



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2007)1776 final

Brussels, 21 February 2007

MINUTES
of the 1776th meeting of the Commission
held in Strasbourg
(Winston Churchill Building)
on 13 February 2007
(afternoon)

PV(2007)1776 final

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Single sitting: Tuesday 13 February 2007 (afternoon)

The sitting opened at 14.44 with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	President	
Ms WALLSTRÖM	Vice-President	Items 1 to 11 (in part)
Mr VERHEUGEN	Vice-President	Items 1 to 11 (in part)
Mr BARROT	Vice-President	
Mr KALLAS	Vice-President	
Mr FRATTINI	Vice-President	
Ms REDING		
Mr ALMUNIA		
Ms HÜBNER		Items 1 to 11 (in part)
Ms GRYBAUSKAITĖ		
Mr POTOČNIK		
Mr KYPRIANOU		
Mr REHN		
Mr KOVÁCS		
Ms KROES		
Ms FISCHER BOEL		
Ms FERRERO-WALDNER		
Mr McCREEVY		
Mr ŠPIDLA		
Mr MANDELSON		
Ms KUNEVA		
Mr ORBAN		

Absent:

Mr DIMAS

Mr BORG

Mr FIGEL'

Mr MICHEL

Mr PIEBALGS

The following sat in to represent absent Members of the Commission:

Mr GIOTAKOS	A member of Mr DIMAS' staff
Mr SANT	A member of Mr BORG's staff
Ms WENIGOVA	A member of Mr FIGEL's staff
Ms SOEWARTA	A member of Mr PIEBALGS' staff

The following also sat in:

Mr VALE DE ALMEIDA	Chef de cabinet to the President
Mr SANTAOLALLA	Legal Service
Mr WORINGER	DG Communication
Mr LAITENBERGER	Commission Spokesman
Mr GASPAR	Acting Director-General, Bureau of European Policy Advisers (BEPA)
Ms MARTINHO	Principal adviser in the President's Office

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

1. AGENDAS

(OJ(2007)1776/3; SEC(2007)164/2)

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(2007)1776)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 12 February.

3. MINUTES AND SPECIAL MINUTES OF 1775th MEETING (7 FEBRUARY 2007)

(PV(2007)1775; PV(2007)1775, Part II)

The Commission approved the minutes of its 1775th meeting.

4. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2007)165 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 5 and 9 February.

4.2. SENSITIVE WRITTEN PROCEDURES

(SEC(2007)166 AND /2)

The Commission took note of the sensitive written procedures for which the time limit expired between 12 and 16 February and of the “finalisation” written procedures initiated following the weekly meeting of Chefs de cabinet on 12 February.

4.3. EMPOWERMENT

(SEC(2007)167 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 5 and 9 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 5 and 9 February, as archived on the “Greffé 2000” (Registry) website.

5. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2007)168/2)

ADMINISTRATIVE MATTERS

(PERS(2007)22/2)

**5.1. DG SANCO – INTERNAL (GRADE AD14/15) AND EXTERNAL
(GRADE AD14, EU-27) PUBLICATION OF A VACANCY NOTICE FOR
A PRINCIPAL ADVISER**

(PERS(2007)21/2)

On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr KYPRIANOU, the Commission decided to authorise the publication, under Article 29(1)(a)(i) and (iii) and (2) of the Staff Regulations, of the

vacancy notices in PERS(2007)21/2 relating to the post of Chief Adviser in Directorate-General “Health and Consumer Protection”.

This decision would take effect immediately.

5.2. DG ADMIN – ORGANISATION CHARTS OF COMMISSION DGs AND SERVICES

(SEC(2006)1702 TO /4; SEC(2006)1707)

Having noted the information in point 2 of PERS(2007) 22/2, the Commission, on a proposal from Mr KALLAS, in agreement with the PRESIDENT,

- adopted the Communication in SEC(2006)1702/4,
- approved the approach set out in Section 3.5 of the Communication as regards the default level of Head of Unit functions. The corresponding provisions have been suspended, however, as a consequence of the judgment of the Civil Service Tribunal of the European Union of 14 December 2006 in Case F-122/05. Pending the appeal, Head of Unit posts published would have to be graded in compliance with that judgment,
- authorised the Member of the Commission responsible for Personnel and Administration to give effect to the Communication and to adopt guidelines for its implementation, to monitor the results, to provide annual progress reports, and to propose to the Commission any updates that might be necessary as regards institutional objectives relating to management duties and minimum and average staffing levels of departments.

