



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

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Brussels, 5 March 2003

MINUTES
of the 1602nd meeting of the Commission
held in Brussels
(Breydel)
on Wednesday 26 February 2003
(morning)

These minutes were approved by the Commission at its 1603rd meeting, held in Brussels on 5 March 2003.

They contain 24 pages.

CONTENTS

Attendance list	5-6
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1. AGENDAS (OJ(2003)1602/3; SEC(2003)192/2).....	7
2. WEEKLY MEETING OF CHEFS DE CABINET (SEC(2003)1602)	7
3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1601ST MEETING (19 FEBRUARY) (PV(2003)1601; PV(2003)1601, PART II).....	7
4. PARLIAMENT	7
<i>PARLIAMENTARY AFFAIRS GROUP (SP(2003)649)</i>	7
5. PERMANENT REPRESENTATIVES COMMITTEE (SI(2003)145 AND /2; SI(2003)164)	8
5.1. <i>PREPARATIONS FOR COUNCIL MEETING (ENVIRONMENT) OF 4 MARCH - MONITORING OF FORESTS AND ENVIRONMENTAL INTERACTIONS (FOREST FOCUS) (SI(2003)145 and /2)</i>	9
5.2. <i>DRAFT NEGOTIATING DIRECTIVES FOR AN AGREEMENT ON CIVIL LIABILITY FOR TRANSBOUNDARY DAMAGE CAUSED BY HAZARDOUS ACTIVITIES WITHIN THE SCOPE OF THE CONVENTION ON THE PROTECTION AND USE OF TRANSBOUNDARY WATERCOURSES AND INTERNATIONAL LAKES, AND THE CONVENTION ON THE TRANSBOUNDARY EFFECTS OF INDUSTRIAL ACCIDENTS (SI(2003)164)</i>	9
6. WRITTEN PROCEDURES AND EMPOWERMENT	10
6.1. <i>WRITTEN PROCEDURES APPROVED (SEC(2003)193 to /5)</i>	10
6.2. <i>SENSITIVE WRITTEN PROCEDURES (SEC(2003)194)</i>	10
6.3. <i>EMPOWERMENT (SEC(2003)195 to /5)</i>	11
6.4. <i>DELEGATION AND SUBDELEGATION OF POWERS</i>	11
7. ADMINISTRATIVE AND BUDGETARY MATTERS (SEC(2003)196/2	12

ADMINISTRATIVE MATTERS (PERS(2003)32)	12
7.1. DG AGRI - TEMPORARY OCCUPATION OF AN A1-LEVEL POST.....	12
7.2. DG BUDG - TEMPORARY OCCUPATION OF AN A2-LEVEL POST.....	12
8. PRELIMINARY DRAFT AMENDING BUDGET NO 1/2003 (SEC(2003)230 TO /4).....	13
9. RELATIONS BETWEEN THE COMMUNITY AND THIRD COUNTRIES IN THE FIELD OF AIR TRANSPORT (COM(2003)94 TO /4; SEC(2003)226 AND /2; SEC(2003)229)	13
10. UPDATE ON THE EC PROGRAMME FOR ACTION - ACCELERATED ACTION ON HIV/AIDS, MALARIA AND TUBERCULOSIS IN THE CONTEXT OF POVERTY REDUCTION - OUTSTANDING POLICY ISSUES AND FUTURE CHALLENGES (COM(2003)93 TO /3; SEC(2003)235)	14
11. NEGOTIATIONS RELATING TO THE ITER RESEARCH PROJECT ON NUCLEAR FUSION ENERGY (SEC(2003)247)	14
12. OTHER BUSINESS.....	15
13. WORK OF THE CONVENTION (SEC(2003)257)	15
14. ANNUAL POLICY STRATEGY FOR 2004 (COM(2003)83 TO /4; SEC(2003)202).....	16
15. PARLIAMENT (CONTINUED FROM ITEM 4)	18
DISCHARGE RELATING TO IMPLEMENTATION OF THE 2001 BUDGET.....	18
16. FINANCIAL PERSPECTIVE POST-2006 (SEC(2003)241 AND /2).....	19
17. COUNCIL MEETINGS	21

