



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

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Brussels, 1 June 2005

MINUTES
of the 1703rd meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 25 May 2005
(morning)

These minutes were approved by the Commission at its 1704th meeting, held in Brussels on 1 June 2005.

They contain 23 pages.

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Single sitting: Wednesday 25 May (morning)

The sitting opened at 0915 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 KALLAS	Vice-President	
Mr FRATTINI	Vice-President	
Ms REDING		
Mr DIMAS		
Mr ALMUNIA		
Ms HÜBNER		
Mr BORG		
Mme GRYBAUSKAITĖ		
Mr POTOČNIK		
Mr FIGEL'		Items 1 to 6
Mr KYPRIANOU		
Mr REHN		
Mr MICHEL		Items 1 to 6
Mr KOVÁCS		
Ms KROES		
Ms FISCHER BOEL		
Mr McCREEVY		Items 1 to 10
Mr ŠPIDLA		
Mr MANDELSON		

Absent:

Ms FERRERO-WALDNER

Mr PIEBALGS

(25 May 2005)

The following sat in to represent absent Members of the Commission

Mr CHILD	Chef de cabinet to Ms Ferrero-Waldner
Mr KESTERIS	Chef de cabinet to Mr Piebalgs

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 ITALIANER	Deputy Chef de cabinet to the President	
Mr CABRAL	Adviser hors classe in the President's Office	Item 9
Ms MARTINHO	Chief Adviser in the President's Office	Item 8
Mr ELLIS	A member of the President's staff	Item 6
Mr PRESENTI	Chef de cabinet to Mr Frattini	Items 1 to 7
Ms LAMELA	Chef de cabinet to Mr Almunia	Item 9
Mr QUEST	Chef de cabinet to Ms Grybauskaitė	Item 6
Mr ADAMIŠ	Chef de cabinet to Mr Figel'	Items 8 to 12
Mr FRASER	Chef de cabinet to Mr Mandelson	Items 8 to 11
Mr HAUGAARD	A member of Mr Mandelson's staff	Item 11
Ms CORUGEDO STENEBOG	Press and Communication DG	
Mr MOAVERO MILANESI	Deputy Secretary-General	Items 1 to 6
Ms DALBY	Secretariat-General	Item 8
Ms POLLARD	Secretariat-General	Item 8
Mr SERVOZ	Secretariat-General	Item 6

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

1. AGENDAS

(OJ(2005) 1703/3; SEC(2005)669/3)

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)1703)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 23 May.

3. MINUTES OF 1702nd MEETING (18 May)

(PV(2005)1702)

The Commission approved the minutes of its 1702nd meeting.

4. WRITTEN PROCEDURES AND EMPOWERMENT

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2005)670 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 17 and 20 May.

4.2. SENSITIVE WRITTEN PROCEDURES***(SEC(2005)671 and /2)***

The Commission took note of written procedures initiated between 17 and 20 May for the adoption of decisions with political implications.

4.3. EMPOWERMENT***(SEC(2005)672 et seq.)***

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 17 and 20 May.

4.4. EMPOWERMENT OF A COMMISSION MEMBER TO TAKE URGENT ACTION CONCERNING IMPORTS FROM THE PEOPLE'S REPUBLIC OF CHINA***(SEC(2005)695 and /2; SEC(2005)698 and /2)***

The Commission, taking note of the thrust of documents SEC(2005) 695 and /2 and SEC(2005) 698/2 :

- decided to request formal consultations with the People's Republic of China concerning imports of product categories 4 and 115 under paragraph 242(a) of the Protocol of Accession of China to the World Trade Organization and asked the Commission Member responsible for trade to transmit this request to the People's Republic of China before 31 May;
- empowered the Commission Member responsible for trade to negotiate with the Chinese authorities and, should negotiations with the Chinese authorities achieve a removal of market disruption and the threat to the orderly development of trade by 31 May 2005, to decide that the request for formal consultations was no longer necessary and not to transmit it to the People's Republic of China, in accordance with the conditions laid down in the abovementioned documents.

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 17 and 20 May, as archived on the "Greffé 2000" (Registry) website.

