



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

**PV(2007)1789 final**

Brussels, 30 May 2007

**MINUTES**

**of the 1789th meeting of the Commission**

**held in Strasbourg**

**(Winston Churchill Building)**

**on Tuesday 22 May 2007**

**(afternoon)**

—

**PV(2007)1789 final**

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**Single sitting: Tuesday 22 May 2007 (afternoon)**

The sitting opened at 1306 hours with Mr BARROSO, President, in the chair.

**Present:**

|                    |                |                                           |
|--------------------|----------------|-------------------------------------------|
| Mr BARROSO         | President      |                                           |
| Ms WALLSTRÖM       | Vice-President |                                           |
| Mr BARROT          | Vice-President |                                           |
| Mr KALLAS          | Vice-President |                                           |
| Mr FRATTINI        | Vice-President | Items 8 (in part) and 9                   |
| Ms REDING          |                |                                           |
| Mr ALMUNIA         |                |                                           |
| Mr BORG            |                |                                           |
| Ms GRYBAUSKAITĖ    |                |                                           |
| Mr KYPRIANOU       |                | Items 1 to 8 (in part) and 9<br>(in part) |
| Mr REHN            |                |                                           |
| Ms KROES           |                |                                           |
| Ms FERRERO-WALDNER |                |                                           |
| Mr McCREEVY        |                |                                           |
| Mr MANDELSON       |                |                                           |
| Mr PIEBALGS        |                |                                           |
| Ms KUNEVA          |                |                                           |
| Mr ORBAN           |                |                                           |

Absent:

Mr VERHEUGEN

Vice-President

Mr DIMAS

Ms HÜBNER

Mr POTOČNIK

Mr FIGEL'

Mr MICHEL

Mr KOVÁCS

Ms FISCHER BOEL

Mr ŠPIDLA

(22 May 2007)

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

|                |                                     |
|----------------|-------------------------------------|
| Mr SCHELLEKENS | Deputy Chef de cabinet to Mr DIMAS  |
| Mr PANIGALLI   | A member of Ms HÜBNER's staff       |
| Mr ADAMIŠ      | Chef de cabinet to Mr FIGEL'        |
| Mr DOENS       | Deputy Chef de Cabinet to Mr MICHEL |
| Ms GAGO-FILORI | Deputy Chef de cabinet to Mr KOVÁCS |
| Mr BIANCHI     | A member of Ms FISCHER BOEL's staff |
| Mr UEBE        | A member of Mr ŠPIDLA's staff       |

The following also sat in:

|                      |                                                             |                                   |
|----------------------|-------------------------------------------------------------|-----------------------------------|
| Mr VALE DE ALMEIDA   | Chef de cabinet to the PRESIDENT                            |                                   |
| Mr PETITE            | Director-General, Legal Service                             |                                   |
| Mr SØRENSEN          | Director-General, Communication DG                          |                                   |
| Mr LAITENBERGER      | Commission Spokesman                                        |                                   |
| Mr GASPAR            | Acting Director-General, Bureau of European Policy Advisers |                                   |
| Mr THEBAULT          | Deputy Chef de cabinet to the PRESIDENT                     |                                   |
| Ms MARTINHO          | Chief adviser in the PRESIDENT's Office                     | Items 1 to 8 (in part) and 9      |
| Ms MARTÍNEZ ALBEROLA | A member of the PRESIDENT's staff                           | Items 1 à 8 (in part) et 9        |
| Mr SEVERIS           | A member of Mr KYPRIANOU's staff                            | Items 8 (in part) and 9 (in part) |

Secretary: Ms Day, Secretary-General, assisted by Mr Ayet Puigarnau, Director in the Secretariat-General.

**1. AGENDAS**

**(OJ(2007)1789/3; SEC(2007)653/2)**

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)1789)**

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 21 May.

**3. APPROVAL OF MINUTES OF 1788th MEETING (16 MAY 2007)**

**(PV(2007)1788)**

The Commission approved the minutes of its 1788th meeting.

**4. INTERINSTITUTIONAL RELATIONS**

**(SEC(2007)643)**

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Wednesday 16 May (SEC(2006)643).

It paid particular attention to the following:

#### **4.1. LEGISLATIVE MATTERS**

##### **i) Codecision procedure**

(point 1.1.1 of the record of the IRG)

##### Dossier awaiting a common position

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

Further to the authorisation given to Ms REDING to accept the compromise that the Presidency would present at the Council meeting (Education, Youth and Culture) of 24 and 25 May, following the line set out in SI(2007)443/2 and, in this connection, to make the declaration contained in annex to that note, the Commission noted that the declaration would be taken into account in the press release and in Ms REDING's subsequent statement to Parliament.

