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MINUTES
of the 1735th meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 1 March 2006
(morning)

PV(2006) 1735 final

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Single sitting: Wednesday 1 March 2006(morning)

The sitting opened at 09.06 with Mr BARROSO, President, in the chair. Items 13 and 14 were chaired by Ms WALLSTRÖM.

Present:

Mr BARROSO	President	Items 1 to 12
Ms WALLSTRÖM	Vice-President	
Mr VERHEUGEN	Vice-President	
Mr BARROT	Vice-President	
Mr FRATTINI	Vice-President	
Mr DIMAS	Member	
Mr ALMUNIA	Member	
Ms HÜBNER	Member	
Mr BORG	Member	
Mr POTOČNIK	Member	
Mr FIGEL'	Member	
Mr KYPRIANOU	Member	
Mr KOVÁCS	Member	
Ms FERRERO-WALDNER	Member	
Mr McCREEVY	Member	
Mr ŠPIDLA	Member	Items 1 to 12
Mr MANDELSON	Member	
Mr PIEBALGS	Member	

Absent:

Mr KALLAS	Vice-President
Ms REDING	Member
Ms GRYBAUSKAITĖ	Member
Mr REHN	Member
Mr MICHEL	Member
Ms KROES	Member
Ms FISCHER BOEL	Member

(1 March 2006)

The following sat in to represent absent Members of the Commission

Mr HOLOLEI	Chef de cabinet to Mr KALLAS	
Mr CHANTERIE	A member of Ms REDING's staff	Items 10 (in part) to 13 (in part)
Mr QUEST	Deputy Chef de cabinet to Ms GRYBAUSKAITĖ	
Mr PESONEN	Chef de cabinet to Mr REHN	Items 1 to 12 (in part)
Ms WEYAND	Chef de cabinet to Mr MICHEL	Items 1 to 13 (in part)
Mr SMULDERS	Deputy Chef de cabinet to Ms KROES	Items 1 to 12
Mr CHRISTOFFERSEN	Chef de cabinet to Ms FISCHER BOEL	

The following also sat in

Mr VALE DE ALMEIDA	Chef de cabinet to the President	Items 1 to 12
Mr PETITE	Director-General, Legal Service	Items 1 to 14 (in part)
Mr SØRENSEN	Director-General, DG Press and Communication	
Mr LAITENBERGER	Commission Spokesman	Items 1 to 12
Mr MOAVERO-MILANESI	Director-General, Bureau of European Policy Advisers (BEPA)	Items 1 to 12
Mr THEBAULT	Chief Adviser in the President's Office	Items 10 to 12
Ms MARTINHO	Chief Adviser in the President's Office	Items 10 and 11
Mr ELLIS	A member of the President's staff	Items 11 and 12
Mr ÅSTRÖM	Chef de cabinet to Ms WALLSTRÖM	Item 14 (in part)
Mr TABONE	Chef de cabinet to Mr BORG	Item 11
Mr POWER	Chef de cabinet to Mr McCREEVY	Items 10 (in part) and 12 (in part)
Ms SCHREIBER	Chef de cabinet to Mr ŠPIDLA	Items 1 to 12
Ms TORRES	DG Communication	Item 14 (in part)

(1 March 2006)

Mr PRATS MONNÉ	DG Employment, Social Affairs and Equal Opportunities	Item 12 (in part)
Mr SERVOZ	Secretariat-General	Item 10
Ms CHRISTENSEN	Secretariat-General	Item 11

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

(1 March 2006)

The PRESIDENT informed the Commission with regret of the death of Mr Günther HANREICH, Director-General of the Statistical Office of the European Communities.

In the performance of his duties at the Commission, Mr HANREICH had made an important contribution to the development of European transport and energy policies. He had then accepted the delicate task of leading Eurostat along a more rigorous path following its reorganisation. The PRESIDENT paid tribute to his professional and human qualities and to his sense of duty towards the Institution.

On behalf of the Commission, the PRESIDENT offered his sincerest condolences to Mr HANREICH's family.

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1. AGENDAS (OJ(2006) 1735/3; SEC(2006)257/2)

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(2006)1735)**

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 27 February.

