



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2004)1663 final

Brussels, 30 June 2004

MINUTES
of the 1663rd meeting of the Commission
held in Brussels
(Breydel)
on Thursday 24 June 2004
(morning)

These minutes were approved by the Commission at its 1664th meeting, held in Brussels on 30 June 2004.

They contain 25 pages.

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Single sitting: Thursday 24 June (morning)

The sitting opened at 0920 hours with Mr Prodi, President, in the chair.

Present:

Mr PRODI	President
Mr KINNOCK	Vice-President
Ms de PALACIO	Vice-President
Mr MONTI	
Mr BUSQUIN	
Mr VERHEUGEN	
Mr LAMY	
Mr BYRNE	
Ms SCHREYER	
Mr VITORINO	
Mr DIMAS	
Mr BARROT	
Mr ALMUNIA	
Mr BALÁZS	
Ms HÜBNER	
Mr KALLAS	
Mr BORG	
Ms KALNIETE	
Ms GRYBAUSKAITĖ	
Mr POTOČNIK	
Mr FIGEL	
Mr KYPRIANOU	
Mr TELIČKA	

Absent:

Mr FISCHLER

Mr LIIKANEN

Mr BOLKESTEIN

Mr NIELSON

Mr PATTEN

Ms REDING

Ms WALLSTRÖM

The following sat in to represent absent Members of the Commission

Mr PIRZIO-BIROLI	Chef de cabinet to Mr Fischler	Except item 15
Ms NEVALAINEN	A member of Mr Liikanen's staff	Except item 15
Mr VAN BALLEKOM	Chef de cabinet to Mr Bolkestein	Except item 15
Mr HAMBURGER	Chef de cabinet to Mr Nielson	Except item 15
Mr CHILD	Chef de cabinet to Mr Patten	Except item 15
Mr LAITENBERGER	Chef de cabinet to Ms Reding	Except item 15
Ms CARPARELLI	Deputy Chef de cabinet to Ms Wallström	Except item 15

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	Except item 15
Mr KEMPPINEN	Commission Spokesman	Except item 15
Ms AHRENKILDE	Spokeswoman	Item 14
Mr DE RYNCK	Spokesman	Item 12
Mr MANN	Spokesman	Item 14
Mr THOMAS	Spokesman	Except item 15
Mr GOZI	A member of the President's staff	Item 14

Mr DE LECEA	Adviser in the President's Office	Items 8 to 10
Mr SMULDERS	A member of the President's staff	Item 12
Mr KOOPMAN	Chef de cabinet to Mr Kinnock	Item 15
Mr ALEIXO	A member of Mr Vitorino's staff	Except item 15
Ms LAMELA	Chef de cabinet to Mr Almunia	Items 8 to 10
Mr CARVOUNIS	Press and Communication DG	Except item 15
Mr REGLING	Economic and Financial Affairs DG	Items 8 to 10
Mr SAPIR	GOPA	Items 8 to 10
Mr PONZANO	Secretariat-General	Item 12
Mr VAN NUFFEL	Secretariat-General	Item 12

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

1. AGENDAS

(OJ(2004)1663/3; SEC(2004)779/2)

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(2004)1663)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Tuesday 22 June.

3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1662nd MEETING (16 June)

(PV(2004)1662; PV(2004)1662, Part II)

The Commission approved the minutes of its 1662nd meeting.

4. PERMANENT REPRESENTATIVES COMMITTEE

(SI(2004)587 and /2)

COUNCIL AFFAIRS GROUP (CAG)

(SI(2004)587 and /2)

The Commission took note of the record of the Council Affairs Group meeting held on 17 June.

It considered in particular the following as regards preparations for the Council meeting (Environment) on 28 June:

i) Proposal for a Parliament and Council Directive concerning the quality of bathing water

(point 4 of the record)

The Commission authorised Ms WALLSTRÖM, at the Council meeting (Environment) on 28 June, to support the Presidency compromise and to make a statement concerning a future epidemiological study, along the lines set out in SI(2004)587/2, in order to secure political agreement by qualified majority.

ii) Proposal for a Parliament and Council Regulation on shipments of waste

(point 4 of the record)

The Commission noted that Ms WALLSTRÖM, at the Council meeting (Environment) on 28 June, would defend the position maintained in the past on this matter. It authorised Ms WALLSTRÖM to make the statement set out in SI(2004)587/2 if the Council reached a unanimous decision.

iii) **Proposal for a Parliament and Council Directive amending Directive 1999/32/EC relating to a reduction in the sulphur content of certain liquid fuels**

(point 4 of the record)

The Commission authorised Ms WALLSTRÖM, at the Council meeting (Environment) on 28 June, to support the Presidency compromise, in accordance with the line set out in SI(2004)587/2, in order to secure agreement by qualified majority.

