



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

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Brussels, 5 November 2003

MINUTES
of the 1632nd meeting of the Commission
held in Brussels
(Breydel)
on Wednesday 29 October 2003
(morning)

These minutes were approved by the Commission at its 1633rd meeting, held in Brussels on 5 November 2000

They contain 23 pages.

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Single sitting: Wednesday 29 October (morning)

The sitting opened at 0845 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 BUSQUIN	
Mr SOLBES	
Mr VERHEUGEN	
Mr PATTEN	
Mr LAMY	
Mr BYRNE	
Mr BARNIER	
Ms REDING	
Ms SCHREYER	
Ms WALLSTRÖM	
Mr VITORINO	
Ms DIAMANTOPOULOU	

Absent:

Mr BOLKESTEIN
Mr NIELSON

The following sat in to represent absent Members of the Commission

Mr NØRLUND	Chef de cabinet to Mr Bolkestein
Mr HAMBURGER	Chef de cabinet to Mr Nielson

The following also sat in

Mr MARENCO	Deputy 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 CORUGEDO STENEBOG	Spokesman	
Ms GONZALEZ LAYA	Spokesman	
Mr HENIN	Spokesman	
Mr PETRUCCI	Spokesman	Item 17
Mr THOMAS	Spokesman	
Mr GUSSETTI	A member of the President's staff	
Mr SMULDERS	A member of the President's staff	Items 15 and 16
Mr SCHINAS	Deputy Chef de cabinet to Ms de Palacio	Items 14 and 16
Mr GARCIA PORRAS	A member of Ms de Palacio's staff	Items 14 and 16
Mr PEREZ MONTES	A member of Ms de Palacio's staff	Item 17
Mr COZIGOU	Deputy Chef de cabinet to Mr Liikanen	Items 11 and 17
Mr PLANAS	Chef de cabinet to Mr Solbes	Item 14
Mr MARTINEZ MONGAY	Adviser in Mr Solbes's Office	
Mr CURTIS	A member of Mr Nielson's staff	Item 13
Mr ANNERBERG	Chef de cabinet to Ms Wallström	Item 17
Mr GRÖNBERG	A member of Ms Wallström's staff	Item 17
Mr GALEROS	A member of Ms Diamantopoulou's staff	Item 18
Mr MINGASSON	Director-General, Enterprise	Item 17
Mr BURGE	Enterprise DG	Item 17
Mr SCHULTE-BRAUCKS	Enterprise DG	Items 11 and 17
Ms HENDRIX	Environment DG	Item 17

Mr WILLMOTT	Environment DG	Item 17
Mr BISARRE	Secretariat-General	Item 18
Mr SERVOZ	Secretariat-General	Item 18

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

1. AGENDAS

(OJ(2003)1632/3; SEC(2003)1163/2)

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)1632)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 27 October.

3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1631st MEETING

(21 October)

(PV(2003)1631 and /2; PV(2003)1631, Part II and /2)

The Commission approved the minutes of its 1631st meeting.

4. PARLIAMENT

4.1. OCTOBER II PART-SESSION

(SP(2003)3499)

The Commission took note of the information supplied relating to Parliament's part-session held in Strasbourg from 20 to 23 October.

**4.2. ACTION TO BE TAKEN ON PARLIAMENT'S OPINIONS
(SP(2003)3496)**

The Commission approved the empowerment decisions relating to action to be taken on the amendments presented by Parliament under the codecision and consultation procedures (SP(2003)3496).

5. MONITORING THE APPLICATION OF COMMUNITY LAW

**5.1. STATE AID - SPECIFIC CASES
(SEC(2003)1147; SEC(2003)1148/2)**

The Commission adopted the decisions in SEC(2003)1148/2.

**5.2. MULTISECTORAL FRAMEWORK FOR REGIONAL AID FOR LARGE
INVESTMENT PROJECTS
(C(2003)3905 to /3; SEC(2003)1147)**

The Commission approved the communicated presented by Mr MONTI in C(2003)3905/3. It empowered Mr MONTI, in agreement with the PRESIDENT, to open the formal examination procedure if the appropriate measures proposed were not accepted.

