



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2003)1606 final

Brussels, 27 March 2003

DRAFT MINUTES

of the 1606th meeting of the Commission

held in Brussels

(Breydel)

on Wednesday 26 March 2003

(morning)

These minutes were approved by the Commission at its 1607th meeting, held in Brussels on 2nd April 2003.

They contain 24 pages.

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Single sitting: Wednesday 26 March (morning)

The sitting opened at 0915 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 BUSQUIN	
Mr SOLBES	
Mr NIELSON	
Mr VERHEUGEN	
Mr PATTEN	
Mr LAMY	
Mr BARNIER	
Ms REDING	
Ms SCHREYER	
Ms WALLSTRÖM	
Mr VITORINO	
Ms DIAMANTOPOULOU	

Absent:

Mr BYRNE

The following sat in to represent absent Members of the Commission

Mr POWER Chef de cabinet to Mr Byrne

The following also sat in

Mr PETITE	Director-General, Legal Service	
Mr MANSERVISI	Chef de cabinet to the President	
Mr KEMPPINEN	Commission Spokesman	
Mr DE LECEA	Adviser in the President's Office	
Mr DE RYNCK	Spokesman	Item 11
Mr THOMAS	Spokesman	
Mr KREUZHUBER	Spokesman	
Ms HOUTMAN	Deputy Chef de cabinet to the President	Item 15
Mr SMULDERS	A member of the President's staff	Item 11
Mr TODD	Spokesman	Item 15
Ms UDWIN	Spokesman	
Ms CORUGEDO STENEGER	Press and Communication DG	
Ms GONZALEZ LAYA	Press and Communication DG	
Ms OLIVI	A member of Mr Monti's staff	Item 11
Mr NØRLUND	Chef de cabinet to Mr Bolkestein	Items 1 to 15
Ms BURY	A member of Mr Bolkestein's staff	Item 15
Mr BEKX	Deputy Chef de Cabinet to Mr Solbes	Items 1 and 4
Mr DANIELSSON	Deputy Chef de cabinet to Mr Verheugen	
Ms ROGER	Chef de cabinet to Mr Barnier	
Mr ANNERBERG	Chef de cabinet to Ms Wallström	
Mr FONSECA	Deputy Chef de cabinet to Mr Vitorino	Item 11
Mr MOAVERO	Secretariat-General	
Ms BUGNOT	Secretariat-General	
Mr PONZANO	Secretariat-General	Item 11
Mr KERSTING	Secretariat-General	

Secretariat: Mr O'SULLIVAN, Secretary-General, until 1000 hours, then
Mr MOAVERO-MILANESI, Deputy Secretary-General, assisted by Mr. BISARRE, Director in
the Secretariat-General.

1. AGENDAS

(OJ(2003)1606/3; SEC(2003)324/2)

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)1606)

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

3. MINUTES AND SPECIAL MINUTES OF 1605th MEETING (19 March)

(PV(2003)1605 to /3; PV(2003)1605, Part II and /2)

The Commission approved the minutes of its 1605th meeting.

4. PARLIAMENT

PARLIAMENTARY AFFAIRS GROUP

(SP(2003)1010)

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

It paid particular attention to the following:

a) Preparations for March II to July part-sessions

(point 2 of the record)

Dossiers for March II part-session

- LANNOYE report, Restrictions on the marketing and use of nonylphenol, nonylphenol ethoxylate and cement

The Commission adopted the line set out in SP(2003)1036/2.

- CAUDRON report, Combating HIV/AIDS, malaria and tuberculosis in developing countries

The Commission adopted the line set out in SP(2003)1037.

- THEATO report, Criminal-law protection of the financial interests of the Community and establishment of a European prosecutor (Green Paper)

The Commission adopted the line set out in SP(2003)1038/2.

b) 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(2003)1011), for transmission to Parliament.

5. PERMANENT REPRESENTATIVES COMMITTEE

(SI(2003)352)

The Commission took note of the record of the meeting of the Council Affairs Group held on Friday 21 March.