18. RELATIONS WITH NON-MEMBER COUNTRIES.....	22
18.1. <i>EU-UNITED STATES TRADE RELATIONS: FOREIGN SALES CORPORATIONS</i>	22
18.2. <i>VISIT BY Mr BOLKESTEIN TO WASHINGTON AND NEW YORK</i> <i>(20-26 FEBRUARY)</i>	22
19. OTHER BUSINESS (CONTINUED FROM ITEM 12).....	23

Single sitting: Wednesday 26 February (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 BOLKESTEIN		Except items 1 to 13
Mr BUSQUIN		
Mr SOLBES		
Mr NIELSON		
Mr VERHEUGEN		
Mr PATTEN		Except items 15 to 19
Mr LAMY		
Mr BYRNE		
Mr BARNIER		Except items 17 to 19
Ms REDING		
Ms SCHREYER		
Mr VITORINO		Except items 14 to 19
Ms DIAMANTOPOULOU		

Absent:

Ms de PALACIO	Vice-President
Ms WALLSTRÖM	

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	
Mr CARY	Chef de cabinet to Mr Patten	Items 15 to 19
Ms ROGER	Chef de cabinet to Mr Barnier	Items 17 to 19
Mr ARP	A member of Ms Wallström's staff	
Mr PIRAO	A member of Mr Vitorino's staff	Items 14 to 19

The following also sat in

Mr PETITE	Director-General, Legal Service	
Mr MANSERVISI	Chef de cabinet to the President	
Mr FAULL	Commission Spokesman	
Mr DE RYNCK	Spokesman	Item 13
Ms CORUGEDO STENEBOG	Press and Communication DG	
Mr DE LECEA	Adviser in the President's Office	
Mr GUSSETTI	A member of the President's staff	Item 14
Mr SMULDERS	A member of the President's staff	Item 17
Mr PLANAS	Chef de cabinet to Mr Solbes	
Mr LEHNER	Chef de cabinet to Ms Schreyer	
Mr ROMERO REQUENA	Director-General, Budget	Items 14 to 16
Mr MOAVERO MILANESI	Deputy Secretary-General	Item 13
Mr PONZANO	Secretariat-General	Item 13
Mr SERVOZ	Secretariat-General	
Ms CONTINO	Secretariat-General	
Mr BAUDRU	Secretariat-General	
Mr GIORDANI	Secretariat-General	Item 13

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

1. AGENDAS

(OJ(2003)1602/3; SEC(2003)192/2)

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(2003)1602)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 24 February.

**3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1601st MEETING
(19 February)**

(PV(2003)1601; PV(2003)1601, Part II)

The Commission approved the minutes of its 1601st meeting.

4. PARLIAMENT

PARLIAMENTARY AFFAIRS GROUP

(SP(2003)649)

The Commission took note of the record of the meeting of the Parliamentary Affairs Group held on 20 February.

It paid particular attention to the following:

a) **Interinstitutional relations**

(point 1 of the record)

**Annual Policy Strategy, implementation and preparation of the
Commission's legislative and work programmes**

On the timetable for approval of the Annual Policy Strategy 2004 and its presentation to Parliament, see item 14 of these minutes.

b) **Action taken on Parliament's opinions and resolutions**

(point 5 of the record)

- The Commission adopted SP(2003)610/2 on the action taken on Parliament's opinions and resolutions adopted at its January I and II part-sessions.
- The Commission adopted the replies to non-legislative opinions and own-initiative resolutions adopted by Parliament to which the Commission had undertaken to reply (SP(2003)611/2), for transmission to Parliament.

5. PERMANENT REPRESENTATIVES COMMITTEE

(SI(2003)145 and /2; SI(2003)164)

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:

**5.1. PREPARATIONS FOR COUNCIL MEETING (ENVIRONMENT) OF
4 MARCH - MONITORING OF FORESTS AND ENVIRONMENTAL
INTERACTIONS (FOREST FOCUS)
(SI(2003)145 and /2)**

Having taken note of developments in this matter in the Council bodies and of the related institutional difficulties, particularly as regards committee procedure, the Commission agreed to strive for a qualified majority in the Council for a common position in line with the criteria laid down in the 1999 committee procedure decision.