**5.3. STATE AID SCOREBOARD - AUTUMN 2003 UPDATE
(COM(2003)636 to /3; SEC(2003)1147)**

The Commission approved the communicated presented by Mr MONTI in COM(2003)636/3 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.

**5.4. INTERPRETATION BY THE COMMISSION OF COUNCIL
REGULATION (EC) NO 3577/92 APPLYING THE PRINCIPLE OF
FREEDOM TO PROVIDE SERVICES TO MARITIME TRANSPORT
WITHIN MEMBER STATES (MARITIME CABOTAGE)
(COM(2003)595 to /5; SEC(2003)1147)**

The Commission approved in principle the communication presented by Ms de PALACIO in COM(2003)595/5. It empowered Ms de PALACIO, in agreement with the PRESIDENT, to adopt the communication formally in all the official languages after legal revision, for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.

**5.5. COMMUNITY GUIDELINES ON STATE AID TO MARITIME
TRANSPORT
(C(2003)3574 to /6; SEC(2003)1147)**

The Commission approved in principle the communication presented by Ms de PALACIO in C(2003)3574/6. It empowered Ms de PALACIO, in agreement with the PRESIDENT, to adopt the communication formally in all the official languages after legal revision.

**5.6. INFRINGEMENTS - DOSSIERS POSTPONED BECAUSE OF
UNAVAILABILITY OF DOCUMENTS - REGULARISATION
(SEC(2003)1161)**

The Commission adopted the decisions in SEC(2003)1161.

6. WRITTEN PROCEDURES AND EMPOWERMENT

6.1. WRITTEN PROCEDURES APPROVED

(SEC(2003)1164 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 20 and 24 October.

6.2. SENSITIVE WRITTEN PROCEDURES

(SEC(2003)1165)

The Commission took note of written procedures initiated between 20 and 24 October for the adoption of decisions with political implications.

6.3. EMPOWERMENT

(SEC(2003)1166 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 20 and 24 October.

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 20 and 24 October, as archived on the "Grefte 2000" (Registry) website.

7. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2003)1167/2)

ADMINISTRATIVE MATTERS
(PERS(2003)138)

7.1. APPLICATION OF ARTICLE 50 OF THE STAFF REGULATIONS

The Commission continued its discussions on this matter, begun on 1 October (PV(2003)1628).

The Commission, on a proposal from Mr KINNOCK, in agreement with the PRESIDENT and Mr PATTEN, adopted the decision in PERS(2003)139 to apply the second stage of the procedure laid down in Article 50 of the Staff Regulations with respect to Mr Ove JUUL JOERGENSEN, an A2 official, currently Chief Adviser in the External Relations DG.

This decision would take effect on 1 December.

7.2. RETIREMENT OF AN A2 OFFICIAL

The Commission accepted the request to be retired presented by Mr Per Brix KNUDSEN, an A2 official, currently Director, Directorate A (Europe, Caucasus, Central Asia) in the EuropeAid Cooperation Office. In accordance with Article 52 of the Staff Regulations, it decided that this would take effect on 1 January 2004.

OTHER MATTERS

7.3. *EMPOWERMENT OF THE MEMBER RESPONSIBLE FOR ADMINISTRATIVE REFORM TO AMEND, ADOPT AND PRESENT TO THE COUNCIL THE 2003 PROPOSAL ADJUSTING REMUNERATIONS AND PENSIONS WITH EFFECT FROM 1 JANUARY 2004* **(SEC(2003)1185)**

The Commission agreed in principle to the proposal in SEC(2003)1185. It empowered Mr KINNOCK, in agreement with the PRESIDENT, to adopt the definitive text, amending the proposal if necessary to take account of any corrections by Eurostat, for transmission to the Council.