It paid particular attention to the following:

- a) **Proposal for a Parliament and Council Regulation amending Regulation (EC) No 417/2002 on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers and repealing Council Regulation (EC) No 2978/94**

The Commission noted that the compromise that might be reached unanimously in the Council was in line with the initial proposal. However, in the absence of Parliament's opinion, it decided to reserve its position.

- b) **Proposal for a Parliament and Council Directive amending Directive 2001/25/EC on the minimum level of training of seafarers**

The Commission noted that the compromise that might be reached unanimously in the Council was in line with the initial proposal. However, in the absence of Parliament's opinion, it decided to reserve its position and to have entered in the Council minutes an explicit statement that, in the absence of adequate resources, it would be unable to take on the additional tasks that the Council intended to give it.

- c) **Proposal for a Parliament and Council Regulation establishing an ecopoint system applicable to heavy goods vehicles travelling through Austria for the year 2004**

The Commission empowered Ms de PALACIO, in agreement with the PRESIDENT, to accept the majority compromise agreed, in the form of a general guideline and in the absence of Parliament's opinion, at the Council meeting (Transport, Telecommunications, Energy) of 31 December 2002 and to confirm the statements made on that occasion by its representative.

d) Second railway package

In view of the need for the Council (Transport, Telecommunications, Energy) to take a decision on 27 and 28 March, the Commission empowered Ms de PALACIO, in agreement with the PRESIDENT, to accept any amendments to its initial proposals which, without affecting their substance, could facilitate majority agreement in the Council.

As regards the proposal for a Parliament and Council Regulation establishing a European railway agency, the Commission decided to have entered in the Council minutes the statement set out at Annex 2 of the record of the CAG meeting of Friday 21 March.

e) Proposal for a Parliament and Council Directive on the re-use and commercial exploitation of public sector documents

The Commission empowered Mr LIIKANEN, in agreement with the PRESIDENT, in the event of a decision in the Council by qualified majority, to accept a compromise as close as possible to its amended proposal, while taking due account of Parliament's position.

f) Council of Europe convention on personal relations concerning children

The Commission decided to accept the Presidency compromise proposal, accepting the first statement proposed by the Presidency concerning the exclusive competence of the Community on Articles 14 and 15 of the convention; this agreement would be accompanied by a second statement in which the Commission would regret that the Presidency compromise paved the way for individual instruments of Member States that might not be in line with the Community's and the Member States' duty to cooperate in the context of hybrid agreements.

g) Institutional matters: rules to be followed in the Council working groups

The Commission noted that the rule on referring back to Coreper any institutional or budgetary question likely to arise within the Council's working groups was general in scope. Departments should enter a reservation in respect of any amendment to Commission proposals in these fields, to be lifted only in Coreper.

6. WRITTEN PROCEDURES AND EMPOWERMENT

6.1. WRITTEN PROCEDURES APPROVED

(SEC(2003)107) 325 to /5)

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

6.2. SENSITIVE WRITTEN PROCEDURES

(SEC(2003)326)

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

Time limit: 24.03.2003

E/2003/410 - C(2003)834

Legal Service

Commission decision to take legal action against the Council for the review of the legality of Council framework decision 2003/80/JHA of 27 January 2003 on the protection of the environment through criminal law

Time limit: 25.03.2003

E/2003/299 - C(2003)697

EuropeAid Cooperation Office

REOPENING

Commission Decision approving rules and procedures applicable to service, supply and works contracts financed by the general budget of the European Communities for the purposes of cooperation with third countries

Time limit: 27.03.2003

E/2003/426 - C(2003)883

Research DG

Commission decision adopting guidelines on proposal evaluation (the model contract for independent expert included) and procedures for indirect RTD actions under the sixth framework programmes of the European Community (EC) and the European Atomic Energy Community (2002-06)

E/2003/461 - C(2003)927

Regional Policy DG

Commission working document *Ongoing and systematic policy dialogue with local-government associations*

6.3. EMPOWERMENT

(SEC(2003)327 to /4)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 17 and 21 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 17 and 21 March, as archived on the "Grefte 2000" (Registry) website.

7. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2003)328/2)

ADMINISTRATIVE MATTERS

(PERS(2003)45)

7.1. DG MARKT.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 (Administrative support and communication) in the Internal Market DG (PERS(2003)19).

The Commission took note of the opinions of the Consultative Committee on Appointments of 18 and 20 March (PERS(2003)19/2 and /3).

The Commission proceeded to compare the candidates' 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 BOLKESTEIN, it then decided to appoint Ms MINOR to the post.

This decision would take effect on 1 April.

7.2. RETIREMENT OF AN A2 OFFICIAL

The Commission accepted the request to be retired presented by Mr HANSEN, temporary A2 official, currently Director of Directorate E (Biotechnology, agriculture and food) in the Research DG. In accordance with Article 52 of the Staff Regulations, it decided that this would take effect on 1 May.

OTHER BUSINESS

7.3. *POWER OF ATTORNEY TO BE CONFERRED ON THE COUNCIL TO SIGN A CONTRACT CONCERNING THE CONSTRUCTION OF A BUILDING AND THE LONG-TERM LEASE OF THAT BUILDING* **(C(2003)1002)**

The Commission, under Articles 282 of the EC Treaty and 185 of the Treaty Euratom, decided to confer on the Council, in the person of its Deputy Secretary-General or any other person designated by him, power of attorney to sign a contract concerning the construction of a building on rue de la Loi and also the long-term lease, for and on behalf of the European Community.

8. *PROPOSAL FOR A DECISION RENEWING THE TERM OF OFFICE OF THE MEMBERS OF THE SUPERVISORY COMMITTEE OF THE EUROPEAN ANTI-FRAUD OFFICE (OLAF)* **(SEC(2003)360 and /2)**

The Commission:

- approved the decision to renew the term of office of the members of the Supervisory Committee of the European Anti-Fraud Office in SEC(2003)360/2;
- authorised Ms SCHREYER on behalf of the Commission to sign the decision with Parliament and the Council.

9. COUNCIL MEETINGS

(SI(2003)284)

TRANSPORT, TELECOMMUNICATIONS, ENERGY

(BRUSSELS, 27 AND 28 MARCH)

(COM(2003)164 and /2)

With a view to the Council meeting (Transport, telecommunications, energy) of 27 and 28 March, the Commission approved the communication on the consequences of the war in Iraq for energy and transport as set out in COM(2003)164 and /2, for transmission to the Council and Parliament.

10. PARLIAMENT (continued from item 4)

2001 DISCHARGE

Ms de PALACIO, Mr KINNOCK and Ms SCHREYER reported on the vote in the Committee on Budgetary Control on Monday 24 March in favour of granting discharge to the Commission for implementation of the 2001 Budget.

The Commission noted that the vote in plenary was scheduled for the April 2003 part-session and that, even in the event of a favourable vote, Parliament's draft resolution would contain certain requirements - particularly as regards certain contracts concluded by EUROSTAT.

The Commission decided to continue to assist Parliament in solving the problems in question and to clarify what action would be possible on any recommendations by Parliament.

11. WORK OF THE CONVENTION

(SEC(2003)401)

Mr BARNIER gave an update on the timetable for the work of the Convention up to the end of June 2003.

He also announced that on 24 March the secretariat of the Convention had distributed to members of the Presidium about twenty draft articles of the constitutional Treaty, with a view to their consideration by that body at its meeting on 27 March: these were articles on the democratic way of life, the Union and its immediate surroundings (policy towards neighbouring countries), and general and final provisions (right of withdrawal from the Union, entry into force of the Constitution and ratification process, exceptions/exemptions laid down in various Protocols).

The Commission held an initial exchange of views on the draft articles on the general and final provisions and agreed to continue its discussions on these drafts at its next meeting (2 April).

12. ADMINISTRATIVE AND BUDGETARY MATTERS (continued from item 7)

(SEC(2003)328/2)

ADMINISTRATIVE MATTERS

(PERS(2003)45)

12.1. DG PRESS - A1 POST OF DIRECTOR-GENERAL

The Commission had before it applications under Article 29(1)(a) of the Staff Regulations for the A1 post of Director-General, Press and Communication (PERS(2003)24/2).