**3. MINUTES AND SPECIAL MINUTES OF 1734TH MEETING (22 FEBRUARY)
PV(2006) 1734; PV(2006)1734, PART II)**

The Commission approved the minutes of its 1734th meeting.

4. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2006)258 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 20 and 24 February.

4.2. SENSITIVE WRITTEN PROCEDURES

(SEC(2006)259 and /2)

The Commission took note of written procedures initiated between 20 and 24 February for the adoption of decisions with political implications, and of “finalisation” written procedures initiated on 1 March.

4.3. EMPOWERMENT

(SEC(2006)260 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 20 and 24 February.

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 20 and 24 February, as archived on the "Greffé 2000" (Registry) website.

5. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2006)261/2)

ADMINISTRATIVE MATTERS
(PERS(2006)29/2)

5.1. DG INFO – APPOINTMENT OF A*14/15 DIRECTOR
(PERS(2005)169 to /3)

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director, General Affairs Directorate in the Information Society and Media DG (PERS(2005)169).

The Commission took note of the opinions of the Consultative Committee on Appointments of 9 December 2005 and 12 January 2006 (PERS(2005)169/2 and /3).

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

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

5.2. DG ENV – TERMINATION OF THE EXTERNAL SELECTION PROCEDURE TO APPOINT A GRADE A*14/15 CHIEF ADVISER
(PERS(2004)147 to /5)

Having noted the procedure followed as set out in point 2 of PERS(2006) 29/2, the Commission, on a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr DIMAS, decided to terminate the selection procedure COM/163/2004 without appointing anyone to the post.

This decision would take effect immediately.

5.3. INITIAL COMMUNICATION UNDER ARTICLE 50 OF THE STAFF REGULATIONS

The Commission decided to initiate the procedure laid down in Article 50 of the Staff Regulations with respect to an A*15 official.

6. COMMISSION COMMUNICATION TO PARLIAMENT, THE COUNCIL, THE ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS ON A ROADMAP FOR EQUALITY BETWEEN WOMEN AND MEN 2006-10

(COM(2006)92 TO /3; (SEC(2006)275 AND /2; SEC(2006)280)

Notwithstanding a slight rewording of the text, the Commission approved the communication in COM(2006)92/3 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, together with the impact assessment in the staff paper SEC(2006)275 and /2, the contents of which were noted.

7. RECOMMENDATION FOR A COUNCIL DECISION GIVING NOTICE TO GERMANY, IN ACCORDANCE WITH ARTICLE 104(9) OF THE EC TREATY, TO TAKE MEASURES FOR THE DEFICIT REDUCTION JUDGED NECESSARY IN ORDER TO REMEDY THE SITUATION OF EXCESSIVE DEFICIT

(SEC(2006)285 TO /4; SEC(2006)286)

The Commission adopted the recommendation for a Council Decision in SEC(2006)285/4 for transmission to the Council.

8. COMMISSION RECOMMENDATION FOR A COUNCIL OPINION IN ACCORDANCE WITH THE THIRD PARAGRAPH OF ARTICLE 5 OF COUNCIL REGULATION (EC) NO 1466/97 ON THE UPDATED STABILITY PROGRAMME OF GERMANY (2005-09)

(SEC(2006)284 TO /4; SEC(2006)286)

The Commission adopted the recommendation for a Council Decision on the updated stability programme of Germany in SEC(2006)284/4 for transmission to the Council.

9. COMMISSION RECOMMENDATION FOR A COUNCIL OPINION IN ACCORDANCE WITH THE THIRD PARAGRAPH OF ARTICLE 9 OF COUNCIL REGULATION (EC) NO 1466/97 ON THE UPDATED CONVERGENCE PROGRAMME OF POLAND (2005-08)

(SEC(2006)281 TO /4; SEC(2006)286)

The Commission adopted the recommendation for a Council Decision on the updated convergence programme of Poland in SEC(2006)281/4 for transmission to the Council.

10. INTERINSTITUTIONAL RELATIONS

(SEC(2006)262)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 24 February (SEC(2006)262).

