



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

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MINUTES
of the 1535th meeting of the Commission
held in Brussels
(Breydel)
on Wednesday 12 September 2001
(morning)

These minutes were approved by the Commission at its 1536th meeting, held in Brussels on 19th September 2001.

They contain 16 pages.

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Single sitting: Wednesday 12 September (morning)

The sitting opened at 0815 hours with Mr Prodi, President, in the chair.

Present:

Mr PRODI	President
Mr KINNOCK	Vice-President
Ms de PALACIO	Vice-President
Mr MONTI	
Mr LIIKANEN	
Mr BOLKESTEIN	
Mr BUSQUIN	
Mr SOLBES	
Mr VERHEUGEN	
Mr PATTEN	
Mr BYRNE	
Mr BARNIER	
Ms REDING	
Ms SCHREYER	
Ms WALLSTRÖM	
Mr VITORINO	
Ms DIAMANTOPOULOU	

Absent:

Mr FISCHLER
Mr NIELSON
Mr LAMY

The following sat in to represent absent Members of the Commission

Mr PIRZIO-BIROLI	Chef de cabinet to Mr Fischler
Mr SØRENSEN	Chef de cabinet to Mr Nielson
Mr DEFRAIGNE	Chef de cabinet to Mr Lamy

The following also sat in

Mr PETITE	Director-General, Legal Service
Mr MANSERVISI	Chef de cabinet to the President
Ms HOUTMAN	Deputy Chef de cabinet to the President
Mr VARRICCHIO	A member of the President's staff
Mr SMULDERS	A member of the President's staff
Mr FAULL	Commission Spokesman
Mr FILORI	Spokesman
Mr WIEGAND	Spokesman
Ms CORUGEDO STENEBERG	Press and Communication DG
Mr LOWE	Chef de cabinet to Mr Kinnock
Mr CALLEJA	Chef de cabinet de Ms de Palacio
Mr PLANAS	Chef de cabinet to Mr Solbes
Mr ZEPTER	Deputy Secretary-General

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

**TERRORIST ATTACKS ON THE UNITED STATES OF AMERICA
(11 SEPTEMBER)**

The Commission decided to devote its meeting to an exchange of views on the circumstances and effects of the terrorist attacks in the United States on 11 September.

As a tribute to the victims of these dreadful attacks, and a token of solidarity with the American people, Commission Members observed one minute's silence.

The Commission expressed its solidarity with the entire American people and its government.

It decided to propose, in agreement with the Council and Parliament, to hold a day of mourning in the Member States and the Community institutions.

It noted that 11 September 2001 could mark the beginning of a new political era, characterised by new divisions on a worldwide scale. In this situation, the EU's response should be to concentrate on conflict prevention, combating all sources of terrorism, and the defence of multilateralism, on both political and economic fronts.

As regards the institution's internal administrative arrangements, the Commission decided to send a message to all staff emphasising its solidarity with the American people, giving reassurance as to the fate of Commission staff in New York and other delegations, and confirming that appropriate contacts had been made with the relevant Belgian and Luxembourg authorities to ensure the safety of staff in the institution's buildings.

Following this exchange of views, the Commission decided to adopt the various items entered on its agenda, as set out below.

1. AGENDAS

(OJ(2001)1535/3; SEC(2001)1353/2)

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(2001)1535)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 10 September.

3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1534th MEETING

(4 September)

(PV(2001)1534)

The Commission approved the minutes of its 1534th meeting.

4. PARLIAMENT

4.1. SEPTEMBER I PART-SESSION

(SP(2001)2900)

The Commission took note of the record of Parliament's part-session held in Strasbourg from 3 to 6 September.

4.2. ACTION TO BE TAKEN ON PARLIAMENT'S OPINIONS
(SEC(2001)2910)

The Commission approved the proposed empowerment decisions relating to action to be taken on the amendments presented by Parliament under the codecision and consultation procedures.

5. PERMANENT REPRESENTATIVES COMMITTEE
(SI(2001)922; SI(2001)932)

INAUGURAL MEETING OF THE COUNCIL AFFAIRS GROUP (CAG)
(SI(2001)932)

The Commission took note of the record of the inaugural meeting on Friday 7 September of the Council Affairs Group (CAG), whose setting-up met several objectives:

- more collective responsibility in the handling of dossiers pending in the Council;
- a freer flow of information and earlier warning of possible problems;
- systematic follow-up of institutional questions that could arise in the Council, particularly in its working groups.

