



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2003)1614 final

Brussels, 11 June 2003

MINUTES
of the 1614th meeting of the Commission
held in Brussels
(Breydel)
on Tuesday 27 May 2003
(morning)

These minutes were approved by the Commission at its 1616th meeting, held in Brussels on 11 and 12 June 2003.

They contain 24 pages.

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Single sitting: Tuesday 27 May (morning)

The sitting opened at 0940 hours with Mr Prodi, President, in the chair.

Present:

Mr PRODI	President
Mr KINNOCK	Vice-President
Ms de PALACIO	Vice-President
Mr MONTI	
Mr LIIKANEN	
Mr SOLBES	
Mr BYRNE	
Mr BARNIER	
Ms SCHREYER	
Ms WALLSTRÖM	
Ms DIAMANTOPOULOU	

Absent:

Mr FISCHLER
Mr BOLKESTEIN
Mr BUSQUIN
Mr NIELSON
Mr VERHEUGEN
Mr PATTEN
Mr LAMY
Ms REDING
Mr VITORINO

The following sat in to represent absent Members of the Commission

Ms DORAN-SCHIRATTI	Deputy Chef de cabinet to Mr Fischler
Mr NØRLUND	Chef de cabinet to Mr Bolkestein
Mr PAQUET	Deputy Chef de cabinet to Mr Busquin
Ms JOHANSSON	A member of Mr Nielson's staff
Mr TEMPEL	Chef de cabinet to Mr Verheugen
Mr CARY	Chef de cabinet to Mr Patten
Mr THERY	Chef de cabinet to Mr Lamy
Ms HOFFMAN	Deputy Chef de cabinet to Ms Reding
Mr FONSECA	Deputy Chef de cabinet to Mr Vitorino

The following also sat in

Mr WAINWRIGHT	Principal Legal Adviser, Legal Service	
Mr MANSERVISI	Chef de cabinet to the President	
Mr DE OLIVEIRA E SOUSA	Director-General, Press and Communication	
Mr THOMAS	Deputy Commission spokesman	
Mr DE RYNCK	Spokesman	Item 20
Mr MAMER	Spokesman	Item 6
Ms WERNER	Spokesman	Item 7
Mr CARVOUNIS	Press and Communication DG	
Ms HOUTMAN	Deputy Chef de cabinet to the President	Item 20
Mr SMULDERS	A member of the President's staff	Item 20
Mr LUCHNER	Deputy Chef de cabinet to Mr Kinnock	
Mr CALLEJA	Chef de cabinet to Ms de Palacio	
Mr VAN HOOFF	Chef de cabinet to Mr Monti	
Mr SOUKUP	A member of Mr Monti's staff	Item 19
Mr COZIGOU	Deputy Chef de cabinet to Mr Liikanen	
Mr PLANAS	Chef de cabinet to Mr Solbes	Item 20
Ms JOHANSSON	A member of Mr Nielson's staff	
Ms GARZON	A member of Mr Lamy's staff	Item 20

Ms ROGER	Chef de cabinet to Mr Barnier	Item 20
Mr GLYNOS	Chef de cabinet to Ms Diamantopoulou	Item 17
Mr LEVI	GOPA	Item 20
Mr MOAVERO MILANESI	Deputy Secretary-General	
Mr PONZANO	Secretariat-General	Item 20

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

1. AGENDAS

(OJ(2003)1614/3; SEC(2003)606/2)

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)1614)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 26 May.

3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1613th MEETING

(21 May)

(PV(2003)1613; PV(2003)1613, Part II)

The Commission approved the minutes of its 1613th meeting.

4. MONITORING THE APPLICATION OF COMMUNITY LAW

4.1. STATE AID

(SEC(2003)583)

The Commission adopted the decisions in SEC(2003)583.

4.2. STATE AID - CASE POSTPONED

(C(2003)1325 to /7)

The Commission adopted the decision in C(2003)1325/7 relating to Case C 40/2000 - Spain - shipbuilding.

4.3. INFRINGEMENTS - URGENT OR POSTPONED CASES

(SEC(2003)613)

The Commission adopted the decisions in SEC(2003)613.

5. WRITTEN PROCEDURES AND EMPOWERMENT

5.1. WRITTEN PROCEDURES APPROVED

(SEC(2003)607 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 19 and 23 May.

5.2. SENSITIVE WRITTEN PROCEDURES

(SEC(2003)608)

The Commission took note of written procedures initiated between 19 and 23 May for the adoption of decisions with political implications

5.3. EMPOWERMENT

(SEC(2003)609 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 19 and 23 May.

