



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2004)1644 final

Strasbourg, 10 February 2004

MINUTES
of the 1644th meeting of the Commission
held in Brussels
(Breydel)
on Tuesday 3 February 2004
(morning)

These minutes were approved by the Commission at its 1645th meeting, held in Brussels and in Strasbourg on 9th and 10th February 2004.

They contain 17 pages.

CONTENTS

Attendance list	4-5
1. AGENDAS AND QUARTERLY ROLLING PROGRAMME (OJ(2004)1644/3; SEC(2004)107/2; SEC(2004)132).....	6
2. WEEKLY MEETING OF CHEFS DE CABINET (SEC(2004)1644)	6
3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1643RD MEETING (28 JANUARY) (PV(2004)1643; PV(2004)1643, PART II AND /2).....	6
4. WRITTEN PROCEDURES AND EMPOWERMENT	7
4.1. WRITTEN PROCEDURES APPROVED (SEC(2004)108 et seq.)	7
4.2. SENSITIVE WRITTEN PROCEDURES (SEC(2004)109).....	7
4.3. EMPOWERMENT (SEC(2004)110 et seq.).....	7
4.4. DELEGATION AND SUBDELEGATION OF POWERS	7
5. COMMISSION DECISION ON THE EARLY WARNING SYSTEM (C(2004)193 TO /3)	7
6. REPORT ON PROGRESS AT 31 DECEMBER 2003 OF THE MODERNISATION OF THE ACCOUNTING SYSTEM OF THE EUROPEAN COMMISSION (SEC(2004)118 AND /2).....	8
7. PRELIMINARY DRAFT AMENDING BUDGET NO 1/2004 (SEC(2004)105 AND /2).....	9
8. PRELIMINARY DRAFT AMENDING BUDGET NO 2/2004 (SEC(2004)104 AND /2).....	9
9. - COMMISSION COMMUNICATION ON THE IMPLEMENTATION OF THE PREPARATORY ACTION ON THE ENHANCEMENT OF	

THE EUROPEAN INDUSTRIAL POTENTIAL IN THE FIELD OF SECURITY RESEARCH <i>TOWARDS A PROGRAMME TO ADVANCE EUROPEAN SECURITY THROUGH RESEARCH AND TECHNOLOGY -</i> COMMISSION DECISION ON THE IMPLEMENTATION OF THE PREPARATORY ACTION ON THE ENHANCEMENT OF THE EUROPEAN INDUSTRIAL POTENTIAL IN THE FIELD OF SECURITY RESEARCH (C(2004)249 TO /4; COM(2004)72 AND /2; SEC(2004)130).....	10
10. GLOBAL MONITORING FOR ENVIRONMENT AND SECURITY (GMES): ESTABLISHING A GMES CAPACITY BY 2008 (ACTION PLAN 2004-08) (COM(2004)65 TO /3; SEC(2004)130).....	10
11. CONNECTING EUROPE AT HIGH SPEED: RECENT DEVELOPMENTS IN THE SECTOR OF ELECTRONIC COMMUNICATIONS (COM(2004)61 TO /4; SEC(2004)122).....	11
12. PARLIAMENT	11
12.1. JANUARY II PART-SESSION (SP(2004)346/2).....	11
12.2. ACTION TO BE TAKEN ON PARLIAMENT'S OPINIONS (SP(2004)324).....	11
12.3. PARLIAMENTARY AFFAIRS GROUP (SP(2004)366).....	11
13. MONITORING THE APPLICATION OF COMMUNITY LAW	15
13.1. STATE AID (SEC(2004)139; SEC(2004)95).....	15
13.2. INFRINGEMENTS - URGENT OR POSTPONED CASES (SEC(2004)112 to /3; SEC(2004)127 and /2; SEC(2004)128/2).....	16
14. TRENDS IN THE MEMBER STATES (SEC(2004)131).....	16
15. RELATIONS WITH NON-MEMBER COUNTRIES.....	17

Single sitting: Tuesday 3 February (morning)