It noted that the arrangements for the operation of the CAG could be reviewed later in the light of experience, taking account of the need to ensure close coordination between the CAG and the PAG.

Information on the main dossiers pending in the Council

The Commission paid particular attention to the following:

Demarcation between first- and third-pillar competences

Draft framework decision on the protection of the environment through criminal law
(SI(2001)922)

The Commission was informed of the difficulty facing its representatives in the Council after proposing in a first-pillar instrument an obligation to impose criminal penalties, which was unanimously contested by the Member States, despite a contrary opinion by the Council's Legal Service. The Commission, in particular in its proposal for a Directive on the protection of the environment through criminal law (COM(2001)139), defended the Community's right to impose criminal penalties. The Council instead favoured the adoption of a framework decision originally presented by Denmark. On 24 July Mr VITORINO and Ms WALLSTRÖM had written to the Belgian Environment Minister raising the possibility of an application to the Court of Justice for annulment if the framework decision were to be adopted (see SI(2001)922).

The Commission took note of this information.

6. WRITTEN PROCEDURES AND EMPOWERMENT

6.1. WRITTEN PROCEDURES APPROVED

(SEC(2001)1354 to /5)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted by written procedure between 3 and 7 September.

6.2. SENSITIVE WRITTEN PROCEDURES

(SEC(2001)1356)

The Commission took note of the following written procedures initiated between 3 and 7 September for the adoption of decisions with political implications:

Time limit: 10.09.2001

E/2001/1812 - SEC(2001)1349

**External Relations DG - Energy
and Transport DG**

Draft proposal for a Council decision on the approval of the conclusion by the Commission of the agreement between Euratom and KEDO, including the payment of a financial contribution.

Time limit: 13.09.2001

E/2001/1847 - C(2001)2650

Internal Market DG

Draft Commission Directive on the amendment of certain Annexes to the Directive on the use of standard forms in the publication of contract notices.

E/2001/1858 - COM(2001)514 - EXPEDITED

Development DG

Proposal for a Council Decision on the position to be taken by the Community in the International Cocoa Council regarding the extension of the International Cocoa Agreement 1993.

E/2001/1859 - COM(2001)513 - EXPEDITED

Development DG

Proposal for a Council Decision on the signing and conclusion on behalf of the European Community of the International Coffee Agreement 2001.

6.3. EMPOWERMENT

(SEC(2001)1357 to /5; SEC(2001)1358 to /3)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the empowerment procedure between 3 and 7 September.

6.4. DELEGATION OF POWERS IN THE FIELD OF EDUCATION AND CULTURE

- **GENERAL EMPOWERMENT OF THE COMMISSION MEMBER RESPONSIBLE FOR EDUCATION AND CULTURE**
- **DELEGATION OF POWERS TO THE DIRECTOR-GENERAL FOR EDUCATION AND CULTURE**
(SEC(2001)1346 to /3)

Noting that the Justice and Home Affairs DG was to be regarded as an associated department whose agreement would be required for actions in connection with combating doping in sport, the Commission decided:

- to grant a general empowerment to the Commission Member responsible for Education and Culture, as set out in section IV of SEC(2001)1346/3;
- to grant a delegation of powers to the Director-General for Education and Culture, as set out in section IV of SEC(2001)1346/3.

7. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2001)1359/3)

ADMINISTRATIVE MATTERS
(PERS(2001)258/2)

7.1. MIDDLE-MANAGEMENT POSTS AND ORGANISATION CHARTS
(PERS(2001)257)

The Commission took note of the decisions adopted by Mr KINNOCK in August.

7.2. *SDT - PUBLICATION OF A2 POST OF DIRECTOR OF TRANSLATION*

In view of the specific nature of this post and so as to be able to choose from a wider range of candidates, the Commission authorised DG ADMIN to publish the post of Director of Translation in the Translation Service, at internal, interinstitutional and external levels, under Article 29(1)(a), (1)(c) and (2) of the Staff Regulations, as set out in PERS(2001)254/2.

This decision would take effect immediately.

7.3. *EUROSTAT - A2 POST OF DIRECTOR OF DIRECTORATE ESTAT-F*

The Commission had before it applications under Article 29(1)(a) of the Staff Regulations for the A2 post of Director of Directorate ESTAT-F (Agricultural, environmental and energy statistics) from Mr Giuseppe CALO, Mr Gilles DECAND, Mr Rainer MUTHMANN, Mr Brian NEWSON, Mr Inger OEHMAN and Mr Charles PEARE (PERS(2001)140).

