



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2005)1724 final

Brussels, 7 December 2005

MINUTES
of the 1724th meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 30 November 2005
(morning)

PV(2005)1724 final

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Single sitting: Wednesday 30 November 2005 (morning)

The sitting opened at 1008 hours with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	President	
Ms WALLSTRÖM	Vice-President	Items 1 to 7, 8 (in part) and 12
Mr VERHEUGEN	Vice-President	Items 7, 8 (in part) and 9 to 13
Mr BARROT	Vice-President	
Mr KALLAS	Vice-President	Items 1 to 7, 8 (in part) and 12
Mr FRATTINI	Vice-President	Items 1 to 7, 8 (in part) and 12
Ms REDING		Items 1 to 10, and 12
Mr DIMAS		
Mr ALMUNIA		
Ms HÜBNER		
Mr BORG		
Ms GRYBAUSKAITĖ		Items 1 to 7, 8 (in part) and 12
Mr POTOČNIK		
Mr FIGEL'		
Mr KYPRIANOU		
Mr REHN		
Mr KOVÁCS		Items 1 to 10, and 12
Ms KROES		
Ms FISCHER BOEL		
Ms FERRERO-WALDNER		Items 1 to 7, 8 (in part) and 12
Mr McCREEVY		
Mr ŠPIDLA		
Mr MANDELSON		Items 1 to 7, 8 (in part) and 12

Mr PIEBALGS

Absent:

Mr MICHEL

The following sat in to represent absent Members of the Commission

Ms WEYAND	Chef de cabinet to Mr Michel	Items 1 to 10 and 12
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The following also sat in

Mr PETITE	Director-General, Legal Service	
Mr VALE DE ALMEIDA	Chef de cabinet to the President	
Mr LAITENBERGER	Commission Spokeswoman	Items 1 to 7, 8 (in part) and 12
Ms CORUGEDO STENEGER	Press and Communication DG	
Ms MARTINHO	Chief Adviser in the President's Office	Items 7, 8 and 12
Mr ELLIS	Member of the President's Office	Items 1 to 7, 8 (in part) and 12
Mr SIGNORE	A member of Mr Frattini's staff	Items 7 and 12
Mr STROHMEIER	Chef de cabinet to Ms Reding	Items 11 and 13
Ms KIRCHNER	A member of Mr Borg's staff	Item 11
Mr SZÜCS	Chef de cabinet to Mr Kovács	Items 7 to 12
Mr CHILD	Chef de cabinet to Ms Ferrero-Waldner	Items 8 (in part), 11 and 13
Mr FRASER	Chef de cabinet to Mr Mandelson	Item 8 (in part)
Mr ROSCAM ABBING	Spokesman	Items 7 and 12
Mr MOAVERO-MILANESI	Deputy Secretary-General	Items 1 to 7 and 12
Mr DE COCK DE RAMEYEN	Secretariat-General	Items 1 to 6

Secretary: Ms DAY, Secretary-General, assisted by Mr AYET PUIGARNAU, Director in the Secretariat-General.

1. AGENDAS

(OJ(2005)1724/3; SEC(2005)1537/2)

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)1724)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 28 November.

3. MINUTES OF 1723rd MEETING (23 November)

(PV(2005)1723 and /2)

The Commission approved the minutes of its 1723rd meeting.

4. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2005)1538 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 21 and 25 November.

4.2. SENSITIVE WRITTEN PROCEDURES

(SEC(2005)1539)

The Commission took note of written procedures initiated between 21 and 25 November for the adoption of decisions with political implications.

4.3. EMPOWERMENT

(SEC(2005)1540 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 21 and 25 November.

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 21 and 25 November, as archived on the "Greffé 2000" (Registry) website.

5. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2005)1541/2)

ADMINISTRATIVE MATTERS

(PERS(2005)142/2)

**JRC - APPLICATION OF ARTICLE 50 OF THE STAFF REGULATIONS
(SECOND STAGE) WITH RESPECT TO AN A*15 OFFICIAL
(PERS(2005)143/2)**

The Commission continued the discussion of this matter begun on 22 March (PV(2005)1695).

On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr POTOČNIK, the Commission adopted the decision in PERS(2005)143/2 applying the second stage of the procedure laid down in Article 50 of the Staff Regulations with respect to Mr Cornelis VAN LEEUWEN, an A*15 official, currently Chief Adviser in the Joint Research Centre.

This decision would take effect on 1 January 2007.