The Commission also asked departments, in particular the Budget DG, to make every effort to use the resources still available in 2003 (appropriations not used and margin in heading 5) to enable as a priority all the institutions to cover the impact of the correction for the period 1 July 2002 to 31 December 2003. If, after this decision, resources were still available under heading 5, they should be used by way of a priority to reduce the burden of administrative expenditure in 2004.

8. *LETTER OF AMENDMENT No 2 TO PRELIMINARY DRAFT BUDGET 2004* **(SEC(2003)1175 and /2)**

The Commission adopted letter of amendment No 2 to the preliminary draft budget for 2004 as set out in SEC(2003)1175, for transmission to Parliament and the Council.

**9. PRELIMINARY DRAFT AMENDING BUDGET No 7/2003 - GENERAL
STATEMENT OF REVENUE
(SEC(2003)1111 and /2)**

The Commission approved preliminary draft amending budget No 7/2003 as set out in SEC(2003)1111 and /2, for transmission to Parliament and the Council.

**10. PROPOSAL FOR A COUNCIL REGULATION AMENDING REGULATION
(EC) No 2501/2001 APPLYING A SCHEME OF GENERALISED TARIFF
PREFERENCES FOR THE PERIOD FROM 1 JANUARY 2002 TO 31
DECEMBER 2004 AND EXTENDING IT TO 31 DECEMBER 2005
(COM(2003)634 to /3; SEC(2003)1181)**

The Commission approved the proposal presented by Mr LAMY in COM(2003)634/3 for transmission to Parliament, the Council and the Economic and Social Committee.

**11. THE FUTURE OF THE TEXTILES AND CLOTHING SECTOR IN THE
ENLARGED EUROPEAN UNION
(COM(2003)649 to /4; SEC(2003)1182)**

The Commission adopted the communication presented by Mr LIIKANEN and Mr LAMY, in agreement with Ms DIAMANTOPOULOU and Mr BUSQUIN, as set out in COM(2003)649/4, for transmission to Parliament, the Council, the Economic and Social Committee for an opinion and the Committee of the Regions.

12. COUNCIL MEETINGS

(SI(2003)1091)

ENVIRONMENT

(LUXEMBOURG, 27 OCTOBER)

(SI (2003)1098; SEC(2003)1223)

The Commission took note of the information note distributed by
Ms WALLSTRÖM (SEC(2003)1223).

13. RELATIONS WITH NON-MEMBER COUNTRIES

13.1. AFRICAN PEACE FACILITY

(SEC(2003)1186 and /2)

The Commission took note of the communication from Mr NIELSON and
Mr PATTEN in SEC(2003)1186/2.

13.2. WORLD SUMMIT ON THE INFORMATION SOCIETY

(SEC(2003)1224)

The Commission took note of the information note distributed by
Mr LIIKANEN.

14. ECONOMIC FORECASTS - AUTUMN 2003
(SEC(2003)1222)

Mr SOLBES presented the autumn economic forecasts 2003-05 for the euro area, the European Union and the acceding or candidate countries, and commented on the main trends concerning average GDP growth, the labour market, inflation trends, and the budget deficit of public administrations. Despite a relatively long period of low growth, the European economy had avoided recession and there were some grounds for optimism for the coming two years. He also reported on the follow-up to the decisions on excessive deficits that the Commission had taken in recent weeks; he intended to defend, on behalf of the Commission, the full application of the stability and growth pact at the Eurogroup and Council (Economic and Financial Affairs) meetings on 3 and 4 November.

The Commission took note of this information and of the information note SEC(2003)1222 distributed by Mr SOLBES.