The Commission took note of the opinions of the Consultative Committee on Appointments of 17 May and 24 July (PERS(2001)140/2 and /3).

The Commission proceeded to compare the applicants' qualifications for the post. It also examined the reports on their ability, efficiency and conduct in the service. On a proposal from Mr KINNOCK, in agreement with the PRESIDENT and Mr SOLBES, the Commission decided to appoint Mr Giuseppe CALO to the post.

This decision would take effect on 16 September.

7.4. *DG ENTR AND DG RELEX - REDEPLOYMENT OF A2 OFFICIALS (PERS(2001)260)*

Following its decision to apply Article 50 of the Staff Regulations in respect of Mr MACKENZIE, Director of Directorate ENTR-B (Promotion of entrepreneurship and SMEs), the Commission decided, on a proposal from

Mr KINNOCK, in agreement with the PRESIDENT and Mr LIIKANEN, to fill the post by transferring, with his post and in the interest of the service, Mr Timo SUMMA, A2 official and currently Director of Directorate RELEX-E (Eastern Europe, Caucasus, Central Asian Republics).

The Commission also decided, on a proposal from Mr KINNOCK, in agreement with the PRESIDENT and Mr PATTEN, to fill the post of Director of Directorate RELEX-E thereby made vacant, by the transfer with his post and in the interest of the service of Mr Henry Joly DIXON, A2 official and currently Director of Directorate ECFIN-D (International questions).

These decisions would take effect from dates to be decided later.

- 8. PROPOSAL FOR A COUNCIL DECISION ON GUIDELINES FOR MEMBERS STATES' EMPLOYMENT POLICIES FOR THE YEAR 2002 (COM(2001)511 to /4; SEC(2001)1369.**
- 9. RECOMMENDATION FOR A COUNCIL RECOMMENDATION ON THE IMPLEMENTATION OF MEMBER STATES' EMPLOYMENT POLICIES (COM(2001)512 to /4; SEC(2001)1369)**
- 10. JOINT EMPLOYMENT REPORT 2001 (COM(2001)438 to /4; SEC(2001)1350 and /2; SEC(2001)1369)**

The Commission:

- approved the draft joint report in COM(2001)438/3 and /4 for transmission to the Council, Parliament, the Economic and Social Committee and the Committee of the Regions and, on this basis, empowered Ms DIAMANTOPOULOU, in

agreement with the PRESIDENT, to adopt, on behalf of the Commission, the joint employment report following the discussions to be held in the Council;

- approved the proposal containing the guidelines set out in COM(2001)511/4 and the recommendation in COM(2001)512/4 for transmission to the Council, Parliament, the Economic and Social Committee and the Committee of the Regions;
- congratulated the departments and Members' Offices responsible on the quality of the documents forming the employment package and on the exemplary cooperation between the departments most directly concerned, which had enabled this result to be achieved.

11. WHITE PAPER *EUROPEAN TRANSPORT POLICY FOR 2010: TIME TO DECIDE*

(COM(2001)370 to /6; (SEC(2001)1133/6)

The Commission adopted the White Paper in COM(2001)370/6 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.

**12. PROPOSAL FOR A COUNCIL DIRECTIVE LAYING DOWN MINIMUM STANDARDS FOR THE QUALIFICATION AND STATUS OF THIRD-COUNTRY NATIONALS AND STATELESS PERSONS AS REFUGEES, IN ACCORDANCE WITH THE 1951 CONVENTION RELATING TO THE STATUS OF REFUGEES AND THE 1967 PROTOCOL, OR AS PERSONS WHO OTHERWISE NEED INTERNATIONAL PROTECTION
(COM(2001)510 to /3; SEC(2001)1367)**

The Commission approved the proposal in COM(2001)510/3 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.

**13. INSTITUTIONAL AGREEMENT ON A MORE STRUCTURED USE OF THE RECASTING TECHNIQUE FOR LEGAL ACTS
(SEC(2001)1364)**

The Commission:

- approved the interinstitutional agreement in SEC(2001)1364;
- empowered the PRESIDENT to sign the interinstitutional agreement, subject to adoption by Parliament and the Council of the text annexed to SEC(2001)1364;
- instructed the departments concerned to complete quickly the appropriate technical work and the scheme to train staff in all departments so that the agreement might enter into force on 1 January 2002.

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The meeting closed at 1000 hours.