



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2002)1569 final

Brussels, 5 June 2002

MINUTES
of the 1569th meeting of the Commission
held in Brussels
(Breydel)
on Tuesday 28 May 2002
(morning)

These minutes were approved by the Commission at its 1570th meeting, held in Brussels on 5th June 2002.

They contain 24 pages.

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Single sitting: Tuesday 28 May (morning)

The sitting opened at 0920 hours with Mr Prodi, President, in the chair.

Present:

Mr PRODI	President
Mr KINNOCK	Vice-President
Mr MONTI	
Mr FISCHLER	
Mr LIIKANEN	
Mr BUSQUIN	
Mr SOLBES	
Mr NIELSON	
Mr VERHEUGEN	
Mr BYRNE	
Mr BARNIER	
Ms REDING	
Ms SCHREYER	Except items 1 to 13
Ms WALLSTRÖM	
Mr VITORINO	
Ms DIAMANTOPOULOU	

Absent:

Ms de PALACIO	Vice-President
Mr BOLKESTEIN	
Mr PATTEN	
Mr LAMY	

The following sat in to represent absent Members of the Commission

Mr SCHINAS	Deputy Chef de cabinet to Ms de Palacio	
Mr NØRLUND	Chef de cabinet to Mr Bolkestein	
Ms GONZALEZ	A member of Mr Patten's staff	
Ms GARZON	A member of Mr Lamy's staff	
Mr SPENCE	Deputy Chef de cabinet to Ms Schreyer	Items 1 to 13

The following also sat in

Mr MARENCO	Deputy Director-General, Legal Service	
Mr MANSERVISI	Chef de cabinet to the President	
Mr FAULL	Commission Spokesman	
Mr DE LECEA	A member of the President's staff	Items 13 and 14
Mr SMULDERS	A member of the President's staff	Item 13
Mr PIRZIO-BIROLI	Chef de cabinet to Mr Fischler	Item 14
Ms KIRCHNER	A member of Mr Fischler's staff	item 14
Mr HALL	Deputy Chef de cabinet to Mr Barnier	Item 14
Mr FONSECA	Deputy Chef de cabinet to Mr Vitorino	Item 13
Mr CARVOUNIS	Director in the Press and Communication DG	
Mr DE RYNCK	Spokesman	Item 14
Mr PONZANO	Director in the Secretariat-General	Item 13

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

1. AGENDAS

(OJ(2002)1569/3; SEC(2002)588/2)

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(2002)1569)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 27 May.

It took note of the initiatives taken by the Secretary-General to rationalise the planning of the Commission's work before the summer break.

3. APPROVAL OF SPECIAL MINUTES OF 1567th MEETING (14 May) AND MINUTES AND SPECIAL MINUTES OF 1568th MEETING (22 May)

(PV(2002)1567, Part II; PV(2002)1568; PV(2002)1568, Part II to /2)

A) *SPECIAL MINUTES OF 1567TH MEETING (14 MAY)*

(PV(2002)1567, Part II)

The Commission approved the special minutes of its 1567th meeting as set out in PV(2002)1567, Part II.

B) MINUTES AND SPECIAL MINUTES OF 1568TH MEETING (22 MAY)
(PV(2002)1568; PV(2002)1568, Part II and /2)

The Commission approved the minutes and special minutes of its 1568th meeting as set out in PV(2002)1568 and PV(2002)1568, Part II.

4. PARLIAMENT

4.1. PARLIAMENTARY AFFAIRS GROUP
(SP(2002)1691)

The Commission took note of the record of the meeting of the Parliamentary Affairs Group held on Thursday 23 May.

It paid particular attention to the following:

a) Interinstitutional relations

(point 1 of the record)

Codecision procedure Art. 251 - state of play

Technical characteristics of two- or three-wheel vehicles, 00/0136 (COD)
(responsible: Mr LIIKANEN)

As regards its statement on its right of initiative in relation to the joint text on this matter, the Commission noted that Mr LIIKANEN had written to the Presidents of Parliament and the Council to ask that it be published in the L series of the Official Journal, and decided that in any event it would publish the statement itself (see PV(2002)1566).