The sitting opened at 0900 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 VERHEUGEN	
Mr PATTEN	
Mr LAMY	
Mr BYRNE	
Mr BARNIER	
Ms REDING	
Ms SCHREYER	
Ms WALLSTRÖM	
Mr VITORINO	
Ms DIAMANTOPOULOU	

Absent:

Mr NIELSON

The following sat in to represent absent Members of the Commission

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 DE OLIVEIRA E SOUSA	Director-General, Press and Communication	
Mr KEMPPINEN	Commission Spokesman	
Mr HENIN	Spokesman	Item 13
Mr THOMAS	Spokesman	
Ms HOUTMAN	Deputy Chef de cabinet to the President	Item 13
Mr GUSSETTI	A member of the President's staff	
Mr SMULDERS	A member of the President's staff	Item 13
Mr CALLEJA	Chef de cabinet to Ms de Palacio	Item 13
Mr GARCIA PORRAS	A member of Ms de Palacio's staff	Item 13
Mr CAVALLARO	A member of Mr Monti's staff	Item 13
Ms MANFREDI	A member of Mr Bolkestein's staff	
Mr CAPOUET	Chef de cabinet to Mr Busquin	Item 13
Mr POWER	Chef de cabinet to Mr Byrne	Item 13
Mr FONSECA	Deputy Chef de cabinet to Mr Vitorino	
Mr LOPES ALEIXO	A member of Mr Vitorino's staff	Item 14
Ms CORUGEDO STENEGER	Press and Communication DG	
Mr RISTORI	Transport and Energy DG	Item 13
Mr SCHLOESSLEN	Transport and Energy DG	Item 13
Ms STROHSCHNEIDER	Transport and Energy DG	Item 13

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

1. AGENDAS AND QUARTERLY ROLLING PROGRAMME

(OJ(2004)1644/3; SEC(2004)107/2; SEC(2004)132)

The Commission took note of that day's agenda, the tentative agendas for future meetings, and the rolling programme of items to be entered on the agenda from 9 February to 28 April.

2. WEEKLY MEETING OF CHEFS DE CABINET

(SEC(2004)1644)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 2 February.

3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1643rd MEETING

(28 January)

(PV(2004)1643; PV(2004)1643, Part II and /2)

The Commission approved the minutes of its 1643rd meeting.

4. WRITTEN PROCEDURES AND EMPOWERMENT

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2004)108 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 26 and 30 January.

4.2. SENSITIVE WRITTEN PROCEDURES

(SEC(2004)109)

The Commission took note of written procedures initiated between 26 and 30 January for the adoption of decisions with political implications.

4.3. EMPOWERMENT

(SEC(2004)110 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 26 and 30 January.

4.4. DELEGATION AND SUBDELEGATION OF POWERS

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation procedure between 26 and 30 January, as archived on the "Grefte 2000" (Registry) website.

5. COMMISSION DECISION ON THE EARLY WARNING SYSTEM

(C(2004)193 to /3)

The Commission:

- adopted the decision on the early warning system, as set out in C(2004)193/3;

- decided to annex the decision to the internal rules for implementing the general budget of the European Communities;
- asked the Director-General, Budget, to ensure that the existing IT tools allowed full implementation of the decision by 1 May;
- delegated powers to the Director-General, Budget, to update and adjust, whenever necessary, the EWS standard request form and the description of the available tools for the implementation of the early warning system, as annexed to C(2004)193/3;
- took note that the Commission early warning system must be notified to the Data Protection Officer in accordance with the procedure laid down in Article 25 of Regulation (EC) No 45/2001 and checked by the European Data Protection Supervisor in accordance with Article 27 of that Regulation.

**6. REPORT ON PROGRESS AT 31 DECEMBER 2003 OF THE
MODERNISATION OF THE ACCOUNTING SYSTEM OF THE
EUROPEAN COMMISSION
(SEC(2004)118 and /2)**

The Commission:

- took note of progress made in modernising its accounting system, as set out in SEC(2004)118;
- instructed departments to make the necessary efforts to keep to the timetable proposed by the Commission Accounting Officer for implementation of the project in each department;

- authorised Ms SCHREYER to transmit the progress report to the relevant bodies of Parliament and the Council and to the Court of Auditors.

