on all the documents presented. He also stressed the right to security, and hence to life, while at the same time emphasising the need to ensure that the measures were balanced and proportionate. He shared the concerns expressed as regards the balance to be struck between the gathering of information and the capacity for analysing it, and pointed out that investments would for now have to focus on this analytical capacity. He also acknowledged the legitimacy of concerns regarding the freedoms and values of European society and agreed that the Commission should hold a policy debate on this subject. He concluded by praising the quality of the documents and the need, when following them up, to try to find the best form of political cooperation with Parliament.

The Commission approved the communication in COM(2007)649/3 and 4, for transmission to the European Parliament and the Council, and to the national parliaments.

17. PROPOSAL FOR A COUNCIL FRAMEWORK DECISION AMENDING FRAMEWORK DECISION 2002/475/JHA ON COMBATING TERRORISM (COM(2007)650 TO /3; SEC(2007)1424 AND /2); SEC(2007)1425; SEC(2007)1427; SEC(2007)1460)

The Commission approved the proposal for a Council Framework Decision set out in COM(2007)650/3, for transmission to Parliament and the Council, and to national parliaments, together with the impact study and the summary in staff papers distributed as SEC(2007)1424/2 and SEC(2007)1425, the contents of which were noted.

It also took note of the opinion of the Impact Assessment Board on the above proposal for a Framework Decision, as set out in SEC(2007)1427.

**18. COMMISSION COMMUNICATION TO PARLIAMENT AND THE COUNCIL ON ENHANCING THE SECURITY OF EXPLOSIVES
(COM(2007)651 TO /3; SEC(2007)1421; SEC(2007)1423; SEC(2007)1428;
SEC(2007)1460)**

The Commission approved the communication set out in COM(2007)651/3, for transmission to Parliament and the Council, and to national parliaments, together with the impact study and the summary in staff papers distributed as SEC(2007)1421 and SEC(2007)1423, the contents of which were noted.

It also took note of the opinion of the Impact Assessment Board on the above communication, as set out in SEC(2007)1428.

**19. PROPOSAL FOR A COUNCIL FRAMEWORK DECISION ON THE USE OF PASSENGER NAME RECORD (PNR) FOR LAW ENFORCEMENT PURPOSES
(COM(2007)654 TO /4; SEC(2007)1453; SEC(2007)1422; SEC(2007)1457;
SEC(2007)1460)**

The Commission adopted the proposal for a Council Framework Decision set out in COM(2007)654/4 for transmission to the European Parliament, the Council, the European Data Protection Supervisor, and to the national parliaments, accompanied by the impact assessment and the summary in staff papers SEC(2007)1453 and SEC(2007)1422 respectively, the contents of which were noted.

It also took note of the opinion of the Impact Assessment Board on the above proposal for a Framework Decision, as set out in SEC(2007)1457.

20. RELATIONS WITH THIRD COUNTRIES

20.1. FIRST FORMAL MEETING OF THE TRANSATLANTIC ECONOMIC COUNCIL (WASHINGTON, 9 NOVEMBER 2007)

Mr VERHEUGEN briefed the Commission Members on the preparations for the first meeting of the Transatlantic Economic Council, to be held in Washington on 9 November, which he would be attending for the Commission along with Mr KOVÁCS, Mr McCREEVY, Mr MANDELSON and Ms KUNEVA.

Mr VERHEUGEN pointed out that under the agreement to foster transatlantic economic integration between the United States and the EU signed at the summit on 30 April 2007, it had been decided to set up a Transatlantic Economic Council with the aim of give a strong impetus to economic cooperation between the two partners. He explained that as the Commission Member responsible for enterprise and industry, he was one of the joint chairs of the Council, on behalf of the EU, but added that the Council would also be represented at this first meeting by the Portuguese Minister for the Economy, Mr Manuel Pinho, and by representatives of the previous (German) and future (Slovenian) Council Presidencies. Mr VERHEUGEN also gave the composition of the American delegation.

Stating that this first meeting would review a number of important topics, he ran through the agenda, which included items such as regulatory convergence and reduction of the regulatory burden, safety of imports, secure trade, financial markets (particularly the International Accounting Standards), intellectual property rights, dialogue on investments (including sovereign funds) and competitiveness in the context of globalisation.

Lastly, Mr VERHEUGEN presented the impressions he had gained in recent months of the expectations and interest of the American partner in this new initiative.

Mr McCREEVY and Mr MANDELSON then gave their views on the preparations for this first formal meeting of the Transatlantic Economic Council, referring to the issues in their own areas of responsibility such as accounting standards and the trade markets of the two partners, but also the concerns and interests shared by the United States and the EU as regards access to the markets of certain third countries and effective multilateral action in the age of globalisation.

