



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2005) 1716 final

Brussels, 5 October 2005

MINUTES
of the 1716th meeting of the Commission
held in Strasbourg
(Winston Churchill Building)
on Tuesday 27 September 2005
(afternoon)

PV(2005) 1716 final

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Single sitting: Tuesday 27 September 2005 (afternoon)

The sitting opened at 1325 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

Ms GRYBAUSKAITĖ

Mr POTOČNIK

Mr FIGEL'

Mr KYPRIANOU

Mr REHN

Mr MICHEL

Mr KOVÁCS

Ms FISCHER BOEL

Ms FERRERO-WALDNER

Mr McCREEVY

Mr ŠPIDLA

Mr PIEBALGS (items 1 to 8)

Absent:

Ms KROES

Mr MANDELSON

The following sat in to represent absent Members of the Commission

Ms SUTTON

The following also sat in

Mr PETITE	Director-General, Legal Service	
Mr VALE DE ALMEIDA	A Chef de cabinet to the President	
Ms LE BAIL	Commission Spokeswoman	
Ms HELFFERICH	Spokeswoman	Item 9
Ms MARTINHO	Chief Adviser in the President's Office	
Ms CARPARELLI	Deputy Chef de cabinet to Ms Wallström	Items 1 to 8
Mr SAGREDO	A member of Mr Barrot's staff	Items 1 to 8
Mr SCHELLEKENS	Deputy Chef de cabinet to Mr Dimas	Item 9
Ms CYGAN	Deputy Chef de cabinet to Ms Hübner	
M. LADEFOGED	Directorate-General, Environment	Item 9

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

1. AGENDAS

(OJ(2005) 1716/3; SEC(2005)1168/3)

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)1716)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 26 September.

**3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1715th MEETING
(21 September)**

(PV(2005) 1715; PV(2005)1715, Part II to /3)

The Commission approved the minutes of its 1715th meeting.

4. WRITTEN PROCEDURES AND EMPOWERMENT

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2005)1169 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 19 and 23 September.

4.2. SENSITIVE WRITTEN PROCEDURES

(SEC(2005)1170)

The Commission took note of written procedures initiated between 19 and 23 September for the adoption of decisions with political implications.

4.3. EMPOWERMENT
(SEC(2005)1171 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 19 and 23 September.

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 19 and 23 September, as archived on the "Greffé 2000" (Registry) website.

5. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2005)1172/2)

ADMINISTRATIVE MATTERS
(PERS(2005)122 and /2)

5.1. DG/AGRI/H – PUBLICATION OF GRADE A*14 FUNCTION OF DIRECTOR (EU-10)
(PERS(2005)124)

On a proposal from Mr KALLAS in agreement with the PRESIDENT and Ms FISCHER BOEL, the Commission authorised the publication, under Article 29(2) of the Staff Regulations, of the vacancy notice in PERS(2005)124, with a view to the recruitment of a national of a new Member State.

This decision would take effect immediately.

**5.2. DG DIGIT/A - A*14-A*15 FUNCTION OF DIRECTOR
(PERS(2004)242 to /4)**

The Commission had before it applications for the post of Director of Directorate A (Infrastructure) in the Information Technology Directorate-General, published under Article 29(2) of the Staff Regulations (PERS(2004) 1242 and /2) and reserved for the recruitment of a national of one of the new Member States.

The Commission took note of the opinions of the Consultative Committee on Appointments of 14 and 27 July (PERS(2004)242/3 and /4).

The Commission proceeded to compare the candidates' qualifications for the post. On a proposal from Mr KALLAS, in agreement with the PRESIDENT, it then decided to appoint Mr Christos ELLINIDES to the post.

This decision would take effect on a date to be determined.