7. PRELIMINARY DRAFT AMENDING BUDGET No 1/2004
(SEC(2004)105 and /2)

The Commission approved preliminary draft amending budget No 1/2004 as set out in SEC(2004)105 and /2, for transmission to Parliament and the Council.

8. PRELIMINARY DRAFT AMENDING BUDGET No 2/2004
(SEC(2004)104 and /2)

The Commission approved preliminary draft amending budget No 2/2004 as set out in SEC(2004)104 and /2, for transmission to Parliament and the Council.

**9. - COMMISSION COMMUNICATION ON THE IMPLEMENTATION OF
THE PREPARATORY ACTION ON THE ENHANCEMENT OF THE
EUROPEAN INDUSTRIAL POTENTIAL IN THE FIELD OF SECURITY
RESEARCH *TOWARDS A PROGRAMME TO ADVANCE EUROPEAN
SECURITY THROUGH RESEARCH AND TECHNOLOGY*
- COMMISSION DECISION ON THE IMPLEMENTATION OF THE
PREPARATORY ACTION ON THE ENHANCEMENT OF THE EUROPEAN
INDUSTRIAL POTENTIAL IN THE FIELD OF SECURITY RESEARCH
(C(2004)249 to /4; COM(2004)72 and /2; SEC(2004)130)**

The Commission:

- adopted the communication in COM(2004)72 for transmission, for information, to Parliament and the Council;
- adopted the decision in C(2004)249/3 for publication in the Official Journal.

**10. GLOBAL MONITORING FOR ENVIRONMENT AND SECURITY (GMES):
ESTABLISHING A GMES CAPACITY BY 2008 (ACTION PLAN 2004-08)
(COM(2004)65 to /3; SEC(2004)130)**

The Commission approved the communication in COM(2004)65/3 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.

**11. CONNECTING EUROPE AT HIGH SPEED: RECENT DEVELOPMENTS IN
THE SECTOR OF ELECTRONIC COMMUNICATIONS
(COM(2004)61 to /4; SEC(2004)122)**

The Commission adopted the communication in COM(2004)61/3 and /4 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.

12. PARLIAMENT

**12.1. JANUARY II PART-SESSION
(SP(2004)346/2)**

The Commission took note of the information supplied relating to Parliament's part-session held on 28 and 29 January.

**12.2. ACTION TO BE TAKEN ON PARLIAMENT'S OPINIONS
(SP(2004)324)**

The Commission approved the proposed empowerment decisions relating to action to be taken on the amendments presented by Parliament under the codecision procedure (SP(2004)324).

**12.3. PARLIAMENTARY AFFAIRS GROUP
(SP(2004)366)**

The Commission took note of the record of the meeting of the Parliamentary Affairs Group held on 29 January.

It paid particular attention to the following:

i) **Preparations for February 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:

1st reading and simple consultation:

- BOWIS report, European Centre for Disease Prevention and Control, COM(2003)441 - 03/0174 (COD)

Mr BYRNE referred to amendment 22 on the composition of the Agency's Management Board. While wishing to defend the Commission's proposal on this point as far as possible, he explained why there were particular reasons for asking for authorisation to accept this amendment, which was the result of a compromise solution between the co-legislators, if it should prove necessary.

The Commission held an in-depth discussion on the line to take on the amendment, taking into account: the political and institutional dimension of the question of the Management Boards of Agencies, where the issues at stake went wider than this particular case; the need for a horizontal and coherent approach for all the Agencies; the implications, in terms of effective operation, of the increasing size of Management Boards in a Union of 25 Member States; the disproportionate scale of these Management Boards compared with the Agencies' staff; the likelihood of their being seen by outside observers as an example of cumbersome bureaucracy; the Member States' wish to be systematically represented on the Management Boards; whether Parliament should be represented on them, in view of the Agencies' nature and powers;

more particularly, the merits of this specific case, taking into account the sensitivity of the field in question and the urgency of a solution.

After its discussions, the Commission:

- noted that, in the context of the legislative measures to accompany the next financial perspective, the PRESIDENT and Mr KINNOCK would prepare a proposal for a horizontal framework for the Agencies;
- agreed that, as regards pending dossiers and if agreement between the co-legislators could not be prevented, the Commission should distance itself from any illogical solution.
- FRAHM report, Persistent organic pollutants,
COM(2003)333, 03/0119 (COD)

The Commission adopted the line set out in SP(2004)360/2.

