



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2006)1768 final

Strasbourg, 12 December 2006

MINUTES

of the 1768th meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 6 December 2006

(morning)

PV(2006)1768 final

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Single sitting: Wednesday 6 December 2006 (morning)

The sitting opened at 10.38 with Mr BARROSO, President, in the chair. Items 16 and 17 were chaired by Ms WALLSTRÖM.

Present:

Mr BARROSO	President	Items 1 to 15
Ms WALLSTRÖM	Vice-President	
Mr VERHEUGEN	Vice-President	Items 1 to 15
Mr BARROT	Vice-President	Items 1 to 15 (in part)
Mr KALLAS	Vice-President	
Mr FRATTINI	Vice-President	Items 1 to 15
Ms REDING		
Mr DIMAS		
Mr ALMUNIA		
Ms HÜBNER		
Ms GRYBAUSKAITĖ		
Mr POTOČNIK		
Mr FIGEL'		
Mr KYPRIANOU		
Mr KOVÁCS		
Ms KROES		Items 1 to 15
Ms FISCHER BOEL		
Ms FERRERO-WALDNER		Items 13 (in part), 14 and 15 (in part)
Mr McCREEVY		
Mr ŠPIDLA		
Mr MANDELSON		Items 1 to 13
Mr PIEBALGS		Items 13 (in part) to 17

Absent:

Mr BORG

Mr REHN

Mr MICHEL

The following sat in to represent absent Members of the Commission

Mr TABONE	Chef de cabinet to Mr BORG	Items 1 to 13
Ms DARMANIN	A member of Mr BORG's staff	Items 14 to 17
Mr HEDBERG	A member of Mr REHN's staff	Items 1 to 15
Ms WEYAND	Chef de cabinet to Mr MICHEL	

The following also sat in

Mr VALE DE ALMEIDA	Chef de cabinet to the President	Items 1 to 15
Mr PETITE	Director-General, Legal Service	
Mr SØRENSEN	Director-General, DG Communication	
Mr LAITENBERGER	Commission Spokesman	Items 1 to 13
Mr THEBAULT	Deputy Chef de cabinet to the President	
Mr ELLIS	Adviser in the President's Office	Items 1 to 13
Mr CHILD	Chef de cabinet to Ms FERRERO-WALDNER	Item 13 (in part)
Ms GEBETSROITHNER	A member of Ms FERRERO-WALDNER's staff	Item 14
Mr HAUGAARD	A member of Mr MANDELSON's staff	Item 13

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

1. AGENDAS

(OJ(2006)1768/3 ; SEC(2006)1573/2)

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)1768)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 4 December.

**3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1767st MEETING
(29 NOVEMBER)**

(PV(2006)1767; PV(2006)1767, Part II)

The Commission approved the minutes of its 1767th meeting.

4. MONITORING THE APPLICATION OF COMMUNITY LAW

4.1. STATE AID – INDIVIDUAL CASES – RECAPITULATIVE LIST

(SEC(2006)1634; SEC(2006)1617)

The Commission adopted the decisions in the recapitulative list SEC(2006)1634.

4.2. STATE AID – HORIZONTAL DOSSIERS

Community guidelines concerning State aid in the agricultural and forestry sector (2007-2013)

(C(2006)5810 to /3; SEC(2006)1617)

The Commission

- adopted, in principle, the Community guidelines concerning state aid in the agricultural and forestry sector (2007-2013), in C(2006)5810/3;
- noted in particular that aid for publicity for non-Annex I products, including in third countries, would in future be covered by the existing horizontal rules governing State aid, in accordance with the Community's international obligations;
- empowered the Commission Member responsible for Agriculture and Rural Development to adopt formally the guidelines in all the official languages, for publication in the Official Journal of the European Union.

Commission Regulation concerning the application of Articles 87 and 88 of the EC Treaty for State aid granted to small businesses active in the production of agricultural products and amending Regulation (EC)70/2001

(C(2006)5817 to /3; SEC(2006)1617)

The Commission

- adopted, in principle, the Regulation concerning the application of Articles 87 and 88 of the EC Treaty for State aid granted to small businesses active in the production of agricultural products and amending Regulation (EC) 70/2001, in C(2006)5817/3;
- empowered the Commission Member responsible for Agriculture and Rural Development to adopt formally the Regulation in all the official languages, for publication in the Official Journal of the European Union.

4.3. INFRINGEMENTS – URGENT CASE
(SEC(2006)1632)

The Commission adopted the decision in SEC(2006)1632.

5. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2006)1577)

ADMINISTRATIVE MATTERS
(PERS(2006)169/2)

5.1. OPOCE – INTERNAL AND INTERINSTITUTIONAL PUBLICATION
OF A VACANCY NOTICE FOR AD15/16 DIRECTOR-GENERAL
(PERS(2006)166)

On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr FIGEL', the Commission decided to authorise the publication, under Article 29 (1) of the Staff Regulations, of the vacancy notice in PERS(2006)166 for the function of Director-General of the Official Publications Office of the European Communities.

This decision would take effect immediately.