The Commission took note of the opinions of the Consultative Committee on Appointments of 12 and 13 March (PERS(2003)24/3 and /4).

The Commission proceeded to compare the applicants' qualifications for the post. In this connection the PRESIDENT pointed out that, of the two candidates on the short list drawn up by the Consultative Committee on Appointments, Mr Jorge DE OLIVERIA E SOUSA was noteworthy for the variety and quality of his professional experience within the institution, including in financial control (former Financial Control DG) and the management of projects and programmes (AIDCO), before taking over the sensitive post of Director responsible for relations with the Council (and in particular with Coreper II).

The tasks of the new Director-General, Press and Communication, would include the important challenge of installing ten Commission representations in the new Member States.

In the light of this opinion, the Commission, on a proposal from Mr KINNOCK, in agreement with the PRESIDENT and Mr VITORINO, decided to appoint Mr DE OLIVEIRA E SOUSA to the post.

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

The Commission noted the special qualifications of Mr CARVOUNIS.

12.2. BERLAYMONT

Responding to rumours in the Belgian press concerning possible delay in the timetable for the final acceptance of the renovated Berlaymont building, Mr KINNOCK confirmed that there was no official information from the Belgian authorities to confirm these rumours.

He reminded the meeting that any delay would incur penalties for the contractor.

ADMINISTRATIVE MATTERS

12.3. REVISION OF THE FINANCIAL PERSPECTIVE COMPLEMENTARY TO THE ADJUSTMENT OF THE FINANCIAL PERSPECTIVE FOR ENLARGEMENT (SEC(2003)405)

The Commission resumed its discussions on this item, begun at its previous meeting (PV(2003)1605, item 11.2), on the problems created by the inclusion in the accession treaties of maximum amounts for commitment appropriations, set by the Copenhagen European Council (12-13 December 2002) to cover the expenditure made necessary by the accession of the new Member States for the period 2004-06.

A solution enabling Parliament's prerogatives to be preserved might be found at a meeting of the budget triologue on 27 March.

If such agreement were reached on 27 March, and in view of the urgency of this matter (assent of Parliament to be given at its plenary session of 7 to 10 April), the Commission empowered Ms SCHREYER, in agreement with the PRESIDENT, to present the budgetary authority with a suitable proposal for the revision of the financial perspective, in accordance with item 2 of SEC(2003)405.

**13. - PROPOSALS FOR COUNCIL DECISIONS ON THE PRINCIPLES,
PRIORITIES, INTERMEDIATE OBJECTIVES AND CONDITIONS
CONTAINED IN THE ACCESSION PARTNERSHIPS WITH BULGARIA,
ROMANIA AND TURKEY**

**(COM(2003)142 to /3; (COM(2003)143 to /4; (COM(2003)144 to /4;
SEC(2003)384)**

**- COMMISSION COMMUNICATION TO THE COUNCIL ON
STRENGTHENING THE PRE-ACCESSION STRATEGY FOR TURKEY**

Mr VERHEUGEN presented a revised version of the accession partnerships for Bulgaria, Romania and Turkey (three proposals for Council decisions), and a Commission communication on strengthening the pre-accession strategy for Turkey.

As regards Bulgaria and Romania, the adaptations proposed were in line with the conclusions of the regular reports for 2002 and the roadmaps adopted for these countries.

He reminded the meeting of the conclusions of the Copenhagen European Council (12 and 13 December 2002) that the European Union would open accession negotiations with Turkey without delay if in December 2004 the European Council decided, on the basis of a Commission report and recommendation, that Turkey satisfied the Copenhagen political criteria. There were some positive developments in the political situation in Turkey, but also uncertainties created by the breakdown of the Cyprus negotiations and the possible consequences of the Iraq crisis.

The strengthening of the pre-accession strategy for Turkey was accompanied by a substantial increase in the total aid covered by a specific Commission proposal to the budgetary authority dated 11 February (COM(2003)70 final).

