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SECRETARIAT-GENERAL

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Brussels, 25 May 2005

MINUTES
of the 1702nd meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 18 May 2005
(morning)

These minutes were approved by the Commission at its 1703rd meeting, held in Brussels on 25 May 2005.

They contain 24 pages.

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The sitting opened at 0905 hours with Mr Barroso, President, in the chair.

Mr BARROSO 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

Mr KOVÁCS

Ms KROES

Ms FISCHER BOEL

Ms FERRERO-WALDNER

Mr ŠPIDLA

Mr MANDELSON

Mr PIEBALGS

Absent:

Ms WALLSTRÖM

Vice-President

Mr REHN

Mr McCREEVY

The following sat in to represent absent Members of the Commission

Ms BERGENFELT	A member of Ms Wallström's staff
Ms ÅSENIUS	A member of Mr REHN's staff
Mr POWER	Chef de cabinet to Mr McCreevy

The following also sat in

Mr PETITE	Director-General, Legal Service	
Mr VALE DE ALMEIDA	Chef de cabinet to the President	
Ms LE BAIL	Commission Spokeswoman	
Mr CARVOUNIS	Director-General (acting), DG Press and communication	
Ms RAMPI	Spokeswoman	Item 11
Ms FERNANDEZ DE LA PUENTE	Spokeswoman	Items 8 to 11
Mr ITALIANER	Deputy Chef de cabinet to the President	
Ms MARTINHO	Chief Adviser in the President's Office	Items 8 to 11
Mr ELLIS	A member of the President's staff	
Mr HOLOLEI	Chef de cabinet to Mr Kallas	Item 11
Mr SCHMIDT	Deputy Chef de cabinet to Mr Kallas	Item 11
Mr SZÜCS	Chef de cabinet to Mr Kovács	Item 6
Mr CHILD	Chef de cabinet to Ms Ferrero-Waldner	Items 8 and 11
Ms GONZALEZ DURANTEZ	A member of Ms Ferrero-Waldner's staff	Item 8
Mr FRASER	Chef de cabinet to Mr MANDELSON	Items 8 to 9
Mr MOAVERO MILANESI	Deputy Secretary-General	Item 11
Mr NYMAND CHRISTENSEN	Secretariat-General	Item 11

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

1. AGENDAS

(OJ(2005)1702/3; SEC(2005)635/2)

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)1702)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Friday 13 May.

3. MINUTES OF 1701st MEETING (10 May)

(PV(2005)1701)

The Commission approved the minutes of its 1701st meeting.

4. WRITTEN PROCEDURES AND EMPOWERMENT

4.1. *WRITTEN PROCEDURES APPROVED*

(SEC(2005)636 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 10 and 13 May.

4.2. *SENSITIVE WRITTEN PROCEDURES*

(SEC(2005)637)

The Commission took note of written procedures initiated between 10 and 13 May for the adoption of decisions with political implications.

4.3. EMPOWERMENT

(SEC(2005)638 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 10 and 13 May.

4.4. EMPOWERMENT FOR MANAGEMENT OF CRISIS SITUATIONS

(SEC(2005)655 and /2)

The Commission empowered the Commission Member responsible for food and feed safety to adopt the measures set out in point IV of SEC(2005)655/2 in accordance with the conditions laid down in the same document.

4.5. DELEGATION AND SUBDELEGATION OF POWERS

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation procedure between 9 and 13 May, as archived on the "Greffé 2000" (Registry) website.

5. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2005)639/2)

ADMINISTRATIVE MATTERS

(PERS(2005)68/3)

5.1. DG/ECFIN - APPOINTMENT OF A DEPUTY DIRECTOR-GENERAL A*15/A*16

(PERS(2005)13; PERS(2005)22/2 to /4)

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Deputy Director-General in the Economic and Financial Affairs DG (PERS(2005)13).

(18 May 2005)

The Commission took note of the opinions of the Consultative Committee on Appointments of 22 January and 10 March (PERS(2005)22/3 and /4).

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Mr KALLAS in agreement with the PRESIDENT and Mr ALMUNIA, it decided to appoint Mr Hervé CARRE to the post.

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

**5.2. DG TREN - SELECTION OF THE PRESIDENT AND MEMBERS OF THE BOARD OF APPEAL OF THE EUROPEAN AVIATION SAFETY AGENCY(EASA)
(PERS(2005)47)**

The Commission noted the procedure followed in this matter, as set out in PERS(2005)68/3, and, on a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr BARROT, decided :

- to endorse the list of ten candidates recommended by the CCN as set out in PERS(2005)68/3 ;
- to consider this list as a Commission proposal under Article 32 of Parliament and Council Regulation (EC) No 1592/2002;
- to ask Mr BARROT to communicate this decision to the Management Board of the European Aviation Safety Agency.

