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SECRETARIAT-GENERAL

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DRAFT MINUTES
of the 1495th meeting of the Commission
held in Brussels
(Breydel)
on Wednesday 11 October 2000
(morning)

PV(2000)1495

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Single sitting: Wednesday 11 October (morning)

The sitting opened at 0915 hours with Mr Prodi, President, in the chair.

Present:

Mr PRODI	President	(items 1 to 11)
Mr KINNOCK	Vice-President	(in the chair for items 12 to 18)
Ms de PALACIO	Vice-President	
Mr MONTI		
Mr LIIKANEN		
Mr BOLKESTEIN		
Mr BUSQUIN		
Mr SOLBES		
Mr NIELSON		
Mr VERHEUGEN		
Mr PATTEN		(items 1 to 11)
Mr LAMY		
Mr BYRNE		
Mr BARNIER		
Ms REDING		
Ms SCHREYER		
Ms WALLSTRÖM		
Mr VITORINO		
Ms DIAMANTOPOULOU		

Absent:

Mr FISCHLER

The following sat in to represent absent Members of the Commission

Mr HANIOTIS	A member of Mr Fischler's staff	
Mr CHILD	A member of Mr Patten's staff	(items 12 to 18)

The following also sat in

Mr DEWOST	Director-General of the Legal Service	
Mr MANSERVISI	Deputy Chef de cabinet to the President	(item 16)
Mr FAULL	Commission Spokesman	
Ms CORUGEDO STENEGERG	Press and Communication Service	
Mr PLANAS	Chef de cabinet to Mr Solbes	(items 11 to 18)
Mr SMULDERS	A member of the President's staff	(items 11, 12, 13 and 16)
Mr VIGNON	Chief Adviser in the Secretariat-General	(item 11)
Mr FONSECA	Deputy Chef de cabinet to Mr Vitorino	(item 16)
Mr BRUN	Justice and Home Affairs DG	(item 16)
Mr DE LECEA	Adviser to the President	(items 17 and 18)

Secretary: Mr O'SULLIVAN, Secretary-General, assisted by Mr BISARRE, Director in the Secretariat-General.

1. AGENDAS

(OJ(2000)1495/3; SEC(2000)1632/2)

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

2. WEEKLY MEETING OF CHEFS DE CABINET

(SEC(2000)1495)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 9 October.

3. APPROVAL OF MINUTES OF 1494th MEETING (4 October)

(PV(2000)1494 and /2)

ORDINARY MINUTES

1. The Commission approved the corrigendum in PV(2000)1494/2, viz.:

**12. PROPOSAL FOR A REGULATION ON THE COMMON
ORGANISATION OF THE MARKETS IN THE SUGAR SECTOR
(COM(2000)604 to /5; SEC(2000)1600 and /2)**

On page 21, the first paragraph of item 12 was amended as follows:

Mr FISCHLER presented a proposal for revising the common organisation of the sugar market. This adaptation was presented on an interim basis, for a period covering two marketing years (2001/02 and 2002/03), pending a more fundamental revision which would require in-depth studies on its impact on the sugar sector itself, alternative crops,

support for the industry, employment, consumers, the overseas countries and territories and the **developing** countries.

2. The Commission approved the ordinary minutes of its 1494th meeting, as amended at 1 above.

4. PARLIAMENT

4.1. OCTOBER I PART-SESSION (SP(2000)3646)

The Commission took note of the record of Parliament's part-session held in Strasbourg from 2 to 6 October.

4.2. ACTION TO BE TAKEN ON PARLIAMENT'S OPINIONS (SP(2000)3594)

The Commission approved the delegation of powers decisions in SP(2000)3594.

4.3. PARLIAMENTARY AFFAIRS GROUP (SP(2000)3650)

The Commission took note of the record of the meeting of the Parliamentary Affairs Group held on Friday 6 October.

It paid particular attention to the following:

Draft practical guide to the framework agreement on relations between
Parliament and the Commission

(SP(2000)3581/3)

(point 1 of the record)

Bearing in mind that the practical guide in (SP(2000)3581/3 would be used as an instrument for the full, coherent and consistent implementation of the undertakings made by the Commission in the framework agreement on relations between Parliament and the Commission signed on 5 July, the Commission decided:

- to take note of the practical guide in SP(2000)3581/3;
- to ask the Secretariat-General to distribute it to Commission departments and instruct them to see that its provisions were respected;
- to ask the Parliamentary Affairs Group to follow up and if necessary adapt the text, on a proposal from the Secretariat-General, in the light of the experience gained.