After this presentation, the Commission held a brief exchange of views during which the following points were raised:

- how the Transatlantic Economic Council would actually fit in with certain intra-American institutions and agencies;
- the current issue of imports of poultry from the United States, its manifold commercial, environmental and animal health dimensions, and its importance for economic cooperation between the two partners;
- the question of the appropriate forum to jointly consider matters such as sovereign funds, monetary policy and international exchange rates.

The PRESIDENT concluded the discussion by emphasising the vital importance of this first meeting of the Transatlantic Economic Council for securing tangible results in several areas of work of common interest, but also for starting up a movement that could, in due course, make it possible to get the two partners to work together and share an approach or even an overall strategy for tackling the challenge of globalisation.

The Commission took note of this information.

**20.2. RESULTS OF THE EU – MIDDLE EAST – AFRICA ENERGY
CONFERENCE (SHARM EL-SHEIKH, 1 NOVEMBER 2007)
(SEC(2007)1492)**

Referring to the information note distributed as SEC(2007)1492, Mr PIEBALGS drew the attention of Commission Members to the intentions that certain countries around the Mediterranean rim have been expressing for some time of building nuclear plants for electricity generation or water desalination. He stressed how important it was that the EU should not stand by and simply watch this development, and noted the usefulness of the cooperation instrument as regards nuclear safety. While these States were free in their energy options, they were also willing to enter into a dialogue with the EU in order to profit from its experience with rules on plant safety. He therefore suggested that these questions be looked at more closely in the group of Commission Members with responsibility for external relations.

The brief exchange of views that ensued focused on the interest these countries show in the technical cooperation the EU could offer, the thought to be given to relaunching the Euromed partnership, the importance of monitoring the quality of installations within a clear neighbourhood policy and the value of presenting to these countries the benefits of other faster and more sustainable options for the diversification of their energy sources.

The PRESIDENT confirmed that the energy dialogue with these countries was not confined to nuclear issues. In any case energy and climate change issues were now at the heart of the global geopolitical debate. He stressed that the countries in question had the sovereign right to make their own energy choices and that it was important to step up the dialogue on energy matters with all the Union's partners and neighbours. He said in conclusion that the question would be referred to the group of Commission Members with responsibility for external relations, which any other Commission Member with an interest in the topic might join.

The Commission took note of this information and of the note from Ms FERRERO-WALDNER and Mr PIEBALGS distributed as SEC(2007)1492.

**20.3. VISIT TO BRAZIL AND CHILE (24 TO 30 OCTOBER 2007)
(SEC(2007)1490)**

The Commission took note of the information note from Mr POTOČNIK distributed as SEC(2007)1490.

**20.4. VISIT TO CHINA (BEIJING, TIANJIN AND SHANGHAI, 18 TO 23 OCTOBER 2007)
(SEC(2007)1485)**

The Commission took note of the information note from Mr FIGEL' distributed as SEC(2007)1485.

**20.5. VISIT TO THE UNITED STATES (WASHINGTON, 1 AND 2 NOVEMBER 2007)
(SEC(2007)1494)**

The Commission took note of the information note from Mr KYPRIANOU distributed as SEC(2007)1494.

**20.6. VISIT TO THE MIDDLE EAST (ISRAEL, PALESTINIAN TERRITORIES AND EGYPT) AND TURKEY (28 OCTOBER TO 2 NOVEMBER 2007)
(SEC(2007)1488)**

The Commission took note of the information note from Ms FERRERO-WALDNER distributed as SEC(2007)1488.

20.7. VISITS TO SERBIA (BELGRADE, 19 AND 20 OCTOBER) AND MONTENEGRO (PODGORICA, 26 AND 27 OCTOBER 2007) (SEC(2007)1486)

The Commission took note of the information note from Mr ŠPIDLA distributed as SEC(2007)1486.

20.8. TWENTIETH EU–RUSSIA SUMMIT (MAFRA, 26 OCTOBER 2007)

Referring to an information note that would be distributed shortly, the PRESIDENT reported briefly on the results of the summit between the European Union and the Russian Federation just before the All Saints week. He was pleased by the generally positive atmosphere that pervaded the meeting and by a number of agreements that had been reached at technical level, but acknowledged that there had been no decisive step forward on the difficult issues. Mr MANDELSON then reviewed the remaining questions that still had to be settled to allow the accession of the Russian Federation to the World Trade Organization and commented on the prospects of bringing about this accession in the relatively near future.

During a brief exchange of views, the Commission considered the following points:

- the possibility that the definitive agreement putting an end to payments for overflying Siberia by European airlines might be signed in Moscow in the days ahead;
- the recent, very positive development of economic and trade relations between the European Union and the Russian Federation;
- the situation with the Russian embargo on imports of meat from Poland, a matter on which no positive development had been observed recently, including at the summit.

The Commission took note of this information.

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The Commission's other discussions on certain agenda items are recorded in the special minutes.

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The meeting closed at 12.30 hours.