5.2. DG ECFIN – EXTERNAL PUBLICATION OF VACANCY NOTICE FOR
AD14 DIRECTOR (EU-10)
(PERS(2006)167)

On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr ALMUNIA, the Commission decided to authorise the publication, under Article 29 (2) of the Staff Regulations, of the vacancy notice in PERS(2006)167 for the function of Director, Economic Studies and Research, in the Economic and Financial Affairs DG.

This decision would take effect immediately.

5.3. DG AGRI – APPOINTMENT OF AD14/15 DIRECTOR

(PERS(2006)90 TO /5)

The Commission had before it applications under Article 29 (1) (a) (i) and (iii) of the Staff Regulations for the post of Director, Agricultural Legislation, in the Agriculture and Rural Development DG (PERS(2006)90, /2 and /4).

The Commission took note of the opinions of the Consultative Committee on Appointments of 5 September and 9 November (PERS(2006)90/3 and /5).

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 FISCHER BOEL, it then decided to appoint Mr Rudolf MÖGELE to the vacant post.

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

**5.4. DG DEV – APPLICATION OF THE ARTICLE 50 PROCEDURE
(SECOND STAGE) WITH RESPECT TO AN AD15 OFFICIAL**

(PERS(2006)168)

The Commission continued its discussions on this matter, begun on 22 November (PV(2006)1766).

On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr MICHEL, the Commission adopted the decision set out in PERS(2006)168 applying the second stage of the procedure laid down in Article 50 of the Staff Regulations to Mr Sipke BROUWER, an AD15 official and currently Director, ACP II – West and Central Africa, Caribbean and OCTs, in the Development and Relations with the African, Caribbean and Pacific States DG.

This decision would take effect on 1 January 2007.

5.5. 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 AD15 official.

**6. COMMISSION COMMUNICATION TO THE COUNCIL CONCERNING THE RECOMMENDATIONS FROM THE COMMISSION FOR OPENING NEGOTIATIONS WITH THE CENTRAL AMERICAN REPUBLICS, THE ANDEAN COMMUNITY, INDIA, THE REPUBLIC OF KOREA AND THE ASSOCIATION OF SOUTH EAST ASIAN NATIONS (ASEAN)
(SEC(2006)1625 TO /3; SEC(2006)1616)**

The Commission adopted the communication in SEC(2006)1625 to /3 for transmission to the Council.

**7. RECOMMENDATION FROM THE COMMISSION FOR A COUNCIL DECISION AUTHORISING THE COMMISSION TO OPEN NEGOTIATIONS FOR THE CONCLUSION OF AN ASSOCIATION AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND ITS MEMBER STATES OF THE ONE PART AND THE CENTRAL AMERICAN REPUBLICS OF COSTA RICA, EL SALVADOR, GUATEMALA, HONDURAS, NICARAGUA AND PANAMA OF THE OTHER
(SEC(2006)1596 TO /4; SEC(2006)1597; SEC(2006)1598; SEC(2006)1616)**

The Commission adopted the recommendation in SEC(2006)1596/4 for transmission to the Council, accompanied by the impact study and its summary in staff papers distributed as SEC(2006)1597 and SEC(2006)1598 respectively, the contents of which were noted.

The Commission also stated, in response to a request by the Council, that it was prepared to accept that the Member States interested could attend these negotiations, provided their presence was in conformity with current practice and did not constitute a precedent.

8. RECOMMENDATION FROM THE COMMISSION FOR A COUNCIL DECISION AUTHORISING THE COMMISSION TO OPEN NEGOTIATIONS FOR THE CONCLUSION OF AN ASSOCIATION AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND ITS MEMBER STATES OF THE ONE PART AND THE ANDEAN COMMUNITY AND ITS MEMBER STATES OF THE OTHER (SEC(2006)1613 TO /4; SEC(2006)1614; SEC(2006)1615; SEC(2006)1616)

The Commission adopted the recommendation in SEC(2006)1613/4 for transmission to the Council, accompanied by the impact study and its summary in staff papers distributed as SEC(2006)1614 and SEC(2006)1615 respectively, the contents of which were noted.

The Commission noted that the objective of negotiating the same timetables for tariff dismantling for all products did not mean that there would be no possibility of some limited differentiation between the countries of the Andean Community, if this was warranted.

The Commission also stated, in response to a request by the Council, that it was prepared to accept that the Member States interested could attend these negotiations, provided their presence was in conformity with current practice and did not constitute a precedent.

9. RECOMMENDATION FROM THE COMMISSION FOR A COUNCIL DECISION AUTHORISING THE COMMISSION TO NEGOTIATE A FREE-TRADE AGREEMENT WITH INDIA ON BEHALF OF THE EUROPEAN COMMUNITY AND ITS MEMBER STATES

(SEC(2006)1558 TO /4; SEC(2006)1559 AND /2; SEC(2006)1560; SEC(2006)1621; SEC(2006)1622; SEC(2006)1616)

The Commission adopted the recommendation in SEC(2006)1558/4 for transmission to the Council, accompanied by the impact study and its summary in staff papers distributed as SEC(2006)1559 and /2 and SEC(2006)1560 respectively, the contents of which were noted.