It also noted that the Secretary-General would transmit the guide, for information, to Parliament's Secretary-General.

4.4. MISCELLANEOUS

(SEC(2000)1694)

Codecision procedure - Article 251

Accidental or deliberate marine pollution, 1998/0350 (COD)

The Commission decided to support the compromise texts agreed at the meeting of Parliament's delegation on 4 October and in Coreper on 6 October,

as set out in SEC(2000)1694, with a view to formal adoption of the joint text as an 'A' item at the conciliation committee meeting on 11 October.

**5. PERMANENT REPRESENTATIVES COMMITTEE
(SI(2000)897)**

The Commission took note of the Secretariat-General's reports on recent meetings of the Permanent Representatives Committee.

It paid particular attention to the following:

Proposal for a Parliament and Council regulation on the protection of individuals with regard to the processing of personal data by the institutions and bodies of the Community and on the free movement of such data

(COM(1999)337; SEC(2000)897)

The purpose of this proposal was to protect individuals in respect of the processing and circulation of personal data by Community institutions and bodies, and also to set up an independent body to supervise the application of the rules by those institutions and bodies. This was pursuant to Article 286 introduced by the Treaty of Amsterdam, which stated that Community acts on data protection were applicable to the Community institutions.

The Commission noted that a consensus had been reached between the three institutions on most of the provisions, so that the proposal could be adopted at first reading provided the question of its scope were settled. The Commission proposal stipulated that the Regulation was applicable to all processing of personal data by the Community institutions in the course of their various activities, while the Council, following the opinion of its Legal Service, considered that the Regulation should concern only activities under the EC Treaty (excluding the second and third pillars). The Commission had decided on 12 July to maintain its initial proposal as to the scope of the Regulation (PV(2000)1487).

The Commission took note of the agreement reached between the President of Coreper and Parliament's rapporteur on a compromise text, and decided not to oppose the adoption of the Regulation at first reading on the basis of this compromise (provided the parliamentary committee confirmed the rapporteur's stance on 11 October), subject to the entry in the minutes of a statement preserving its interpretation of Article 286.

**6. MONITORING THE APPLICATION OF COMMUNITY LAW: STATE AID
(SEC(2000)1585 to /4)**

STATE AID - CASE DEFERRED

NN 5/2000

GERMANY

Aid for MESAcon Messelektronik GmbH - Dresden

(SEC(2000)1585 to /4)

Decision: to open proceedings under Article 88(2) of the EC Treaty, as set out in SEC(2000)1585/4.

7. WRITTEN PROCEDURES AND DELEGATION OF POWERS

7.1. WRITTEN PROCEDURES APPROVED

(SEC(2000)1633 to /5; SEC(2000)1634)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted by written procedure between 2 and 6 October.

7.2. DELEGATION OF POWERS

(SEC(2000)1636 to /6; SEC(2000)1637 to /5)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation procedure between 2 and 6 October.

8. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2000)1638/3)

ADMINISTRATIVE MATTERS

8.1. MIDDLE-MANAGEMENT POSTS AND ORGANISATION CHARTS

(PERS(2000)285)

Subject to a clarification made by Mr KINNOCK (that the decision relating to the secondment of Mr Leonidas ANTONAKOPOULOS in the interest of the service to the Reconstruction Agency in Thessaloniki, mentioned at point C of the document, had been deferred), the Commission took note of the decisions taken by Mr KINNOCK in September, as set out in PERS(2000)285.

8.2. SG-B - A2 POST OF DIRECTOR

(PERS(2000)251 to /3)

The Commission had before it applications under Article 29(1)(a) of the Staff Regulations from Ms Patricia BUGNOT, Mr Declan DEASY, Mr Auke HAAGSMA and Mr Helmut SCHMITT VON SYDOW for the A2 post of Director of Directorate B (Simplification of procedures and working methods) in the Secretariat-General (PERS(2000)251).