5. COMMISSION DECISION CONCERNING THE NATIONAL PLAN FOR THE ALLOCATION OF GREENHOUSE GAS EMISSION ALLOWANCES NOTIFIED BY ITALY IN ACCORDANCE WITH DIRECTIVE 2003/87/EC (C(2005)1527 to /3; SEC(2005)679)

The Commission adopted the decision in C(2005)1527/3, in the authentic language (Italian), with a view to notification to the Member State in question.

6. INTERINSTITUTIONAL RELATIONS (SEC(2005)663)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on 20 May (SEC(2005)663).

It paid particular attention to the following:

6.1. RELATIONS WITH PARLIAMENT

i) Preparations for May II part-session: legislation (point 1.2. of record)

In accordance with the rules in force, the Commission authorised the Commission Members responsible, in agreement with the PRESIDENT, Ms WALLSTRÖM and any other Members associated, to take a position on Parliament's amendments to its proposals.

It paid particular attention to the following:

2nd reading

Joint discussion on motor vehicles:

- KOCH report – Seats and head restraints in motor vehicles - COM(2003)361, 03/0128(COD)

The Commission adopted the line set out in SP(2005)2160.

- COSTA report – Motor-vehicle safety belts - COM(2003)363, 03/0130(COD)

The Commission adopted the line set out in SP(2005)2150.

- COSTA report – Anchorages for motor-vehicle safety belts - COM(2003)362, 03/0136(COD)

The Commission adopted the line set out in SP(2005)2152.

- HEDKVIST-PETERSEN report – Frontal protection systems on motor vehicles (1st reading) - COM(2003)586, 03/0026(COD)

The Commission adopted the line set out in SP(2005)2151.

- LULLING report - Quarterly financial accounts by institutional sector - COM(2003)789, 03/0296(COD)

The Commission adopted the line set out in SP(2005)2187.

Empowerment

Under Article 13 of its Rules of Procedure the Commission empowered the Members concerned, in agreement with the PRESIDENT, Ms WALLSTRÖM and any other Members associated, to adopt its opinion on the amendments, together with any amended proposals, on the basis of the line set out in the documents concerned, once Parliament had given its opinion, and transmit them to the Council in accordance with Article 251(2)(c) of the Treaty, for the following:

(25 May 2005)

- KOCH report - Seats and head restraints in motor vehicles - SP(2005)2160
- COSTA report – Motor-vehicle safety belts - SP(2005)2150
- COSTA report - Anchorages for motor-vehicle safety belts - SP(2005)2152
- HEDKVIST-PETERSEN report - Frontal protection systems on motor vehicles - SP(2005)2151
- LULLING report - Quarterly financial accounts by institutional sector – SP(2005)2187

1st reading

- SCHEELE report – Addition of vitamins and minerals and of certain other substances to foods - COM(2003)671, 03/0262(COD)

The Commission adopted the line set out in SP(2005)2174.

- POLI BORTONE report - Nutrition and health claims made on foods - COM(2003)424, 03/0165(COD)

The Commission adopted the line set out in SP(2005)2175.

- NASSAUER report - Money laundering, including financing of terrorism - COM(2004)448, 04/0137(COD)

The Commission adopted the line set out in SP(2005)2181/2.

- KRATSA-TSAGAROPOULOU report - Amendment of action programmes on equality between women and men - COM(2004)551, 04/0194(COD)

The Commission adopted the line set out in SP(2005)2132.

Simple consultation

(25 May 2005)

- SCHIERHUBER report - Financing of the common agricultural policy
- COM(2004)489, 04/0164(CNS)

The Commission adopted the line set out in SP(2005)2161/2 and authorised the Commission Member responsible for agriculture and rural development, with a view to the Council (Agriculture and Fisheries) meeting on 30 May 2005, to support a Presidency compromise which might be adopted by qualified majority, in accordance with this same line.

- MATO ADROVER report - Employment policies of the Member States - COM(2005)141

The Commission adopted the line set out in SP(2005)2140.

ii) Preparations for the May II and June I and II part-sessions: list of Commission Members attending and handling dossiers at the plenary session

(point 3.3 of the record)

The PRESIDENT draw the attention of the Commission Members to the entry of the debate on the censure motion tabled against the Commission that Wednesday 25 May at 15.00 hours.

iii) Action taken on Parliament's opinions and resolutions

(point 3.6.2 of the record)

Commission communication on the action taken on opinions and resolutions adopted by Parliament at the April I and II part-sessions

The Commission adopted SP(2005)2124 on the action taken on Parliament's opinions and resolutions at its April part-sessions, for transmission to Parliament.

iv) Revision of framework agreement (item 3.8. of the record)

Assuming a positive vote by Parliament on the revised framework agreement on relations between the Commission and the European Parliament at the plenary session of 25 and 26 May, the Commission authorised the PRESIDENT and Ms WALLSTRÖM to approve the revised version of the framework agreement, as annexed to SP(2005)2180 and /2, and authorised the PRESIDENT to sign the revised framework agreement on behalf of the Commission.

