



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

**PV(2003)1629 final**

Brussels, 15 October 2003

**MINUTES**  
**of the 1629th meeting of the Commission**  
**held in Brussels**  
**(Breydel)**  
**on Wednesday 8 October 2003**  
**(morning)**

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These minutes were approved by the Commission at its 1630th meeting, held in Brussels on 15 October 2003.

They contain 20 pages.

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**Single sitting: Wednesday 8 October (morning)**

The sitting opened at 0930 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 BYRNE          |                |
| Mr BARNIER        |                |
| Ms REDING         |                |
| Ms SCHREYER       |                |
| Ms WALLSTRÖM      |                |
| Mr VITORINO       |                |
| Ms DIAMANTOPOULOU |                |

**The following also sat in**

|                        |                                           |                |
|------------------------|-------------------------------------------|----------------|
| Mr PETITE              | Director-General, Legal Service           |                |
| Mr MANSERVISI          | Chef de cabinet to the President          |                |
| Mr DE OLIVEIRA E SOUSA | Director-General, Press and Communication |                |
| Mr KEMPPINEN           | Commission Spokesman                      |                |
| Ms GONZALEZ LAYA       | Spokesman                                 |                |
| Ms HOUTMAN             | Deputy Chef de cabinet to the President   | Item 11        |
| Mr DE LECEA            | Adviser in the President's Office         | Items 8 and 13 |
| Mr SMULDERS            | A member of the President's staff         | Item 12        |
| Mr CALLEJA             | Chef de cabinet to Ms de Palacio          | Item 11        |
| Ms LOCATELLI           | A member of Mr Bolkestein's staff         | Item 11        |
| Mr MØRCH               | A member of Mr Nielson's staff            |                |
| Mr CARVOUNIS           | Press and Communication DG                |                |

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

**1. AGENDAS AND QUARTERLY ROLLING PROGRAMME**

**(OJ(2003)1629/3; SEC(2003)1068/2; SEC(2003)1053)**

The Commission took note of that day's agenda, the tentative agendas for future meetings, and the quarterly rolling programme of items to be entered on the agenda from 15 October to 16 December.

**2. WEEKLY MEETING OF CHEFS DE CABINET**

**(SEC(2003)1629)**

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 6 October.

**3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1628th MEETING**

**(1 October)**

**(PV(2003)1628; PV(2003)1628, Part II)**

The Commission held over approval of the minutes of its 1628th meeting until the following week.

#### **4. PERMANENT REPRESENTATIVES COMMITTEE**

##### ***COUNCIL AFFAIRS GROUP (CAG)***

***(SI(2003)1001 to /5)***

The Commission took note of the record of the Council Affairs Group meeting held on Friday 3 October.

It paid particular attention to the following:

- i) Proposal for a Council Regulation on the management of the fishing effort relating to certain Community fishing areas and resources and amending Regulation (EEC) No 2847/93 - Western waters**

The Commission noted the current state of play as set out at Annex 2 to the record. Since this item might go to a vote at the Council meeting on 13 October, it authorised Mr FISCHLER to support the Presidency compromise along the lines set out in the Annex.

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

Since the Council meeting (Transport) on 9 October would be holding only a general discussion, the Commission decided not to change its position. An assessment of the situation would be made after Parliament's first reading.

**iii) Proposal for a Parliament and Council Regulation concerning protection against subsidisation and unfair pricing practices in the supply of airline services from countries not members of the European Community**

Having taken note of the points involved, the Commission authorised Ms de PALACIO to take a position at the Council meeting (Transport) on 9 October along the lines set out in SI(2003)1001/5.

**iv) Proposal for a Parliament and Council Regulation on insurance requirements for air carriers and aircraft operators**

The Commission authorised Ms de PALACIO to take a position at the Council meeting (Transport) on 9 October along the lines set out in SI(2003)1001/2.

**v) Proposal for a Parliament and Council Regulation on enhancing ship and port facility security**

The Commission authorised Ms de PALACIO to take a position at the Council meeting (Transport) on 9 October along the lines set out in SI(2003)1001/3.