However, if the Council came out unanimously against this approach, the Commission empowered Ms WALLSTRÖM, in agreement with the PRESIDENT, to ask for the entry in the Council minutes of a statement contesting the formula chosen.

**5.2. DRAFT NEGOTIATING DIRECTIVES FOR AN AGREEMENT ON
CIVIL LIABILITY FOR TRANSBOUNDARY DAMAGE CAUSED BY
HAZARDOUS ACTIVITIES WITHIN THE SCOPE OF THE
CONVENTION ON THE PROTECTION AND USE OF
TRANSBOUNDARY WATERCOURSES AND INTERNATIONAL LAKES,
AND THE CONVENTION ON THE TRANSBOUNDARY EFFECTS OF
INDUSTRIAL ACCIDENTS
(SI(2003)164)**

In the light of the information available on the approach taken by the Council in this matter, the Commission approved the following draft statement:

"Given the shared responsibility conferred on the Community and its Member States by Article 175 of the EC Treaty and the proposal for a Directive on environmental liability, currently before the Council, the Commission can only mark its disagreement with the amendments made by the Council to the

negotiating directives it has proposed, as a result of which it is now authorised only to negotiate matters covered by exclusive Community competence. It considers that by doing this the Council is showing a lack of the loyal cooperation that should characterise interinstitutional relations in accordance with Article 10 of the Treaty. It reserves the right to take appropriate action in accordance with the provisions of the Treaty."

6. WRITTEN PROCEDURES AND EMPOWERMENT

6.1. WRITTEN PROCEDURES APPROVED

(SEC(2003)193 to /5)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 17 and 21 February.

6.2. SENSITIVE WRITTEN PROCEDURES

(SEC(2003)194)

The Commission took note of the following written procedures initiated between 17 and 21 February for the adoption of decisions with political implications:

Time limit: 25.02.2003

E/2003/246 - COM(2003)92

DG TREN

Proposal for a Parliament and Council Directive on ship-source pollution and on the introduction of sanctions, including criminal sanctions, for pollution offences.

Time limit: 26.02.2003

E/2003/250 - C(2003)618

DG TAXUD

Commission decision finding that the remission of import duties in a particular case is justified - request by the United Kingdom (REM 18/01).

The Commission noted that this decision did not prejudice any action that might be taken in this matter as regards the determination of certain responsibilities for failure to recover these duties.

Time limit: 27.02.2003

E/2003/255 - C(2003)625

DG FISH

Commission communication *Improving scientific and technical advice for Community fisheries management.*

6.3. EMPOWERMENT

(SEC(2003)195 to /5)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 17 and 21 February.

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 17 and 21 February, as archived on the "Grefte 2000" (Registry) website.

7. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2003)196/2)

ADMINISTRATIVE MATTERS

(PERS(2003)32)

7.1. DG AGRI - TEMPORARY OCCUPATION OF AN A1-LEVEL POST

The Commission, in agreement with the PRESIDENT and Mr FISCHLER, decided under Article 7(2) of the Staff Regulations that Mr Lars HOELGAARD, an A2 official, currently Director of Directorate D (Markets in livestock products, specialised crops and wine) should be deemed temporarily to have occupied the post of Deputy Director-General, Agriculture, from 17 July to 31 December 2002.

This decision would take effect immediately.

7.2. DG BUDG - TEMPORARY OCCUPATION OF AN A2-LEVEL POST

The Commission, in agreement with the PRESIDENT and Ms SCHREYER, decided under Article 7(2) of the Staff Regulations that Mr Jacques SANT'ANA CALAZANS, an A3 official, currently Head of Unit BUDG.A.3 (Internal policies), should be deemed temporarily to have occupied the post of Director of Directorate BUDG.A from 1 July 2002 to 31 January 2003.

This decision would take effect immediately.

**8. PRELIMINARY DRAFT AMENDING BUDGET No 1/2003
(SEC(2003)230 to /4)**

The Commission adopted preliminary draft amending budget No 1/2003 as set out in SEC(2003)230/4, for transmission to Parliament and the Council.