**6. COMMISSION DECISION ON A PROCEEDING PURSUANT TO
ARTICLE 81 OF THE EC TREATY (CASE COMP/F/38.354 – INDUSTRIAL
BAGS)**

(C(2005)4634 to /16; SEC(2005)1598)

Ms KROES briefly introduced the dossier she was tabling. She underlined the seriousness and duration of the infringement. Ms KROES very much regretted that the data relating to the dossier had been published in the press before the decision had been taken by the Commission. She indicated the possible sources of this leak and pointed out the unfortunate effects it would have, particularly for the Commission's image. The PRESIDENT agreed with these remarks, highlighting the negative impact of leaks to the press for the credibility of the Commission and its departments, particularly when one of its key competences was concerned, as well as the implications for collective responsibility. There were reliable means of identifying the sources of the leaks, and he asked each Member to do whatever was necessary to ensure that full confidentiality was respected in the Members' Offices.

In the light of this information, the Commission:

- took note of the opinions of the Advisory Committee on Restrictive Practices and Dominant Positions of 21 and 28 November (C(2005)4634/3 and /8);
- took note of the final report of the Hearing Officer of 24 November (C(2005)4634/5);
- adopted, in the authentic languages (French, English, Dutch, German and Spanish), the decision in C(2005)4634/9, noting that *Combipac B.V.*, *British Polythene Industry PLC*, *Bischof + Klein GmbH & Co. KG*, *Bischof + Klein France SAS*, *RKW AG Rheinische Kunststoffwerke*, *JM Gesellschaft für industrielle Beteiligungen mbH & Co. KGaA*, *Fardem Packaging B.V.*, *Kendrion N.V.*, *Nordenia International AG*, *Nordfolien GmbH*, *Trioplast Wittenheim SA*, *Trioplast Industrier AB*, *FLS Plast A/S*, *FLSmidth & Co. A/S*, *Cofira-Sac SA*, *Plásticos Españoles SA*, *Armando Álvarez SA*, *Sachsa Verpackung GmbH*, *Groupe Gascogne*, *UPM-Kymmene Oyj*, *Bernay Film*

Plastique, Bonar Technical Fabrics N.V., Low & Bonar PLC, Stempher B.V. and Koninklijke Verpakkingsindustrie Stempher C.V. had infringed Article 81 of the EC Treaty and imposing on certain of these companies fines totalling €290.71 million;

- decided that the decision in C(2005)3683/10 to /16 would be notified to the companies concerned, together with the final report of the Hearing Officer;
- decided that the most important parts of the decision, together with the opinion of the Advisory Committee and the final report of the Hearing Officer, would be published in all the official languages in the Official Journal (with all business secrets removed);
- decided to publish the decision (with business secrets removed) on the internet.

7. COMMISSION COMMUNICATION TO PARLIAMENT, THE COUNCIL, THE ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS CONCERNING PRIORITY ACTIONS FOR RESPONDING TO THE CHALLENGES OF MIGRATION: FIRST FOLLOW-UP TO HAMPTON COURT (COM(2005)621 to /5; SEC(2005)1569)

Mr FRATTINI introduced the communication, which constituted the first stage of the follow-up to the results of the informal meeting of Heads of State and Government at Hampton Court. They had asked the EU to lay down a unified approach on migration as well as a series of specific and immediate measures, in partnership with the countries of origin and transit. Mr FRATTINI emphasised the importance of establishing political consensus in this area. Three types of measure could be taken, viz.: measures to strengthen operational cooperation between Member States in the actions they take as regards migration; cooperation measures with certain non-member countries in sub-Saharan Africa, and also with Ukraine, Moldova and other countries; and measures involving cooperation with

neighbouring transit countries. Based on this structure, the communication (which was drawn up to serve as the basis for an in-depth dialogue at the Council meeting (Justice and Home Affairs) on 1 and 2 December, and as a contribution to the next European Council meeting) contained concrete proposals aimed at gradually establishing an integrated system of management of external borders, and improving cooperation in combating trafficking in human beings. He drew attention to the role of the new external borders agency and the importance of studying the possibility of establishing a Mediterranean network involving the existing coastal patrols and joint teams in order to provide operational support to Member States faced with exceptional situations. He also reported that at the recent Euro-Mediterranean summit in Barcelona he had proposed studying the possibility of setting up a fund to provide a swift response in emergencies. Lastly, referring to the conclusions of the Justice and Home Affairs Council, which called on the Commission to assume a leadership role in policy coordination, Mr FRATTINI suggested that the Commission periodically report to the Council and Parliament on the implementation measures in order to define the Union's approach as clearly and quickly as possible.

