



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

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Brussels, 13 March 2003

MINUTES
of the 1604th meeting of the Commission
held in Strasbourg
(Winston Churchill Building)
on Tuesday 11 March 2003
(afternoon)

These minutes were approved by the Commission at its 1605th meeting, held in Brussels on 19 March 2003.

They contain 24 pages.

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Single sitting: Tuesday 11 March (afternoon)

The sitting opened at 1400 hours with Mr Prodi, President, in the chair.

Present:

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

Absent:

Mr BUSQUIN
Mr NIELSON

The following sat in to represent absent Members of the Commission

Ms RUSSO

A member of Mr Busquin's staff

Mr MØRCH A member of Mr Nielson's staff

The following also sat in

Mr PETITE Director-General, Legal Service

Mr MANSERVISI Chef de cabinet to the President

Mr FAULL Commission Spokesman

Mr KEMPPINEN Spokesman

Ms UDWIN Spokesman

Mr SCHINAS Deputy Chef de cabinet to Ms de Palacio

Mr BEKX Deputy Chef de Cabinet to Mr Solbes

Mr POWER	Chef de cabinet to Mr Patten	Items 11 and 12
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Mr CHRISTENSEN A member of Mr Vitorino's staff

[illegible]

Mr PHILLIPS Enterprise DG Item 10

Mr DURVY Enterprise DG Item 10

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

At the opening of the sitting, the PRESIDENT announced that on 15 March Mr Jonathan FAULL would cease to be Commission Spokesman and Director-General, Press and communication, in order to take up the post of Director-General, Justice and Home Affairs, on 16 March.

On behalf of the whole Commission, he thanked Mr FAULL for his invaluable assistance to the Commission in communicating its initiatives to the media.

He welcomed Mr Reijo KEMPPINEN, who would be taking over as Commission Spokesman on 16 March.

1. AGENDAS

(OJ(2003)1604/3; SEC(2003)266/2)

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)1604)

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

3. APPROVAL OF MINUTES

3.1. *SPECIAL MINUTES OF 1602nd MEETING (26 February)* *(PV(2003)1602, Part II)*

The Commission approved the special minutes of its 1602nd meeting.

3.2. *MINUTES AND SPECIAL MINUTES OF 1603rd MEETING (5 March)* *(PV(2003)1603 and /2; PV(2003)1603, Part II to /3)*

The Commission approved the minutes of its 1603rd meeting.

4. PARLIAMENT

The Commission took note of the record of the meeting of the Parliamentary Affairs Group held on 7 March.

It paid particular attention to the following:

a) Interinstitutional relations

(point 1 of the record)

Codecision procedure - Article 251 EC

COLLINS report, Civil aviation,
00/0343 (COD)

The Commission adopted the line set out in SP(2003)858 with a view to a speedy conclusion of this matter.

b) Preparations for March I and II part-sessions

(point 2 of the record)

Specific points to consider: March I

The Commission, in accordance with the rules in force, authorised the Commission 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

KARAS report, Occupational retirement pension institutions,
COM(2000)507, 00/0260 (COD)

The Commission adopted the line set out in SP(2003)778/2, involving acceptance of the package of compromise amendments (25 to 37) tabled for the plenary session.

Empowerment

Under Article 13 of its Rules of Procedure the Commission empowered Mr BOLKESTEIN, in agreement with the PRESIDENT, Ms de PALACIO 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(2003)778/2, 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:

KARAS report, Occupational retirement pension institutions,
COM(2000)507, 00/0260 (COD)

Given the urgency of the matter, the Commission, under Article 13 of its Rules of Procedure, empowered Mr LIIKANEN, in agreement with the PRESIDENT, Ms de PALACIO and any other Members associated, to adopt an amended proposal on the basis of the line set out in SP(2003)836, once Parliament had given its opinion, and transmit it to the Council in accordance with Article 250(2) of the Treaty, for the following.

NEWTON DUNN report, Multiannual action plan on safer use of the internet, COM(2002)152-2, 02/0071 (COD)

c) Action taken on Parliament's opinions and resolutions

(point 5 of the record)

The Commission adopted the replies to own-initiative and non-legislative resolutions adopted by Parliament to which the Commission had undertaken to reply (SP(2003)708), for transmission to Parliament.