**vi) Proposal for a Council decision on the signing by the European Community of the Convention on International Interests in Mobile Equipment and its Protocol on matters specific to aircraft equipment, adopted jointly in Cape Town on 16 November 2001**

The Commission asked the departments concerned to continue discussions within the Council in accordance with the line set out at Annex 3 to the record.

**vii) Proposal for a Parliament and Council Directive on investment services and regulated markets and amending Council Directives 85/611/EEC and 93/6/EEC and Parliament and Council Directive 2000/12/EC**

The Commission took note of the stance taken by Mr BOLKESTEIN at the Council meeting (Economic and Financial Affairs) on 7 October along the lines set out in SI(2003)1001/5. Mr BOLKESTEIN would inform it of the results of the Council's discussions before the Council took a formal decision.

**5. WRITTEN PROCEDURES AND EMPOWERMENT**

**5.1. WRITTEN PROCEDURES APPROVED**

*(SEC(2003)1069 et seq.)*

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 29 September and 3 October.

**5.2. SENSITIVE WRITTEN PROCEDURES**

*(SEC(2003)1070)*

The Commission took note of written procedures initiated between 29 September and 3 October for the adoption of decisions with political implications.

**5.3. EMPOWERMENT**

*(SEC(2003)1071 et seq.)*

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 29 September and 3 October.

#### **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 29 September and 3 October, as archived on the "Grefte 2000" (Registry) website.

### **6. ADMINISTRATIVE AND BUDGETARY MATTERS**

**(SEC(2003)1072/2)**

#### **ADMINISTRATIVE MATTERS**

**(PERS(2003)132)**

##### **6.1. SG.B - A2 POST OF DIRECTOR**

**(PERS(2003)114 to /3)**

The Commission had before it applications under Article 29(1)(a) of the Staff Regulations for the A2 post of Director, Directorate B (Relations with civil society) in the Secretariat-General (PERS(2003)114).

The Commission took note of the opinions of the Consultative Committee on Appointments of 16 and 18 September (PERS(2003)114/2 and /3).

The Commission proceeded to compare the applicants' qualifications for the post. It also examined the reports on their ability, efficiency and conduct in the service. On a proposal from Mr KINNOCK, in agreement with the PRESIDENT, it then decided to appoint Mr Jens NYMAND CHRISTENSEN to the post.

This decision would take effect on 16 October.

**6.2. *DG PRESS - TEMPORARY OCCUPATION OF AN A2-LEVEL POST***

The Commission, on a proposal from Mr KINNOCK, in agreement with the PRESIDENT, decided under Article 7(2) of the Staff Regulations that Mr Alberto HASSON, an A3 official, currently Head of Unit PRESS/C/1 (Personnel and administration), should be deemed temporarily to have been occupying the post of Director, Directorate PRESS/C (Resources) since 1 November 2002 and until the new Director was appointed, subject to a maximum of twelve months.

This decision would take effect immediately.

**6.3. *MEASURES TO BE TAKEN IN THE CONTEXT OF THE STATE OF PLAY OF THE EUROSTAT TASK FORCE***

In view of the progress made by the Task Force, the Commission, on a proposal from Mr KINNOCK, in agreement with the PRESIDENT, Mr SOLBES and Ms SCHREYER, decided:

- to end the secondment to the Eurostat Task Force of Mr Peter ZANGL, who would fully resume his tasks as Deputy Director-General, Information Society;
- to suspend temporarily the secondment to the Eurostat Task Force of the ten persons listed in SEC(2003)891.

These decisions would take effect immediately.

**6.4. SCIC - NEW ORGANISATION CHART**  
**(C(2003)3601)**

On a proposal from Mr KINNOCK, in agreement with the PRESIDENT, the Commission approved the changes to the Joint Interpreting and Conference Service's organisation chart set out in C(2003)3601.

This decision would take effect on 16 October.