Similarly, the Commission decided that its statement on the joint text on the dossier on environmental noise, 00/0194 (COD) (responsible:

Ms WALLSTRÖM) would also be published in the L series of the Official Journal, as would any other statement of that kind that the Commission might make.

Distance marketing of financial services, 98/0245 (COD) (responsible: Mr BYRNE)

The Commission decided to extend the empowerment already granted (PV(2002)1566) to include acceptance of two compromise amendments passed in plenary, so as to avoid a conciliation procedure.

b) Preparations for May II part-session

(point 2 of the record)

The Commission, in accordance with the rules in force, authorised the Members responsible, in agreement with the PRESIDENT, Ms de PALACIO and any other Members associated, to take a position on Parliament's amendments to its proposals.

It paid particular attention to the following:

2nd reading

- CAPPATO report, Processing of personal data and protection of privacy,
COM(2000)385 - 00/0189 (COD)

The Commission adopted the line set out in SP(2002)1438/2, which, if a compromise could not be reached between Parliament and the Council on the basis of the Presidency proposals, would mean the rejection of some amendments.

- KORHOLA report, Public access to environmental information,
COM(2000)402 - 00/0169 (COD)

The Commission adopted the line set out in SP(2002)1613 involving the rejection of some amendments.

Empowerment

Under Article 13 of its Rules of Procedure the Commission empowered Mr LIIKANEN and Ms WALLSTRÖM, in agreement with the PRESIDENT, the Member responsible for relations with Parliament and any other Members associated, to adopt its opinion on the amendments, together with any amended proposals, on the basis of the line set out in SP(2002)1438/2 and SP(2002)1613, once Parliament had given its opinion, and transmit them to the Council in accordance with Article 251(2)(c) of the Treaty for the following:

- CAPPATO report, Processing of personal data and protection of privacy,
COM(2000)385 - 00/0189 (COD)
- KORHOLA report, Public access to environmental information,
COM(2000)402 - 00/0169 (COD)

c) Action taken on Parliament's opinions and resolutions

(point 5 of the record)

The Commission adopted the replies to own-initiative resolutions adopted by Parliament to which the Commission had undertaken to reply (SP(2002)1618), for transmission to Parliament.

5. PERMANENT REPRESENTATIVES COMMITTEE
(SI(2002)590 and /2)

COUNCIL AFFAIRS GROUP (CAG)
(SI(2002)590/2)

The Commission took note of the record of the meeting of the Council Affairs Group held on Friday 24 May (SI(2002)590/2).

It paid particular attention to the following:

a) European cooperative society

The Commission decided to take note of the Council's wish to change the legal basis, without either opposing or agreeing to this.

b) State aid for the coal industry

The Commission was informed of progress in the Council on the various options relating to the gradual reduction in state aid for the coal industry, and noted that a large majority of the Council favoured option b. It asked its representatives to continue to seek a compromise that could muster a qualified majority in the Council while complying with the principles of a gradual reduction. It noted that Ms de PALACIO would inform the Commission of developments in this matter before the Council meeting (Industry and Energy) on 6 and 7 June.

c) Lugano II Convention: effect on the Brussels I Regulation

The Commission decided to continue to defend the need for a Community agreement, while showing a degree of flexibility as regards the negotiating method, and to opt for the possibility of reserving all its rights, including that

of consulting the Court of Justice, if the principle of a Community agreement were not maintained.

d) Agreement associating Switzerland in the implementation of the Schengen *acquis*

The Commission decided to continue negotiations in the Council by insisting on the negotiation of two separate agreements, on the basis of the arguments expounded in the Legal Service's note annexed to the record of the CAG meeting. Should the Council nevertheless tend to favour a mixed 1st/3rd-pillar agreement, the Commission instructed its representatives to reserve its position, and agreed to consider the advisability of referring the question to the Court of Justice.

6. WRITTEN PROCEDURES AND EMPOWERMENT

6.1. WRITTEN PROCEDURES APPROVED
(SEC(2002)589 to /4)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted by written procedure between 21 and 24 May.

6.2. SENSITIVE WRITTEN PROCEDURES
(SEC(2002)590)

The Commission took note of the following written procedures initiated between 21 and 24 May for the adoption of decisions with political implications:

Time limit: 28.05.2002

E/2002/898 - COM(2002)258 DG EMPL

Annual Commission report on equal opportunities for women and men in the European Union (2001).