**9. RELATIONS BETWEEN THE COMMUNITY AND THIRD COUNTRIES IN
THE FIELD OF AIR TRANSPORT
(COM(2003)94 to /4; SEC(2003)226 and /2; SEC(2003)229)**

The Commission:

- approved the communication on relations with non-member countries in the field of air transport in COM(2003)94/4 and the proposal annexed thereto for a Regulation on the negotiation and implementation of air service agreements between Member States and third countries, for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions;
- approved the Commission statement also set out in COM(2003)94/4, for publication in the Official Journal;
- approved the Commission recommendation for a Council decision authorising the Commission to open negotiations with non-member countries on air carrier ownership and control and other issues within Community exclusive competence, as set out in SEC(2003)226 and /2, for transmission to the Council.

The Commission agreed that, in negotiations on future air transport agreements with non-member countries on the basis of the Community's horizontal negotiating

mandate, it was important for the Commission's representatives to further the Commission's political objectives as regards fuel taxation, and to seek to make progress in that direction wherever possible.

**10. UPDATE ON THE EC PROGRAMME FOR ACTION -
ACCELERATED ACTION ON HIV/AIDS, MALARIA AND
TUBERCULOSIS IN THE CONTEXT OF POVERTY REDUCTION -
OUTSTANDING POLICY ISSUES AND FUTURE CHALLENGES
(COM(2003)93 to /3; SEC(2003)235)**

The Commission approved the communication in COM(2003)93/3 for transmission to the Council and Parliament.

**11. NEGOTIATIONS RELATING TO THE ITER RESEARCH PROJECT ON
NUCLEAR FUSION ENERGY
(SEC(2003)247)**

The Commission took note of the information in SEC(2003)247, bearing in mind that this did not in any way prejudge the choice of the site for the ITER project.

12. OTHER BUSINESS

***MEETING OF FINANCE MINISTERS AND CENTRAL BANK GOVERNORS
OF THE G7/G8
(PARIS, 21-22 FEBRUARY)
(SEC(2003)263)***

The Commission took note of the information note, distributed during the meeting by Mr SOLBES and later as SEC(2003)263, on the meeting of G7/G8 finance ministers and central bank governors held in Paris on 21 and 22 February.

13. WORK OF THE CONVENTION

(SEC(2003)257)

To prepare for the debates to be held in the Presidium of the Convention on 26 February, and in plenary session of the Convention on 27 February, the Commission held a general discussion on taking the religious and spiritual dimension into account in the text of the future constitutional Treaty.

The PRESIDENT reminded the meeting that the Commission had already tackled this subject in various contributions (White Paper on European governance; report on the general principles and minimum standards for consultation; *Penelope* feasibility study and in particular Article 1 thereof).

Mr VITORINO referred to the summary note prepared by the "Future of the Union" task force (SEC(2003)257), giving a complete rundown of existing texts containing references to the religious and spiritual dimension (Charter of Fundamental Rights; declaration No 11 annexed to the final act of the Treaty of Amsterdam; White Paper on European governance) and various proposals emanating from the churches and religious organisations themselves and from certain members of the Convention.

On the basis of the conclusions of the working party he had chaired, the Presidium had proposed (Article 5 of the draft constitutional Treaty) that the Charter constitute an integral part of the Constitution.

He set out the specific questions raised within the Convention: explicit reference to God (*invocatio Dei*); reference to the Union's religious background and heritage; reference to the role of the churches and religious associations in governance; incorporation of declaration No 11 on the status of churches and non-confessional organisations as set out in the final act of the Treaty of Amsterdam.

Following an in-depth exchange of views, the PRESIDENT noted that, following this first general discussion, there was a consensus in favour of including in the draft Treaty concepts and wordings differing as little as possible from those already used in the Charter of Fundamental Rights and existing declarations. He also noted a wide consensus in favour of a reference in the preamble to the Constitution to all the heritages that the European peoples had in common.