Ms FERRERO-WALDNER added to Mr FRATTINI's introduction by emphasising the vital importance for the Union of adopting a global approach in this area enabling it to combat illegal immigration and promote legal immigration, based among other factors on the visa systems and readmission agreements. She drew particular attention to the need to continue combating poverty.

The Commission held a brief debate on the communication and the PRESIDENT congratulated Mr FRATTINI, Ms FERRERO-WALDNER and Mr MICHEL on the quality and speed of the work carried out by them and their Members' Offices and departments in response to the request made as a result of the Hampton Court meeting. This was an important policy initiative, since it provided an excellent example of a case in which the Member States recognised the utility of having a European policy. He also reminded the meeting of the link between this item and the negotiations on the future financial perspectives: the adoption of a joint global

approach, as well as the definition and delivery of concrete measures as regards immigration, would evidently require adequate resources.

The Commission approved the communication in COM(2003)621/5 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.

8. INTERINSTITUTIONAL RELATIONS

(SEC(2005)1529)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 25 November (SEC(2005)1529).

It paid particular attention to the following points:

8.1. LEGISLATIVE MATTERS

i) Codecision procedure

Dossiers pending a common position

(point 1.1 of the record)

“Third railway package”, JARZEMBOWSKI report (development of Community railways), SAVARY report (Certification of train crews) and STERCKX report (International rail passengers' rights and obligations)
(SI(2005)1118)

The Commission took note of the information provided to it ahead of the Council meeting (Transport) on 5 December. More particularly, it:

- authorised Mr BARROT, in agreement with the PRESIDENT, to amend his proposal in order to facilitate a majority vote on the Presidency compromise at a satisfactory level for the Commission;
- concerning the link with the “public services obligation” dossier, for which the Council would be asked to note the progress made, authorised

Mr BARROT to make a joint statement with the Council (the precise text of which was still to be established) confirming the clear link between this proposal for a regulation, which would need to be discussed under the Austrian Presidency with a view to reaching agreement in June, and the proposal for a Directive on access to the railway market.

ii) Preparations for November II part-session

(point 1.2 of the 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:

Codecision procedure - First reading

VAN HECKE report - patents of pharmaceutical products intended for countries with public health problems

The Commission adopted the line set out in SP(2005)3640/2 with a view to securing agreement at first reading.

Simple consultation

Joint discussion– bird flu/veterinary expenditure

- PARISH report – Community measures for combating bird flu
- FIGUEIREDO report – Bird flu/veterinary expenditure

The Commission adopted the line set out in SP(2005)4562.

**iii) Preparations for Environment Council (2 December): Financial
Instrument for the Environment (LIFE +)**

(point 1.3 of the record)

The Commission authorised Mr DIMAS to continue negotiations with the Council, in accordance with the line set out in SI(2005)1093, so that it could reach a partial policy agreement by qualified majority at the Environment Council meeting on 2 December, on the understanding that the first words of the draft declaration on Article 5(5) must read “*The Commission confirms...*”.

iv) Preparations for Conciliation Committee meeting on 6 December
(point 1.4 of the record)

Optical Radiation – ÖRY report

The Commission supported the compromise reached by the co-legislators, which would be adopted as an “A” item at the conciliation committee on 6 December, in accordance with the line in SPI(2005)101.

Waste from the extractive industries – SJÖSTEDT report

The Commission supported the compromise reached by the co-legislators, which would be adopted as an “A” item at the conciliation committee on 6 December, in accordance with the line in SPI(2005)102.

Social legislation in road transport – MARKOV reports

The Commission authorised Mr BARROT to continue contacts with the co-legislators so as to arrive at a compromise at the conciliation committee on 6 December, in accordance with the line in SPI(2005)103/2.

v) Draft budget for 2006

(SEC(2005)1600; see also item 1.5. of the record)

Ms GRYBAUSKAITĖ reported on the latest developments in the 2006 budgetary procedure. She intended to prepare at once the preliminary draft letter of amendment which had been requested by the two arms of the

budgetary authority in order to reduce the payment appropriations of the preliminary draft budget by €257 million. She would announce this initiative, which should help an agreement to be reached between the two arms of the budgetary authority, on the evening of Wednesday 30 November at the special triologue meeting.