E/2002/922 - COM(2002)261 DG JAI

Commission report on the biannual update of the scoreboard to review progress on the creation of an area of freedom, security and justice in the European Union (first half of 2002).

Time limit: 29.05.2002

E/2002/879 - COM(2002)269 DG RELEX

Proposal for a Council Regulation concerning certain restrictive measures in respect of Liberia.

Time limit: 30.05.2002

E/2002/917 - COM(2002)260 DG JAI

Commission report on the application of Council Directive 94/80/EC on the right to vote and to stand as a candidate in municipal elections.

E/2002/920 - C(2002)1970 SG

Report for the year 2001 on Green Housekeeping activities in the administration of the Commission.

6.3. *EMPOWERMENT*

(SEC(2002)591 to /4)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the empowerment procedure between 21 and 24 May.

6.4. *DELEGATION AND SUBDELEGATION OF POWERS*

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation procedure between 21 and 24 May, as archived on the "Greffé 2000" (Registry) website.

6.5. *DELEGATION OF POWERS IN THE FIELDS OF ENERGY AND TRANSPORT* ***(SEC(2002)583)***

Subject to the following clarifications, the Commission decided to grant the empowerment and/or delegation of powers in SEC(2002)583:

Point 2.1.4. Investment projects under Article 41 of the Euratom Treaty

Besides the checks of form and substance to be carried out by the Secretariat-General and the Legal Service in accordance with the rules in force, the Commission decided, under the authority of the PRESIDENT, to take particular account of the political sensitivity of certain dossiers, especially in the field of nuclear energy.

It also decided to add the Enlargement DG to the list of associated departments.

Point 2.2.5. Re-export to non-member countries of nuclear substances under the Euratom/United States cooperation agreement

The Commission decided to add the Trade DG to the list of associated departments.

Point 3.2.2.2. Decisions to be adopted concerning the distribution (or redistribution) of eco-points

The Commission decided to add the Enlargement DG to the list of associated departments.

7. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2002)592/3)

ADMINISTRATIVE MATTERS
(PERS(2002)87/3)

7.1. APPOINTMENTS

DG INFSO.A - A2 post of Director

The Commission had before it applications under Article 29(1)(a) of the Staff Regulations for the A2 post of Director of Directorate A (Communications Services: Policy and Regulatory Framework) in the Information Society DG (PERS(2001)291).

The Commission took note of the opinions of the Consultative Committee on Appointments of 28 February and 25 April 2001 (PERS(2001)291/2 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 LIIKANEN, it then decided to appoint Mr Bernd LANGEHEINE to the post.

This decision would take effect from a date to be fixed later.

DG INFSO.R - A2 post of Director

The Commission had before it applications under Article 29(1)(a) of the Staff Regulations for the A2 post of Director of Directorate R (Integrated Management of Resources and Horizontal Questions) in the Information Society DG (PERS(2001)165, /2, /3, /5 and /7).

The Commission took note of the opinions of the Consultative Committee on Appointments of 24 July and 16 October 2001 (PERS(2002)165/4 and /6).

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 LIIKANEN, the Commission decided to appoint Mr Bernard LIBERTALIS to the post.

This decision would take effect from 1 June.

**7.2. DG BUDG - PUBLICATION OF THE POST OF COMMISSION
ACCOUNTING OFFICER AND THE POST OF DIRECTOR OF
DIRECTORATE BUDG.C AND DEPUTISING FOR THE POST OF
ACCOUNTING OFFICER**

Following its decision of 22 May (PV(2002)1568, Part II, item 8.3), on a proposal from Mr KINNOCK, in agreement with the PRESIDENT and Ms SCHREYER, the Commission:

- authorised the publication of the post of Director of Directorate BUDG.C and Commission Accounting Officer under Articles 29(1)(a) and 29(1)(c) of the Staff Regulations (PERS(2002)88);

- asked Mr Philippe TAVERNE, A2 official and Director of Directorate BUDG.D, to stand in as Commission Accounting Officer until the post was definitively filled.

These decisions would take effect immediately.