5. WRITTEN PROCEDURES AND EMPOWERMENT

5.1. WRITTEN PROCEDURES APPROVED

(SEC(2004)780 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 14 and 18 June.

5.2. SENSITIVE WRITTEN PROCEDURES

(SEC(2004)781)

The Commission took note of written procedures initiated between 14 and 18 June for the adoption of decisions with political implications.

**5.3. PROPOSAL FOR A COUNCIL DECISION AUTHORISING THE
PLACING ON THE MARKET OF FOODS AND FOOD INGREDIENTS
DERIVED FROM GENETICALLY MODIFIED MAIZE LINE NK 603
(FORMER WRITTEN PROCEDURE E/1308/2004)
(COM(2004)439 to /4; SEC(2004)877)**

The Commission approved the proposal for a Council Decision in COM(2004)439/4 for transmission to the Council and Parliament.

**5.4. EMPOWERMENT
(SEC(2004)782 et seq.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 14 and 18 June.

**5.5. EXTENSION OF DELEGATED POWERS IN THE FIELD OF AIR
TRANSPORT
(SEC(2004)767/2)**

The Commission approved the extension of delegated powers in the field of the air transport along the lines set out in SEC(2004)767/2.

**5.6. REQUEST FOR EMPOWERMENT CONCERNING THE ADOPTION OF
AGREEMENTS IMPLEMENTING THE PROTOCOL ON THE
PRIVILEGES AND IMMUNITIES OF THE EUROPEAN
COMMUNITIES IN THE NEW MEMBER STATES
(SEC(2004)789)**

The Commission:

- approved the agreement implementing the Protocol on the Privileges and Immunities of the European Communities in the Republic of Estonia, as set out in SEC(2004)789;

- authorised the Member responsible for the budget, or the person appointed by her, to sign that agreement;
- empowered the Member responsible for the budget to adopt the agreements implementing the Protocol on the Privileges and Immunities of the European Communities in the other new Member States, provided those agreements met the requirements set out in SEC(2004)789;
- authorised the Commission Member responsible for the budget, or the person appointed by her, to sign those agreements.

5.7. DELEGATION AND SUBDELEGATION OF POWERS

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation procedure between 14 and 18 June, as archived on the "Greffé 2000" (Registry) website.

6. ADMINISTRATIVE AND BUDGETARY MATTERS **(SEC(2004)783/3)**

ADMINISTRATIVE MATTERS **(PERS(2004)108)**

6.1. DG DIGIT - POST OF DEPUTY DIRECTOR-GENERAL **(PERS(2004)94 to /5)**

The Commission had before it an application under Article 29(1)(a) of the Staff Regulations for the post of Director-General, Informatics (PERS(2004)94/2).

The Commission took note of the opinions of the Consultative Committee on Appointments of 7 and 11 June (PERS(2004)94/3 and /5).

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Mr KINNOCK, in agreement with the PRESIDENT, it then decided to appoint Mr Francisco GARCÍA MORÁN to the post.

This decision would take effect on 1 July.

6.2. *EXTERNAL RELATIONS DG - POST OF HEAD OF DELEGATION IN BEIJING*
(PERS(2004)69 to /5)

The Commission had before it applications under Article 29(2004)(a) of the Staff Regulations for the post of Head of Delegation in Beijing in the External Relations DG (PERS(2004)69/2 to /4).

The Commission took note of the opinions of the Consultative Committee on Appointments of 24 May and 3 June (PERS(2004)69/3 and /5).

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Mr KINNOCK, in agreement with the PRESIDENT and Mr PATTEN, it then decided to appoint Mr Serge ABOU to the post.

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

6.3. *INITIAL COMMUNICATION UNDER ARTICLE 50 OF THE STAFF REGULATIONS*

The Commission decided to initiate the procedure laid down in Article 50 of the Staff Regulations in respect of an A*16 official.

6.4. DG ADMIN – REINSTATEMENT OF AN A*15 OFFICIAL TO A CHIEF ADVISER POST

On a proposal from Mr KINNOCK, in agreement with the PRESIDENT, the Commission decided:

- to create a post of Chief Adviser, reporting to the Director-General, Personnel and Administration;
- to appoint to this post Ms Georgette LALIS, an A*15 official, currently on leave on personal grounds.