This decision would take effect immediately.

6. COMMISSION RECOMMENDATIONS FOR COUNCIL OPINIONS IN ACCORDANCE WITH ARTICLE 5(3) OF COUNCIL REGULATION (EC) No 1466/97 ON THE UPDATED STABILITY PROGRAMMES FOR GREECE (2006-2009) AND PORTUGAL (2006-2010) (SEC(2007)187 AND /2; SEC(2007)188 AND /2; SEC(2007)193; SEC(2007)194)

The Commission adopted the recommendations for Council opinions concerning the updated stability programmes of Greece and Portugal, as set out in SEC(2007)187/2 and SEC(2007)188/2 respectively, for transmission to the Council.

7. COMMISSION RECOMMENDATIONS FOR COUNCIL OPINIONS IN ACCORDANCE WITH ARTICLE 9(3) OF COUNCIL REGULATION (EC) 1466/97 ON THE UPDATED CONVERGENCE PROGRAMMES OF ESTONIA (2006-2010), LITHUANIA (2006-2009), THE UNITED KINGDOM (2006/2007-2011/2012) AND SWEDEN (2006-2009) (SEC(2007)189 AND /2; SEC(2007)190 AND /2; SEC(2007)191 AND /2; SEC(2007)192; SEC(2007)193; SEC(2007)194)

The Commission adopted the recommendations for Council opinions concerning the updated convergence programmes of Estonia, Lithuania, the United Kingdom and Sweden, as set out in SEC(2007)189/2 and SEC(2007)190/2, SEC(2007)191/2 and SEC(2007)192 respectively, for transmission to the Council.

8. DRAFT GUIDELINES FOR THE ASSESSMENT OF NON-HORIZONTAL MERGERS UNDER COUNCIL REGULATION (EC) 139/2004 ON THE CONTROL OF CONCENTRATIONS BETWEEN UNDERTAKINGS (SEC(2007)182 AND /2)

The Commission approved the draft guidelines, as set out in SEC(2007)182, and decided to submit them for a public consultation.

9. RELATIONS WITH THIRD COUNTRIES

VISIT TO BOSNIA AND HERZEGOVINA (SARAJEVO, 7 AND 8 FEBRUARY 2007) (SEC(2007)208)

The Commission took note of the information note from Mr FIGEL' in SEC(2007)208.

10. OTHER MATTERS

MEETING OF G7 FINANCE MINISTERS (ESSEN, 9 AND 10 FEBRUARY) (SEC(2007)211)

The Commission took note of the information note from Mr ALMUNIA in SEC(2007)211.

11. INTERINSTITUTIONAL RELATIONS

(SEC(2007)162)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 9 February (SEC(2007)162).

It paid particular attention to the following:

11.1. LEGISLATIVE MATTERS

i) Preparations for February part-session

(point 1.2 of the record of the IRG)

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 – 1st reading

- LEHNE Report – Exercise of voting rights by shareholders – COM(2005)685 – 2005/0265 (COD)

The Commission approved the line set out in SP(2007)683, and authorised Mr McCREEVY to pursue contacts with Parliament and the Council in order to reach agreement at first reading following the line set out in the document.

Consultation

- GOEPEL Report (2nd report) – Optional modulation of direct payments under the common agricultural policy – COM(2006)241 – 2006/0083 (CNS)

The Commission approved the line set out in SP(2007)493.

- ESTEVES Reports – Agreements between the European Community and the Russian Federation on short-stay visas and readmission – COM(2006)188 and COM(2006)191 – 2006/0062 (CNS) and 2006/0064 (CNS)

The Commission approved the line set out in SP(2007)610.

11.2. RELATIONS WITH THE COUNCIL

(SI(2007)72)

The Commission took note of the information in SI(2007)72 on the Council meetings between 8 and 21 February.

ii) Draft text for a United Nations resolution on drug precursors (UNCND) (Vienna, 12 to 16 March 2007)

(point 2.3 of the record of the IRG)

The Commission took note of the information in SI(2007)111/3 and Mr KOVÁCS's intention of transmitting to the Council a draft text in the form of an informal document.

iii) Results of the General Affairs and External Relations Council – External Relations meeting (Brussels, 12 and 13 February 2007)

Relations with the Western Balkans

Mr REHN reported on the results of the debate on the political situation in the Western Balkans, which took place in the meeting of the General Affairs and External Relations Council on 12 and 13 February in Brussels.