14. ANNUAL POLICY STRATEGY FOR 2004 (COM(2003)83 to /4; SEC(2003)202)

The Commission held an initial exchange of views on the annual policy strategy for 2004, which constituted the first stage of the Commission's strategic planning round and pursued various objectives:

- setting the political priorities for 2004 on the basis of the conclusions of the general discussion in December;
- highlighting the most important initiatives contributing to the achievement of these priorities;

- deciding on the budgetary guidelines for the year concerned, considering the need to guarantee the resources necessary for the priority measures and also the resource requirements for current management and changes to major objectives within the limits of the financial perspective;
- providing guidelines for financial programming;
- identifying the proposals to be presented in 2004 for which an in-depth impact analysis should be carried out;
- contributing to the preparations for the EU's multiannual programming for 2004-06.

The PRESIDENT reminded the meeting of the three political priorities chosen for 2004: enlargement, stability and sustainable growth.

This was a political exercise setting the background for preparation of the preliminary draft budget for 2004, which would enshrine the results as regards allocation of resources.

If the allocation of resources outlined in the document appeared to certain Members to be insufficient to enable all the tasks currently programmed to be completed, this was an opportunity to lay down priorities and identify negative priorities.

The Commission held a round-table discussion on all the implications of the draft allocation of resources for the operation of departments, and particularly those whose workload would immediately be increased from 1 May 2004 following implementation of the existing body of Community law and practice in the new Member States.

It also examined in detail the progress made and the rationalisations carried through in implementing external assistance, as well as the improvements yet to be made in the implementation of aid for the African, Caribbean and Pacific countries (ACP).

Following this exchange of views, the PRESIDENT noted:

- that the political priorities for 2004 were approved;
- that the allocation of human and financial resources was in line with those priorities, and that further fine-tuning would still be possible as part of the preparations for the preliminary draft budget for 2004 (55 posts were being held in reserve at this stage);
- that the Commission must take advantage of the progress made in the management of external assistance, and draw up a specific policy strategy to speed up the payment of aid for the ACP countries, by structural means and by revising the procedures applicable to the European Development Fund (EDF);
- that the debate confirmed the need to identify negative priorities in various subject areas, so as to be able to devote the available resources to the priority tasks in an enlarged Community.

Comparative tables would be distributed to all Members enumerating the staff of the Directorates-General or departments in 1999 and in 2003.

While approving these conclusions, the Commission decided to hold over for its next meeting the formal adoption of the communication from the PRESIDENT, in agreement with Mr KINNOCK and Ms SCHREYER, in COM(2003)83/4.

15. PARLIAMENT (continued from item 4)

DISCHARGE RELATING TO IMPLEMENTATION OF THE 2001 BUDGET

The Commission resumed its discussions on this matter, begun on 19 February (PV(2003)1601, item 11).

Ms SCHREYER confirmed that the Commission must reply to the specific questions or suggestions presented by Mr CASACA, rapporteur, by Friday 28 February, on three individual dossiers (SAPARD, EUROGRAMME and the YOUTH programme).

She reminded the meeting of the various stages of the procedure:

- 4 March: tabling of amendments to Mr CASACA's draft report and resolution
- 7 March: consideration by the Council (Economic and Financial Affairs) of the draft Council recommendation on the discharge for 2001
- 10 March: meeting of Parliament's Committee on Budgetary Control: debate on the discharge
- 18 and 19 March: vote on the draft resolution within the Committee on Budgetary Control

Plenary session (7-10 April): debate and vote in Parliament.

The Commission confirmed the guideline agreed at its meeting of 19 February on the priority to be given to dealing with this matter and the urgency of providing Parliament with all the clarifications requested.

16. FINANCIAL PERSPECTIVE POST-2006

(SEC(2003)241 and /2)

The PRESIDENT, in agreement with Ms SCHREYER, tabled a communication on the methodology and timetable for preparation by the Commission of the financial perspective for the period after 2006.

An initial exchange of views on this matter had been held at a Commission seminar on 27 November.

As to the scope of and timetable for this exercise, he proposed to move forward in two stages: presentation of the draft policy, together with an assessment of the scale of the budgetary resources to be mobilised by the end of 2003 or the beginning of 2004 at the latest; presentation of the corresponding legislative proposals by mid-2004.