The Commission held a brief exchange of views on the situation in Turkey, particularly in the context of the Iraq crisis, as well as on the progress achieved by Bulgaria and Romania.

Following this exchange of views, the Commission adopted the proposals for Council Decisions on the revision of the accession partnerships for Bulgaria, Romania and Turkey, and the communication on the strengthening of the pre-accession strategy for Turkey (COM(2003)142/3, COM(2003)143/4; COM(2003)144/4), for transmission to the Council and Parliament.

14. THE STABILISATION AND ASSOCIATION PROCESS FOR SOUTH-EAST EUROPE - SECOND ANNUAL REPORT

(COM(2003)139 to /5; SEC(2003)339; SEC(2003)340; SEC(2003)341; SEC(2003)342; SEC(2003)343 and /2; SEC(2003)380)

Mr PATTEN presented the second annual report on the stabilisation and association process for south-east Europe.

The report confirmed the Commission's commitment to supporting the various countries in their efforts to move closer to the European Union. However, there had been gaps and delays in the reform process in many sectors and in several countries, and the removal of the last obstacles to transition, development and European integration could not be achieved without a genuine political will and a commitment on the part of the countries themselves.

In the light of this presentation, the Commission adopted the communication in COM(2003)139/5 for transmission to Parliament and the Council.

With a view to the debates within the Convention on the common foreign and security policy, the Commission asked Mr PATTEN to draw up a report on the

Commission's role in the gradual establishment of the components of this foreign policy, particularly in former Yugoslavia since that country broke up.

**15. PROPOSAL FOR A DIRECTIVE ON THE HARMONISATION OF
TRANSPARENCY REQUIREMENTS WITH REGARD TO INFORMATION
ABOUT ISSUERS WHOSE SECURITIES ARE ADMITTED TO TRADING
ON A REGULATED MARKET AND AMENDING DIRECTIVE 2001/34/EC
(COM(2003)138 to /3; SEC(2003)358)**

Mr BOLKESTEIN presented a proposal for a Directive on the harmonisation of transparency requirements for issuers of transferable securities on regulated markets.

This was one of the last measures in the action plan on financial services launched in 1999 and its purpose was to harmonise the information to be published on a regular basis by companies quoted on regulated markets in transferable securities, complementing other previous proposals such as the Prospectus Directive (information to be supplied before quotation).

He outlined the key points of the proposal, which, apart from strengthening the existing annual and six-monthly public information requirements, introduced a new requirement for quarterly information in the form of financial data summarising turnover and operating results.

The principal objective of the proposal was to improve the protection and confidence of investors and to eliminate certain obstacles arising from disparities between Member States so as to improve the situation of investors in other Member States.

The Commission held an exchange of views on the advisability of requiring quarterly financial information containing "at least consolidated figures, presented in table form, indicating, for the relevant three-month period, net turnover and the profit or loss before or after deduction of tax" (Article 6(2)(a) of the draft Directive).

Following this exchange of views, the Commission adopted unchanged the proposal for a Directive in COM(2003)138/3 for transmission to Parliament, the Council and the Economic and Social Committee.

16. COUNCIL MEETINGS (continued from item 9)
(SI(2003)284)

TRANSPORT, TELECOMMUNICATIONS, ENERGY
(BRUSSELS, 27 AND 28 MARCH)

Ms de PALACIO reported on developments in the Council on the proposal for a Council Regulation introducing a system of ecopoints applicable to lorries transiting through Austria for 2004.

The Commission took note of this information.

17. RELATIONS WITH NON-MEMBER COUNTRIES

WTO NEGOTIATIONS ON SERVICES

Mr LAMY reported on the state of negotiations in the World Trade Organisation under the Doha agenda in the services sectors, and in particular on the part relating

to "mode IV", i.e. the supply of services accompanied by temporary movements of staff.

It was important not to disappoint the expectations of the developing countries on this matter and to reach a speedy consensus in the Council on a significant offer.

He would make a briefing paper available to all Members.

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 1145 hours.