This decision would take effect immediately.

**5.3. EXTERNAL PUBLICATION OF FUNCTIONS OF DIRECTOR (GRADE A*14) in DGs EUROPEAID, BUDGET, COMPETITION, EDUCATION AND CULTURE, AND PRESS AND COMMUNICATION (EU-10)
(PERS(2005)69; PERS(2005)70; PERS(2005)71; PERS(2005)72;
PERS(2005)73)**

(18 May 2005)

On a proposal from Mr KALLAS, in agreement with the PRESIDENT and the Commission Members directly concerned, the Commission authorised the publication of the vacancy notices in PERS(2005)69, PERS(2005)70, PERS(2005)71, PERS(2005)72, PERS(2005)73, under Article 29(2) of the Staff Regulations.

The Commission noted that the departments concerned would take all the measures necessary for the function of Director in the EuropeAid DG to be filled before the end of the year.

This decision would take effect immediately.

5.4. *DG JRC – REQUEST FOR EXEMPTION FROM RETIREMENT OF A GRADE A*15 OFFICIAL*

The Commission, on a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr POTOČNIK decided to approve the extension of the exemption from retirement at the age of 65 accepted on 16 June 2004 of Mr Gérard LANDER, a grade A*15 official, currently Director of the Institute for Transuranium Elements at the Joint Research Centre in Karlsruhe. Mr LANDER's new retirement date was set at 31 December 2005.

This decision would take effect immediately.

5.5. *DG REGIO/C - APPOINTMENT OF A DIRECTOR IN GRADE A*14 (EU-10) (PERS(2004)233 to /3)*

The Commission had before it applications under Article 29(2) of the Staff Regulations for the post of Director, Directorate C (Thematic Development, Impact, Evaluation and Innovative Action) in the Regional Policy DG (PERS(2004)233), 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 24 February and 17 March (PERS(2004)233/2 and /3).

The Commission proceeded to compare the candidates' qualifications for the post. On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms HÜBNER, it decided to appoint Ms Natalija KAZLAUSKIENĖ to the post.

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

5.6. *DG RELEX – TEMPORARY OCCUPATION OF THE FUNCTION OF HEAD OF DELEGATION IN MOROCCO*

The Commission, on a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms FERRERO-WALDNER, decided under Article 7(2) of the Staff Regulations that Mr Olivier RUYSSSEN, an A*12 official, currently Administrator in the Delegation in Morocco, should temporarily occupy the function of Head of the Commission Delegation in Morocco with effect from 1 January 2005 until the post was definitively filled, subject to a maximum of twelve months.

This decision would take effect immediately.

6. INTERINSTITUTIONAL RELATIONS

6.1. *RELATIONS WITH PARLIAMENT*

i) Part-session of 9 to 12 May

(SP(2005)2067)

The Commission took note of the information supplied relating to Parliament's part-session of 9 to 12 May (SP(2005)2067).

The PRESIDENT referred to the latest developments within Parliament as regards the motion of censure against the Commission tabled by Mr FARAGE. Reporting on the support for the Commission given by the main political groups in Parliament, the majority of group leaders having expressed their satisfaction with the explanations supplied in response to

the questions raised by Mr FARAGE, as well as their indignation at what could be regarded as a politically motivated procedural ploy with the ultimate aim of destroying the European project, he outlined the collective position proposed to set out in the debate on the motion, which could take place at the mini-part-session in Brussels on 25 and 26 May.

The Commission held a brief exchange of views on this question, during which it expressed its total solidarity with the PRESIDENT and drew particular attention to the opportunity and the need to react strongly to defamatory insinuations of this kind, and in this way to mobilise the positive-minded MEPs in favour of a political approach where good faith would prevail over demagoguery.

ii) Action to be taken on Parliament's opinions
(SP(2005)1983)

The Commission approved the proposed empowerment decisions relating to action to be taken on the amendments presented by Parliament under the codecision procedure (SP(2005)1983).

6.2. RELATIONS WITH THE COUNCIL
(SI(2005)411)

iii) ***Informal meeting of the Ministers of Economic and Financial Affairs***
(Luxembourg, 13 - 14 May)

Ms GRYBAUSKAITĖ, Mr ALMUNIA and Mr KOVÁCS informed the Commission of the debates that had taken place at the informal meeting of Ministers of Economic and Financial Affairs on 13 and 14 May.