These decisions would take effect on 16 September.

6.5. DG COMP - TEMPORARY APPOINTMENT OF DEPUTY DIRECTOR-GENERAL

The Commission, on a proposal from Mr KINNOCK, in agreement with the PRESIDENT and Mr MONTI, decided under Article 7(2) of the Staff Regulations that Mr Goetz-Heinrich DRAUZ, an A*15 official, currently Director, DG COMP/B, should temporarily occupy the post of Deputy Director-General with special responsibility for mergers in the Competition DG, from 16 November 2003 until the post was definitively filled, subject to a maximum of twelve months.

This decision would take effect immediately.

OTHER MATTERS

6.6. IMPLEMENTATION OF THE COMMUNICATION MATCHING SUPPLY AND DEMAND FOR TRANSLATION (SEC(2004)860/2)

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

7. APPLICATION OF ARTICLE 81 OF THE TREATY (CASE COMP/A.38549 - ORDRE DES ARCHITECTES BELGE) (C(2004)2180 to /8; SEC(2004)876)

The Commission:

- took note of the opinion of the Advisory Committee on Restrictive Practices and Dominant Positions of 14 and 21 June in C(2004)2180/2 and /6;
- took note of the final report of the Hearing Officer in C(2004)2180/5;
- adopted, in the authentic language (Dutch), the decision in C(2004)2180/8, noting that the Ordre des Architectes Belge had infringed Article 81(1) of the EC Treaty and imposing on it a fine totalling €100 000;
- decided that the most important parts of the decision would be published in all the official languages in the L series of the Official Journal (with business secrets removed). The decision would be also made available on the internet.

- 8. COMMISSION RECOMMENDATIONS FOR A COUNCIL OPINION, PURSUANT TO ARTICLE 9(3) OF COUNCIL REGULATION (EC) No 1466/97 OF 7 JULY 1997, ON THE CONVERGENCE PROGRAMMES OF CERTAIN MEMBER STATES (CZECH REPUBLIC; ESTONIA; CYPRUS; LATVIA; LITHUANIA; HUNGARY; MALTA; POLAND; SLOVENIA; SLOVAKIA)**
(SEC(2004)829 and /2; SEC(2004)798 and /2; SEC(2004)799; SEC(2004)821; SEC(2004)823 and /2; SEC(2004)817 and /2; SEC(2004)808; SEC(2004)825 and /2; SEC(2004)824 and /2; SEC(2004)833; SEC(2004)863; SEC(2004)812; SEC(2004)854)
- 9. EXCESSIVE DEFICIT PROCEDURES IN RELATION TO CERTAIN MEMBER STATES (GREECE; CZECH REPUBLIC; CYPRUS; HUNGARY; MALTA; POLAND; SLOVAKIA)**
- COMMISSION OPINION ON THE APPLICATION OF ARTICLE 104(5) OF THE EC TREATY
 - COMMISSION RECOMMENDATION FOR COUNCIL DECISIONS UNDER ARTICLE 104(6) OF THE EC TREATY
 - COMMISSION RECOMMENDATION FOR COUNCIL RECOMMENDATIONS UNDER ARTICLE 104(7) OF THE EC TREATY
(SEC(2004)813; SEC(2004)815; SEC(2004)816 to /3; SEC(2004)830; SEC(2004)831; SEC(2004)832 and /2; SEC(2004)800; SEC(2004)802; SEC(2004)805 and /2; SEC(2004)818; SEC(2004)819; SEC(2004)820 and /2; SEC(2004)809; SEC(2004)810; SEC(2004)811 and /2; SEC(2004)826; SEC(2004)827; SEC(2004)828 and /2; SEC(2004)834; SEC(2004)835; SEC(2004)836 and /2; SEC(2004)812; SEC(2004)854; SEC(2004)862)

Following presentation of the dossier by Mr ALMUNIA and a brief discussion on the possibility and the implications of a possible suspension of financing from the

Cohesion Fund in the event of non-correction by a Member State of an excessive deficit, the Commission:

