



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2005)1693 final

Brussels, 16 March 2005

MINUTES
of the 1693rd meeting of the Commission
held in Strasbourg
(Winston Churchill Building)
on Tuesday 8 March 2005
(afternoon)

These minutes were approved by the Commission at its 1694th meeting, held in Brussels on 16 March 2005.

They contain 18 pages.

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Single sitting: Tuesday 8 March (afternoon)

The sitting opened at 1345 hours with Mr Barroso, President, in the chair.

Present:

Mr BARROSO	President
Ms WALLSTRÖM	Vice-President
Mr VERHEUGEN	Vice-President
Mr BARROT	Vice-President
Mr FRATTINI	Vice-President
Mr DIMAS	
Ms HÜBNER	
Mr BORG	
Ms GRYBAUSKAITĖ	
Mr POTOČNIK	
Mr FIGEL	
Mr KYPRIANOU	
Mr MICHEL	Items 1 to 9.1
Mr KOVÁCS	
Ms KROES	
Ms FISCHER BOEL	
Mr McCREEVY	
Mr ŠPIDLA	
Mr MANDELSON	
Mr PIEBALGS	

Absent:

Mr KALLAS	Vice-President
Ms REDING	
Mr ALMUNIA	

Mr REHN

Ms FERRERO-WALDNER

The following sat in to represent absent Members of the Commission

Mr CHANTERIE	A member of Ms Reding's staff
Ms LAMELA	Chef de cabinet to Mr Almunia
Ms ÅSENIUS	A member of Mr Rehn's staff
Mr SCHWAIGER	Deputy Chef de cabinet to Ms Ferrero-Waldner

The following also sat in

Mr PETITE	Director-General, Legal Service	
Mr VALE DE ALMEIDA	Chef de cabinet to the President	
Ms MARTINHO	Adviser in the President's Office	
Mr CYMBRON	A member of the President's staff	
Ms CARPARELLI	Deputy Chef de cabinet to Ms Wallström	
Mr SAGREDO	A member of Mr Barrot's staff	
Ms KONTOU	Chef de cabinet to Mr Dimas	Items 9.2 and 10
Mr KERSTENS	A member of Mr McCreevy's staff	Item 9
Mr DOWGIELEWICZ	Spokesman	
Ms VON SCHNURBEIN	Spokeswoman	
Mr MOAVERO-MILANESI	Deputy Secretary-General	Items 1 to 9.1
M. MASSANGIOLI	Secretariat General	Items 1 to 9.1
Ms SIPALA	Secretariat-General	Items 1 to 9.1

Secretary: Mr O'SULLIVAN, Secretary-General, assisted by Mr KERSTING, Unit Head in the Secretariat-General.

1. AGENDAS

(OJ(2005)1693/3; SEC(2005)305/2)

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(2005)1693)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 7 March.

3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1692nd MEETING (2 March)

(PV(2005)1692 and /2; PV(2005)1692, Part II)

The Commission approved the minutes of its 1692nd meeting.

4. WRITTEN PROCEDURES AND EMPOWERMENT

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2005)306 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 28 February and 4 March.

4.2. SENSITIVE WRITTEN PROCEDURES

(SEC(2005)307)

The Commission took note of written procedures initiated between 28 February and 4 March for the adoption of decisions with political implications.

4.3. EMPOWERMENT

(SEC(2005)308 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 28 February and 4 March.

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 28 February and 4 March, as archived on the "Greffé 2000" (Registry) website.

5. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2005)309/2)

ADMINISTRATIVE MATTERS

(PERS(2005)31/2)

5.1. DG AIDCO - AMENDMENT OF ORGANISATION CHART

(SEC(2005)341/2)

On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms FERRERO-WALDNER, the Commission approved the amendments to the EuropeAid DG's organisation chart set out in SEC(2005)341/2.

This decision would take effect on 16 March.

**5.2. SECRETARIAT-GENERAL - APPLICATION OF THE ARTICLE 50
PROCEDURE (SECOND STAGE) WITH RESPECT TO AN A*15
OFFICIAL
(PERS(2005)32)**

The Commission continued its discussions on this matter, begun on 9 February (PV(2005)1689 final).