After expressing its support for her approach, the Commission authorised Ms GRYBAUSKAITĖ, in agreement with the PRESIDENT, to present the preliminary draft letter of amendment set out in SEC(2005)1600.

vi) State of play of the negotiations on the new financial perspective

The PRESIDENT reported on his recent contacts on this matter, particularly with the President of the European Council, Mr BLAIR, and on the conclusions he had drawn regarding the negotiations, particularly with respect to the content of the new “negotiation box” shortly to be announced by the British Presidency. After mentioning the possible financial and political implications for the various groups of Member States as well as for a number of Community policies, the prospects should no agreement be reached under the British Presidency and the attitude regarding the negotiations in Parliament, the PRESIDENT pointed out the key responsibility of the Council Presidency, while adding that the Commission also had a significant responsibility as regards promoting the interests of an ambitious and cohesive Europe.

Following the PRESIDENT’s observations, the Commission held an in-depth discussion, with particular reference to the following questions:

- the consequences in the event of acceptance of a compromise proposal falling short of the proposal of the Luxembourg Presidency (particularly for the various Member States, Community policies and future enlargement);

- the political and financial consequences in the event of failure to reach an agreement under the British Presidency, in particular for multiannual programmes and new policies;
- the prospects for negotiation of the British rebate;
- the role and approach of the British Presidency, the various Member States and Parliament.

The PRESIDENT closed the debate by reminding the meeting that the Commission would have an opportunity to return to this matter once it had the proposal announced by the Council Presidency.

8.2. RELATIONS WITH THE COUNCIL

(SI(2005)1149/2)

vii) Duty-free treatment of multi-chip integrated circuits

(point 2.3 of the record)

The Commission adopted the line set out in SI(2005)1092.

viii) Preparations for Council meeting (Economic and Financial Affairs) on 6 December

(SI(2005)1150/2; see also item 2.4. of the record)

Reduced VAT rates

Mr KOVÁCS outlined the current state of the debate in the Council bodies. Ahead of the Council meeting on 6 December, the British Presidency had presented a compromise proposal providing, firstly, for certain categories of services supplied locally to be added to Annex H to Directive 77/388/EEC, which defined the general field of application of the reduced VAT rates, and, secondly, for the transitional exemptions for the new Member States to be extended until 31 December 2015. Mr KOVÁCS asked for the Commission's authorisation to support the Presidency's proposal, or any other compromise consistent with the Commission's initial proposal.

Following a brief discussion, the Commission authorised Mr KOVÁCS to follow the line set out in SI(2005)1150/2.

Possibility of the European Central Bank raising interest rates at its meeting on 1 December

Mr ALMUNIA referred to the possibility of the European Central Bank raising interest rates at its meeting the next day and to the historic nature of such a measure, given that rates had remained unchanged since June 2003. He briefly reviewed a number of macroeconomic indicators, such as underlying inflation and inflation forecasts, taking into account such factors as the effects of the rise in oil prices, and the possible impact of such a measure on growth in the EU.

After a brief exchange of views, the Commission:

- reiterated the fact that it fully respected the independence of the European Central Bank;
- pointed to the importance for both the Commission and the other key players involved in European economic governance of sending a consistent and responsible message in response to any decision by the monetary authority;
- referred to the discussions currently taking place within the Commission and the Eurogroup on improving the coordination of EU economic and monetary policy;
- expressed its total confidence in the sustainability of the economic recovery in the Union.

ix) Council meeting (Agriculture and Fisheries) (22, 23 and 24 November): reform of the sugar sector

Ms FISCHER BOEL presented the results achieved in the Council on the reform of the common organisation of the market in sugar. The agreement was balanced, had not fundamentally altered the Commission proposal, had

been approved by almost all of the Member States and would therefore strengthen the Union's position at the ministerial meeting in Hong Kong. She reviewed certain key elements of the agreement, such as the 36% cut in guaranteed sugar prices over four years, starting in the 2006/07 marketing year, the compensation for farmers corresponding on average to 64.2% of the price cut, and the possibility of granting an additional coupled payment corresponding to 30% of the loss of income for a limited period of five years. Ms FISCHER BOEL hailed the courage of ministers in taking decisions that were difficult but necessary in order to guarantee a sustainable future for the sugar sector. She also mentioned the statement on the safeguard clause for imports from third countries that the Commission had had entered in the Council minutes and concluded by referring to the budget of €40 million earmarked for the aid scheme for ACP countries in 2006. The allocation of longer-term aid depended on progress in the discussions on the financial perspective 2007-13.

The PRESIDENT congratulated the departments under the responsibility of Ms FISCHER BOEL for their excellent work on this matter, which had enabled agreement to be reached in the Council in advance of the ministerial meeting in Hong Kong.