**8. NEW TYPE OF OFFICES FOR MANAGING SUPPORT AND ADMINISTRATIVE TASKS AT THE EUROPEAN COMMISSION
(COM(2002)264 to /3; SEC(2002)607)**

**9. NEW STRUCTURES FOR MANAGING ADMINISTRATIVE TASKS CURRENTLY UNDERTAKEN BY DG ADMIN
(SEC(2002)618 and /2; SEC(2002)607)**

The Commission approved both the communications before it, viz.:

- a communication relating to the general context and principles of the establishment of a new type of Office (COM(2002)264/3);
- a communication on the initial practical implementation of these principles, intended to serve as a basis for conciliation with the trade unions and staff associations over the coming months (SEC(2002)618/2).

It also decided to transmit COM(2002)264/3 to the other Community institutions and bodies (Council, Parliament, Court of Justice, Court of Auditors, Economic and Social Committee, Committee of the Regions).

It agreed to consider, by the autumn, the possibility of introducing a single Management Board for the three new Offices, and to maintain close contacts with

the other institutions in order to secure the desired results as regards the interinstitutional nature of the new Offices.

**10. eEUROPE 2005 - AN INFORMATION SOCIETY FOR ALL
(COM(2002)263 to /5; SEC(2002)598)**

After a short oral presentation by Mr LIIKANEN, the Commission approved the action plan in COM(2002)263/5 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.

11. OTHER BUSINESS

***COVER FOR RISKS RELATED TO WAR AND TERRORISM FOR THE
AVIATION INDUSTRY
(SEC(2002)617 and /2)***

The Commission took note of the information in Section 1 of SEC(2002)617 and /2 and, on this basis, approved the approach set out in Section 2.

12. ADMINISTRATIVE AND BUDGETARY MATTERS (continued from item 7)
(SEC(2002)592/3)

ADMINISTRATIVE MATTERS

(PERS(2002)87/3)

***PERFORMANCE OF TASKS OF COMMISSION ACCOUNTING OFFICER:
SPECIFIC CASE***

Following the decisions taken by the Commission on 22 May (PV(2002)1568, Part II, item 8.3), Mr KINNOCK reported on the measures taken in respect of Ms ANDREASEN (notification to the official concerned of the withdrawal of her title of Accounting Officer with effect from 24 May, and of the Commission's intention to redeploy her to other functions), and on the approaches by Ms SCHREYER to the Court of Auditors and Parliament's Committee on Budgetary Control on the handling of this affair.

The Commission noted that it would be kept informed of, and if necessary have referred to it, any measures Mr KINNOCK might take or propose in respect of Ms ANDREASEN.

13. WORK OF THE CONVENTION
(SEC(2002)616 and /2)

Mr BARNIER and Mr VITORINO reported on the discussions in the European Convention on 23 and 24 May (plenary session and meeting of the Presidium), and on those of the Parliament's enlarged Conference of Presidents, following the presentation by the PRESIDENT of the Commission communication on the future of the Union.

They also took stock of press reactions to the publication of the communication, and distributed in the meeting a press review on this subject for the period 18 to 24 May.

The Commission held an exchange of views on the lessons to be drawn from this initial experience, in particular on the timetable for the preparation and the content of the next communication, which should deal with institutional reform and should be an opportunity to rectify the image given by the media of a Commission seeking more powers without considering what improvements could be made to the institutional system.

The Commission decided that it needed to present this communication to the national authorities (government and parliament) in each Member State, the better to prepare its future contributions, and to pay special attention to the possible impact of these contributions on the campaign for the referendum in Ireland on the ratification of the Treaty of Nice.

14. REFORM OF THE COMMON FISHERIES POLICY

**(COM(2002)180 and /2; COM(2002)181 to /7; COM(2002)185 to /6;
COM(2002)186 and /2; COM(2002)187 and /2; (COM(2002)190 to /6;
SEC(2002)411 to /5)**

The PRESIDENT, in his introduction, noted that the reform of the common fisheries policy tabled by Mr FISCHLER was both important and unavoidable, in its various aspects: ensuring sustainable economic development for the fishing industry, preservation of the environment, and taking into account the social consequences through specific accompanying measures. He outlined the political points remaining open, as well as the options on the table, particularly as regards financing, the eligible measures, access to resources, governance and the social impact.