**5.3. OPOCE/B – RECRUITMENT OF A TEMPORARY STAFF MEMBER TO
THE GRADE A*14 FUNCTION OF DIRECTOR
(PERS(2005)20 to /4)**

Having taken note of the procedure followed to fill this function, as set out in PERS(2005) 122/2, the Commission, on a proposal from Mr KALLAS in agreement with the PRESIDENT and Mr FIGEL', decided to recruit Ms Danielle SAFFAR as a Grade A*14 member of the temporary staff under Article 2(b) of Conditions of Employment of Other Servants of the European Communities to the function of Director of Directorate B (Publications and Distribution) of the Publications Office (OPOCE) for a period of four years, renewable for up to two years.

This decision would take effect on a date to be determined.

5.4. OLAF SUPERVISORY COMMITTEE – APPOINTMENT OF FULL MEMBERS AND DECISION ON RESERVE LIST
(SEC(2005)1196)

Having taken note of the procedure followed, as set out in PERS(2005)122, the Commission:

- approved the appointment of full members and the list of reserve members of the OLAF Supervisory Committee, as set out in PERS(2005)122;
- endorsed the joint decision of Parliament, the Council and the Commission as set out in SEC(2006) 1196;
- instructed Mr KALLAS to sign the decision on behalf of the Commission and to agree with Parliament and the Council on the date when it would take effect.

6. ANY OTHER BUSINESS

6.1. DEVELOPMENTS ON THE OIL MARKETS AND ACTION TAKEN IN RESPONSE TO HIGH OIL PRICES
(SEC(2005)1199/2)

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

7. OUTCOME OF THE SCREENING OF LEGISLATIVE PROPOSALS PENDING BEFORE THE LEGISLATOR
(COM(2005)462 and /2)

The PRESIDENT introduced the dossier, emphasising its importance in the context of the better lawmaking approach and the revised Lisbon strategy. He highlighted the specific political dimension of the exercise, as the first comprehensive and systematic consideration of proposals dating from before 1 January 2004 and still awaiting adoption. This was to give practical effect to the intentions announced in the March communication on Better Regulation for Growth and Jobs in the European Union (COM(2005)97) and give practical shape to the Commission's concern to attach priority to quality over quantity of legislation. Given the sensitivity of the exercise, the PRESIDENT emphasised the importance of the message to be sent both outside and inside the Commission, the objective being to produce proposals of the highest standard and not to limit the Commission's power of initiative or call key elements of the Community *acquis* into question. The presentation of the dossier must also refer to the next stages of the better lawmaking initiative, in particular as regards the simplification of existing legislation, a more complex and more highly political exercise with a stronger impact on the other Institutions, the public and the business world. The PRESIDENT concluded by emphasising the importance of a firm collective commitment by all Commission Members to bringing this major exercise to a successful conclusion.

Emphasising the direct link between this exercise and the Commission's policy on growth and employment (over-regulation tending to inhibit the propensity to invest and consequently growth), Mr VERHEUGEN outlined the underlying approach taken by the proposal for withdrawal of outstanding legislative proposals. 183 proposals had been considered in terms of competitiveness, better lawmaking, their progress through the legislative process and their possible obsolescence. It was proposed that 68 proposals be withdrawn and that five be maintained pending presentation of an analysis of their economic repercussions. He emphasised that the responsibility for an initiative such as this lay with the Commission but stated that Parliament had been kept regularly informed of the approach and that the Commission would remain attentive to its concerns. Given the likely criticisms, he confirmed the PRESIDENT's approach whereby the proposed withdrawal did not

call into question the integrity of Community legislation, which remained necessary, but simply aimed to abolish superfluous instruments while preserving the balance between the Commission's major political objectives of growth, employment, social cohesion and sustainable development. He concluded by summing up the next stages of the process.