The Commission stated, in response to a request by the Council, that it was prepared to accept that the Member States interested could attend these negotiations, provided their presence was in conformity with current practice and did not constitute a precedent.

The Commission also took note of the information notes from Mr MANDELSON in SEC(2006)1621 and SEC(2006)1622.

10. RECOMMENDATION FROM THE COMMISSION FOR A COUNCIL DECISION AUTHORISING THE COMMISSION TO NEGOTIATE A FREE-TRADE AGREEMENT WITH THE REPUBLIC OF KOREA ON BEHALF OF THE EUROPEAN COMMUNITY AND ITS MEMBER STATES

(SEC(2006)1561 TO /4; SEC(2006)1562 AND /2; SEC(2006)1563; SEC(2006)1621; SEC(2006)1622; SEC(2006)1616)

The Commission adopted the recommendation in SEC(2006)1561/4 for transmission to the Council, accompanied by the impact study and its summary in staff papers distributed as SEC(2006)1562/2 and SEC(2006)1563 respectively, the contents of which were noted.

The Commission stated, in response to a request by the Council, that it was prepared to accept that the Member States interested could attend these negotiations, provided their presence was in conformity with current practice and did not constitute a precedent.

The Commission also took note of the information notes from Mr MANDELSON in SEC(2006)1621 and SEC(2006)1622.

**11. RECOMMENDATION FROM THE COMMISSION FOR A COUNCIL
DECISION AUTHORISING THE COMMISSION TO NEGOTIATE A
FREE-TRADE AGREEMENT WITH THE ASSOCIATION OF
SOUTHEAST ASIAN NATIONS (ASEAN) ON BEHALF OF THE
EUROPEAN COMMUNITY AND ITS MEMBER STATES**

**(SEC(2006)1564 TO /4; SEC(2006)1565 AND /2; SEC(2006)1566;
SEC(2006)1621; SEC(2006)1622; SEC(2006)1616)**

The Commission adopted the recommendation in SEC(2006)1564/4 for transmission to the Council, accompanied by the impact study and its summary in staff papers distributed as SEC(2006)1565 and /2 and SEC(2006)1566 respectively, the contents of which were noted.

The Commission considered that even though a single agreement was advocated this should not prevent it, if necessary, from pursuing the negotiations with the individual countries concerned in accordance with timetables adapted to each case.

The Commission also stated, in response to a request by the Council, that it was prepared to accept that the Member States interested could attend these negotiations, provided their presence was in conformity with current practice and did not constitute a precedent.

The Commission took note of the information note from Mr MANDELSON in SEC(2006)1621 and SEC(2006)1622.

12. TRENDS IN THE MEMBER STATES

(SEC(2006)1656)

The Commission took note of the information note from Ms WALLSTRÖM distributed as SEC(2006)1656.

13. GREEN PAPER: GLOBAL EUROPE: EUROPE'S TRADE DEFENCE INSTRUMENTS IN A CHANGING GLOBAL ECONOMY

(COM(2006)763 TO /4; SEC(2006)1616)

Mr MANDELSON presented the Green Paper he was tabling for approval, which will be subject to public consultation for a period ending on 31 March 2007. He pointed out that this Green Paper, like the recommendations to conclude free trade agreements which were also on the agenda for the present meeting, were part of the implementation of the communication "Global Europe: competing in the world", approved by the Commission on 4 October (see PV(2006)1760, item 12, page 20).

Mr MANDELSON reminded the meeting of the importance of the trade defence instruments, particularly to enable the European economy to address unfair trade practices in a global economy. He referred to the two main arguments for reviewing these instruments for the first time since the mid-1990s: the swift and profound changes that had taken place, particularly in production models and export capacities in the world economy, and the need to restore a consensus among the Member States on the use of these defence instruments. He added that some recent cases reinforced the need for and urgency of the debate that this Green Paper would prompt.

Mr MANDELSON explained the grounds of his argument as follows: Europe must be able to use trade defence instruments in order to safeguard its interests, provided that it had a clear idea of what these interests were, that the nature and

scope of the measures adopted were appropriate and that the rules laid down in the framework of the World Trade Organisation were complied with.

Mr MANDELSON then briefly outlined the structure (in six sections) and the political and technical content of the Green Paper. He concluded by saying that he thought it unlikely that the results of the consultation would lead to a request for radical change in the trade defence instruments, and by calling on the Commission to give as much support as possible to this initiative because of its political sensitivity.

The PRESIDENT endorsed Mr MANDELSON's general argument, particularly as regards the objectives of opening up markets and combating unfair practices through modern and efficient trade defence instruments. He emphasised the importance of giving firm support to the Green Paper and encouraging a balanced and responsible public consultation, which should be as transparent as possible. He called for an exchange of views between the Commission Members to ensure that the text was balanced.