Mr REHN began by referring to the report by Mr Frank-Walter Steinmeier, Mr Javier Solana and himself on the talks in Belgrade on 7 February between the Community troika and the Serbian authorities about the situation in the region.

In the specific case of Serbia, Mr REHN drew Members' attention to the Council's positive message to the country. In its conclusions, the Council confirmed Serbia's European prospects and expressed its willingness to work to this end with the new, reformist, pro-European Government. At the same time, it reaffirmed the conditions which applied to reopening negotiations on a stability and association agreement with Serbia, particularly as regards full

cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY).

Mr REHN also spoke of the Council's emphasis on the need to continue to encourage reformist and pro-European tendencies in Serbia to concentrate their efforts on normalisation and the country's future, including its European prospects. The composition of the new Serbian Government should clearly demonstrate the commitment to this.

Turning to Kosovo, Mr REHN reported that the Council fully supported the draft comprehensive proposal of the United Nations special envoy, Mr Martti Ahtisaari, which was presented to the parties on 2 February. Mr Ahtisaari's proposal provided for a multi-ethnic Kosovo based on the rule of law. It took into account the guiding principles agreed by the contact group and the outcome of the consultations with the European Union, and in particular contained measures to protect and reassure the Serbian community in Kosovo.

Mr REHN also explained why Kosovo was a special case in the international legal order, being governed by UN Security Council Resolution 1244, which expressly excluded any return to the situation prior to 1999 and which could not be invoked as a precedent by other communities in the Region.

Lastly, Mr REHN reminded the meeting of the very tight timetable for the consultations with the Kosovo Serbs and Albanians, which was communicated by the special envoy and which should lead to the matter being referred to the UN Security Council in the spring. He also regretted the recent statements by the Russian authorities and confirmed that the multilateral approach remained necessary in order to achieve a lasting solution for Kosovo.

After Mr REHN's introduction the Commission held an exchange of views on the situation and the prospects in the Western Balkans, during which the following points in particular were discussed:

- the importance of encouraging the reformist Serbian elements to continue their constructive cooperation with the international community;
- the need to foster direct contacts directly between Belgrade and Pristina;
- the danger of unnatural alliances being forged in the region around other conflicts between communities;
- the fragile nature of peace and security and the risk of instability in the Western Balkans and the importance of discouraging any secessionist or centrifugal tendencies in the region;
- the importance of ensuring European unity and the unity of the international community with a view to the UN Security Council debate on the final status of Kosovo;
- the nature and intensity of the reaction of Serbia and other players on the international stage, particularly Russia;
- Kosovo's difficult economic situation;
- the growing difficulties facing institutional stabilisation in the area of justice and security in the region.

The PRESIDENT concluded the exchange of views by thanking Mr REHN for his efforts in this highly complex matter.

The Commission took note of this information.

Middle East peace process

Ms FERRERO-WALDNER reported on the discussions in the Council, over lunch, on progress in the Middle East peace process.

She drew the Commission's attention to the new situation created by the announcement in Mecca on 9 February of a political agreement between Fatah and Hamas on forming a Palestinian government of national unity.

While remaining cautiously optimistic until further details about the practicalities of the agreement and the composition of the future government were known, Ms FERRERO-WALDNER reported that the Council had welcomed the agreement, which should prevent a civil war in Palestine and which was, moreover, the result of an initiative generated within the region.

Ms FERRERO-WALDNER stressed that this agreement represented a real step forward for the entire region. Hamas had for the first time agreed to honour the Palestine Liberation Organisation's platform, including the international agreements signed in the past, which implicitly implied recognition of the State of Israel.

Ms FERRERO-WALDNER also mentioned the new international aid mechanism for the Palestinians, which would be set up by the EU at the request of the *Quartet* and which would gradually replace the temporary international mechanism created in 2006 to meet the basic needs of the Palestinian population. She reported that the future international mechanism, exploiting the political influence of the *Quartet*, would enable international aid to the Palestinians to be coordinated more effectively and would incorporate the other fundamental principles of policy for the region, namely the economic development of the Palestinian territories, improving Palestinian governance and support for institution-building. She emphasised that the viability of a Palestinian state depended also on the effective implementation of the Agreement on Movement and Access signed in November 2005.

Lastly, Ms FERRERO-WALDNER reported that, in its conclusions, the Council had expressed support for the trilateral meeting to be held on 19 February between the Israeli Prime Minister, Mr Ehud Olmert, the President of the Palestinian Authority, Mr Mahmoud Abbas, and the American Secretary of State, Ms Condoleezza Rice.

The Commission took note of this information.