6.2. RELATIONS WITH THE COUNCIL

(SI(2005)448)

- v) ***Education, Youth, Culture and Audiovisual Policy, 23 and 24 May*** (item 2.1. of the record)

Proposal for a European Parliament and Council decision concerning the implementation of a programme of support for the European audiovisual sector (MEDIA 2007).

The Commission noted that Ms REDING had had the statement set out in Annex D to the record of the IRG entered in the minutes of the Council (Education, Youth, Culture and Audiovisual Policy) meeting of 23 and 24 May.

- vi) ***Preparations: Employment, Social Policy, Health, Consumers, 2 and 3 June***
(point 2.3 of the record)

Proposal for a Council directive on the agreement between the Community of European Railways (CER) and the European Transport Workers' Federation (ETF) on certain aspects of the working conditions of mobile workers assigned to interoperable cross-border services.

The Commission authorised Mr ŠPIDLA to have entered in the minutes of the Council meeting (Employment, Social Policy, Health, Consumers) of 2 and 3 June the three statements set out in Annex E to the record of the

IRG, in order to facilitate adoption of the Directive by the Council by qualified majority.

- vii) **Proposal for a Parliament and Council Directive establishing an infrastructure for spatial information in the Community (INSPIRE)**
(item 2.4. of the record)

The Commission authorised departments to start discussions in Coreper on 25 May and 1 June, with the aim of securing agreement at first reading.

6.3. RELATIONS WITH THE ECONOMIC AND SOCIAL COMMITTEE, THE COMMITTEE OF THE REGIONS, THE OMBUDSMAN AND NATIONAL PARLIAMENTS

- viii) *Preparations for the meeting of 25 May between the Commission and the Ombudsman* (item 4.1. of the record)

The Commission took note of SP(2005)676/3.

6.4. OTHER MATTERS

- ix) *Financial perspective 2007-13: conclave, 22 May* (item 6.1. of record)

The PRESIDENT and Ms GRYBAUSKAITĖ reported on the discussions on the future financial perspective that had taken place at the conclave of Foreign Ministers on 22 May. While emphasising that a large majority of Member States' delegations supported the approach of trying to reach an overall agreement under the Luxembourg Presidency, they could see certain objective difficulties existing at the present time which might interfere with this process, such as the unstable general political context and the sluggish economic situation of the Union.

The PRESIDENT reported that as the Presidency proposal (the revised negotiation framework) contained all the key elements of a possible overall political compromise, the decisive phase of the negotiations had truly started on this basis. Emphasising that the Commission would most

probably be faced with some difficult choices in the coming weeks, he reviewed the tight timetable for the negotiations as currently planned, viz. following Mr JUNCKER's "confessional-type" bilateral meetings with the Member States (and the PRESIDENT would himself be meeting some of them), the Presidency would submit a new proposal at the beginning of June containing figures for each heading; Parliament's vote on its report on 7 June; new conclave on 12 June; Council meeting (General Affairs and External Relations) on 13 June; trialogue with Parliament on 15 June; European Council on 16 and 17 June.

Ms GRYBAUSKAITĖ referred to the positions taken up by certain Member States at the conclave and in the media. After specifying the range within which the appropriations as a percentage of GNI could ultimately lie in the overall compromise, she reminded the meeting of the very negative impact that would result from failure to reach an agreement under the Luxembourg Presidency.