During this exchange of views, the Commission supported the Green Paper and underlined its balance and the importance of the debate that it would prompt. The Commission discussed the following aspects:

- how assertive the Commission's message on the European trade protection instruments should be, since the objective of the initiative was precisely the possible reform of these instruments;
- the importance of not giving the impression that the Community could adopt a more tolerant attitude to competitors who infringe the rules of international trade in a context dominated by full integration in the world economy;
- the case for conducting, in addition to the Green Paper and the public consultation, an assessment of the use made of trade defence instruments by the other international players;

- the need to promote a precise and accepted definition of the concept of European interest;
- the need to ensure consistency between European trade policy and the other aspects of the EU's foreign policy;
- the place of the fight against counterfeiting in this connection;
- the link between the smooth operation of the trade defence instruments and compliance with competition rules, particularly as regards State aid;
- the importance of taking account of the political and social context in each case of application of the trade defence instruments;
- following the process, the need to define clear, operational and predictable rules for the trade defence instruments;
- the precise terms of the link between the application of the trade defence measures and the viability or even restructuring of the sectors concerned;
- the balance to be struck in the formulation of the questions with respect to the interests at stake, whether consumers' or workers'.

Following this exchange of views and subject to the addition of the words "and their employees" after "Alongside the interests of producers" in the third line of question No 4 of item 2.1 on page 9, the Commission approved the Green Paper in COM(2006)763/4, for transmission to the European Parliament, the Council and the Economic and Social Committee, and to the national parliaments.

14. RELATIONS WITH THIRD COUNTRIES

14.1. FOLLOW-UP TO THE EIGHTEENTH EU-RUSSIA SUMMIT (HELSINKI, 24 NOVEMBER)

Mr KYPRIANOU spoke first of the efforts made to bring about the lifting of the suspension by Russia of imports of certain agricultural products, particularly meat, from Poland. He spoke first of the unwillingness of his Russian counterpart to receive him despite repeated attempts since the Helsinki summit. He noted the absence of political will to settle this dispute, and the lack of communication too; the opinion of the Russian authorities was known in Europe through the press rather than through bilateral contacts. He referred to Russia's change in attitude, which seemed to wish to encourage direct contacts with Member States instead of speaking to the Commission as it had been in the habit of doing, when this was clearly a Community issue.

Mr KYPRIANOU mentioned then the progress made by Poland, while recognising that problems remained as regards products in transit, problems which he felt could be speedily resolved by better staff training.

He also referred to the demands of the Russian Federation as regards information on the pesticides used for all food products exported to there, and the Russian threat of a total embargo on animal products from the EU after the accession of Bulgaria and Romania.

Mr KYPRIANOU restated his intention to continue to do his utmost to find satisfactory solutions on all these matters, while admitting his fears that the absence of a genuine political mandate for the Russian negotiators might compromise the efforts to resolve the various problems at a technical level.

Mr KYPRIANOU also pointed out that the Commission would soon need to take certain temporary measures with respect to Bulgaria to deal with problems of failure to comply with Community requirements as regards conformity and health controls on some meat and milk products.

Ms FERRERO-WALDNER put the question in the context of the broader political negotiations with Russia, and reported that there were some signs of willingness in this framework to consider the question of Bulgarian and Romanian food products as well as that of imports of meat from Poland. She

felt that these wider negotiations, aimed in particular at a new agreement between the EU and Russia, offered levers to unblock the position on the above matters. She also saw opportunities in the prospects of Russia's accession to the World Trade Organisation and in the efforts being made in the Weimar triangle.

The Commission also touched on the following points:

- the real possibilities of countermeasures on the part of the EU;
- the power struggle and the serious economic consequences that could ensue for European producers;
- the political advisability of taking the necessary measures with respect to Bulgaria before 1 January 2007;
- the difficulties connected with the link between the technical level and the political level on these matters, and the highly political nature of the problems.

Mr KYPRIANOU called for greater solidarity between the Member States in dealings with Russia, which would consolidate the EU's negotiating strength. He stated finally that he would inform the Commission in good time of any developments on the various dossiers mentioned.

The PRESIDENT concluded by thanking Mr KYPRIANOU. He emphasised that the dispute between Russia and Poland was a Community matter rather than strictly bilateral and mentioned the offer of a triangular approach to the problem, which he himself had proposed in Helsinki and which had been rejected by Mr Vladimir Putin. He called again for total solidarity from all the Member States at political level on what he considered a question of principle, insisting at the same time on the need to work on the ground in resolving the problems existing both in Poland and in Bulgaria and Romania.

The Commission took note of this information.

**14.2. DRAFT JOINT DOCUMENT OF THE COMMISSION AND THE
COUNCIL SECRETARY-GENERAL / HIGH REPRESENTATIVE –
STRENGTHENING CONSULAR COOPERATION
(SEC(2006)1663)**

The Commission approved, in principle, the draft joint document of the Commission and the Council Secretary-General / High Representative for the Common Foreign and Security Policy concerning the strengthening of consular cooperation, annexed to the information note from Ms FERRERO-WALDNER, in agreement with Mr FRATTINI, distributed as SEC(2006)1663, the contents of which were noted.

The Commission decided to empower Ms FERRERO-WALDNER, in agreement with the PRESIDENT and Mr FRATTINI, to finalise the draft joint document and to approve it on behalf of the Commission.