On a proposal from Mr KALLAS, in agreement with the PRESIDENT, the Commission adopted the decision in PERS(2005)32, applying the second stage of the procedure laid down in Article 50 of the Staff Regulations with respect to Mr Sylvain BISARRE, an A*15 official, Director of Directorate D (Coordination of Commission policies) in the Secretariat-General.

This decision would take effect on 1 April.

**5.3. DG TREN/J - A*14-A*15 POST OF DIRECTOR
(PERS(2004)134 to /3)**

The Commission had before it applications under Article 29(2) of the Staff Regulations for the post of Director of Directorate J (Security - protection of persons, assets and facilities) in the Energy and Transport DG (PERS(2004)134), a post reserved for a national of one of the new Member States.

The Commission took note of the opinions of the Consultative Committee on Appointments of 11 January and 3 February (PERS(2004)134/2 and /3).

The Commission proceeded to compare the applicants' qualifications for the post.

On a proposal from Mr KALLAS, in agreement with the PRESIDENT, Mr BARROT and Mr PIEBALGS, it then decided to appoint Ms Marjeta JAGER to the post.

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

Notwithstanding this decision, the Commission also noted the qualifications of Mr Emanuel ŠIP.

**5.4. DG DIGIT/B - A*14-A*15 POST OF DIRECTOR
(PERS(2004)188 to /3)**

The Commission had before it applications under Article 29(1)(a) (i) and (iii) of the Staff Regulations for the post of Director of Directorate B (Information Systems) in the Informatics DG (PERS(2004)188).

The Commission took note of the opinions of the Consultative Committee on Appointments of 10 and 16 December 2004 (PERS(2004)188/2 and /3).

The Commission proceeded to compare the applicants' qualifications for the post. It also considered their ability, efficiency and conduct in the service. On a proposal from Mr KALLAS, in agreement with the PRESIDENT, it then decided to appoint Mr Declan DEASY to the post.

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

**5.5. DG DIGIT/R - A*14-A*15 POST OF DIRECTOR
(PERS(2004)189 to /3)**

The Commission had before it applications under Article 29(1)(a) (i) and (iii) of the Staff Regulations for the post of Director of Directorate R (Resources) in the Informatics DG (PERS(2004)189).

The Commission took note of the opinions of the Consultative Committee on Appointments of 10 and 16 December 2004 (PERS(2004)189/2 and /3).

The Commission proceeded to compare the applicants' qualifications for the post. It also considered their ability, efficiency and conduct in the service. On a proposal from Mr KALLAS, in agreement with the PRESIDENT, it then decided to appoint Mr Arturo CABALLERO BASSEDAS to the post.

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

5.6. *DG ADMIN - DESIGNATION OF OFFICIALS TO ACT IN THE ABSENCE OF THE DIRECTOR-GENERAL*

On a proposal from Mr KALLAS, in agreement with the PRESIDENT, the Commission decided, under Article 24 of its Rules of Procedure, that in the event of the Director-General, Personnel and Administration, being unable to exercise his functions the following officials would deputise for him, in the order indicated:

- Ms Irène SOUKA, an A*15 official, Director of Directorate A (Staff and careers);
- Mr Daniel JACOB, an A*15 official, Director of Directorate B (Staff Regulations: policy, management and advisory services).

This decision would take effect immediately.

OTHER MATTERS

5.7. *ACTIVITIES OF Mr MONTI AFTER LEAVING THE COMMISSION (SEC(2005)334)*

Having considered the nature of the activities planned by Mr MONTI, the Commission approved SEC(2005)334, stating specifically that these activities

were not connected with the former portfolio of Mr MONTI and that they were compatible with the last paragraph of Article 213(2) of the Treaty.

**6. PROPOSAL FOR A COUNCIL REGULATION ESTABLISHING A
EUROPEAN INSTITUTE FOR GENDER EQUALITY
(COM(2005)81 to /4; SEC(2005)328/2)**

The Commission approved the communication in COM(2005)81/4 for transmission to the Council, Parliament, the Economic and Social Committee and the Committee of the Regions, together with the staff paper distributed as SEC(2005)328/2, the contents of which were noted.