The Commission took note of this information and held an in-depth exchange of views, in which it:

- lent its full support to the message conveyed by the PRESIDENT when addressing the conclave on 22 May;
- confirmed the Commission's firm and ambitious position, which emphasises the importance for the Union of giving itself an appropriate budgetary framework if it wishes to achieve the key objectives it set itself, without compromising its credibility;
- noted with disappointment that certain Member States seemed to be focusing their efforts in these negotiations on maintaining a certain *status quo* of the present financial framework rather than demonstrating real and determined long-term political vision;

- noted the serious consequences that failure to reach agreement in the coming weeks would have;
- pointed to the importance of carefully coordinating its position with that of Parliament;
- highlighted the importance of the revenue aspects in this final stage of the negotiations;
- insisted that the new distribution key for the 10th EDF constituted an integral part of the comprehensive agreement.

After expressing the Commission's support for the approach outlined by Ms GRYBAUSKAITĖ in this complex matter, the PRESIDENT, in conclusion, underscored the usefulness of the debate in making the entire Commission aware of what was at stake. He repeated his invitation to Commission Members to convey the agreed collegial message in their outside contacts, including with the European Parliament, national parliaments, Member States and the media, and announced that this item would be systematically considered at the Commission's meetings.

***x) Informal meeting of ministers responsible for regional policy and territorial cohesion (Luxembourg, 20-21 May)
(SEC(2005)721)***

In support of the information note distributed, Ms HÜBNER and Mr ŠPIDLA gave a brief rundown of the discussions that had taken place at the meeting. Placing emphasis on the excellent cooperation between the Commission and the Luxembourg Presidency, the points they highlighted included the Presidency's broad support for the Commission's strategic approach to cohesion policy for the period 2007-2013 and for the priorities of the Lisbon Strategy, and the suggestion that the focus of the Community strategic guidelines in this area be on specific themes where

they were likely to produce better results in terms of growth, competitiveness and employment.

The Commission took note of this information.

xi) General Affairs and External Relations (Brussels, 23 and 24 May)

Mr MICHEL reported on the results of this Council meeting as regards in particular the millennium goals for official development aid. He expressed his satisfaction with the support he had secured in the Council for the Commission proposal establishing a collective intermediate objective of 0.56% of GNI in 2010, and for setting individual thresholds for all the Member States, with a pledge of 0.51% of GNI for EU-15. Referring to his tour of capitals in recent months which had given him the opportunity to meet his counterparts and to dispel many misunderstandings, Mr MICHEL welcomed the determination and ambition shown by the Union to assume the status of international leader in the field of development, giving itself some real political clout for the UN summit in September 2005. He added that the Council had also endorsed other points contained in the Commission proposals for speeding up progress towards the millennium development goals, such as the stress on Africa.

After congratulating Mr MICHEL for the results secured, the Commission took note of this information and held a brief exchange of views on the questions mentioned, focusing in particular on the following aspects:

- in view of the political timetable for the coming months, the advisability for the Union to speak with one voice and to play a key role in promoting at world level action in favour of development and the link between development aid and trade;
- the importance of finding the most promising alternative sources of financing development aid with a view to supplementing existing

resources, such as a voluntary charge on air fares to be designed as a small contribution by air passengers;

- the need for the Commission to be present in the ongoing thinking about the reform of the United Nations Organisation;
- the role each Commission Member could play in future in replicating the proactive experiment described by Mr MICHEL to promote understanding with the Member States on specific subjects;
- the importance of ensuring that the conclusions of the Council set out above were properly reflected in the conclusions of the June European Council.

The PRESIDENT concluded by emphasising the prime political importance for the Commission, and for the Union, of embracing the grand cause of development aid by mobilising the public behind an ambitious project. One of the aspects on which the President wishes to give particular thought was the development of economic and trade capacities, particularly for African countries. He called on Mr MICHEL, Ms FERRERO-WALDNER and Mr MANDELSON to prepare a possible Commission contribution to the debate on these matters, including the discussion within the G8. He also tasked Ms FERRERO-WALDNER with looking into the possibility of preparing a Commission contribution to the ongoing debate on the reform of the United Nations Organisation, in cooperation with Mr MICHEL, Mr MANDELSON and Mr DIMAS, based on the informal initiatives already taken.

7. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2005)673/2)

ADMINISTRATIVE MATTERS

(PERS(2005)76/2)

DG JLS - ADOPTION OF A “SHORTLIST” OF CANDIDATES FOR THE POST OF EXECUTIVE DIRECTOR OF THE EUROPEAN AGENCY FOR THE MANAGEMENT OF OPERATIONAL COOPERATION AT THE EXTERNAL BORDERS OF THE MEMBER STATES OF THE EUROPEAN UNION (FRONTEX)

(PERS(2005)66 to /3)

After taking note of the procedure followed, as set out in PERS(2005)76/2, and of additional explanations supplied by Mr KALLAS and Mr FRATTINI, the Commission, on a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr FRATTINI, decided:

- to submit a list of three candidates to the Management Board of the Agency in question, made up of one candidate regarded as being particularly suitable for the function and two other candidates regarded as being also suitable (PERS(2005)76/2);
- to consider this shortlist, including the merits of each candidate, as the Commission proposal under Article 26(1) of Council Regulation No 2007/2004;
- to task Mr FRATTINI with communicating this decision to the Management Board of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union.

This decision would take effect immediately.

8. DRAFT DECLARATION ON GUIDING PRINCIPLES FOR SUSTAINABLE DEVELOPMENT

(COM(2005)218 to /4; SEC(2005)687)

The PRESIDENT set out the context of the draft declaration he was tabling. The Commission then held a brief exchange of views on certain passages.

The Commission approved the communication in COM(2005)218/4 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.

9. COMMISSION COMMUNICATION TO PARLIAMENT AND THE COUNCIL ON THE INDEPENDENCE, INTEGRITY AND ACCOUNTABILITY OF THE NATIONAL AND COMMUNITY STATISTICAL AUTHORITIES - COMMISSION RECOMMENDATION ON THE INDEPENDENCE, INTEGRITY AND ACCOUNTABILITY OF THE NATIONAL AND COMMUNITY STATISTICAL AUTHORITIES

(COM(2005)217 to /5; SEC(2005)680)

Mr ALMUNIA outlined the draft communication and recommendation he was tabling.

The Commission approved the communication and the recommendation in COM(2005)217/5 for transmission to Parliament and the Council. It noted that the European Statistics Code of Practice, distributed as COM(2005)217/3, would be annexed to the recommendation.

10. TRENDS IN THE MEMBER STATES**(SEC(2005)719)**

Ms WALLSTRÖM presented the information note distributed as SEC(2005) 719 dealing with developments in public opinion during the period 18 April to 19 May. She pointed in particular to the vital importance for the Commission to communicate with the entire population (and not only with the 15% or so who read the national newspapers), while shaping communication efforts to match the target group. She went on to discuss the results of the April Eurobarometer survey on the environment, highlighting the fact that the Union's role in this area is seen to be legitimate, 45% of those questioned judging that the Union is the most appropriate level for supplying solutions on environmental protection issues.

As regards the impending French and Dutch referendums on the Constitution, the PRESIDENT explained the communication measures planned by the Commission following the votes. It was his intention, jointly with M. JUNCKER, President of the European Council, to issue a statement on the results of the French poll and pointed to the importance for the Council and the Commission as well as individual Members of the Commission all to convey the same message. He accordingly asked the Commission Members to let him have any observation they might wish to make.

The Commission took note of this information.

11. RELATIONS WITH NON-MEMBER COUNTRIES***VISIT BY Mr MANDELSON TO THE MIDDLE EAST*****(SEC(2005)720)**

Further to his information note, Mr MANDELSON pointed out that the coming months would provide an opportunity to make ambitious use not only of existing assistance instruments, but also of trade policy as a whole in order to promote the peace process as much as possible in the Middle East.

(25 May 2005)

After taking note of the information supplied, the Commission congratulated Mr MANDELSON on the good results already secured by trade policy in the region.

12. OTHER BUSINESS

INTERNATIONAL MISSING CHILDREN'S DAY

Mr FRATTINI outlined the significance and the objectives of International Missing Children's Day, which was taking place that day, 25 May, in several European countries and was designed mainly to encourage people to think of all children missing in Europe and throughout the world. Referring to the many initiatives financed by the Commission in the fight against trafficking in human beings and more particularly children, he emphasised that they came under the priorities of the Hague programme and the future strategy for the protection of children's rights. He explained that the Commission had decided to be involved, as a token of solidarity in this day of action.

The Commission took note of this information and held a brief exchange of views, after which it reiterated that this paneuropean problem is very disturbing. It also referred to other very concrete measures that were being promoted in the media, on the internet and by the use of mobile phones.

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The meeting closed at 1125 hours.