**14.3. DRAFT JOINT DOCUMENT OF THE COMMISSION AND THE
COUNCIL SECRETARY-GENERAL / HIGH REPRESENTATIVE –
EUROPEAN CONCEPT OF SUPPORT FOR DISARMAMENT,
DEMOBILISATION AND REINSERTION OF FORMER COMBATANTS
IN THIRD COUNTRIES
(SEC(2006)1664)**

The Commission approved, in principle, the joint draft document of the Commission and the Secretary-General of the Council / High Representative for the Common Foreign and Security Policy concerning the European concept of support for disarmament, demobilisation and reinsertion of former combatants in third countries, annexed to the information note from Ms FERRERO-WALDNER, in agreement with Mr MICHEL, distributed as SEC(2006)1664, the contents of which were noted.

The Commission decided to empower Ms FERRERO-WALDNER, in agreement with the PRESIDENT and Mr MICHEL, to finalise the draft document joint and to approve it on behalf of the Commission.

**14.4. SECOND MINISTERIAL CONFERENCE ON ENERGY COOPERATION
WITH COUNTRIES OF THE BLACK SEA AND CASPIAN SEA REGION
(ASTANA, 30 NOVEMBER)**

(SEC(2006)1660)

The Commission took note of the information note from Mr PIEBALGS in SEC(2006)1660.

14.5. VISIT TO INDIA (NEW DELHI, 24 TO 28 NOVEMBER)

(SEC(2006)1666)

The Commission took note of the information note from Mr ŠPIDLA in SEC(2006)1666.

15. INTERINSTITUTIONAL RELATIONS

(SEC(2006)1578)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 1 December (SEC(2006)1578).

It paid particular attention to the following:

15.1. LEGISLATIVE MATTERS

i) Codecision procedure

(point 1.1.1 of the IRG record)

Application of the new committee procedure Decision (2006/512/EC) to matters on which agreement had already been reached between the institutions before the entry into force of the Decision

- ROTH-BEHRENDT report – Transmissible spongiform encephalopathies – COM(2004)775 – 2004/0270 (COD)

- MORILLON report – Data on the landing of fisheries products in the Member States – COM(2005)566 – 2005/0223 (COD)
- GROSCH report – Driving licences – COM(2003)621 – 2003/0252 (COD)
- KLINZ report – Community statistics on the structure and activity of foreign subsidiaries – COM(2005)88 – 2005/0016 (COD)
- POLI BORTONE report – Nutrition and health claims made on foods – COM(2003)424 – 2003/0165(COD)
- SCHEELE report – Addition of vitamins and minerals and of certain other substances to foods – COM(2003)671, 2003/0262(COD)
- GROSSETÊTE report – Medicinal products for paediatric use – COM(2004)599 – 2004/0217(COD)

The Commission authorised the relevant Commission Members, in agreement with the PRESIDENT and Ms WALLSTRÖM and any other Members associated, to accept Parliament's amendments relating to the alignment of the proposals in question on the new committee procedure, provided agreement had been reached between the three institutions on these amendments.

Preparations for Council meeting (Transport, Telecommunications and Energy) 11 and 12 December – General Guidelines

- Proposal for a Parliament and Council Directive on port State control – COM(2005)588 – 2005/0238 (COD)

The Commission authorised Mr BARROT to intervene in the Council (Transport, Telecommunications and Energy) on 11 and 12 December following the line set out in SI(2006)1226, but recalling the Commission's reservation as long as Parliament had not adopted its opinion at first reading.

- Proposal for a European Parliament and Council Regulation amending Regulation (EC) 1592/2002 of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency – COM(2005)579 – 2005/0228 (COD).

The Commission authorised Mr BARROT to intervene in the Council (Transport, Telecommunications and Energy) on 11 and 12 December following the line set out in SI(2006)1227, but recalling the Commission's reservation as long as Parliament had not adopted its opinion at first reading.

ii) Preparations for December part-session

(point 1.2 of the IRG record)

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

It paid particular attention to the following:

Codecision 2nd reading

- SACCONI reports – REACH – COM(2003)644 – 2003/0256 (COD) and 2003/0257 (COD)

Mr VERHEUGEN and Mr DIMAS briefly informed the Commission about the outcome of the negotiations with Parliament and the Council on REACH, and particularly the overall compromise reached at the trialogue on 30 November.

Mr VERHEUGEN envisaged that following approval of the compromise by the Permanent Representatives Committee, Parliament would take a positive vote at second reading at the December plenary session. He felt that the result satisfied all the objectives the Commission had set for the environment and for the competitiveness of European industry. He also drew the attention of

the Commission Members to the importance of the next stages, particularly the establishment in Helsinki of the European Chemicals Agency, whose role had emerged strengthened from the debate, and to the need for increased cooperation with the Member States in the coming months.

Mr VERHEUGEN thanked the Members, in particular Mr DIMAS, and the Commission departments, for the excellent work carried out in recent years.

Mr DIMAS endorsed Mr VERHEUGEN's remarks, and he thanked him for his excellent cooperation. He reminded the meeting of the origins of this initiative; the result appeared to be a balanced compromise between the public health and environment aspects, and the demands of industry. He felt that this legislation would contribute to the replacement of a large number of hazardous chemicals.