Ms GRYBAUSKAITĖ referred in particular to the discussion concerning the financial perspective 2007-2013. While pointing out that a majority of Member States supported the approach that would produce an overall agreement before the end of the Luxembourg Presidency, she expressed concern at the foot-dragging of certain delegations and the lack of real

progress in the negotiations on aspects such as revenue, the generalised corrective mechanism and the situation of certain Member States that were net contributors.

In this connection, Mr POTOČNIK emphasised what was at stake in the discussions about the level of funding in the next financial framework for the areas of innovation, science and knowledge, key aspects of the Lisbon Strategy.

The PRESIDENT stressed that as the negotiations on the financial perspective moved into the final straight, the Commission as a whole should play an active part highlighting the importance of an appropriate budget framework to enable the Union to achieve the essential political objectives it had set itself. He urged all Commission Members to convey this message. At all events the matter would be taken up again at a future Commission meeting.

Mr ALMUNIA then reported on the debate that had taken place at the informal meeting on subjects such as the economic situation of the euro area, differences in growth rates between the Member States being a source of concern; the integrated guidelines; the representation of the euro area in international bodies; the new common face of the one and two euro coins following enlargement; debt relief for the poorest countries; possible fiscal options with a view to financing development aid in relation to the Commission proposal of setting an intermediate objective for official development aid for 2010.

As regards these latest fiscal options, Mr ALMUNIA and Mr KOVÁCS reported that the informal meeting had revealed a wide gap between the delegations on the question of a possible tax on kerosene, but by contrast a certain consensus was emerging for a tax on air tickets, seen as a small contribution by air passengers, to be levied by the Member States on either a voluntary or a compulsory basis, and to be used to finance specific, high-profile projects. The Commission had been invited to

present an analysis of this plan with a view to the next Economic and Financial Affairs Council on 7 June, although it was still possible that the General Affairs and External Relations Council on 23 May might consider the question in its wider debate on the financing of development aid.

The Commission took note of the information supplied and held an exchange of views on the questions mentioned relating to the financing of development aid, emphasising in particular:

- in view of the political situation this year, the favourable circumstances for the Union to show foresight, ambition and solidarity and take an early initiative on the international stage in the fight against poverty, hunger and disease, and to play a key role in promoting, at world level, the link between development and trade;
- the importance of highlighting the alternative sources of financing that could attract public support on a major project;
- the need to remind the Member States' political leaders of the undertakings given in 2000 as regards official development aid goals;
- the immediate need to move forward quickly and for all the Commission Members concerned to adopt a coordinated approach with a view to preparing a policy line on the financing of development aid for the Economic and Financial Affairs Council in June.

**7. RECOMMENDATION FOR A COUNCIL DECISION ABROGATING THE
DECISION OF 2 JUNE 2004 ON THE EXISTENCE OF AN EXCESSIVE
DEFICIT IN THE NETHERLANDS
(SEC(2005)642 and /2; SEC(2005)654)**

Mr ALMUNIA briefly presented the communication he was tabling, highlighting the efforts made by the Dutch Government that had brought to an end the country's excessive deficit situation.

The Commission took note of this information and approved the recommendation in SEC(2005) 642 for transmission to the Council.

**8. A STRONGER EU-US PARTNERSHIP AND A MORE OPEN MARKET
FOR THE 21st CENTURY
(COM(2005)196 to /4; SEC(2005)653)**

Mr MANDELSON and Ms FERRERO-WALDNER presented in turn the communication they were tabling. Focusing on the development of economic and trade relations between the European Union and the United States and on strengthening the overall institutional architecture of the transatlantic partnership, the communication constituted a key contribution from the Commission to the forthcoming summit, taking stock of the position on matters that could contribute to a more open transatlantic market and proposing a set of initiatives that would in particular improve the compatibility of regulations. Mr MANDELSON and Ms FERRERO-WALDNER reviewed the measures proposed for removing certain obstacles that still existed on either side of the Atlantic, for developing and integrating the knowledge and innovation-based economies of the two partners and for finding the right balance between security needs and measures to facilitate trade and financial flows.

As 2005 marked the 15th anniversary of the 1990 Transatlantic Declaration and the 10th anniversary of the 1995 New Transatlantic Agenda, most of whose objectives had been achieved, Ms FERRERO-WALDNER saw the next task as being to modernise the institutional and political architecture by strengthening in particular the parliamentary dimension of the partnership.