- GARGANI report, Approval of motor vehicles and their trailers,
COM(2003)418 - 03/0153 (COD)

The Commission adopted the line set out in SP(2004)361, as clarified at the Parliamentary Affairs Group meeting.

- MASTORAKIS report, European Maritime Safety Agency,
COM(2003)440 - 03/0159 (COD),

The Commission adopted the line set out in SP(2004)354.

- STOCKMANN report, Intermodal loading units,
COM(2003)155-2 - 03/0056 (COD)

The Commission adopted the line set out in SP(2004)334/2.

- VATTIMO report, MEDIA Training,
COM(2003)188 - 03/0064 (COD)

The Commission adopted the line set out in SP(2004)358.

- VELTRONI report, MEDIA Plus - Development, distribution and
promotion,
COM(2003)191 - 03/0067 (COD)

The Commission adopted the line set out in SP(2004)359.

- SOUCHET report, Recovery of the Northern hake stock,
COM(2003)374, 03/0137 (CNS)

The Commission adopted the line set out in SP(2004)320.

Consolidation procedure

- GARGANI report, Vehicles hired without drivers for the carriage of goods
by road,
COM(2003)559 - 03/0221 (COD)

The Commission adopted the line set out in SP(2004)323.

- GARGANI report, International civil aviation,
COM(2003)524 - 03/0221 (COD)

The Commission adopted the line set out in SP(2004)322.

ii) **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 for which it had undertaken to give a reply (cf. SP (2004)293), for transmission to Parliament.

The Commission adopted SP(2004)316 and /2 listing the action taken on the opinions and resolutions adopted by Parliament at its December I and II part-sessions, for transmission to Parliament.

iii) **Other matters**

(point 8 of the record)

Debriefing on the January II part-session

The Commission took note of the information provided during the meeting by Ms SCHREYER on Parliament's debate and vote on the CASACA report on the follow-up to the discharge for 2001.

13. MONITORING THE APPLICATION OF COMMUNITY LAW

13.1. STATE AID

(SEC(2004)139; SEC(2004)95)

The Commission adopted the decisions in SEC(2004)139, subject to the following clarifications:

C 76/2002 BELGIUM

(ex NN 122/2002)

***Advantages granted by the Walloon Region and Brussels South Charleroi
Airport to the airline Ryanair in connection with its installation at Charleroi***
(C(2004)183 to /7)

Ms de PALACIO presented the background to this case and the factors underlying her proposal. The proposed decision was a balanced one, aimed at encouraging the

development both of low-cost airlines and of regional airports in accordance with Community law.

Following an in-depth exchange of views, particularly on the economic backdrop to the decision and the possibility of postponing it pending new guidelines on aid for airline start-ups, the Commission:

- decided to set at five years the period during which aid for start-ups was considered compatible;
- adopted, in principle and subject to the amendment set out above, the decision set out in C(2004)183/5 and /6 in the authentic languages (French and Dutch);
- empowered Ms de PALACIO, in agreement with the PRESIDENT and after consulting the Legal Service, to amend the text as mentioned above and to adopt the decision in the authentic languages (French and Dutch);
- agreed to give further thought to the possibility of drawing up new guidelines for the future.

13.2. INFRINGEMENTS - URGENT OR POSTPONED CASES

(SEC(2004)112 to /3; SEC(2004)127 and /2; SEC(2004)128/2)

The Commission adopted the decisions in SEC(2004)112/3.

14. TRENDS IN THE MEMBER STATES

(SEC(2004)131)

The Commission held this item over for one week.

15. RELATIONS WITH NON-MEMBER COUNTRIES

AVIAN INFLUENZA IN CERTAIN COUNTRIES OF SOUTH-EAST ASIA

The Commission took note of the Mr BYRNE's intention to distribute an information note on this matter, and agreed to return to the subject if necessary at its next meeting.

*

* *

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

*

* *

The meeting closed at 1130 hours.