The PRESIDENT welcomed the result achieved on this sensitive and important matter, and thanked Mr VERHEUGEN and Mr DIMAS, and the departments involved. He emphasised that the overall compromise reached was an important contribution to the "Europe of results".

The Commission took note of this information, and approved the line set out in SP(2006)5455/2.

- DE SARNEZ report – Protection of minors and human dignity and right of reply in relation to the competitiveness of the European audiovisual and information services industry – COM(2004)341 et COM(2006)31 – 2004/0117 (COD)

The Commission took note of SP(2006)5456 and noted that, at this stage, no amendment had been tabled on the common position, which should enable this item to be concluded at second reading.

- THYSSEN report – Programme of Community action in the field of the consumer policy (2007-2013) – COM(2005)115 – 2005/0042 (COD)

The Commission took note of SP(2006)5457 and noted that, at this stage, no amendment had been tabled on the common position, which should enable this item to be concluded at second reading.

- HENNICOT-SCHOEPGES report – European Year of Intercultural Dialogue 2008 – COM(2005)467 and COM(2006)492 – 2005/0203 (COD)

The Commission took note of SP(2006)5458 and noted that, at this stage, no amendment had been tabled on the common position, which should enable this item to be concluded at second reading.

- MITCHELL report – Financial instrument for development cooperation and economic cooperation – COM(2004)629 and /2 – 2004/0220 (COD)

The Commission took note of SP(2006)5459 and noted that, at this stage, no amendment had been tabled on the common position, which should enable this item to be concluded at second reading.

- GRÖNER/SARTORI report – European Institute for Gender Equality – COM(2005)81 and COM(2006)209 – 2005/0017 (COD)

The Commission took note of SP(2006)5460 and noted that, at this stage, no amendment had been tabled on the common position, which should enable this item to be concluded at second reading.

- WALLIS report – Law applicable to non-contractual obligations (Rome II) – COM(2003)427 and COM(2006)83 – 2003/0168 (COD)

The Commission approved the line set out in SP(2006)5461.

Empowerment

- SACCONI reports – REACH – COM(2003)644 – 2003/0256 (COD) and 2003/0257 (COD)
- DE SARNEZ report – Protection of minors and human dignity and right of reply in relation to the competitiveness of the European audiovisual and information services industry – COM(2004)341 and COM(2006)31 – 2004/0117 (COD)
- THYSSEN report – Programme of Community action in the field of consumer policy (2007-2013) – COM(2005)115 – 2005/0042 (COD)
- HENNICOT-SCHOEPGES report – European Year of Intercultural Dialogue (2008) – COM(2005)467 and COM(2006)492 – 2005/0203 (COD)
- MITCHELL report - Financial instrument for development cooperation and economic cooperation - COM(2004)629 and /2 - 2004/0220 (COD)
- GRÖNER/SARTORI report - European Institute for Gender Equality - COM(2005)81 and COM(2006)209 – 2005/0017 (COD)
- WALLIS report – Law applicable to non-contractual obligations (Rome II) – COM(2003)427 and COM(2006)83 – 2003/0168 (COD)

The Commission empowered the Commission Members responsible, under Article 13 of its Rules of Procedure, in agreement with the PRESIDENT and Ms WALLSTRÖM and any other Members associated, to adopt and transmit to the Council its opinion on the amendments, in accordance with Article 251(2)(c) of the Treaty, once Parliament had delivered its opinion, together with an amended proposal if appropriate, on the lines set out in SP(2006)5455/2, SP(2006)5456, SP(2006)5457, SP(2006)5458, SP(2006)5459, SP(2006)5460 and SP(2006)5461.

Codecision, 1st reading

- HIERONYMI report – Television without frontiers – COM(2005)646 – 2005/0260 (COD)

The Commission approved the line set out in SP(2006)5462/3 and /4 subject to acceptance of a compromise amendment concerning amendment 119 (amendment 226) consistent with Commission policy in this field.

- GRAEFE ZU BARINGDORF report – Circulation of compound feedingstuffs – COM(2006)340 – 2006/0117 (COD)

The Commission approved the line set out in SP(2006)5463.

- LEWANDOWSKI report – Surveys on the structure of agricultural holdings – COM(2006)344 – 2006/0112 (COD)

The Commission adopted the line set out in SP(2006)5464 with a view to securing agreement at first reading.

- MAYER report – European Small Claims Procedure – COM(2005)87 – 2005/0020 (COD)

The Commission approved the line set out in SP(2006)5465 and /2.

- LE RACHINEL report – Requirements as regards double-hull or equivalent design requirements for single-hull oil tankers – COM(2006)111 – 2006/0046 (COD)

The Commission adopted the line set out in SP(2006)5466 with a view to securing agreement at first reading.

- FOURTOU report – Community customs code – COM(2005)608 – 2005/0246 (COD)

The Commission approved the line set out in SP(2006)5467 and /2.