The Commission took note of the opinions of the Consultative Committee on Appointments of 14 September (PERS(2000)251/2) and 28 September (PERS(2000)251/3).

The Commission proceeded to consider the applicants' qualifications for the post. It also examined the reports on their ability, efficiency and conduct in the service. It then decided to appoint Ms Patricia BUGNOT to the post with effect from 16 October.

**9. UPDATING OF THE COMMISSION'S WORK PROGRAMME FOR 2000
UP TO THE END OF THE YEAR
(SEC(2000)1645 to /3)**

The Commission:

- approved the update of the work programme for 2000 drawn up on the basis of information supplied by the departments responsible and presented in Annexes 2 and 3 to the communication;
- took note of the grounds set out in Annex 4 for the addition of new actions to the programme and the withdrawal or postponement of certain others;
- asked the Secretariat-General to inform the other Community institutions and bodies, within the Neunreither group, of this update, the results of which would be incorporated into the next state-of-play report (ongoing monitoring of the implementation of the programme, see Report No 10/2000, to be distributed).

**10. DRAFT COMMISSION RECOMMENDATION ON MEASURES TO
FACILITATE THE PREPARATION OF ECONOMIC ACTORS FOR THE
CHANGEOVER TO THE EURO
(C(2000)2985)**

The Commission approved the Recommendation in C(2000)2985 for transmission to the Council, Parliament, the European Central Bank, the Economic and Social Committee and the Committee of the Regions, and for publication in the Official Journal.

**11. PREPARATION OF THE WHITE PAPER ON EUROPEAN GOVERNANCE
(SEC(2000)1547 to /6)**

The President presented a communication setting out the work programme for preparation of the White Paper on European governance. This was a purely internal document, aimed at defining the methodology for the project, determining the content of a number of specific areas of work, and laying down the various stages of validation of the project by the Commission up to its adoption in July 2001.

The Commission held a wide-ranging debate on the methodology and objectives of the exercise, in which reference was made to the framework set out in the President's address to Parliament (3 October), and which highlighted the following points:

- the exercise should be seen as an analysis of the causes of citizens' disaffection from the European integration process and their lack of understanding of the Community institutional system;
- it should define a new model of governance, different from traditional schemes for the allocation of powers, and prepare the ground for the debate on the allocation of powers between the Union and the Member States;

- the various levels of governance must be covered in the analysis, including local as well as regional authorities, while taking into account the diversity of situations in the different countries of the Union;
- the concept of subsidiarity and the division of powers between the Community level and the various national, regional and local levels should be clarified, not only to ensure transparency and democracy but also to guarantee coherence and effectiveness; the criteria and conditions for the use of external executive agencies should also be specified;
- it should demonstrate the added value of sound European governance for optimum management of the globalisation process, and highlight the advantages of this for national governments;
- the visibility of Community action should be increased in order to attract citizens' support and strengthen the democratic legitimacy of the Community institutional system;
- new methods of dialogue between scientific experts and citizens should be developed, especially but not only in the areas of health and safety (an amendment of the text to this effect was proposed for the second indent on page 9);
- a White Paper should be issued in a form and style that all citizens could understand.

The President thanked Mr VIGNON and his team for having set out the essential elements of the study to be carried out, and invited him, in the light of the comments made during the meeting, to continue this work according to the work schedule, method and areas of work proposed in the programme, with all the independence of mind, imagination and openness towards the outside world that the exercise called for.

The Commission approved the methodology and work schedule in SEC(2000)1547/6.

**12. MONITORING THE APPLICATION OF COMMUNITY LAW:
INFRINGEMENTS**

(continued from item 6)

"B" REPORT 2/2000

(SEC(2000)1428 to /3; SEC(2000)1434; SEC(2000)1435; SEC(2000)1436)

The Commission approved the proposals for Decisions mentioned in the record of the special meeting of 5 October (SEC(2000)1434 as amended by SEC(2000)1436). It paid particular attention to the following:

DG ECFIN

1998/2288

UNITED KINGDOM

Privatisation - Special shares - British Airports Authority

The Commission discussed what action to take on the infringement proceedings against the United Kingdom for setting a 15% ceiling for shareholdings in the British Airports Authority upon its privatisation.