7. RELATIONS WITH NON-MEMBER COUNTRIES

**7.1. WTO MINISTERIAL MEETING IN MOMBASA, KENYA (3 AND 4
MARCH)
(SEC(2005)355)**

The Commission took note of the information note from Mr MANDELSON, in agreement with Ms FISCHER BOEL, in SEC(2005)355.

8. OTHER BUSINESS

8.1. *FIGHTING TERRORISM - 11 MARCH 2005: REMEMBERING THE VICTIMS OF TERRORISM ON THE FIRST ANNIVERSARY OF THE MADRID ATTACKS* ***(SEC(2005)345)***

The Commission took note of the information note from Mr FRATTINI in SEC(2005)345.

8.2. *LAUNCH OF THE EUROPEAN PLATFORM FOR ACTION ON DIET, PHYSICAL ACTIVITY AND HEALTH* ***(SEC(2005)353)***

The Commission took note of the information note from Mr KYPRIANOU in SEC(2005)353.

8.3. *UNESCO NEGOTIATIONS ON A DRAFT CONVENTION ON THE PROTECTION OF THE DIVERSITY OF CULTURAL CONTENTS AND ARTISTIC EXPRESSIONS - STATE OF PLAY* ***(SEC(2005)356)***

The Commission took note of the information note from Mr FIGEL in SEC(2005)356.

8.4. *THE EUROPEAN INSTITUTE FOR TECHNOLOGY* ***(SEC(2005)354)***

The Commission took note of the information note from Mr FIGEL in SEC(2005)354.

9. INTERINSTITUTIONAL RELATIONS

(SEC(2005)314 and /2; SI(2005)200)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on 4 March (SEC(2005)314 and /2).

It paid particular attention to the following points:

9.1. RELATIONS WITH PARLIAMENT

Updating the Framework Agreement

(SP(2005)945)

The PRESIDENT and Ms WALLSTRÖM gave a short presentation of the draft revised framework agreement, which would be discussed at the meeting of the Conference of Presidents of Parliament in their presence on Tuesday 8 March. They mentioned a number of points that could now be regarded as closed and others that remained the same as in the framework agreement currently in force. They also thanked the officials concerned for the excellent results achieved. They then concentrated more specifically on the three highly political articles on which final overall agreement had still to be reached with Parliament, namely Article 2 (conflicts of interest), Article 3 (expression by Parliament of a lack of confidence in a Commission Member) and Article 4 (replacement of Commission Members before the end of their mandate).

The Commission held an in-depth exchange of views on these three articles and also discussed recent changes in the role of Parliament and changes likely to occur after the entry into force of the constitutional Treaty, following the ratification procedure currently under way. In conclusion, the Commission noted:

- the likelihood of reaching agreement on Article 2, in view of the letter sent by the PRESIDENT to the President of Parliament on Monday 7 March. In this connection, the PRESIDENT reminded Members of their duty to inform him promptly of any potential conflict of interest. This information was vital to enable him to comply with his commitments;
- that, at their meeting with the Conference of Presidents of Parliament and with regard to Article 3 of the draft framework agreement, the PRESIDENT and Ms WALLSTRÖM would ask the President of Parliament for an indication of the procedure that Parliament might envisage using if it were to express a lack of confidence in a Member of the Commission, with particular reference to the planned updating of Parliament's Rules of Procedure;
- the replacement, in the compromise text of Article 4 presented by the PRESIDENT, of the reference to the appearance of the new Commission Member before Parliament by the presentation of the new Commission Member.

At the procedural level, the Commission took note of Ms WALLSTRÖM's explanations to the effect that, if political agreement were reached between the two institutions that day, the Commission would be asked to endorse the agreement at its next meeting. On Parliament's side, the Committee on Constitutional Affairs would start examining the text in the week beginning 14 March. Both institutions would then be asked formally to adopt the framework agreement towards the end of April. The Council bodies needed to be properly involved in the process.

9.2. INTERINSTITUTIONAL RELATIONS

Proposal for a Council Regulation establishing a Community fisheries control agency and amending Regulation (EC) No 2847/93 establishing a control system applicable to the common fisheries policy

(point 2.3.1 of the record; SI(2005)190)

Ahead of the Council meeting (Agriculture and Fisheries) to be held on Monday 14 March, the Commission authorised Mr BORG to take a position following the line set out in SI(2005)190.