- SEGELSTRÖM / GRÖNER reports – Framework programme concerning fundamental rights and justice – Civil justice, Drugs prevention and

information, Criminal justice , Fundamental rights and citizenship and Daphne III programmes – COM(2005)122 and COM(2006)230 – 2005/0040 (COD), 2005/0037B (COD), 2005/039 (CNS), 2005/0038 (CNS) and 2005/0037A (COD)

The Commission approved the line set out in SP(2006)5469/2, and authorised Mr FRATTINI to pursue contacts with Parliament and the Council in order to reach agreement following the line set out in the document.

- KUDRYCKA reports – Framework programme on Solidarity and Management of Migration Flows – European Refugee Fund, External Borders Fund, European Fund for the Integration of Third-country Nationals and European Return Fund – COM(2005)123 and /2 – 2005/0049 (COD), 2005/0047 (COD), 2005/0048 (CNS) and 2005/0046 (COD).

The Commission approved the line set out in SP(2006)5471/3 and authorised Mr FRATTINI to maintain contacts with Parliament and the Council in order to reach agreement following the line set out in the document.

- ULMER report – Medical devices – COM(2005)681 – 2005/0263 (COD)

The Commission approved the line set out in SP(2006)5473 and /3.

Consultation

- LA RUSSA reports – Framework programme on Security and Safeguarding Liberties – Prevention of and Fight against Crime and Prevention, Preparedness and Consequence Management of Terrorism – COM(2005)124 – 2005/0035(CNS) and 2005/0034 (CNS)

The Commission approved the line set out in SP(2006)5472 and /2.

- MARTIN report – Financing of the cooperation with industrialised countries and territories and other high-income countries and territories – COM(2004)629 – 2006/0807 (CNS)

The Commission approved the line set out in SP(2006)5474.

iii) Preparations for Council meeting (Agriculture and Fisheries) 19, 20 and 21 December

(points 1.5 and 1.6 of the IRG record)

- Proposal for a Council Regulation amending Regulations (EEC) 404/93, (EC) 1782/2003 and (EC) 247/2006 concerning the bananas sector / FRUTEAU report on the agenda for the December part-session – COM(2006)489 – 2006/0173 (CNS)

The Commission authorised Ms FISCHER BOEL, at the Council meeting (Agriculture and Fisheries) to be held from 19 to 21 December, to support a Council Presidency compromise that would secure a qualified majority and, if necessary, to make a statement regretting the use of a double legal basis, as set out in SI(2006)1205, and approved the line set out in that document concerning Parliament's amendments.

- Proposal for a Council Regulation amending Regulation (EEC) 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs – COM(2005)671 – 2005/0278 (CNS).

The Commission authorised Ms FISCHER BOEL to support a Council Presidency compromise that would secure a qualified majority following the line set out in SI(2006)1224.

iv) Action to be taken on Parliament's opinions

(SP(2006)5432)

The Commission decided, for all dossiers for which empowerment was required, to empower the Members responsible for the areas concerned, in agreement with the PRESIDENT and Ms WALLSTRÖM and any other Commission Members concerned, to adopt the amended proposals for transmission to Parliament and the Council (SP(2006)5432).

15.2. RELATIONS WITH THE COUNCIL**(SI(2006)1210)**

The Commission took note of the information supplied in SI(2006)1210 relating to Council meetings held from 30 November to 13 December.

v) Justice and Home Affairs (Brussels, 4 and 5 December)

(point 2.2 of the IRG record)

Mr FRATTINI reported on the Council meeting (Justice and Home Affairs) held in Brussels on 4 and 5 December. He mentioned first the debates, which were not concluded, on two draft Council framework decisions, one on the enforcement of criminal judgments in another Member State under the principle of mutual recognition, and the other concerning certain procedural rights in criminal proceedings within the Union.

Mr FRATTINI did, however, welcome the general line taken by the Council on the proposal for a Regulation on the creation of the EU Fundamental Rights Agency, which would therefore be able to begin work early in 2007, formal adoption of the proposal being scheduled for January. Mr FRATTINI pointed out that the Agency's remit would cover all fundamental rights.

Mr FRATTINI then drew the Commission's attention to the Council conclusions as regards enlargement of the Schengen area, extension of the present information system (SIS 1+) and continuation of the work on the future system (SIS II). He emphasised that the Council had approved the integration, at the latest in June 2007, of the new Member States in SIS 1+, which would then become SISone4all. He drew attention to the large amount of work that was necessary before internal border controls could be lifted. However, he said that everything would be done for the removal of controls to be effective at land and maritime internal borders in December 2007, for airport borders in March 2008.

Mr FRATTINI finally mentioned the very favourable reception given by the council to the two communications the Commission recently approved concerning the draft overall European policy on migration and on strengthening the Union's southern maritime border, documents which would be considered by the December European Council.

On the EU Fundamental Rights Agency, the Commission welcomed the adoption of the proposal, something it considered a great success and for which it thanked Mr FRATTINI.

The Commission took note of this information.

15.3. RELATIONS WITH PARLIAMENT

vi) Results of the November II part-session

(SP(2006)5520)

The Commission took note of the information supplied in SP(2006)5520 relating to Parliament's part-session held in Brussels on 29 and 30 November.

16. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

16.1. WRITTEN PROCEDURES APPROVED

(SEC(2006)1574 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 27 November and 1 December.

16.2. SENSITIVE WRITTEN PROCEDURES

(SEC(2006)1575 AND /2)

Ms FISCHER BOEL referred to the imminent launch of a written procedure (E/2767/2006) for the adoption of a proposal for a Council Regulation

establishing a single common organisation of the market in the agricultural sector. This one Regulation would replace 41 current regulations totalling some 600 articles. While indicating that there would be specific proposals for a number of products requiring substantial revision, such as fruit and vegetables, wine and certain milk products and cereals, Ms FISCHER BOEL drew the attention of the Commission Members to the major technical simplification that this legislative initiative represented for the common agricultural policy. It would contribute particularly to increasing the transparency of market policy instruments and their accessibility, and to reducing administrative costs in the agricultural sector. Ms FISCHER BOEL concluded by asking the Commission Members to ensure that adoption of the proposal went smoothly, so that she would be able to present it at the Council meeting (Agriculture and Fisheries) on 19 December.

Ms HÜBNER briefly mentioned the Draft Commission Regulation laying down implementing rules for Council Regulation (EC) 1083/2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund, and Regulation (EC) 1080/2006 of Parliament and of the Council relating to the European Regional Development Fund, approval of which was planned by "finalisation" written procedure on Friday 8 December (E/2652/2006). She too pointed to the simplification aspects of this initiative which would replace nine current regulations in this area.

The Commission took note of the sensitive written procedures for which the time limit expires between 4 and 8 December and of the "finalisation" written procedures initiated following the weekly meeting of Chefs de cabinet on 4 December.

16.3. EMPOWERMENT **(SEC(2006)1576 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 27 November and 1 December.

16.4. DELEGATION AND SUBDELEGATION OF POWERS

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation procedure between 27 November and 1 December, as archived on the "Greffé 2000" (Registry) website.

16.5. DELEGATION OF POWERS FOR THE IMPLEMENTATION OF PROGRAMMES IN THE AREA OF JUSTICE, FREEDOM AND SECURITY

(SEC(2006)1618 AND /2)

The Commission decided to delegate to the Director-General for Justice, Freedom and Security the adoption, on behalf of the Commission and under its responsibility, of certain measures on the Implementation of the ARGO, Daphne II and AGIS programmes, and the framework programme on judicial cooperation in civil matters, on the terms laid down in SEC(2006)1618 and /2.

16.6. DELEGATION OF POWERS FOR THE IMPLEMENTATION OF THE PROGRAMME FOR THE ENHANCEMENT OF QUALITY IN HIGHER EDUCATION AND THE PROMOTION OF INTERCULTURAL UNDERSTANDING THROUGH COOPERATION WITH THIRD COUNTRIES (ERASMUS MUNDUS) (2004-2008)

(SEC(2006)1619)

The Commission decided to delegate to the Director-General for Education and Culture the adoption, on behalf of the Commission and under its responsibility, of certain measures on the implementation of the programme for the enhancement of quality in higher education and the promotion of intercultural understanding through cooperation with third countries, on the terms laid down in SEC(2006)1619.

16.7. DELEGATION OF POWERS FOR THE IMPLEMENTATION OF PROGRAMMES RELATING TO EDUCATION, TRAINING AND CULTURE

(SEC(2006)1620)

The Commission decided to delegate to the Director-General for Education and Culture the adoption, on behalf of the Commission and under its responsibility, of certain measures on the implementation of the Socrates, Leonardo da Vinci, Culture 2000, OCE and e-Learning programmes, on the terms laid down in SEC(2006)1620.

17. OTHER BUSINESS

17.1. MINISTERIAL MEETING ON HEALTH SERVICES (BRUSSELS, 29 NOVEMBER)

(SEC(2006)1665)

The Commission took note of the information note from Mr KYPRIANOU in SEC(2006)1665.

17.2. RESTRUCTURING FORUM (BRUSSELS, 4 AND 5 DECEMBER)

(SEC(2006)1667)

The Commission took note of the information note from Mr ŠPIDLA in SEC(2006)1667.

17.3. CONFERENCE OF THE INTERNATIONAL TELECOMMUNICATIONS UNION – LIVING THE DIGITAL WORLD (HONG KONG, 4 TO 8 DECEMBER)

Ms REDING briefly mentioned the conference of the International Union Telecommunications being held in China this week. She summarized the main of her opening speech on 4 December. She said that she had taken the

opportunity to explain more clearly the experience acquired and the role played by the Commission in the EU policy on information and communication technologies, which should to contribute help to strengthen the Commission's international position in this area.

The Commission took note of this information.

17.4. APPLICATION OF THE NEW DECISION OF THE PROCEDURE COMMITTEE

In the context of the interinstitutional implementation of the new committee procedure decision (2006/512/EC), Ms WALLSTRÖM announced that a high-level meeting would be held the following week with representatives of Parliament. With a view to this meeting, she asked the Commission Members to inform her of any relevant developments in their respective areas of responsibility.

The Commission took note of this information.

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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 12.47.