8.3. RELATIONS WITH PARLIAMENT

x) Preparations for November II part-session: non-legislative dossiers (point 3.1 of the record)

Statements of the Council and Commission – preparations for WTO ministerial meeting (Hong Kong, 13 to 18 December) (SP(2005)4563/2)

Mr MANDELSON referred to the statement he intended to deliver later that day to Parliament on the state of the negotiations on the Doha Development Programme and to the first draft of the final declaration that the Director-General of the World Trade Organisation, Mr LAMY, had made public on 26 November, ahead of the ministerial meeting in Hong Kong. Although he acknowledged that the draft was a reasonable basis for the

discussions which would open on 12 December and that it accurately reflected the progress that had been made so far and the conclusions of the various negotiating committees, Mr MANDELSON noted that certain aspects were presented in a way that unduly disadvantaged the European Community. He therefore called for further negotiations, given the ambitious goals that had been set for Hong Kong. The ministerial conclave of 7 December might also discuss this matter, and Mr MANDELSON reported on the tactical positions taken by the key partners and the main elements of the position he intended to defend in the negotiations:

- duty-free and quota-free access for all products from the least-developed countries;
- a package of specific proposals on differential treatment, confirming the flexibility that exists within the WTO;
- securing the conditions for better access to medicinal products for combating pandemics in the WTO's agreements on the protection of intellectual property;
- a solid package of trade support measures along the lines agreed at the G8 summit at Gleneagles in July.

Mr MANDELSON concluded by listing the meetings and contacts scheduled for the period between then and the beginning of the meeting in Hong Kong. He planned to raise the matter again at the next Commission meeting.

The Commission held an exchange of views on this question, during which:

- it noted the support of all Members for the negotiating position outlined by Mr MANDELSON;
- it reiterated the need to communicate a collective, proactive and assertive message about the benefits of the Community position for the least developed countries and, more specifically, about the impact on the ACP

countries of the recent agreement in the Council on the reform of the sugar sector;

- it underlined the importance for the Community of questions such as denominations of origin, exemption for access to medicinal products and trade support;
- while defending the European common interest, it highlighted the need for an open international trade system.

After this exchange of views, the Commission approved the line set out in SP(2005)4563/2.

xi) Action taken on non-legislative resolutions adopted at the October I and II part-sessions

(point 3.5.2 of the record)

The Commission approved the action taken on the opinions and resolutions adopted by Parliament at its October I and II part-sessions (SP(2005)4593), for transmission to Parliament.

xii) Action taken on non-legislative resolutions adopted at the October I part-session

(point 3.5.4 of the record)

The Commission approved SP(2005)4634 and /2 on the action taken on the non-legislative resolutions adopted by Parliament at its October I part-session, for transmission to Parliament.

xiii) Organisation of part-sessions in 2006

(point 3.6 of the record)

The Commission approved SP(2005)4571 for transmission to Parliament.

- 9. IMPLEMENTATION OF THE LISBON COMMUNITY PROGRAMME -
PROPOSAL FOR A PARLIAMENT AND COUNCIL REGULATION
ESTABLISHING THE COMMUNITY CUSTOMS CODE (MODERNISED
CUSTOMS CODE)
(COM(2005)608 to /3; SEC(2005)1542; SEC(2005)1543 and /2; SEC(2005)1545;
SEC(2005)1562)**
- 10. IMPLEMENTATION OF THE LISBON COMMUNITY PROGRAMME -
PROPOSAL FOR A PARLIAMENT AND COUNCIL DECISION ON A
PAPERLESS ENVIRONMENT FOR CUSTOMS AND TRADE
(COM(2005)609 and /2; SEC(2005)1543 and /2; SEC(2005)1545;
SEC(2005)1562)**

Mr KOVÁCS presented the two proposals he was tabling. Their common objective was to create a new European customs environment. These proposals would contribute to the realisation of the goals set out in the Community Lisbon programme and the “better lawmaking” initiative, in that they enhanced the competitiveness of European businesses by cutting the costs of commercial transactions and administrative red tape. Although the planned reform would itself place considerable demands on the Commission and the Member States, these would be significantly outweighed by the benefits when the new system became fully operational in 2010. Mr KOVÁCS thanked all the departments, particularly the Legal Service, and the Members' Offices, which had made a significant contribution to preparing this substantial body of legislation.