15. INTERGOVERNMENTAL CONFERENCE
(SEC(2003)1220)

Mr BARNIER and Mr VITORINO reported on the meeting of the Intergovernmental Conference held at ministerial level on Monday 27 October in Brussels. The atmosphere had been very much intergovernmental, despite the experience of the Convention, but it was worth noting the courageous attitude of the Italian Presidency, which wanted to minimise any reopening of the compromise reached by the Convention. As to the substance, the morning sitting had seen a *tour de table* on the questions of the Presidency of the Council bodies and the scope of qualified majority voting. Discussions over lunch had involved an exchange of views on the revision clause of the Constitution, and the afternoon session had

covered the amendments proposed by the Member States and the Commission to part III of the Constitution, including the amendments in the economic and financial field which had been the subject of a specific initiative by the ECOFIN Council. On the latter point, the Commission as well as Parliament and several delegations had raised the question of the method used, pointing out that it was not for a Council body to present proposals for amendments directly to the Intergovernmental Conference. As regards the work schedule, the Presidency had announced its intention of pursuing bilateral contacts with the delegations over the coming weeks to clarify their positions and to table a composite paper for the ministerial meeting (conclave) in Naples on 28 and 29 November. Mr BARNIER also drew attention to the work of the group of legal experts (Piris group), tasked with carrying out a legal revision and considering the legal coherence between parts I and III of the draft Constitution.

The Commission took note of this information. Having regard to the thrust of the discussions within the IGC, it agreed in its contacts with the Member States to promote the message of a European vision and to explore the possibility of raising the awareness of organised civil society.

16. MONITORING THE APPLICATION OF COMMUNITY LAW (continued from item 5)

ARTICLE 227 EC PROCEDURE: COMPLAINT BY SPAIN AGAINST THE UNITED KINGDOM - LEGISLATION APPLICABLE TO THE RIGHT TO VOTE IN ELECTIONS TO THE EUROPEAN PARLIAMENT - GIBRALTAR (SEC(2003)1112/2; SEC(2003)1160; SEC(2003)1172)

Following an in-depth exchange of views, the Commission adopted the following statement:

"Spain has filed a lawsuit against the UK contesting

- the extension of voting rights for the European Parliament of Commonwealth citizens resident in Gibraltar, and*
- the way the UK defined the constituency encompassing the electorate of Gibraltar.*

The UK statute, which Spain contests, was adopted by the UK following the Matthews judgment of the European Court of Human Rights. Spain does not contest that the UK is under the obligation to give residents of Gibraltar holders of UK passports the right to vote for the European Parliament nor the UK present practice of giving certain Commonwealth citizens resident in the UK the right to vote for the European Parliament.

The Commission considers, following an in-depth analysis of the Spanish complaint and an oral hearing held on 1 October, that the UK has organised the extension of voting rights to residents in Gibraltar within the margin of discretion presently given to Member States by EU law.

However, given the sensitivity of the underlying bilateral issue, the Commission at this stage refrains from adopting a reasoned opinion within the meaning of Article 227 of the Treaty and invites the parties to find an amicable solution."

**17. PROPOSAL FOR A PARLIAMENT AND COUNCIL REGULATION
CONCERNING THE REGISTRATION, EVALUATION, AUTHORISATION
AND RESTRICTIONS OF CHEMICALS (REACH)**

**PROPOSAL FOR A PARLIAMENT AND COUNCIL DIRECTIVE
AMENDING COUNCIL DIRECTIVE 67/548/EEC ADAPTING IT TO THE
"REACH REGULATION"
(COM(2003)644 to /16; SEC(2003)1171/3; SEC(2003)1179)**

Ms WALLSTRÖM and Mr LIIKANEN presented an initiative to create a new regulatory framework for chemicals in the Union. Following the 2001 White Paper on the strategy for future chemicals policy, and a wide-ranging consultation of interested parties via the internet, the initiative was based on an in-depth impact analysis. The approach chosen was a balanced one, with the objective of improving the protection of human health and the environment while maintaining competitiveness and strengthening the spirit of innovation in the European chemicals industry.

The Commission considered the dossier in depth and discussed the following in particular:

- The responsibilities and tasks of the Commission and the European chemicals agency: allocation between them; likely workload during the transitional period and following the creation of the agency; respective capacities for absorption; resource implications.
- The impact of the new system, during and after the transitional period, on industry (including small businesses), employment, the economy of the Member States, research and the users of chemicals.
- The in-depth impact analysis: method used and results.