The Commission adopted SP(2003)857 on the action taken on Parliament's opinions and resolutions adopted at its February part-session.

d) Other matters

(point 8 of the record)

Interinstitutional agreement on the quality of legislation

The Commission took note of the text agreed by the negotiators for Parliament, the Council and the Commission, as set out in SP(2003)895. This would be considered by the Presidents of the three institutions at their meeting on 19 March, and final agreement should be possible before the end of the Greek Council Presidency.

The Commission congratulated the departments concerned on the results already secured on a large number of points in this complex matter.

5. PERMANENT REPRESENTATIVES COMMITTEE
(SI(2003)235)

The Commission took note of the record of the meeting of the Council Affairs Group held on Friday 7 March.

6. WRITTEN PROCEDURES AND EMPOWERMENT

6.1. WRITTEN PROCEDURES APPROVED
(SEC(2003)267 to /5)

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

6.2. SENSITIVE WRITTEN PROCEDURES
(SEC(2003)268)

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

Time limit: 10.03.2003

E/2003/279 - C(2003)690

Health and Consumer Protection DG

Commission decision on the approval of the draft work plan for 2003 under the Community action programme in the field of public health (2003-08), and the rules, criteria and procedures for the selection and funding of actions under the public health programme

Time limit: 11.03.2003

E/2003/234 - COM(2003)85 Development DG

REOPENING

Commission communication *Climate change in the context of development cooperation*

Time limit: 12.03.2003

E/2003/240 - COM(2003)110 Regional Policy DG

Commission communication *Further indicative guidelines for the candidate countries*

Time limit: 14.03.2003

E/2003/362 - COM(2003)117 Health and Consumer Protection DG

Proposal for a Parliament and Council Regulation on maximum residue levels of pesticides in products of plant and animal origin

6.3. EMPOWERMENT

(SEC(2003)107) 269 to /5)

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

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 3 and 7 March, as archived on the "Grefte 2000" (Registry) website.

7. PARLIAMENT (continued from item 4)

COMMITTEE ON BUDGETARY CONTROL

(Strasbourg, 10 March)

Mr KINNOCK and Ms SCHREYER reported on the discussions of Parliament's Committee on Budgetary Control at its meeting of 10 March on a dossier connected with the reform of the Commission's accounting system and the exercise of the function of accounting officer by the previous holder of that post at the Commission, following the publication of an internal note in the press.

The Commission held an exchange of views on all the implications of this new factor, and confirmed its consistent policy of keeping the Committee fully informed, in line with the provisions agreed for the discharge procedure.

It asked the Secretary-General, in agreement with the Members concerned and the Legal Service, to decide on the practical arrangements for making the requested document available.

8. WORK OF THE CONVENTION

(SEC(2003)272/3)

Mr BARNIER and Mr VITORINO reported on discussions in the Convention (additional plenary session of 5 March and meeting of the Presidium on 6 and 7 March).

On the discussions in the plenary session, Mr BARNIER referred Members to the detailed record drawn up by the task force on the future of the Union and institutional matters (SEC(2003)272/3), which outlined the discussions held on Articles 1 to 16 of the draft constitutional Treaty.

Following these discussions on the proposed amendments to these draft articles, the Presidium would meet again as a drafting committee to produce amended texts.

As for the work of the Presidium, Mr BARNIER reported that the Secretariat had produced drafts of three financial articles (own resources; budgetary principles; budgetary procedure) and these would be tabled at the next plenary session, accompanied by comments reflecting the debates in the Presidium. Two think-tanks had been set up in this area: one on own resources, chaired by Mr MENDES DE VIGO, and the other on budgetary procedure, chaired by Mr CHRISTOPHERSEN.

Mr VITORINO gave a rundown of the Presidium's debates on the draft Treaty articles relating to justice and home affairs, and on how to deal with the provisions of the present Euratom Treaty.

Nearly all the amendments he had presented to the draft articles on justice and home affairs had been adopted.

The Commission held an exchange of views on the various options for incorporating the provisions of the Euratom Treaty into the new legal and institutional order, given the affirmation in the future constitutional Treaty of the principle of a single legal personality for the European Union.