It noted that this rule constituted an obstacle to the free movement of capital and the freedom of establishment, and that it had already decided to refer similar cases in other Member States to the Court of Justice.

The Commission therefore decided to initiate the procedure for referring the matter to the Court of Justice.

It agreed to hold a general debate in November on the problem of "golden shares" on the basis of a guideline document currently being drawn up under the authority of Mr BOLKESTEIN, in agreement with the other Members concerned.

13. APPLICATION OF COUNCIL REGULATION (EC) No 4064/89 ON THE CONTROL OF CONCENTRATIONS BETWEEN UNDERTAKINGS (C(2000)3009 to /3; SEC(2000)1668)

Mr MONTI presented the proposed merger of AOL and Time-Warner, two media companies involved in the provision of internet services.

This operation, subject to the undertakings made by the parties, did not raise problems as regards the conditions for competition in the industry, and the Advisory Committee on Concentrations had delivered a majority positive opinion.

Mr MONTI pointed out that notification of the Time-Warner/EMI merger, into which the Commission had opened an in-depth investigation, had been withdrawn by the parties and that the Commission was therefore no longer required to take a decision in the matter.

In the light of this information, the Commission decided:

- to take note of the opinion of the Advisory Committee on Concentrations delivered at its 85th meeting on 5 October, as set out in C(2000)3009;
- to adopt in the authentic language (English) the decision in C(2000)3009/3, declaring the planned merger to be compatible with the common market and the EEA Agreement, subject to fulfilment of the undertakings proposed by the parties and set out in the Decision;
- to empower Mr MONTI to take the necessary steps for implementation of the undertakings by the parties in accordance with Article 1 of the decision.

**14. FUTURE EVOLUTION OF SOCIAL PROTECTION FROM A
LONG-TERM POINT OF VIEW: SAFE AND SUSTAINABLE PENSIONS
(COM(2000)622 to /5; SEC(2000)1661)**

Ms DIAMANTOPOULOU presented a communication *Safe and sustainable pensions*; this initiative, based on Article 2 of the Treaty, followed on from the communication *A concerted strategy to modernise social protection* adopted by the Commission on 14 July 1999, and had been produced in response to a request by the Lisbon European Council.

The communication constituted the terms of reference for the study to be carried out by the high-level working party set up by the European Council on the long-term development of social protection, and which should pay special attention to the sustainability of pension systems up to 2020 and if necessary beyond.

Ms DIAMANTOPOULOU drew attention to the close links between a high level of social protection, a high level of employment, and lasting and non-inflationary growth, and, therefore, the need to develop global strategies to make the pension system sustainable. These strategies must cover not only public pension schemes (first pillar of the system) but also occupational schemes (second pillar) and personal plans (third pillar), which would play an increasingly important role.

The Commission approved the communication in COM(2000)622/5 for transmission to Parliament, the Council and the Economic and Social Committee.

**15. PROPOSAL FOR A PARLIAMENT AND COUNCIL DIRECTIVE ON THE
COORDINATION OF LAWS, REGULATIONS AND ADMINISTRATIVE
PROVISIONS RELATING TO INSTITUTIONS FOR OCCUPATIONAL
RETIREMENT PROVISION
(COM(2000)507/2 and /3; SEC(2000)1379)**

Mr BOLKESTEIN presented a proposal for a Directive on the coordination of the rules applicable to institutions for occupational retirement provision (IORPs), which still lacked an appropriate Community framework.

He reminded the meeting that the Lisbon European Council had emphasised the need to integrate the Union's financial markets by means of the complete implementation of the Action Plan on financial services by 2005. The coordination of the rules applicable to IORPs was a key plank of this plan.

He stressed the financial importance of the activities of these institutions, which covered 25% of the active population of the Union and managed assets worth €2 500 billion.

He summarised the main lines of the proposal for a Directive, under which the IORPs must:

- provide a high level of protection for their beneficiaries;
- boost the efficiency of investments;
- provide services to companies and workers established in other Member States;
- help finance the European economy.

The Commission approved the proposal for a Directive in COM(2000)507/3 for transmission to Parliament, the Council and the Economic and Social Committee.