**7. COMMISSION RECOMMENDATION FOR A COUNCIL DECISION**  
**UNDER ARTICLE 104(8) OF THE TREATY**  
**(SEC(2003)1083 to /4; SEC(2003)1087)**

The Commission adopted the recommendation for a Council Decision in accordance with Article 104(8) of the EC Treaty, as set out in SEC(2003)1083/4, for transmission to the Council.

**8. STRUCTURAL INDICATORS**  
**(COM(2003)585 to /4; SEC(2003)1087)**

The Commission approved the communication in COM(2003)585/4 for transmission to Parliament and the Council.

**9. TOWARDS THE FULL INTEGRATION OF COOPERATION WITH ACP COUNTRIES IN THE EU BUDGET**  
**(COM(2003)590 to /3)**

The Commission approved the communication presented by Ms SCHREYER and Mr NIELSON in COM(2003)590/3, for transmission to Parliament and the Council.

The Commission noted that this communication on the budgetisation of the European Development Fund should be neutral as regards future Commission proposals for the next financial framework in that:

- the level of resources for the ACP countries should, at minimum, be maintained and be related to the trend of GNI in the EU;
- it should have no negative impact on other expenditure, internal or external;
- it should have no bearing on the conclusions on the Union's own resources ceiling.

**10. OTHER BUSINESS**

***EMPLOYMENT IN EUROPE - REPORT 2003***  
***(SEC(2003)1106)***

The Commission took note of the information note distributed by Ms DIAMANTOPOULOU.

## 11. PARLIAMENT

### 11.1. PARLIAMENTARY AFFAIRS GROUP

*(SP(2003)3275)*

The Commission took note of the record of the meeting of the Parliamentary Affairs Group held on 2 October (SP(2003)3275).

It paid particular attention to the following:

#### i) **Interinstitutional relations**

*Codecision procedure - Article 251 EC*

*(point 1.1 of the record)*

- FAVA report - Proposal for a Regulation laying down the framework for the creation of the Single European Sky -  
COM(2001)123 final /2, 01/0060(COD)

The Commission adopted the line set out in SP(2003)3237 with a view to a forthcoming meeting of the conciliation committee.

- SANDERS-TEN HOLTE report, Air navigation services, Organisation and use of the airspace in the single European sky, Interoperability of the European air traffic management network,  
COM(2001)564 final, 01/0235 (COD) 01/0236 (COD), 01/0237 (COD)

The Commission adopted the line set out in SP(2003)3260 with a view to a forthcoming meeting of the conciliation committee.

ii) **Preparations for October I part-session**

(point 2.1 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***

- MAES report - Safety of third countries' aircraft using Community airports -  
COM(2002)8 final, 02/0014(COD)

The Commission adopted the line set out in SP(2003)3272, involving the rejection of some amendments.

***1st reading and simple consultation***

- RACK report - Minimum safety requirements for tunnels in the trans-European road network -  
COM(2002)769 final, 02/0309(COD)

The Commission adopted the line set out in SP(2003)3263.

- DELLA VEDOVA report - Control of concentrations between undertakings -  
COM(2002)711 final, 02/0296(CNS)

The Commission adopted the line set out in SP(2003)3270.

iii) **Empowerment**

***2nd reading***

Under Article 13 of its Rules of Procedure the Commission empowered Ms de PALACIO, in agreement with the PRESIDENT 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)3272, once Parliament had given its opinion, and transmit it to the Council in accordance with Article 251(2)(c) of the Treaty, for the following:

- MAES report - Safety of third countries' aircraft using Community airports

**11.2. DATA ON AIR PASSENGERS**  
***(SEC(2003)1108)***

Further to its discussions on 2 September (PV(2003)1624, item 12), the Commission resumed consideration of this matter.