The Commission noted its previous request for a legal analysis of the procedure for ratifying trade agreements and compliance with Parliament's powers in this area.

9. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2003)270)

OTHER MATTERS

NEGOTIATIONS ON THE REFORM OF THE STAFF REGULATIONS

(SEC(2003)308)

Mr KINNOCK reported on the negotiations in Council bodies on the proposal for revision of the Staff Regulations.

He gave an update on the various aspects of the proposed reform which, since they were relatively technical, had already been agreed, as well as on more strategic subjects which still had to be discussed in detail.

He reminded the meeting of the undertakings the Commission had given its staff as regards the conduct of these negotiations, and its determination to defend the acquired rights and legitimate expectations of staff currently in post, particularly in the field of pensions.

Within the limits of compliance with these principles, and in the light of the positions taken by various Member States, both in Coreper and in bilateral contacts in the various capitals, it appeared to be possible to draw up a comprehensive "mini-package" on the main points still under discussion.

Following an exchange of views, the Commission empowered Mr KINNOCK, in agreement with the PRESIDENT, to explore the possibility of drawing up a comprehensive compromise on the main points still outstanding, for the Council meeting (General affairs and external relations) on 18 March.

On a proposal from Mr KINNOCK, the Commission decided that the exercise of this empowerment at the Council meeting on 18 March was subject:

- to the maintenance of the principle of acquired rights and legitimate expectations of staff currently in post with respect to the pension scheme;
- to the achievement of sufficient progress in Coreper at its meetings of 12 and 13 March.

**10. INNOVATION POLICY: UPDATING THE UNION'S APPROACH IN THE
CONTEXT OF THE LISBON STRATEGY
(COM(2003)112 to /4; SEC(2003)300)**

Mr LIIKANEN tabled a communication on innovation policy as the third pillar of the strategy to strengthen the competitiveness of companies, already announced with the adoption on 11 December 2002 of a communication on industrial policy in an enlarged Europe, and on 21 January 2003 of a Green Paper on entrepreneurship.

While research played an important role in innovation, there were also many other forms of innovation (technological, organisational, presentational), and the purpose of this communication was:

- to describe various routes to innovation;
- to analyse the effects of the conception of an innovation policy;
- to develop structures for aid to innovation.

The communication presented a summary of the main measures to be implemented by the Member States or the Commission, or by means of cooperation between the Member States and the Commission.

The Commission approved the communication in COM(2003)112/4 for transmission to the Council, Parliament, the Economic and Social Committee and the Committee of the Regions.

11. WIDER EUROPE - NEIGHBOURHOOD: A NEW FRAMEWORK FOR RELATIONS WITH OUR EASTERN AND SOUTHERN NEIGHBOURS (COM(2003)104 to /4; SEC(2003)275)

The PRESIDENT and Mr PATTEN tabled a communication on the effects of the forthcoming enlargement on the EU's political and economic relations with the countries that would become its new neighbours by land or sea.

The debate on an initiative in favour of an enlarged Europe had been launched by the Council (General affairs) in November 2002, and the Copenhagen European Council on 12 and 13 December had agreed to develop relations with the neighbouring countries on the basis of common values so as to promote stability and prosperity within and beyond the new borders.

Reference was also made to the PRESIDENT's speech on this subject on 6 December.

The purpose of the communication was:

- to consider how to strengthen the framework for the Union's relations with those neighbouring countries that currently had no prospect of EU membership;
- to offer these countries new prospects for economic integration in return for concrete progress demonstrating shared values and effective implementation of political, economic and institutional reforms, including aligning legislation with the existing body of Community law and practice.

The Commission welcomed this initiative and congratulated the PRESIDENT and Mr PATTEN on the quality of the analyses in the document.

It held an in-depth exchange of views on the various aspects of the communication and particularly on:

- the distinction to be made between the new policy towards neighbouring countries and the prospects for accession of the new neighbours, the latter not being included in this policy in the medium term;
- taking account of demographic parameters concerning the new neighbouring countries;
- the financial resources to be mobilised, the relationship between a possible "new neighbours instrument" and existing funds, and the effects of this initiative on the establishment of the new financial perspective;
- the need to get the ten acceding countries to share this new approach and the importance of monitoring carefully the Council's consideration of this communication.