- approved the recommendations for opinions on the convergence programmes of the Czech Republic (SEC(2004)829/2), Estonia (SEC(2004)798/2), Cyprus (SEC(2004)799), Latvia (SEC(2004)821), Lithuania (SEC(2004)823/2), Hungary (SEC(2004)817/2), Malta (SEC(2004)808), Poland (SEC(2004)825/2), Slovenia (SEC(2004)824/2) and Slovakia (SEC(2004)833);
- approved the opinion on the existence of excessive deficits in Greece (SEC(2004)813), the Czech Republic (SEC(2004)830), Cyprus (SEC(2004)800), Hungary (SEC(2004)818), Malta (SEC(2004)809), Poland (SEC(2004)826) and Slovakia (SEC(2004)834);
- approved the recommendations for Council decisions on the existence of excessive deficits in Greece (SEC(2004)815), the Czech Republic (SEC(2004)831), Cyprus (SEC(2004)802), Hungary (SEC(2004)819), Malta (SEC(2004)810), Poland (SEC(2004)827) and Slovakia (SEC(2004)835);
- approved the recommendations for Council recommendations to bring to an end the excessive deficits in Greece (SEC(2004)816/3), the Czech Republic (SEC(2004)832/2), Cyprus (SEC(2004)805/2), Hungary (SEC(2004)820/2), Malta (SEC(2004)811/2), Poland (SEC(2004)828/2) and Slovakia (SEC(2004)836/2);
- decided to transmit all these documents to the Council.

**10. PUBLIC FINANCES IN ECONOMIC AND MONETARY UNION IN 2004
(COM(2004)425 to /5; SEC(2004)761/3; SEC(2004)854)**

Mr ALMUNIA tabled a communication summarising the fifth annual report on the Union's public finances. Based on the analysis carried out in the report and on the political implications identified in the communication, Mr ALMUNIA outlined the courses of action that might be pursued to strengthen the economic governance framework and improve its implementation. He reminded the meeting of the instruments at the Union's disposal for economic governance and budgetary coordination (viz.: the broad economic policy guidelines; the excessive deficit procedure and the stability and growth pact), and explained the structural and economic reasons in favour of an initiative by the Commission. Taking into account the problems faced in implementing the stability and growth pact, Mr ALMUNIA reviewed possible ways and means of combining budgetary discipline with economic growth considerations, improving the credibility of the existing framework and strengthening economic governance. Finally, he reported on his recent contacts with the finance ministers of certain Member States.

The Commission took note of this information and held an in-depth discussion, in which it discussed the following questions in particular:

- whether it would be a good idea for the Commission to launch political and/or legislative initiatives, given the timetable considerations (forthcoming meetings of the Council (Economic and Financial Affairs) and the Eurogroup; probable timing of the Court of Justice judgment; the Commission's internal timetable);
- the nature and degree of precision of possible Commission initiatives (formal proposals or guidelines);

- an assessment from an institutional and political point of view of the situation in the Council;
- the potential impact on various Member States of a possible Commission initiative;
- whether or not to introduce flexibility in the budgetary surveillance system;
- the importance of continuing contacts with the Member States in order to have a sound assessment of the situation;
- the need to study the possibility of strengthening the connection between the stability and growth pact and the Lisbon strategy;
- the conditions for taking the debt criterion into account in the excessive deficit procedure;
- the usefulness for the Commission of looking into these issues in greater detail in order to support its assessment as to the initiatives that might be contemplated.

Following this debate, the Commission agreed on the need to continue contacts with the various Council bodies and the Member States and to have at its disposal appropriate information on the scheduled date for the Court of Justice judgment concerning the Commission's challenge to the conclusions of the November Council (Economic and Financial Affairs) so that it could agree guidelines in the coming weeks on the approach and timetable to be followed.

The Commission approved the communication in COM(2004)425/5 for transmission, together with the staff working paper SEC(2004)761/3, to Parliament, the Council, the Economic and Social Committee, the Committee of the Regions and the European Central Bank.

11. RELATIONS WITH NON-MEMBER COUNTRIES

11.1 COUNCIL OF THE BALTIC SEA STATES (LAULASMAA, 21 JUNE)

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

11.2 EXPORTS OF TEXTILE PRODUCTS FROM THE EUROPEAN UNION TO BELARUS

Mr LAMY drew the Commission's attention to the decision by the Belarus authorities not to apply to certain of the new Member States, particularly the Baltic States, the preferential tariff applied to the European Community for exports of textile products to Belarus. This was a matter of principle since it called into question the equal treatment of all the member countries of the Union. The Commission must adopt a firm stance and consider the possibility of retaliatory measures as provided for in the bilateral agreements signed with Belarus. Ms HÜBNER, too, was concerned about the sensitivity of this question for the countries concerned, given the existing trade flows between them and Belarus.