The Commission held a brief exchange of views, underlining the importance of the communication as a sound basis for strengthening dialogue and cooperation with the United States with an eye to producing concrete results. The following points in particular were highlighted:

- as regards the planned cooperation on regulatory issues, the importance of safeguarding the informal and voluntary approach that was currently operating satisfactorily in a number of sectors, but without in any way encroaching on the autonomy of the Commission Members and without calling into question the very fruitful relationship of trust that had resulted from the informal work done in recent years;
- following President BUSH's visit last February, the possibility of consolidating the progress already achieved in terms of political rapprochement between the two partners and the tightening of the transatlantic links;
- the importance of keeping a close watch on developments in areas such as the information society, protection of intellectual property rights, methodology for impact assessments, regulatory convergence on security and state aid in aviation, exchange of confidential information on competition matters, the transfer of air passenger name records, extension of the validity of passports beyond October 2005, free movement of persons and visa arrangements;
- the need for effective monitoring of the dossier by the full Commission, on the basis of the contributions that would be prepared by the External Relations Group of Commissioners.

After the discussion, the Commission approved the communication in COM(2005)196/4 for transmission to Parliament, the Council and the Economic and Social Committee.

9. RELATIONS WITH NON-MEMBER COUNTRIES

9.1. VISIT TO CANADA BY MR BORG (1-4 MAY)
(SEC(2005)667)

The Commission took note of the information in SEC(2002)671/4.

9.2. EU-RUSSIA SUMMIT (MOSCOW, 10 MAY)

Ms FERRERO-WALDNER reported on the results of the EU / Russia summit, held on 10 May in Moscow. She stressed the good atmosphere that had marked the summit, the principal result of which, after long and difficult negotiations, was the agreement reached on the roadmaps that would lead the two parties to the achievement of the four common areas. Among the points that would require further attention in the near future, she mentioned in particular the gradual elimination of charges for overflying Siberia, enhanced cooperation in the energy sector, implementation of the Kyoto Protocol, accession of Russia to the World Trade Organisation and conclusion of the negotiations on facilitation of the procedures for granting visas and on the EU / Russia readmission agreement.

The Commission took note of this information and went on to discuss specific cooperation objectives for the coming years and the related political and technical challenges.

In conclusion the PRESIDENT confirmed the positive assessment of the summit and the importance of open and constructive relations between the European Union and Russia for implementation of the common areas. He also stressed the need for careful and regular monitoring of this process and referred to the meeting planned in the near future between the Prime Minister and certain other members of the Russian Government and the Commission to discuss practical aspects of the implementation of the four areas.

9.3. MEETING OF THE QUARTET ON THE MIDDLE EAST PEACE
PROCESS (MOSCOW, 9 MAY)

Ms FERRERO-WALDNER summarised the main points of the meeting of the Middle East quartet in Moscow on 9 May. She highlighted the importance the quartet attached to the road map for peace in the Middle East and to the concrete improvement of the economic situation of the Palestinians and drew attention to the Commission's willingness to contribute actively to this process.

Mr MANDELSON mentioned briefly the trade talks that would begin shortly with the Israeli and Palestinian authorities, which were particularly important in the context of Israel's withdrawal from the Gaza Strip.

The Commission took note of this information.

9.4. *MINISTERIAL MEETING BETWEEN THE EUROPEAN UNION TROJKA AND CHINA (BEIJING, 11 MAY)*

Ms FERRERO-WALDNER reported on the ministerial meeting in Beijing between the European Union trojka and China, to mark the 30th anniversary of bilateral diplomatic relations between the two parties. She referred in particular to the two main subjects discussed, viz. the expectations of the Chinese authorities for a possible lifting of the embargo on arms exports and Chinese exports of textile products.

Mr MANDELSON confirmed the firm but constructive position of the European Union in the field of Chinese textile exports and outlined the latest measures proposed.

The Commission took note of this information and held a brief debate on various aspects of the textiles dossier and on the question of stepping up scientific and technological cooperation between China and the European Union.

9.5. *VISIT BY Ms KROES TO BULGARIA AND ROMANIA (11-13 MAY)*

Ms KROES reported on her contacts with the competition authorities of Bulgaria and Romania during the recent visit to these two countries. As regards implementation of the state aid chapter, she expressed concern at the lack of progress made by Romania and said that the Commission might be forced to apply the safeguard clause contained in the Accession Treaty should implementation prove unsatisfactory. While welcoming the progress made by Bulgaria in this area, she also referred to the serious problems of corruption that existed in both countries. Ms KROES insisted on the Commission's unbending attitude to corruption and the need for a continuous effort from the two countries to remove this obstacle, which could jeopardise the planned date of accession.

The Commission took note of this information.