During a brief exchange of views, the Commission focused on the following aspects:

- the importance of customs reform as a key element of the development of *e-government* advocated by the Commission;
- the need to consider customs questions from a genuinely European viewpoint and to avoid purely regional or national considerations;

- the compatibility of these initiatives with the objectives set out by the Community Lisbon programme and the drive for better lawmaking;
- the need for a Commission proposal on administrative and criminal penalties in the event of infringements of Community customs law. In this connection, Mr KOVÁCS confirmed that he intended to launch an initiative in due course.

After the discussion, the Commission adopted the proposals set out in COM(2005)608/3 and COM(2005)609 and /2 (COM(2005)609/2 concerning the English version of the text only) for transmission to the Council, Parliament and the Economic and Social Committee, accompanied by the impact assessment in SEC(2005)1543/2, the contents of which were noted.

11. PROPOSAL FOR A COUNCIL REGULATION FIXING FOR 2006 THE FISHING OPPORTUNITIES AND ASSOCIATED CONDITIONS FOR CERTAIN FISH STOCKS AND GROUPS OF FISH STOCKS, APPLICABLE IN COMMUNITY WATERS AND, FOR COMMUNITY VESSELS, IN WATERS WHERE CATCH LIMITATIONS ARE REQUIRED (COM(2005)617 to /5; SEC(2005)1568)

The Commission considered the proposal for a Regulation tabled by Mr BORG and the following aspects in particular:

- the 15% reduction in the total allowable catch for cod planned for 2006, and how this compared with the Community objective of ensuring fishing activity that was biologically, economically and socially sustainable;
- the fact that the proposal was consistent with the Commission's previous position on the matter and balanced in nature, given the numerous interests at stake and the political positions voiced in the Council;
- the proposal took into account the independent scientific opinions on cod fishing and the long-term sustainability of fish stocks;

- the progress made over the past few years in rebuilding cod stocks, with particular reference to the special plan adopted last year by the Council;
- the question of the discard rate for cod and the fact that the Commission ought to adopt a position opposing the waste of resources this entailed in mixed fisheries.

The PRESIDENT concluded by noting the Commission's strong support for the proposal presented by Mr BORG.

The Commission then approved the proposal for a Council Regulation set out in COM(2005)617, including the technical annexes (COM(2005)617/3 to /5), for transmission to the Council.

12. RELATIONS WITH NON-MEMBER COUNTRIES

12.1. EURO-MEDITERRANEAN SUMMIT (BARCELONA, 27 AND 28 NOVEMBER) (SEC(2005)1599)

The Commission took note of the information note distributed by Ms FERRERO-WALDNER.

12.2. ALLEGED ACTIVITIES OF THE CENTRAL INTELLIGENCE AGENCY IN EUROPE

At the request of the PRESIDENT, Mr FRATTINI reported briefly on the approaches he had made to the US authorities in order to verify the allegations concerning the existence of secret detention centres on European territory. As this was an extremely sensitive matter politically, Mr FRATTINI felt that, until it received the official reply promised by the US authorities, the Commission should refrain from making any hasty comment on the subject.

The Commission noted this information and held a brief exchange of views on the limited investigative power at its disposal, the investigations currently

being conducted by the Council of Europe, the possible consequences for the countries concerned if such activities were found to have taken place, and the need for a properly coordinated Commission position if these allegations proved to be well founded.

The PRESIDENT concluded by confirming the Commission's support for the line advocated by Mr FRATTINI. The Commission would carefully follow the matter, in close cooperation with the Council Presidency.

13. OTHER BUSINESS

13.1. MINISTERIAL CONFERENCE ON SUSTAINABLE COMMUNITIES (SEC(2005)1593)

The Commission took note of the information note distributed by Ms HÜBNER.

13.2. EMERGENCY MEASURES FOR AVIAN INFLUENZA (SEC(2005)1594)

Elaborating on his information note, Mr KYPRIANOU summarised the scale and content of the largest flu pandemic simulation exercise ever organised by the Commission. He gave a number of details about the exercise and reported that the final assessment was expected in February 2006. He also referred to the recent adoption by the Commission of two communications on the planning and preparation for health emergencies and the role of the European Community in the event of a flu pandemic.

The PRESIDENT concluded by congratulating Mr KYPRIANOU, the departments under his authority and all the Commission departments which had contributed to the smooth running of this exercise, and reminded the meeting of the need for permanent monitoring of the situation by the Commission.

The Commission took note of the note distributed by Mr KYPRIANOU as SEC(2005)1594.

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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 1306 hours.