5.4. *DELEGATION AND SUBDELEGATION OF POWERS*

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation procedure between 19 and 23 May, as archived on the "Greffé 2000" (Registry) website.

6. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2003)610/2)

ADMINISTRATIVE MATTERS

(PERS(2003)81/2)

INITIAL COMMUNICATION UNDER ARTICLE 50 OF THE STAFF REGULATIONS

The Commission decided to initiate the first stage of the procedure laid down in Article 50 of the Staff Regulations in respect of an A2 official.

7. AMENDING BUDGET 4/2003 - OWN RESOURCES

(SEC(2003)626 and /2)

The Commission approved preliminary draft amending budget No 4/2003 as set out in SEC(2003)626, for transmission to Parliament and the Council.

8. PROPOSALS FOR BASIC ACTS FOR GRANTS CURRENTLY COVERED BY THE COMMISSION'S ADMINISTRATIVE AUTONOMY (PART A OF THE BUDGET) OR ITS INSTITUTIONAL PREROGATIVES: GENERAL INTRODUCTION
(COM(2003)274 to /3; SEC(2003)611)

The Commission adopted the general introduction in COM(2003)274/3 for transmission to the Council and Parliament after legal revision of the text.

9. PROPOSAL FOR A PARLIAMENT AND COUNCIL DECISION ESTABLISHING A COMMUNITY ACTION PROGRAMME TO PROMOTE ACTIVITIES IN THE FIELD OF THE PROTECTION OF THE COMMUNITY'S FINANCIAL INTERESTS
(COM(2003)278 to /4; SEC(2003)611)

The Commission adopted the proposal for a decision establishing a Community action programme in the field of the protection of the Community's financial interests, as set out in COM(2003)278/4, for transmission to the Council, Parliament and the Court of Auditors after legal revision of the text.

10. PROPOSAL FOR A PARLIAMENT AND COUNCIL DECISION ESTABLISHING A COMMUNITY ACTION PROGRAMME TO PROMOTE BODIES ACTIVE AT EUROPEAN LEVEL IN THE FIELD OF YOUTH
(COM(2003)272 to /3; SEC(2003)611)

The Commission adopted the proposal for a decision establishing a Community action programme in the field of youth, as set out in COM(2003)272/3, for

transmission to the Council, Parliament, the Economic and Social Committee and the Committee of the Regions after legal revision of the text.

**11. PROPOSAL FOR A PARLIAMENT AND COUNCIL DECISION
ESTABLISHING A COMMUNITY ACTION PROGRAMME TO PROMOTE
BODIES ACTIVE AT EUROPEAN LEVEL AND SUPPORT SPECIFIC
ACTIVITIES IN THE FIELD OF EDUCATION AND TRAINING
(COM(2003)273 to /3; SEC(2003)611)**

The Commission adopted the proposal for a decision establishing a Community action programme in the field of education and training, as set out in COM(2003)273/3, for transmission to the Council, Parliament, the Economic and Social Committee and the Committee of the Regions after legal revision of the text.

**12. PROPOSAL FOR A COUNCIL DECISION ESTABLISHING A
COMMUNITY ACTION PROGRAMME TO PROMOTE ACTIVE
EUROPEAN CITIZENSHIP (*CIVIC PARTICIPATION*)
(COM(2003)276 to /3; SEC(2003)611)**

The Commission adopted the proposal for a decision establishing a Community action programme to promote active European citizenship as set out in COM(2003)276/3, for transmission to the Council and Parliament after legal revision of the text.

**13. PROPOSAL FOR A PARLIAMENT AND COUNCIL DECISION
ESTABLISHING A COMMUNITY ACTION PROGRAMME TO PROMOTE
BODIES ACTIVE AT EUROPEAN LEVEL IN THE FIELD OF CULTURE
(COM(2003)275 to /3; SEC(2003)611)**

The Commission adopted the proposal for a decision establishing a Community action programme in the field of culture as set out in COM(2003)275/3, for transmission to the Council, Parliament, the Economic and Social Committee and the Committee of the Regions after legal revision of the text.

**14. PROPOSAL FOR A PARLIAMENT AND COUNCIL DECISION
ESTABLISHING A COMMUNITY ACTION PROGRAMME TO PROMOTE
ORGANISATIONS ACTIVE AT EUROPEAN LEVEL IN THE FIELD OF
EQUALITY BETWEEN MEN AND WOMEN
(COM(2003)279 to /3; SEC(2003)611)**

The Commission adopted the proposal for a decision establishing a Community action programme in the field of equality between men and women, as set out in COM(2003)279/3, for transmission to the Council and Parliament after legal revision of the text.