10. OTHER BUSINESS

10.1. MEETING BETWEEN THE PRESIDENT AND THE UN SECRETARY-GENERAL

The PRESIDENT stated that he would shortly be distributing an information note on his recent meeting with the Secretary-General of the United Nations.

10.2. 58th CANNES FILM FESTIVAL

Ms REDING reported on the initiatives she had taken at the 58th Cannes film festival, which had had a very positive impact, particularly for the image of the European Union as promoter of the European film industry. Referring particularly to the third Europe Day, with the theme "Europe's cinemas and the information society", which had brought together the 25 Ministers responsible for culture and the audiovisual media of the European Union, film industry professionals and the bosses of telecommunications companies, Ms REDING pointed to the need for the European film industry to adapt to

the new technologies in order to take advantage of the possibilities offered by on-line films, while taking steps to protect against piracy. She also drew attention to the large number of European films selected at the festival.

The Commission took note of this information.

11. ORIENTATION DEBATE ON A POSSIBLE EUROPEAN TRANSPARENCY INITIATIVE

(SEC(2005)644 to /4; SEC(2005)652)

The PRESIDENT introduced the Commission's general discussion based on the communication from the PRESIDENT, Ms WALLSTRÖM and Mr KALLAS distributed as SEC(2005)644/4.

The PRESIDENT pointed out that compliance with the highest standards of transparency was an essential condition for the legitimacy of any modern administration and that the present debate flowed from the undertaking given by the Commission when drafting its strategic objectives for 2005-09 and on other occasions. The immediate objective was to see what further progress could be made on top of the major achievements to date, which included the programme of measures deriving from the 2001 White Paper on European governance, the code of good administrative behaviour governing relations between the Commission and the general public, the code of conduct for Members of the Commission and the obligation on them to publish a declaration of interests, clear rules on access to documents and the provision of detailed information about committees and groups of experts. He concluded by emphasising that an overall strategic approach had to be applied, independent of any specific contextual circumstance. After his general presentation of the dossier, the PRESIDENT pointed to the interest of a possible option for the Commission in due course of setting up an *Advisory Group on Standards in Public Life* which would deliver opinions at the request of the

Community institutions. This Group would be a sort of forerunner of an interinstitutional framework for professional ethics.

Mr KALLAS endorsed the PRESIDENT's remarks and added that technological progress alone was a powerful factor behind transparency, something that would become vital for all the institutions. He stated that the principles of transparency were not in conflict with protection of confidentiality in certain situations. Finally he emphasised the importance of questions of transparency in the context of the difficulties encountered with the public's sense of ownership of the European project and the institutions.

The Commission held an exchange of views, the focus of which included the following:

- the need for the Commission to demonstrate a determined and proactive attitude as regards transparency, independent of any timetable considerations;
- the need to make clear the very high standards already applying as regards transparency;
- the need to clarify the relationship between a proactive communication policy and the definition of the standards to be applied as regards transparency;
- the need to ensure that the proposals that would eventually be made would be of direct benefit to the public, which would mean, for one thing, that the relevant information should be made available to the public in their own language;
- the need to assess the possible proposals, prior to formulation, so that objectives announced would not exceed real possibilities;
- the need to weigh ambitions as regards transparency against their practical implications in terms of feasibility, administrative burden and need for additional human resources;

- the relevance of the solutions mentioned for access to information on final beneficiaries of Community funds and the need to take account of current practices;
- real needs and the desirable degree of access to the Commission accounts and accounting system;
- the need to respect the presumption of innocence and defence rights as regards the ideas put forward with a view to enhanced fraud prevention;
- the practical implications of the possibility of a register of lobbying and pressure groups and civil society organisations;
- real possibilities of extending identical transparency principles to all the institutions;
- the need to combine high standards of transparency with the need for adequate protection of personal data and the need to respect the confidentiality due to people writing to Members of the Commission;
- the composition of the interdepartmental group envisaged in point 4 of the communication under consideration.

After this general discussion, the Commission :

- agreed on the need to consider the issue of transparency proactively and cautiously, associating the other institutions closely in the thinking by appropriate means;
- set up an interdepartmental group with the task of presenting, by October 2005, a report analysing the points raised in SEC(2005)644/4, covering their technical and legal feasibility and implications in terms of resources;
- decided to wait for the report of the above interdepartmental group before deciding on the operational follow-up to this debate;

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- decided to take up, if appropriate in a Green Paper which could be tabled before the end of the year, any suggestions involving the other institutions, the Member States or civil society;
- decided to wait for the outcome of the debate launched by the Green Paper, if issued, before presenting any communication with concrete proposals.

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The meeting closed at 1325 hours.