Following this exchange of views, the Commission adopted two amendments to the text box on page 6 of the communication:

- The third item was amended to read:

"In some cases, the issue of prospective membership has already been resolved. Accession has been ruled out for example for the **non-European** Mediterranean partners. But other cases remain open, such as those European countries who have clearly expressed their wish to join the EU."
- The fifth item was amended to read:

"The aim of the new Neighbourhood policy is therefore to provide a framework for the development of a new relationship which would not, in the medium term, **include a perspective of membership** or a role in the Union's institutions" (remainder unchanged).

Subject to these amendments and a final revision of the text, the Commission approved the communication in COM(2003)104/4 for transmission to the Council and Parliament.

**12. EUROPEAN DEFENCE - INDUSTRIAL AND MARKET ISSUES: TOWARDS AN EU DEFENCE EQUIPMENT POLICY
(COM(2003)113 to /4; SEC(2003)306)**

Mr PATTEN tabled a communication on European defence.

The previous communication on the situation of the European defence industry had been adopted by the Commission on 4 December 1997. Parliament, in a resolution of 10 April 2002, had considered that the restructuring and rationalisation efforts by the European defence industry should be supported by public bodies, and had called on the Commission to update its 1997 action plan.

Since then, the development of a European armaments policy and the need to adapt the Community framework (scope of Article 296 of the EC Treaty) had been discussed in various political bodies (defence group of the Convention on the future of Europe; Franco-German declaration of 22 January; Franco-British declaration of 4 February; meeting between Mr PRODI and Mr SIMITIS on 10 January).

The main objectives of the communication were:

- to renew and update the ideas contained in the 1997 Commission communication;

- to increase the autonomy of the European security and defence policy by strengthening the capacity and competitiveness of the European defence industry.

Following a brief exchange of views, the Commission adopted several amendments to COM(2003)113/4 as regards the launch of preparatory actions in the field of research:

- On page 5, the last sentence of the last indent of the summary was amended as follows:

"In this respect, the Commission intends to launch a pilot project".

- On page 19, the first sentence of the third paragraph (fourth paragraph of item 3.2.) was amended as follows:

"To prepare for the implementation of this advanced research agenda, the Commission intends to launch a preparatory project..... " (remainder unchanged).

- On page 22, the seventh point of section 5 "Conclusion" was amended to read:

"to launch a preparatory action in the field of advanced research" (remainder unchanged).

Subject to these amendments, the Commission approved the communication in COM(2003)113/4 for transmission to the Council, Parliament, the Economic and Social Committee and the Committee of the Regions.

The Commission noted that, under section 3.1.5 of the communication *Spending better in defence procurement*, it was planned:

- to issue an interpretative communication before the end of 2003 on the implications of the Court of Justice judgments of recent years on the public procurement rules for defence equipment in Europe;

- at the same time, to draw up a Green Paper, to be published in 2004.

The Commission recognised that additional resources might be needed to carry out these tasks, and agreed that this item should be considered in the preparation of the preliminary draft budget for 2004, to be adopted by the Commission in April 2003. In the meantime, any immediate needs would be covered by internal redeployment.

13. COUNCIL MEETINGS

(SI(2003)234)

13.1. ENVIRONMENT

(BRUSSELS, 4 MARCH)

(SI(2003)205 and /2; SEC(2003)315)

The Commission took note of the record of the Council meeting produced by the Secretariat-General (SI(2003)205 and /2) and of the information note distributed by Ms WALLSTRÖM (SEC(2003)315) on the discussions on genetically modified organisms.

13.2. EMPLOYMENT, SOCIAL POLICY, HEALTH AND CONSUMERS

(BRUSSELS, 6 MARCH)

(SI(2003)215 and /2)

The Commission took note of the record of the Council meeting produced by the Secretariat-General.

Ms DIAMANTOPOULOU reported on the exchange of views on the proposal from certain Heads of State or Government to set up a task force on employment by the end of 2003.

The Commission took note of this information.