**15. PROPOSAL FOR A COUNCIL DECISION ESTABLISHING A
COMMUNITY ACTION PROGRAMME FOR BODIES PROMOTING
RECIPROCAL UNDERSTANDING OF RELATIONS BETWEEN THE
EUROPEAN UNION AND CERTAIN NON-INDUSTRIALISED REGIONS
IN THE WORLD
(COM(2003)280 to /3; SEC(2003)611)**

The Commission adopted the proposal for a decision establishing a Community action programme to promote reciprocal understanding of relations between the European Union and certain non-industrialised regions in the world, as set out in COM(2003)280/3, for transmission to the Council and Parliament after legal revision of the text.

**16. SAPARD - ANNUAL FINANCING AGREEMENTS 2003
(C(2003)1729 and /2)**

The Commission:

- approved the model for the annual financing agreements 2003 annexed to C(2003)1729;
- authorised Mr FISCHLER, or in his absence any other Member, to sign on behalf of the Commission an annual financing agreement with each of the ten candidate countries, incorporating the relevant optional provisions as set out in the Annex. This authorisation covered the global budgetary commitment for the amounts in respect of the allocations for the ten countries as indicated in the table annexed to C(2003)1729/2;
- decided to allow any legal, linguistic or technical amendments that might be necessary in the draft agreements, subject to the prior agreement of the

PRESIDENT and the Commission Members responsible for agriculture and enlargement.

**17. STRENGTHENING THE SOCIAL DIMENSION OF THE LISBON
STRATEGY: STREAMLINING OPEN COORDINATION IN THE FIELD
OF SOCIAL PROTECTION
(COM(2003)261 to /8; SEC(2003)553 and /2)**

The Commission approved the communication in COM(2003)261/7 and /8 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.

**18. TOWARDS A THEMATIC STRATEGY ON THE PREVENTION AND
RECYCLING OF WASTE
(COM(2003)301 to /3; SEC(2003)637)**

The Commission approved the communication in COM(2003)301/3 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.

19. PARLIAMENT

PARLIAMENTARY AFFAIRS GROUP

(SP(2003)1867)

The Commission took note of the record of the meeting of the Parliamentary Affairs Group held on 22 May.

It paid particular attention to the following:

Preparations for June I part-session

(point 2 of the record)

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:

- TURMES report, Internal market in electricity,
COM(2001)125, 01/0077(COD)
- RAPKAY report, Internal market in natural gas,
COM(2001)125, 01/0077(COD)
- MOMBAUR report, Cross-border exchanges in electricity,
COM(2001)125, 01/0078(COD)

The Commission took note of SP(2003)1885 giving an update on the situation since the Commission's previous discussions on these items (PV(2003)1611, item 9).

Following an exchange of views on the scope of the proposed compromise, it agreed that Ms de PALACIO, in negotiations with Parliament and the Council, would press for a drafting amendment to the statement that the Commission was to make concerning the follow-up to the monitoring of nuclear decommissioning funds. The last sentence of the statement should read: *"It shall pay particular attention to ensuring the full application of the relevant provisions of Community law on these issues."*

- SJÖSTEDT report, Transboundary movement of GMOs,
COM(2002)85, 02/0046(COD)

The Commission adopted the line set out in SP(2003)1838/2, involving the rejection of certain amendments.

1st reading and simple consultation:

- LEINEN report, Statute and financing of European political parties,
COM(2003)77, 03/0039(COD)

The Commission adopted the line set out in SP(2003)1856/2 and authorised the PRESIDENT, in agreement with Ms de PALACIO and Ms SCHREYER, to continue contacts with the co-legislators with a view to agreement at first reading if possible, in accordance with the Commission's initial proposal.

- MALLIORI report, Smoke flavourings in foods,
COM(2002)400, 02/0263(COD)

The Commission adopted the line set out in SP(2003)1545/3.

Empowerment:

- SJÖSTEDT report, Transboundary movement of GMOs,
COM(2002)85, 02/0046(COD)

Under Article 13 of its Rules of Procedure the Commission empowered 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(2003)1838/2, once Parliament had given its opinion, and transmit it to the Council in accordance with Article 251(2)(c) of the Treaty, for the above item.

- SCHNELLHARDT report, Products of animal origin intended for human consumption,
COM(2000)438, 02/0182(COD)

Given the urgency of this matter, and with a view to the Council meeting (Agriculture and Fisheries) on 11 and 12 June, the Commission, under Article 13 of its Rules of Procedure, empowered Mr BYRNE, in agreement with the PRESIDENT, the Member responsible for relations with Parliament and any other Members associated, to adopt an amended proposal on the basis of the line set out in SP(2003)1824, once Parliament had given its opinion, and transmit it to the Council in accordance with Article 250(2) of the Treaty, for the above item.