Having noted the statements by the PRESIDENT and Mr VERHEUGEN, the Commission held an in-depth exchange of views, considering the following questions in particular:

- the approaches made in order to keep Parliament properly informed and the Commission's willingness to act in full compliance with the framework agreement;
- the detailed grounds for each proposed withdrawal;
- the importance of developing a culture of legislative quality and avoiding over-regulation, given that lightening the regulatory burden was not an end in itself but a means of achieving better legislation in everybody's interest and that legislation should continue to be used wherever necessary;
- the need to avoid confusing lightening the regulatory burden and deregulation; in this connection, the need to highlight the relevance of Community legislation, which contributed to a general Union-wide simplification exercise by replacing the separate legislation of 25 Member States;
- the importance for the Commission of taking the initiative here and meeting criticisms that it was excessively bureaucratic;
- the scope of the proposal, which was part of a much longer-term process, and the value of a periodic review mechanism;
- the next stages of the process and particularly the simplification exercise; the need to beware of underestimating the difficulties of the withdrawal exercise in view of the contradictory interests at stake, depending on who was concerned;

- the experience of certain Member States in matters of simplification;
- the link between taking simplification measures and promoting the subsidiarity principle;
- the potential reactions to the planned measures in Parliament, the Council, the Member States, the public, Commission staff, etc; the need to involve national parliaments;
- certain communication aspects: the need for all Commission Members to be in a position to explain the Commission's reasons for withdrawing this or that legislative proposal in their respective fields; the importance of a balanced presentation of the proposed approach and its anticipated effects;
- the major role of impact evaluations in the context of the better lawmaking initiative; the advisability of amplifying future impact evaluations in the light of the territorial dimension of the relevant measures.

Following this discussion, the Commission:

- approved the communication in COM(2005)462/2;
- decided to transmit it to Parliament and the Council, so as to give those institutions advance notice of the Commission's intention to withdraw pending proposals, in accordance with the Framework Agreement on relations between the European Parliament and the Commission, as well as of the Commission's position concerning the pending proposals on optical radiations and temporary workers.

8. INTERINSTITUTIONAL RELATIONS

(SEC(2005)1173)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 23 September (SEC(2005)1173).

It paid particular attention to the following points:

RELATIONS WITH PARLIAMENT

i) Preparations for September II part-session:

(point 1.2.1 of the record)

Codecision – 1st reading

- ZAPPALA Report – Coordination of procedures for the award of public works contracts, public supply contracts and public service contracts – COM(2005)214, 05/0100 (COD)

The Commission noted that no amendments had been tabled to date and that the proposal would be therefore adopted at first reading.

ii) Preparations for September II part-session: Non-legislative matters

(point 3.1 of the record)

- Council and Commission Statements: Oil (Oil prices and dependence)

The Commission took note of the line set out in SP(2005)3775/2, incorporating the statement that Mr PIEBALGS would make in plenary.

iii) Approval of action taken on non-legislative resolutions adopted by Parliament at the June I and II part-sessions

(point 3.5 of the record)

The Commission approved and decided to transmit to Parliament document SP(2005)3776/2 on the action taken on non-legislative resolutions adopted by Parliament at its June I and July part-sessions.

iv) Participation by Members of Parliament in international conferences

(point 3.8 of the record)

11th Conference of the Parties to the United Nations Framework Convention on Climate Change (Montreal, 28 November to 9 December)

The Commission decided to approve President BORRELL's request to President BARROSO concerning the participation of 18 Members of Parliament in this conference.

Annual meeting of the NAFO (North-West Atlantic Fisheries Organisation), Tallin, 19–23 September, and Annual meeting of the SEAFO (South-East Atlantic Fisheries Organisation), Namibia, 3–6 October

The Commission decided to decline President BORRELL's request to the PRESIDENT concerning the participation of two Members and one Member of Parliament respectively in these conferences, in view of the lack of time available.

v) *Parliament's work priorities*
(SP(2005)3869)