The Commission noted that Ms DIAMANTOPOULOU and Mr BOLKESTEIN would that day be holding a joint press conference on the proposals relating to pension schemes (item 14) and occupational retirement institutions (item 15).

**16. LEGAL NATURE OF THE CHARTER OF FUNDAMENTAL RIGHTS OF
THE EUROPEAN UNION
(COM(2000)644 and /2)**

Mr VITORINO reminded the meeting that the question of the nature of the Charter had been left open by the Cologne European Council, which envisaged in the first instance its solemn proclamation by Parliament, the Commission and the Council, and, as a second stage, consideration of the question whether, and if so how, the Charter should be integrated into the Treaties.

It noted that, although a consensus had been reached within the Convention on the content of the Charter, the question of its nature was likely to be brought up at the Biarritz European Council (13 and 14 October) and the Nice European Council (7-9 December).

Whatever legal form it took, the charter would have effects, including legal effects, since the Council, Parliament and the Commission could not ignore it when they acted as legislators; and the Court of Justice would be required to take account of it, as it already did with other texts concerning fundamental rights.

The Commission held an exchange of views on the prospects for the integration of the Charter into the Treaties and the likely effects this would entail.

The Commission then approved COM(2000)644/2 for transmission to the Council, Parliament, the Economic and Social Committee and the Committee of the Regions.

17. COUNCIL MEETINGS

(SI(2000)900)

17.1. GENERAL AFFAIRS

(Luxembourg, 9 and 10 October)

The President reported that the Council, after a special meeting of Coreper, had finally secured a qualified majority in favour of granting the 400 additional posts requested by the Commission in its letter of amendment to the preliminary draft budget for 2001.

It warmly thanked Ms SCHREYER and Mr KINNOCK for their great efforts in defence of the Commission proposal.

Mr LAMY reported on the Council's discussions on two matters.

The Council had warmly welcomed the proposal to extend unlimited duty-free import to products from the least developed countries (LDCs), and had asked Coreper to give further thought in particular to the fraud aspects and to the introduction of a transitional period for sensitive products (sugar, rice, bananas).

As regards the Commission proposal on the banana import scheme, the alignment of positions between those supporting the "tariff alone" solution and those in favour of "quota alone" had led the Council to conclude that the Commission communication constituted a basis for settlement of the banana dispute, to which a speedy solution could and should now be found.

The Commission took note of this progress.

17.2. TELECOMMUNICATIONS

(Luxembourg, 3 October)

Mr LIIKANEN reported that the Council had approved the proposal for a Parliament and Council Regulation on unbundled access to the local loop.

Since the proposal would also be put to the vote within the appropriate parliamentary committee on 12 October, adoption of the proposal at first reading seemed possible.

If so, the proposal adopted by the Commission on 12 July could enter into force in January 2001.

The Council had also held an exchange of views on the conditions for granting UMTS licences (bidding process for third-generation telephone frequencies).

17.3. ENVIRONMENT

(Luxembourg, 10 October)

Ms WALLSTRÖM reported on the main points dealt with by the Council:

- the proposal for a Directive setting national emission ceilings for certain atmospheric pollutants, and the proposal for a Directive on ozone in ambient air (common position adopted);
- the proposal for a Parliament and Council Directive on the assessment and management of environmental noise (general discussion);
- common strategy and coordination of measures to reduce greenhouse gas emissions (Council conclusions adopted);
- labelling and traceability of genetically modified organisms (discussion, during which the Council asked the Commission to present appropriate proposals).

18. RELATIONS WITH NON-MEMBER COUNTRIES

COMMON FOREIGN AND SECURITY POLICY

FINANCING THE WESTERN BALKANS IN 2001

(SEC(2000)1644 to /5)

The Commission approved the communication presented by Ms SCHREYER, in agreement with Mr PATTEN, in SEC(2000)1644/5.

It empowered Ms SCHREYER, in agreement with the PRESIDENT, Mr PATTEN and Mr NIELSON, to present, if necessary, a proposal for the immediate mobilisation of the flexibility instrument to supplement the financing of the Western Balkans and of the MEDA programme without upsetting the general balance of the preliminary draft budget for 2001.

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The meeting closed at 1310 hours.

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