Other matters

(point 8 of the record)

Commission opinion on the Statute for MEPs

The Commission agreed in principle to the text of the opinion on the Statute for MEPs as set out in SP(2003)1342/2. It noted that it would be required to approve

this opinion formally at its meeting on Tuesday 3 June in Strasbourg after the first vote in Parliament on the Statute. Following this formal approval, the opinion would be transmitted to Parliament, before the definitive adoption of the Statute in plenary, scheduled in principle for Wednesday 4 June.

Attendance of Commission Members at Question Time in 2003

The Commission adopted the rota for Question Time for 2003 as set out in SP(2003)1858, for transmission to Parliament.

20. WORK OF THE CONVENTION (SEC(2003)643)

Mr BARNIER reported on the latest meeting of the Presidium from 21 to 23 May. He gave an initial analysis of the comprehensive draft constitution that had emerged from these discussions. The draft would initially be discussed at the plenary session of the Convention on Friday 30 May and Saturday 31 May.

The Commission took note of this information and agreed to continue its discussions in the light of the outcome of the meetings of the Presidium and the Convention.

21. PERMANENT REPRESENTATIVES COMMITTEE (SI(2003)622)

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

It paid particular attention to the following:

Proposal for a Council regulation on the management of the fishing effort relating to certain Community fishing areas and resources and amending Regulation (EEC) 2847/93

(point 5 of the record)

The Commission authorised Mr FISCHLER to support the Presidency's discussion document in the political debate to be held at the Council meeting (Agriculture and Fisheries) on 26 and 27 May.

Proposal for a Parliament and Council Directive on temporary work

(point 6 of the record)

The Commission took note that, with a view to the Council meeting (Employment) on 2 and 3 June, its representatives in Coreper were authorised to adopt a flexible approach so as to arrive at a politically acceptable compromise, while keeping within the limits defined in the document annexed to the record of the CAG and preserving the effectiveness of the Directive, particularly its provision on the principle of equal treatment.

Review of pharmaceutical legislation

(point 7 of the record)

In order not to create any obstacle to an agreement by qualified majority at the Council meeting (Health) on 2 June and provided the other components of the compromise developed favourably, particularly on the scope of the centralised Community procedure for the authorisation of medicines and on data protection, the Commission authorised Mr LIIKANEN to adopt a flexible approach with regard to the composition of the Management Board, subject to the inclusion of the following statement in the Council minutes:

"The Commission points out that its proposal on the composition of the Management Board is in line with the specific requirements of the Agency and the

general framework criteria for agencies. However, given the importance of a speedy decision in this matter, the Commission is not opposed to the adoption of a Council common position on the basis of the Presidency compromise. However, the Commission reserves the right to return to this aspect of its proposal at second reading, particularly if Parliament adopts an amendment restoring the Commission's initial proposal".

**Italian request for a Council decision under Article 88(2) of the EC Treaty -
milk quotas**

(point 10 of the record)

The Commission authorised Mr BOLKESTEIN to indicate to the Council (Economic and Financial Affairs) that the Commission would be prepared to withdraw its action against the Council on the following conditions:

- Italy would step in for its milk producers and pay the supplementary levy corresponding to the overshoot of the total national quantity for the levy periods 1995-96 to 2001-02;
- the total amount of the levy would be credited to the EAGGF;
- Italy would pay into the Community budget the whole of the debt to be recovered plus interest;
- Italy would withdraw the cases pending before the Court of Justice in which it challenged certain requests by the Commission for payment of the supplementary levy.

22. COUNCIL MEETINGS

(SI(2003)632)

EU-RUSSIA SUMMIT

(ST PETERSBURG, 31 MAY)

The PRESIDENT referred to the preparations for the EU-Russia summit, where discussions were expected to focus on economic cooperation and the problem of visas.

Replying to Ms WALLSTRÖM concerning ratification of the Kyoto Protocol by Russia, he indicated that he would intervene to this effect. Ms de PALACIO confirmed that she intended to prepare appropriate documents for a forthcoming Commission discussion on questions of industrial strategy in connection with the Protocol.

23. OTHER BUSINESS

2003 BUDGET - RESOURCES

The Commission took note of the information supplied by Ms SCHREYER concerning the forecasts for various components of the budgetary resources in the 2003 financial year.

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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 1120 hours.