**iv) Preparations for the Justice and Home Affairs Council
(15 February)**

Mr FRATTINI reported on the main dossiers on the agenda of the next meeting of the Justice and Home Affairs Council.

He referred first to the question of combating illegal immigration and the need for closer cooperation on this issue within the EU. He reminded the meeting of the full support for this objective given by the European Council in December 2006 and the fact that it would soon be spring, which was always a high-risk period. Despite this, many Member States had still not replied to his call for information about their contributions in terms of staff and equipment to the fight against illegal immigration and, more particularly, to the resources of the European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX).

On the subject of relations with the United States, Mr FRATTINI hoped to receive a negotiating mandate from the Council to conclude a new agreement between the European Union and the United States on the treatment and transfer of the personal details of air passengers (passenger name records), as the temporary agreement currently in force would expire in July 2007. He believed it was essential to change the current data transmission system from a “pull” system to a “push” system. He also reminded the meeting of the need for further discussion in the ongoing negotiations with the United States of the issue of exchanging SWIFT data (Society for Worldwide Interbank Financial Telecommunications) on financial transactions.

In this connection, Mr FRATTINI also mentioned the ongoing efforts to form a high-level group of representatives of the American Government, the Council Presidency and the Commission, which would be charged with relaunching the idea of a transatlantic area of security and law.

Lastly, Mr FRATTINI reported on the probable creation of a high-level advisory group on the future of the European area of freedom, security and

justice. He reminded the meeting that this was an initiative of the Council Presidency, which had been presented at the informal meeting in Dresden in January and warmly welcomed by the Member States. It would be discussed in the margins of the Council on 15 February. The group, which would be informal and have a variable composition, would help to define the next multiannual programme (2010-14) to replace the Hague Programme.

During a brief exchange of views, the following aspects were mentioned in particular:

- the Commission's unanimous support for increasing European cooperation on combating illegal immigration;
- the vital importance, for all negotiations with third countries, of ensuring full coordination within the Commission between the various departments concerned, and particularly with the Directorate-General for External Relations;
- in the case of cooperation between the European Union and the United States, the need to strike a proper balance between the rights of the individual and security.

The Commission took note of this information.

v) Preparations for the Transport, Telecommunications and Energy Council (Brussels, 15 February)

In the absence of Mr PIEBALGS, Mr MANDELSON and Ms KROES briefly reviewed progress in the Council on the package of Commission initiatives on energy and climate change, approved on 10 January 2007.

The Commission held a brief exchange of views on this question, noting in particular:

- the importance of creating a European energy strategy;

- the relevance and coherence of the Commission's proposals in this area;
- the threat to the integrity of the proposed package of measures;
- the need to ensure the support of all Member States for these proposals.

The PRESIDENT concluded the exchange by emphasising the political importance of the package of proposals adopted by the Commission at the beginning of January 2007. He expressed his faith in the proposals and his determination to find constructive solutions with the Council Presidency, ahead of the spring European Council. He also reminded the meeting of the significant contribution these initiatives made to a "Europe of results" and felt that the EU's credibility was at stake, particularly with the forthcoming 50th anniversary of the signing of the Treaty of Rome.

The Commission took note of this information.

11.3. RELATIONS WITH PARLIAMENT

vi) Action taken on Parliament's non-legislative resolutions (point 3.5.2 of the record of the IRG)

The Commission approved the documents SP(2007)609 and /2 on the action taken on the non-legislative resolutions adopted by Parliament at its December 2006 part-session, for transmission to Parliament.

vii) Participation by Members of Parliament in international conferences (point 3.8 of the record of the IRG)

- Meeting of the Committee on Fisheries of the United Nations Food and Agriculture Organisation (FAO-COFI) (Rome, 5 and 6 March 2007)

The Commission decided to agree to the request from Mr POETTERING, President of Parliament, to the PRESIDENT concerning the participation of one MEP at this meeting.

**11.4. RELATIONS WITH THE ECONOMIC AND SOCIAL COMMITTEE,
THE COMMITTEE OF THE REGIONS, THE EUROPEAN
OMBUDSMAN AND NATIONAL PARLIAMENTS**

**viii) Follow-up to Economic and Social Committee opinions in the third
quarter of 2006 – July and September 2006 plenary sessions**
(point 4.1 of the record of the IRG)

The Commission approved the replies to the opinions adopted by the Economic and Social Committee during the third quarter of 2006 in SC(2007)5/2 for transmission to the Economic and Social Committee.

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The meeting closed at 16.10.