14. RELATIONS WITH NON-MEMBER COUNTRIES

VISIT BY THE TROIKA TO MOSCOW (5 MARCH)

Ms WALLSTRÖM reported on her talks with the Russian Energy Minister, Mr Igor YUSUFOV, and representatives of the Duma, concerning in particular the ratification of the Kyoto protocol, during the visit to Moscow by the European Troika.

The Kyoto protocol had been ratified by 106 countries, and Russia was now in a key position as regards effective implementation of the protocol.

She suggested, for this purpose, proposing that the European Council write to Mr PUTIN drawing his attention to the importance and urgency of ratification by Russia.

The Commission approved this proposal.

15. OTHER BUSINESS

15.1. GALILEO: INAUGURATION OF THE JOINT UNDERTAKING

Ms de PALACIO reported on the delay in setting up the Joint Undertaking for the GALILEO project, following the problems experienced by the European Space Agency in making available its share of €550 million.

The Commission, for its part, had decided to commit the Community funds available for 2001 and 2002 (€240 million out of the €550 million earmarked for 2001-05). There were also timetable constraints: the Joint Undertaking

was to finance the construction of a satellite that would use the frequencies allocated in 2000 and to conclude by June 2004 a contract with an operator to be responsible for the deployment of the system and the commercial implementation of the project.

Ms de PALACIO therefore proposed to press ahead with the procedures for creating the structures for the Joint Undertaking. After the designation in April 2002 of the Commission's representative on the Administrative Board of the Joint Undertaking (Mr G. RAVASIO), its Director should now be appointed (decision of the Administrative Board on a Commission proposal).

Following the selection process for candidates for this post, the selection committee chaired by Mr E. DAVIGNON, on which the European Space Agency was represented, had chosen Mr GORDILLO, who was clearly superior to the other candidates by virtue of his experience and knowledge in the field in question. This candidate would therefore be proposed to the Administrative Board.

The Commission took note of this information and expressed its support for all the initiatives taken by Ms de PALACIO to bring about the speedy establishment of the Joint Undertaking and the success of the GALILEO project.

15.2. COURT OF FIRST INSTANCE JUDGMENT - WESTDEUTSCHE LANDESBANK

Mr MONTI referred to the judgment given by the Court of First Instance on 6 March, annulling the Commission decision to the effect that the transfer of the Wohnungsbauförderungsanstalt (WFA, a public body owned by the *Land* of North Rhine-Westphalia) to the public banking institution Westdeutsche Landesbank (WESTLB) constituted illicit state aid.

Although the judgment invalidated the Commission decision on grounds of inadequate justification, it also confirmed some important principles in the treatment of state aid, particularly the fact that the asset transfers from which WESTLB had benefited did indeed constitute state aid.

He would shortly be proposing a new decision which would incorporate the justification required by the Court.

**15.3. MONITORING THE IMPLEMENTATION OF COMMITMENTS MADE
BY THE ACCEDING COUNTRIES IN THE NEGOTIATIONS: MAIN
FINDINGS AND FOLLOW-UP
(SEC(2003)278)**

Mr VERHEUGEN referred to the information note distributed to all Members on the results of the monitoring process put in place regarding compliance with the commitments made by the candidate countries during the accession negotiations.

This summary note was the outcome of a large amount of upstream work, and gave a satisfactory assessment overall. In the subject areas still causing some concern, early warning letters had already been sent to the countries concerned, and had provoked reactions on the part of some of them.

He reminded the meeting of the principle that, by the time of accession, the existing body of Community law and practice must have been transposed into national legislation, and that certain bilateral agreements with non-member countries that were incompatible with Community law must be renegotiated before accession.

The next stage in this monitoring exercise would be in May 2003.

The Commission took note of this information.

15.4. MALTA: REFERENDUM ON ACCESSION

Mr VERHEUGEN gave his analysis of the results of the referendum in Malta on accession to the European Union.

15.5. SITUATION IN CYPRUS

Mr VERHEUGEN reported on the breakdown of negotiations under the aegis of the United Nations for the reunification of Cyprus before EU accession.

The Commission took note of this information.

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

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The meeting closed at 1730 hours.