Council meeting (Competitiveness) (Brussels, 7-8 March)

(points 1.3 and 2.4 of the record)

Mr McCREEVY reported on the Council meeting (Competitiveness) of 7 March, and particularly on the debate on the proposal for a Directive on services in the internal market and the adoption as an “A” item of the Council common position on the proposal for a Directive concerning the patentability of computer-implemented inventions.

As regards the latter proposal, Mr McCREEVY welcomed the formal adoption of a common position and drew the Commission Members' attention to the next stage of the interinstitutional procedure. It was now up to Parliament to give an opinion at second reading, partly on the basis of the communication to be presented by the Commission under the second paragraph of Article 251(2) of the EC Treaty. When the time came the Commission would take due account of the results of Parliament's discussions, but any substantive change to the nature of the original proposal would be unacceptable.

In the light of this information, the Commission:

- confirmed the approach agreed at previous meetings with a view to complying fully with the normal operation of interinstitutional procedures;
- approved in principle the communication to Parliament concerning the common position adopted by the Council in this matter, set out in COM(2005)83, distributed under written procedure 208/2005 started on 3 March, and empowered Mr McCREEVY, in agreement with the PRESIDENT, to finalise this document for transmission to Parliament and the Council.

As to the proposal for a Directive on services in the internal market, Mr McCREEVY pointed to the importance attached by the Council to the adoption of a Directive on opening up the market in services, as part of the strategy for renewed growth and employment. However, the Council had concluded that the current proposal required certain amendments to secure the widest possible support.

The PRESIDENT supported Mr McCREEVY's remarks, reiterating, in particular, the huge potential of the services sector for relaunching the Lisbon Strategy and for completing the internal market and promoting free movement, as advocated by the founding fathers.

Citing the warm welcome given by the Council to the Commission's proposals for relaunching the Lisbon agenda, Mr VERHEUGEN expressed optimism about the chances of finalising the dossier at the spring European Council.

The Commission took note of this information and held an in-depth exchange of views on the proposed Directive, aware that Mr McCREEVY was due to

address the plenary session of Parliament that day. It discussed the following issues in particular:

- the need to avoid a polarised, over-hasty or irrational debate and instead to ensure a carefully considered view based on the facts and the real substance of the proposal;
- the importance of clarifying a number of uncertainties and clearing up any misunderstandings that might still exist, given that certain aspects of the proposal had not been clearly understood when it was adopted by the previous Commission;
- the possibility of excluding certain sectors, such as health and services of general interest, from the scope of the Directive;
- the possibility of a phased approach;
- ways of taking into account the legitimate concerns expressed about the country of origin principle.

Winding up the debate, the Commission:

- confirmed that it did not envisage presenting a new proposal before Parliament had had a chance to express its view formally at first reading, under the codecision procedure, but reiterated its willingness in due course to reconsider certain controversial aspects of the text, for example when an amended proposal was adopted after the first reading;
- decided that steps should be taken to promote a substantive debate on the proposal and to develop the widest possible consensus on this issue within the Community institutions and among the social partners;

- decided to make slight changes to the wording of certain passages of Mr McCREEVY's speech to the plenary session of Parliament;
- entrusted Mr McCREEVY with the task of preparing proposals designed to allay the various legitimate concerns that had been expressed. This would be done as part of the preparatory work for the adoption of the Commission position following the adoption by Parliament of its opinion at first reading. It should be consistent with the communication on social services to be presented to the Commission shortly by Mr ŠPIDLA and could be examined in the first instance in the group of Commission Members on competitiveness.

**10. COMMISSION DECISION CONCERNING THE NATIONAL
ALLOCATION PLAN FOR THE ALLOCATION OF GREENHOUSE GAS
EMISSION ALLOWANCES NOTIFIED BY POLAND IN ACCORDANCE
WITH PARLIAMENT AND COUNCIL DIRECTIVE 2003/87/EC
(C(2005)549/2 AND /4); SEC(2005)322)**

Mr DIMAS briefly outlined the key points of the draft decision he was tabling.

The Commission adopted the decision in C(2005)549/4 in the authentic language (Polish). This decision would be notified to the Republic of Poland.

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

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The meeting closed at 1600 hours.