Mr BOLKESTEIN outlined the latest developments in Parliament, including the adoption of a draft resolution by the Committee on Citizens' Freedoms and Rights, and reported on discussions with the US authorities, whom he would be meeting in Washington shortly. Mr PATTEN confirmed

Mr BOLKESTEIN's assessment and endorsed his analysis of the constraints on the dossier and the various possible courses of action. Ms de PALACIO, in support of her information note, reported on the initiatives taken under her powers and on the limits of Regulation (EC) No 2299/89 on a code of conduct for computerised reservation systems, the application of which, in her opinion, would not be appropriate at this stage in this particular case, and which in any event did not cover all airline reservations.

The Commission took note of this information and held an exchange of views on the legal and institutional implications of the dossier. The discussion focused on:

- pressures on the timescale for dealing with this matter;
- the possibility of an *adequacy finding* with the US authorities by the end of the year under Article 25 of Directive 95/46/EC on the protection of individuals with regard to the processing of personal data, and the alternative scenarios that might be contemplated if adequate protection was not secured (particularly the possibility of negotiating a bilateral agreement with the United States);
- the position of the Member States and the various bodies of Parliament;
- the prospects for a single European approach concerning in particular the type of data involved and the purpose of their use as regards security;
- the need to reach multilateral international agreement on these questions in due course;
- the relationship between Directive 95/96/EC on data protection and Regulation (EEC) No 2299/89 on a code of conduct for computerised reservation systems (question of passengers' consent);
- the need to develop a European system to control the transfer of the data.

The Commission pointed to the highly political nature of this issue, quite aside from its technical aspects. Action would need to be taken jointly by several Commission Members: in particular, Mr BOLKESTEIN and Mr PATTEN as well as Ms de PALACIO and Mr VITORINO. It would shortly have to consider this issue again in the light of the results of Mr BOLKESTEIN's forthcoming visit to Washington and on the basis of

in-depth preparation by all the Members' Offices and departments concerned, including the Legal Service, in order to arrive at a comprehensive and coherent position.

## **12. INTERGOVERNMENTAL CONFERENCE**

### **(SEC(2003)1103 to /3)**

The PRESIDENT, Mr BARNIER and Mr VITORINO reported on the opening meeting of the Intergovernmental Conference in Rome on 4 October. At the morning sitting, at Head of State or Government level, there had been a positive atmosphere and a desire to show a constructive spirit, but it seemed there was still a risk that the Conference's deliberations might take longer than the timescale wished for by the Italian Presidency. The ministerial meeting in the afternoon had highlighted the various positions more clearly, with one group of delegations prepared to take as a basis the draft Constitution as it had emerged from the Convention, albeit with certain adjustments, and another group taking the view that the Convention had gone beyond its terms of reference. As to the substance, at this stage it seemed that the only consensus was for the elimination of the legislative Council. The question of the Presidency of the various Council bodies had brought forth a number of alternative scenarios, whose implications and details would have to be studied in greater depth.

Without prejudice to the growing support it was receiving on this point, the Commission agreed on the need speedily to make clear the real scope of its proposal concerning the composition of the Commission. Meanwhile, the Task Force, in its answer to the Italian Presidency's questionnaire, would clarify that the solution planned by the Commission was not intended to create an inner group of Commission Members.

### **13. COUNCIL MEETINGS**

**(SI(2003)998)**

#### ***ECONOMIC AND FINANCIAL AFFAIRS***

***(LUXEMBOURG, 7 OCTOBER)***

***(SI(2003)1025)***

Mr SOLBES reported on the Eurogroup meeting on 6 October, at which a wide-ranging debate had been held on France's budgetary position.

The Commission took note of this information and of Mr SOLBES's observations on the procedural action to be taken in response to the Council recommendation under Article 104(8) of the Treaty, adopted that day (see item 7 above).

### **14. OTHER BUSINESS (continued from item 10)**

#### ***BUDGETARY PROCEDURE 2004***

Ms SCHREYER reported on the state of negotiations with the budgetary authority concerning the posts requested by the Commission in the 2004 budget in connection with enlargement. At Parliament's first reading it had been decided that the 272 posts cut by the Council should be restored and held in reserve. The release of these posts was subject to various conditions which the Commission should try to get lifted.

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The meeting closed at 1120 hours.