It paid particular attention to the following points:

10.1. LEGISLATIVE MATTERS**(i) Codecision procedure**

(point 1.1 of the record)

Follow-up to the vote in Parliament on the GEBHARDT report – Services in the internal market

(SEC(2006) 296 and /2)

The PRESIDENT opened the debate on the proposal for a directive on services in the internal market and the main related issues. He welcomed the vote in Parliament, which reflected the substantial progress made and showed that a broad agreement was now possible. The amended proposal for a directive would be presented at the Commission meeting on 4 April. The spotlight would now be on the Commission which, while meeting expectations, must not depart from the result obtained in Parliament. Lastly, he talked about the conditions that would have to be in place to foster a positive climate and bring about a definitive overall agreement, beyond the presentation of the amended proposal.

On the basis of discussion paper SEC(2006) 296/2, the PRESIDENT invited the Members of the Commission to give their opinions on the following questions:

- the relative timing of the presentation of the amended proposal for a directive and the guidance note on the posting of workers to be addressed to the Member States.
- the content of and timetable for the communication on social services of general interest and the possible tie-in with the effects of the White Paper on services of general interest, once Parliament had given its opinion in July;

- the answer to the question of health services, in particular with regard to the free movement of patients and the reimbursement of associated medical costs.

There was a extensive exchange of views during which the Commission looked in particular at the following aspects:

- the importance of the positive vote in Parliament to break the deadlock in the legislative procedure on the proposal for a directive;
- the decisive role of the guidance note on application of the directive on services to the posting of workers and the extent to which this approach would be binding;
- the importance of ensuring that the principle of subsidiarity is borne in mind with regard to all social services and health initiatives;
- the possibility of filling the gap left by the withdrawal of health services from the directive, questions relating to the scope of a new initiative on health issues and the means of achieving this;
- the links to be forged and the balance to be struck between the amended proposal for a directive on services and related initiatives, and the need to ensure perfect coherence between all these initiatives;
- the possibility of a new initiative on temporary employment, the present proposal having been before the Council since 2003.

Following this exchange of views, the PRESIDENT drew the following conclusions:

- the guidance note to Member States on the posting of workers would be submitted to the Commission at the same time as the amended proposal for a directive on services, namely on 4 April;

- work on health services would be carried out in close cooperation by Mr KYPRIANOU, Mr McCREEVY and Mr ŠPIDLA with a view to presenting the Commission with an initial discussion paper before the summer break;
- the communication on social services would be presented to the Commission in April and would be perfectly consistent with the amended proposal for a directive on services in the internal market;
- a communication on services of general interest would be presented to the Commission following Parliament's opinion on the 2004 White Paper;
- the principle of and timetable for a possible new initiative on temporary employment would be discussed following a thorough examination of the question.

10.2. RELATIONS WITH THE COUNCIL

(SI(2006) 145)

(ii) General Affairs and External Relations (Brussels, 27 February)

(SEC(2006)309)

The Commission took note of the information note from Mr REHN in SEC(2006)309.

11. MONITORING THE APPLICATION OF COMMUNITY LAW

***INFRINGEMENTS – COMMISSION DECISION ON THE
IMPLEMENTATION OF THE JUDGMENT OF THE COURT OF JUSTICE IN
CASE C-304/02 (COMMISSION v FRANCE)
(C(2006)659 and /2; SEC(2006)292 to /3)***

Mr BORG outlined the case. He mentioned the efforts already made by France to improve its monitoring system. However, on the basis of observations made during the on-the-spot inspections and information supplied by the French authorities, it seemed that on 12 January 2006 France had still not fully complied with the judgment of the Court of Justice of 11 June 1991. The judgment had clearly fixed the amount of the penalty as definitive and unalterable, and it was therefore appropriate to demand payment from France.

The Commission briefly discussed the matter, mentioning in particular the fact that the judgment left it little room for manoeuvre, the fixed nature of the penalty, the duration and seriousness of the infringement in question, the measures taken by Commission departments to establish the true situation on 12 January 2006 and the willingness they had shown to help the French authorities achieve full compliance as quickly as possible.

Following this exchange of views, the Commission:

- observed that France had not fully implemented the judgment of the Court of Justice of 11 June 1991 (Commission v France, C-64/1998) within six months of the Court's judgment of 12 July 2005 (Commission v France, C-304/2002), namely from 13 July 2005 to 12 January 2006;
- decided to ask the French authorities for the payment of EUR 57 761 250 in accordance with the Court's judgment of 12 July 2005 (Commission v France, C-304/002);
- decided to notify the French authorities of the decision by letter C(2006)659/2.