Having noted that the various points considered by the interinstitutional relations group had been settled, Ms WALLSTRÖM reported on Parliament's plenary on Monday 26 September, introduced by a statement by President BORRELL on Parliament's work priorities for the coming months. She highlighted the balanced nature of President BORRELL's statement, for he had taken note of the sound basis of cooperation between Parliament and the Commission, and the more critical tone as regards the Commission taken in successive statements by the Presidents of the political groups. In response to the various speakers in Parliament, Ms WALLSTRÖM had confirmed the Commission's support for the Constitution and its willingness to contribute actively to the search for a common solution, bearing in mind that President BARROSO and she herself would be presenting the results of the Commission seminar on the future of the Union to the Conference of Presidents that Wednesday. Regarding the better lawmaking exercise and the withdrawal of outstanding proposals (cf. item 7), she had stressed that Parliament had been regularly informed in full compliance with

the provisions of the framework agreement governing relations between the two Institutions.

The PRESIDENT noted that Parliament would be following closely the implementation of the Commission's 2005 work programme. While noting that the rate of implementation at this stage was better than in previous years, he emphasised the need to speed it up so as to attain full implementation and he called on Commission Members to do whatever was necessary to this end in their respective areas of responsibility. He stressed the need to focus on the priorities agreed in the strategic objectives and the work programme and to avoid dispersing efforts on initiatives elsewhere. The agendas for Commission meetings for the rest of the year were very heavy, and he asked Commission Members to use the written procedure whenever possible when agreement had been reached by the Chefs de cabinet, given that this procedure did not preclude cases being raised at the Commission meeting. Lastly, concerning the 2006 work programme, which would be up for adoption by the Commission by the end of October, he stated that he would take account of the rate of implementation in each sector this year and opt for a cautious approach wherever the rate of implementation fell short of the ideal. The point was to present Parliament and the Council with a realistic programme and to preserve the Commission's credibility.

The Commission took note of these observations and held an exchange of views on the issues addressed by the PRESIDENT and Ms WALLSTRÖM and on the general state of its relations with Parliament. Without prejudice to the powers conferred on each institution and the legal constraints inherent in the legislative process, she pointed to the need to develop a proactive approach based on a willingness to listen positively and engage in political dialogue with the various bodies of Parliament.

The PRESIDENT concluded the discussion by assuring Ms WALLSTRÖM of the Commission's support as the Member responsible for general relations with Parliament and highlighted the need for each Commission Member to support

her in all their various dealings with political groups and parliamentary committees. Without calling into question the traditional dynamic of relations between the legislative and executive branches, he felt that Parliament and the Commission shared a strategic interest and must work for active complicity in support of the European venture. Replying to certain observations as to how exhaustive the Commission's work programme was to be, the PRESIDENT stated that, without being cast in stone, its primary objective should be to carry out whatever was provided for in it, given that, if new circumstances made it necessary to add items, they would be considered in the light of actual needs and urgency.

9. COMMISSION COMMUNICATION TO THE COUNCIL AND PARLIAMENT ON REDUCING THE CLIMATE CHANGE IMPACT OF AVIATION

(COM(2005)459 to /4; SEC(2005)1181; SEC(2005)1184/2)

Mr DIMAS outlined the communication he was tabling in agreement with Mr BARROT. He emphasised that, while aviation still accounted for only a modest share of overall greenhouse gas emissions in the Union, aircraft emissions were rising faster than emissions in all other sectors and were liable to compromise the greenhouse gas emissions reduction targets set for the Union under the Kyoto Protocol. Given the progress made in other sectors of the economy and the willingness repeatedly stated by Parliament and the European Council to combat global warming, measures must be taken to ensure that aviation did not jeopardise the overall objective but contributed to it. To this end, it was proposed that aviation be included in the greenhouse gas emission trading system in the Union (ETS). On the basis of the studies carried out, this solution had been shown to be the most effective in environmental terms and the most profitable in terms of the cost/effectiveness ratio, in comparison with other alternatives options such as taxing airline tickets, airport taxes or emission charges. Parliament and the Council were

being asked to reply to the communication in detail, while at the same time the Commission would be setting up a group of experts of the Member States and interested parties to consider certain questions in greater depth. The Commission would then present a legislative proposal in 2006, when the ETS was up for review.