He also proposed that the draft policy focus on three main subjects: peace, liberty and solidarity.

As regards the organisation of the preparatory work, he proposed to set up:

- a coordination group (co-chaired by himself and Ms SCHREYER)
- and six working groups:

Working party on peace (Chair: Mr LAMY)

Working party on freedom and European citizenship (Chair: Mr BYRNE)

Working party on freedom and sustainable prosperity (Chair: Mr MONTI)

Working party on solidarity (Chair: Mr BARNIER)

Working party on administration (Chair: Mr KINNOCK)

Working party on resources (Chair: Ms SCHREYER)

Each group would organise its own work, and would be provided with administrative assistance by the Secretariat-General and, if necessary, by the Budget DG.

He also proposed that a Director-General undertake the technical coordination of the results of the work of the working groups, and proposed to designate Mr Eneko LANDABURU, Director-General, Enlargement, for this task *ad personam*.

The Commission held an exchange of views on the merits of and justifications for the proposed organisation and timetable.

Following this exchange of views, the Commission approved the guidelines and proposals in SEC(2003)241/2, as complemented by these minutes.

It decided to launch the work of the working groups immediately, to call for a monthly progress report to the Commission from April onwards, and to hold a new seminar on the post-2006 financial perspective in July (the exact date to be fixed at the meeting on 5 March).

17. COUNCIL MEETINGS

COMPETITIVENESS

(BRUSSELS, 3 MARCH)

With a view to the Council meeting (Competitiveness) scheduled for 3 March, Mr BOLKESTEIN reported on the guideline for the work in Parliament on the proposal for a Directive relating to takeover bids, and in particular on the proposal by Parliament's rapporteur, Mr Klaus-Heiner LEHNE, to eliminate, as a defensive measure, the exercise of multiple voting rights, which would enable a shareholder to keep control of a company, even with a minority shareholding.

The Commission took note of this information and agreed to enter this item on the agenda for a future meeting before taking an official position on this matter.

18. RELATIONS WITH NON-MEMBER COUNTRIES

18.1. EU-UNITED STATES TRADE RELATIONS: FOREIGN SALES CORPORATIONS

Mr LAMY reminded the meeting that the "Foreign Sales Corporations" preferential tax scheme, granted by the United States to US companies for their export sales, had been condemned by the WTO in 2002, following a complaint by the European Union, and that at the same time the WTO had authorised the EU to impose customs sanctions of up to USD 4 billion on imports from the United States.

He reported on progress in drawing up, in consultation with the Member States and the professional circles concerned, the list of products that could be surtaxed on import.

This list was about to be transmitted to the Council before being officially sent to the WTO.

This process went in parallel with ongoing contacts between the Community and the US administration, in the hope of bringing the US tax legislation into conformity with WTO rules.

The Commission took note of this information.

18.2. VISIT BY Mr BOLKESTEIN TO WASHINGTON AND NEW YORK (20-26 FEBRUARY)

Mr BOLKESTEIN reported on his talks with representatives of the US administration on various subjects, including the exchange of information for the taxation of savings income, and the container security initiative.

He would circulate an information note on the outcome of these talks.

19. OTHER BUSINESS (continued from item 12)

CAMPAIGN AGAINST THE CAIRO CONSENSUS
(SEC(2003)235)

Mr NIELSON presented an information note on the campaign waged by various anti-abortion organisations in the United States and Europe against the results of the UN Conference on population and development held in Cairo in 1994, known as the Cairo consensus.

The Cairo consensus, approved by 179 countries and intended to promote the free choice of maternity and to ensure the safety of abortion where it was authorised by law, had been an essential step in the process of the liberation of women.

The Cairo consensus was now being made the subject of a revisionist campaign which, by means of biased presentations, accused reproductive health programmes of encouraging abortion as a method of family planning. The Commission itself had become a target in this campaign, and needed to organise a response.

He suggested that Members use the information note in SEC(2003)235 as a briefing paper if necessary.

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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 1300 hours.