**12. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL ESTABLISHING THE EUROPEAN
GLOBALISATION ADJUSTMENT FUND
(COM(2006)91 TO /4; (SEC(2006)274 AND /2; SEC(2006)314; SEC(2006)315;
SEC(2006)279)**

The PRESIDENT introduced the proposal for a European Parliament and Council Regulation he was tabling jointly with Mr ŠPIDLA. He reminded the Commission that this proposal fulfilled the commitment given at the informal meeting of Heads of State and Government at Hampton Court in October 2005. The main aim of the proposed Fund was to demonstrate the European Union's solidarity with workers who lost their jobs as a result of globalisation. Particular attention had been paid to defining the criteria for assistance from the Fund, which should be both transparent and selective, and to the proposed form of assistance, which should be distinct from and complementary to that provided by the Structural Funds.

Mr ŠPIDLA followed up the PRESIDENT's introduction by highlighting the justification for the Fund and the value added by it, the criteria for assistance decided upon, the types of action proposed and the projected financial allocation.

The Commission held an exchange of views on the proposal for a regulation, during which it highlighted the fundamental importance of the globalisation process, whose effects on growth and employment in the Union were generally positive. In this context, the Fund would demonstrate the Union's solidarity with workers who lost their jobs as a result of changes to the structure of international trade by helping them to find new employment.

The Commission then discussed Article 2 of the proposal for a regulation concerning the criteria for assistance. This Article provides for assistance by the Fund in situations of serious economic disturbance, for the benefit of workers in all Member States. The Commission took particular note of the revision clause in

Article 20 which would allow, if necessary, for the revision of the regulation establishing the Fund, in order to ensure that the solidarity objectives were achieved and that the regulation's provisions took into account the economic, social and territorial characteristics of all the Member States.

Following this discussion, the Commission adopted the proposal for a Parliament and Council Directive in COM(2006)91/4, for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, accompanied by the impact assessment in staff papers SEC(2006)274/2, SEC(2006) 314 and SEC(2006) 315, the contents of which were noted.

Continuing the discussion of this item, the Commission, on the initiative of the PRESIDENT, held an open debate on certain acquisitions and mergers initiated in the last few days.

The PRESIDENT noted that many of these operations were the result of an awareness on the part of enterprises in the Union of their European dimension and of the immense opportunities afforded by the internal market as a result of progressive globalisation. He said that these operations would be examined fairly and rigorously on a case-by-case basis to verify whether they were compatible with Community law. Pending the results of a detailed examination of each operation, he believed that the Commission should refrain from taking a stance on their substance beforehand. However, it must firmly reiterate the political principles that provide the inspiration for European integration and the guidelines for the EU's action.

The Commission supported the PRESIDENT's view and then discussed the following points: the need to face the challenges of globalisation and to ensure the competitiveness of European industry; the importance of counterbalancing any retreat into protectionism or economic nationalism; the incompatibility of certain kinds of behaviour with the spirit of European integration; compliance with Community competition law and the rules of the internal market; the principle of equal treatment; the protection of citizens' and consumers' interests.

The PRESIDENT ended the discussion by announcing that a debate would be held on these fundamental points before the summer break. He hoped that it would be extremely well prepared. With this in mind, he asked Mr VERHEUGEN, Ms KROES, Mr McCREEVY and Mr MANDELSON, their departments and BEPA, led by his Office and coordinated by the Secretariat-General, to draw up a document which would serve as a basis for discussion.

13. RELATIONS WITH NON-MEMBER COUNTRIES

13.1. VISIT TO ROMANIA (23 AND 24 FEBRUARY)

(SEC(2006) 307)

The Commission took note of the information note from Mr ALMUNIA in SEC(2006)307.

13.2. VISIT TO CHINA (20 TO 22 FEBRUARY)

(SEC(2006)311)

The Commission took note of the information note from Mr PIEBALGS in SEC(2006)311.

13.3. SITUATION IN THE MIDDLE EAST

Ms FERRERO-WALDNER reported on the difficult situation in the Palestinian territories and, more particularly, the issue of Community financial assistance. On 27 February the Council (General Affairs and External Relations) had endorsed the Commission's announcement that it would provide supplementary aid to the Palestinians amounting to around EUR 120 million. She underlined the urgency of this matter given the present political situation in Palestine.