- The importance of avoiding, for reasons of legal certainty, any overlapping (and therefore any conflict) between the rules of the new system and the legislative provisions in force.

Following this discussion, the Commission agreed that in implementing the system it should adopt an open attitude vis-à-vis the industrial sectors concerned. It also agreed to keep in mind the question of the relationship between the "Reach" system and existing sectoral legislation, and to revisit this issue if necessary during consideration by Parliament and the Council if problems arose.

Further to the amendments communicated during the meeting by Ms WALLSTRÖM, as set out in COM(2003)644/16, the Commission agreed that the explanatory memorandum would clarify that the cost analysis already carried out would be monitored in detail as the proposal went forward.

Subject to these clarifications, the Commission:

- approved the proposal for a Regulation in COM(2003)644/14 to /16 and /2, /3, /4, /5, /6, /11 and /12 (Annexes and financial statement), a non-revised version of which would be transmitted immediately to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, together with the in-depth impact analysis in SEC(2003)1171/3 (as a staff working paper);
- noted that the proposal for a Regulation would be revised by the lawyer-linguists;
- adopted the proposal for a Directive in COM(2003)644/8, to be transmitted to the institutions listed in the first indent above.

As regards the implementation of the "Reach" Regulation internally, the Commission agreed as follows:

- the new legislation on chemicals would be the joint responsibility of the two Commission Members responsible for enterprise and the environment;
- the existence of a single Regulation did not change the existing responsibilities of the two Members concerned;
- this meant that the Member responsible for the environment would continue to be responsible for registration and assessment, and the Member responsible for enterprise for restrictions and authorisations;
- the departments would share responsibility for negotiating the Regulation in the Council and Parliament. Each department would be respectively *chef de file* for the questions mentioned in the third indent;
- the management of the system would be the responsibility of the two Commission Members in accordance with the third indent, and in the event of any empowerment the departments of the other Commission Member would be consulted before any decision was taken;
- both departments would be represented on an equal footing within the agency;
- implementation of the subsidy to the agency would be the task of the departments of the Commission Member responsible for enterprise.

**18. THE COMMISSION'S LEGISLATIVE AND WORK PROGRAMME FOR
2004
(COM(2003)645 to /5; SEC(2003)1183)**

The PRESIDENT presented the Commission's legislative and work programme for 2004, drawn up on the basis of the three political priorities defined in the annual policy strategy (APS 2004 and APS+ 2004). Realism and credibility had been the

watchwords in drafting the programme, taking account of the record of achievement of the work programme for 2003 and the aspects specific to 2004, viz. the accession of the new Member States, the election of Parliament, and the end of the present Commission's term of office.

Having taken note of these observations, the Commission adopted the communication in COM(2003)645/5 for transmission to Parliament and the Council.

**19. COMMISSION REPORT TO PARLIAMENT AND THE COUNCIL ON THE FOLLOW-UP TO THE 2001 DISCHARGES
(COM(2003)651 to /4; SEC(2003)1184)**

After taking note of the information supplied during the meeting by Ms SCHREYER, the Commission approved the report in COM(2003)651, /3 and /4 for transmission to Parliament, the Council and the Court of Auditors.

The Commission also drew departments' attention to the need to give priority in the coming weeks to preparing the Commission's replies to Parliament's questionnaires in connection with the discharge for 2002.

20. COUNCIL MEETINGS (continued from item 12)

***MILAN CONFERENCE ON HUMAN CAPITAL
(27 AND 28 OCTOBER)***

Ms REDING reported on the Conference on human capital organised by the Italian Presidency, attended by ministers for education, social affairs and employment, and by representatives from the economic and cultural worlds. The conference had been

very positive overall, with an emphasis on the need for an integrated strategy and for enhanced coordination between the various political spheres concerned in support of the promotion of human capital.

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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 1215 hours.