Mr FISCHLER reminded the meeting firstly that the process of preparing the proposal had been long and meticulous, involving a wide consultation process (Green Paper published in March 2001, followed by consultation of all interested parties).

He summarised the main objectives of the proposed reform and emphasised two key points in particular:

- the objective of sustainability in the fishing industry in the face of two major challenges - the exhaustion of certain fish stocks, and the overcapacity of existing Community fleets to exploit the available resources;
- the full application of the principles of sound governance, with the establishment of regional consultative councils to manage the fisheries policy so as to increase the involvement of industry players at regional and local level.

He reminded the meeting of the weaknesses in the application of the current policy (quota system that was difficult to control; policy of restructuring aid for fishing fleets that had led to the creation of excess capacity) and emphasised the need to return to a more coherent policy to guarantee the industry's economic viability.

As for the financial aspect, he noted that the financing of various measures - in particular via the new Community instrument for aid for the destruction of fishing vessels, and the accompanying socio-economic measures - would essentially require the reprogramming by the national authorities of amounts currently earmarked for the implementation of various Structural Funds (Financial Instrument for Fisheries Guidance and Structural Funds) and an additional amount of €32 million to be mobilised by means of the flexibility instrument in 2003.

He reminded the meeting that the date for implementation of the new policy (1 January 2003) would coincide with the expiry of the transitional measures in the 1985 and 1994 Accession Treaties for access to waters and resources and that, as

from that date, access to resources beyond the 12-mile zone would be in accordance with Council decisions applying the objectives of the CFP.

The Commission held an exchange of views on the main elements of the reform proposal and in particular:

- the financing of the proposed new measures;
- access to waters and resources;
- the impact of the reform on employment in the regions concerned;
- the abolition of modernisation aid;
- the specific problems of the outermost regions.

In the debate, Mr FISCHLER stated that it was for Member States themselves to reprogramme the amounts allocated under the Structural Funds, with a view to their mid-term review, and he agreed to clarify this point in the text of COM(2002)181/7.

Subject to this amendment, the Commission decided:

- to approve the communication on the reform of the common fisheries policy (*Roadmap*) in COM(2002)181/7;
- to approve the first series of measures for the reform of the common fisheries policy, viz. the proposals on the conservation and sustainable exploitation of fishery resources (COM(2002)185/6), the drawing-up of a Community emergency measure for the destruction of fishing vessels (COM(2002)190/6) and Community structural operations in the fisheries sector (COM(2002)187/2) as well as the communications defining action plans aimed at eradicating illicit, undeclared and unregulated fishing (COM(2002)180/2) and integrating environmental protection requirements into the common fisheries policy (COM(2002)186/2);

- to transmit these documents to the Council, Parliament, the Economic and Social Committee and the Committee of the Regions.

The Commission emphasised the importance of how this matter was to be presented to the general public; it should highlight its efforts to comply with the consultative process prior to the drafting of the reform proposals, reintroduce overall coherence in the common policy in the interests of the economic viability of the fishing industry, and take into account the social consequences of the proposed reform.

15. RELATIONS WITH NON-MEMBER COUNTRIES

15.1. RELATIONS WITH THE UNITED STATES: CONSEQUENCES OF MEASURES TAKEN BY THE UNITED STATES IN RELATION TO THE IMPORT OF STEEL PRODUCTS

The Commission took note of Mr LAMY's intention to put before the Commission, in the first place by accelerated written procedure during the current week, and then by oral procedure on 5 June, proposals concerning the suspension by the Community of trade concessions on imports of certain products from the United States (note of 27 May from Mr LAMY to the PRESIDENT, distributed during the meeting).

15.2. WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT (PREPARATORY MINISTERIAL CONFERENCE) (BALI, 24 MAY-7 JUNE) (SEC(2002)620)

Subject to the deletion of the third sentence of the fourth indent on page 2 ("However, the Commission should press Member States to agree that the increased funding which they pledged in Monterrey should be channelled as a

priority to WSSD initiatives"), the Commission approved the content of the communication in SEC(2002)620.

16. OTHER BUSINESS (continued from item 11)

ELECTION IN IRELAND

The Commission held an exchange of views on the results of the general election in Ireland and on preparations for the referendum to be held there in the autumn on ratification of the Treaty of Nice.

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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 1200 hours.