Mr BARROT expressed support for Mr DIMAS's draft communication, emphasising its balanced nature, since it satisfied three conditions: option for including aviation in the ETS in preference over taxation, the ultimate objective of an emissions trading system operating at world level and the need for an in-depth environmental and economic impact study taking all opinions into account.

The Commission took note of these observations and held a detailed discussion on the dossier, more particularly considering the following aspects:

- the question whether the planned measures were compatible with the principles guiding the better lawmaking initiative and generally well-founded, given the relative share of aviation in greenhouse emissions in comparison with other sectors that produced such emissions; the question whether it was right to proceed with the proposed solution when certain aspects remained to be studied in proper depth; conversely, the significance and expansion of emissions from aviation, which warranted combating the trend immediately;
- the need for all relevant economic sectors to play their part in reducing emissions and the request expressed to this effect by other sectors of the transport industry;
- the air transport industry's preference for inclusion in ETS over the taxation option;
- the various instruments available in the transport sector with a view to combating greenhouse emissions; research's input here;
- the economic impact on the aviation industry, particularly low-cost airlines; compatibilities with the competitiveness and growth objective pursued by the

renewed Lisbon strategy; the need for a balanced approach reflecting the costs generated by environmental degradation;

- the methodology and objectivity of the impact study supporting the proposal; the advisability of using outside experts.

In the light of the discussions and additional remarks made by Mr DIMAS in response to the comments made during the meeting, the PRESIDENT concluded the discussions by noting that the Commission was in very broad agreement.

The Commission approved the communication in COM(2005)459/4 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, together with the staff paper distributed as SEC(2005)1184/2, the contents of which were noted.

10. RELATIONS WITH THIRD COUNTRIES

10.1. 2005 UNITED NATIONS SUMMIT AND GENERAL ASSEMBLY (SEC(2005)1218)

Ms FERRERO-WALDNER reported on the summit, at which the Commission had been represented by the PRESIDENT, Mr MICHEL and herself. On the question of development policy, she highlighted the Commission's very useful contribution and the generally satisfactory results of the summit, which had recognised and reasserted the millennium development goals. Among other positive aspects, she mentioned the acceptance of the principle of collective responsibility for protecting populations against atrocities and the establishment of a new Peace-building Commission, to which the Commission had declared that it was willing to contribute. The results were less satisfactory, on the other hand, as regards establishment of the Human Rights Council, the sustainable environment aspect and the process of reforming the UN management, where the Commission would have

preferred to go further. Ms FERRERO WALDNER concluded by emphasising her efforts (particularly at her talks with representatives of the UN Secretariat-General) to improve the status and profile of the EU as one of the UN's major donors.

The Commission confirmed the need to consider boosting the Union's status in the United Nations and took note of Ms FERRERO-WALDNER's briefing note.

10.2. 2002 ANNUAL MEETINGS OF THE IMF AND WORLD BANK (SEC(2005)1211)

Mr ALMUNIA reviewed the main items discussed at these meetings, meetings of G7, G8 and G10 Finance Ministers and various bilateral meetings. He drew particular attention to discussions on the situation concerning rising oil prices and the impact on the American and world economy. On the basis of the view of certain economists that the upward cycle in the world economy, which had helped to sustain the European economy, would soon peak, he emphasised the importance for the Commission and the Union of pressing ahead with the implementation of the renewed Lisbon strategy and maintaining efforts at structural reforms. Further to the debt-relief agreement at the June summit of the G8, he also drew attention to the reactions of IMF and World Bank Member States who did not belong to the G8, which had expressed their concerns as to absence of advance notice of the arrangements.

The Commission took note of these observations and of the briefing note distributed as SEC(2005)1211.

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The meeting closed at 16h00.