12. INTERGOVERNMENTAL CONFERENCE (SEC(2004)861)

The PRESIDENT commented on the results of the final meeting of the Intergovernmental Conference at the European Council on 17 and 18 June, at which agreement had been reached on the constitutional Treaty. The Commission had

cause for satisfaction with the final compromise because, even though the final text differed on certain points from what it would have wished, the Intergovernmental Conference had very largely followed the European Convention's proposals. As it stood, the Constitution provided a solid and sustainable basis for the development of the European Union, and the Commission should now mobilise all its efforts to ensure ratification by the Member States.

Mr VITORINO stated that the note SEC(2004)861 was a first analysis of the text. A more detailed analysis would follow in the coming weeks. He also drew attention to the letter from the PRESIDENT to all staff on 21 June, setting out the key points of the agreement.

The Commission took note of these observations and offered warm thanks to Mr VITORINO, Mr BARNIER, Mr BARROT, their Offices, and the President's Office for their contribution throughout the negotiation process. It also thanked the Secretary-General and the Task force on the future of the Union, under the leadership of Mr PONZANO, for the remarkable quality of their work, their expertise and their professionalism. The Commission also held a wide-ranging exchange of views, covering in particular:

- the success of the use of the Convention mechanism as a method of working;
- the preservation of the Community method in its entirety, and the advances made in several areas, despite numerous obstacles;
- the positive aspects, particularly: the democratisation and transparency of the system since some 95% of Community legislation would in future be subject to the codecision procedure; a single legal personality for the Union, and the inclusion in the text of the Charter of Fundamental Rights;

- the delicate ratification process at Union level and the efforts that the Commission should make to facilitate this in coordination with the other institutions and the Member States.

Following this debate, the PRESIDENT hoped that all Commission Members would contribute actively to creating the conditions conducive to ratification of the Constitution without difficulties.

13. OTHER BUSINESS

13.1. BIOMETRY FOR THE BENEFIT OF THE CITIZEN: A EUROPEAN PERSPECTIVE - EU BIOMETRICS SUMMIT (DUBLIN, 14 JUNE) (SEC(2004)869)

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

13.2. COMMISSION DECISION RELATING TO A PROCEEDING PURSUANT TO ARTICLE 82 OF THE EC TREATY (CASE COMP/C-3/37 - MICROSOFT)

The Commission took note of the information provided by Mr MONTI on the latest procedural developments in this matter and on the appropriate follow-up decisions now required, which would be put before it by urgent written procedure.

14. GENERAL DEBATE ON COMMUNICATION POLICY (SEC(2004)846; SEC(2004)847)

Mr VITORINO introduced SEC(2004)847 in support of the debate, prepared on the basis of contributions by Commission Members and discussions in the “information policy” group of Commission Members. He reviewed the various challenges faced by the Commission in the area of communication and information. This was an important debate and should provide the Commission with an overview of its actions in this field, in order to be able to consider the main points and weaknesses and to identify the subject areas in which it should be more active. Based on the Commission's experience, the result of the debate should enable lessons to be drawn for the future and for the next Commission.

The Commission held a wide-ranging exchange of views, in which it expressed its support for the analysis and the approach developed in the document presented by Mr VITORINO. It highlighted the following aspects in particular:

- the importance of putting across a high-quality message, measured among other things by clarity and ability to explain complex subjects in a simple way;
- the key role of systematic training for all staff involved in the communication and information policy; it would be a good idea to develop the use of communication professionals;
- the need to rethink the Commission's internal structure in this area, in particular the coordination between the Press and Communication DG, the representations in the Member States, the delegations in the non-member countries and the operational departments;
- the importance of sound planning in good time, so as to avoid concentrating communication and information efforts on a single day or a few days a week;

- the advisability for the next Commission of conferring political responsibility for communication and information on a Commission Member, without usurping the role of Commission Spokesman;
- the need to analyse constantly the real impact of the Commission's communication and information operations on the target audiences;
- the connection between good communications within the Commission and the ability to interact smoothly with the outside world;
- taking developments in the media environment into account, since a large part of the structures and the strategy still in use dated from an era in which the technological means had been very limited compared with the current situation;
- the role that Commission Members must play, especially in their own countries, and the possibilities of coordinating individual actions;
- the budgetary and administrative problems faced in the representations and “info points” in the Member States;
- the specific difficulties confronting the Commission in this area, compared with other large bodies and organisations.

Following this debate, the PRESIDENT endorsed the observations made and concluded that the Commission needed to strengthen its communication strategy along the lines set out during the meeting and in SEC(2004)847. Along with Mr VITORINO he reminded the meeting of the importance for the present Commission of carrying out a communication operation focusing on all it had achieved during its term of office.

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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 1350 hours.