She then outlined the main components of the aid and the reaction of the Council to each of these:

- EUR 40 million earmarked mainly for settling energy bills paid direct to oil, gas and electricity suppliers; this measure had been received favourably by the Council, as it would help to alleviate pressure on the Palestinian budget;
- EUR 64 million to the United Nations Relief and Works Agency (UNWRA) for aid to the most disadvantaged refugees; this measure had also been warmly received;
- the partial unblocking of EUR 35 million in Community funds available since 2005 in the trust fund managed by the World Bank, to help the interim government to meet its obligations. It had been decided to disburse only EUR 17,5 million. The Council had debated whether or not the whole amount available should be paid. The situation would be re-examined in the light of political developments, but it was possible that additional amounts would be paid to the present transitional government. With regard to the forthcoming Gymnich meeting, the Commission had been asked to contribute to a joint Council and Commission document on the approach to be adopted vis-à-vis the future Palestinian Government.

Ms FERRERO-WALDNER also reported on the lengthy discussion which had taken place at the same Council meeting on the consequences of the cartoons which had been published in the European press. A joint Council and Commission document would be drawn up setting out a practical approach.

On the Iranian question, Ms FERRERO-WALDNER noted that there had been no change in the situation and referred to the discussions taking place between Russia and Iran.

There followed a brief discussion on the following points:

- the importance of improving communication with the Muslim world and the means at the European Union's disposal for achieving this and, in this

context, the possibility of using certain European information channels to broadcast programmes for Muslims;

- the opportunities provided by the meeting on intercultural dialogue in Europe organised by the Austrian Presidency, which would be held in April in Vienna and would bring together the main imams of European mosques.

The Commission took note of this information.

14. OTHER MATTERS

14.1. COMMUNICATION PLAN FOR "GROWTH AND JOBS" 2006-09 (SEC(2006)287 and /2; SEC(2006)305)

Ms WALLSTRÖM briefly introduced the information note she was tabling jointly with the PRESIDENT, in agreement with Mr VERHEUGEN, Mr ŠPIDLA and Mr ALMUNIA. She underlined the importance of and the need for personal commitment on the part of the Members of the Commission to ensure the effective implementation of this communication plan, whose principal aim was to contribute to achieving the aims of the Lisbon strategy.

The Commission took note of these observations and of the briefing note SEC(2006)287/2.

14.2. AVIAN INFLUENZA – GENERAL SITUATION AND MAIN RESULTS OF THE INFORMAL MEETING OF THE MINISTERS OF PUBLIC HEALTH IN VIENNA (24 FEBRUARY) (SEC(2006)312)

Mr KYPRIANOU reported on the latest developments as regards avian influenza, particularly with regard to the spread of the disease in Africa (Niger and, probably, Ethiopia and Kenya) and Europe (Sweden, Switzerland

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and Bosnia and Herzegovina). He pointed out that Member States which had discovered cases on their territory had immediately applied the protection and surveillance measures laid down in Commission Decision 2006/115/EC. Mr KYPRIANOU also mentioned the approval by the Commission of the vaccination plans put forward by France and the Netherlands; the results of these plans' implementation could be useful in assessing whether to use this technique on a larger scale.

Mr KYPRIANOU also mentioned the informal meeting of Health Ministers on the incidence of avian influenza on public health which had been held on 24 February in Vienna. He emphasised that the meeting had given a clear signal in favour of a proactive approach by governments in this area. Member States had also expressed their support for improving information to the public and establishing a mechanism to ensure rapid coordination of public announcements in the event of an emergency.

On the matter of building up stockpiles of antivirals at Community level, Mr KYPRIANOU said he was prepared to put forward such an initiative and to coordinate contacts between Member States and the pharmaceutical industry. The Council Presidency had launched an appeal to Member States to provide the information necessary to make this Community coordination effective and to continue discussions on this matter at the forthcoming informal meeting of Health Ministers, due to take place in April.

The Commission took note of this information and of Mr KYPRIANOU's note in SEC(2006) 312 .

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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 12.21