##### **ii) Preparation of agreements at first reading**

(point 1.1.2 of the record of the IRG)

- Community programme to improve the operation of taxation systems in the internal market (Fiscalis 2013) (Decision) – MARTIN report – 2006/0076 (COD)

The Commission authorised Mr KOVÁCS to pursue contacts with Parliament and the Council in order to reach agreement at first reading following the line set out in SI(2007)478, except with respect to amendments 47 and 51, voted by the Parliament's Committee on Economic and Monetary Affairs, that the Commission decided to reject.

- Energy-efficient labelling programmes for office equipment (Energy Star) (recasting) (Regulation) – VAKALIS report – 2006/0187 (COD)

The Commission approved the line set out in SI(2007) 499/2 and authorised Mr PIEBALGS to pursue contacts with Parliament and the Council in order to reach agreement at first reading following the line set out in that note.

**iii) Preparation for May II part-session of Parliament**

(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 – 1<sup>st</sup> reading

- Roaming on public mobile networks within the Community (Regulation)  
– RÜBIG report – 2006/0133 (COD)

The Commission approved the line set out in SP(2007)2150 and /2 as the fallback position should the compromise set out in SI(2007)493 not be adopted by Parliament.

Consultation

- Common organisation of the market in cereals (Regulation) –  
GLATTFELDER report – 2006/0256 (CNS)

The Commission took note of the draft report recommending rejection of the Commission proposal, and approved the line set out in SP(2007)2307.

- Common organisation of agricultural markets and specific provisions for certain agricultural products (Regulation) – BUSK report – 2006/0269 (CNS)

The Commission approved the line set out in SP(2007)2399 and /2.

**iv) Preparation for June I part-session of Parliament**

(item 1.2 of the record of the IRG, Part II)

(22 May 2007)

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 – 1<sup>st</sup> reading

- Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (Regulation) – LUDFORD report – 2004/0287 (COD)

The Commission approved the line set out in SP(2007)2403, and authorised Mr FRATTINI 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

- Access for consultation of the Visa Information System (VIS) (Decision) – LUDFORD report – 2005/0232 (CNS)

The Commission approved the line set out in SP(2007)2404, 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.

#### **4.2. RELATIONS WITH THE COUNCIL**

**v) Programming of Council business**  
(SI(2007)501)

The Commission took note of the information in SI(2007)501 on the Council meetings between 17 and 30 May.

#### **4.3. RELATIONS WITH PARLIAMENT**

##### **vi) Preparation for May II part-session of Parliament – Consideration of non-legislative matters**

(point 3.1 of the record of the IRG)

- Joint Declaration on practical arrangements for the codecision procedure – LEINEN report – 2005/2125 (ACI)

The Commission approved the text of the joint declaration on the practical arrangements for the codecision procedure, as set out in SP(2007)2398, and authorised the PRESIDENT to sign it on behalf of the Commission.

##### **vii) Action taken on Parliament's non-legislative resolutions**

(point 3.5.2 of the record)

The Commission approved the document SP(2007)2139/4 on the action taken on the European Parliament's non-legislative resolution on local authorities and development cooperation adopted at its March I part-session, for transmission to Parliament.

#### **5. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS**

##### **5.1. WRITTEN PROCEDURES APPROVED**

*(SEC(2007)654 ET SEQ.)*

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 14 and 16 May 2007.

**5.2. SENSITIVE WRITTEN PROCEDURES**

**(SEC(2007)655 AND /2)**

The Commission took note of the sensitive written procedures for which the time limit expired between 21 and 25 May and of the "finalisation" written procedures initiated following the weekly meeting of Chefs de cabinet on 21 May 2007.

**5.3. EMPOWERMENT**

**(SEC(2007)656 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 14 and 16 May 2007.

**5.4. EXERCICE OF GENERAL EMPOWERMENT CONCERNING THE  
MANAGEMENT OF THE INTERNAL MARKET IN GAS AND  
ELECTRICITY IN THE CASE OF THE PLANNED ITALY-GREECE  
POSEIDON GAS PIPELINE**

**(SEC(2007)716)**

The Commission took note of the information note from Mr PIEBALGS in SEC(2007)716.

**5.5. DELEGATION AND SUBDELEGATION OF POWERS**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation procedure between 14 and 16 May 2007, as archived on the Greffe 2000 (Registry) website.

**6. GREEN PAPER ON BETTER SHIP DISMANTLING**

**(COM(2007)269 TO /4; SEC(2007)645; SEC(2007)651)**

The Commission approved the Green Paper in COM(2007)269/4, for transmission to Parliament, the Council, the Economic and Social Committee and the Committee

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of the Regions, and to the national parliaments, accompanied by the staff paper distributed as SEC(2007)645, the contents of which were noted.

**7. COMMISSION DECISION ON A PROCEEDING UNDER ARTICLE 8(2) OF COUNCIL REGULATION (EC) NO 139/2004 ON THE CONTROL OF CONCENTRATIONS BETWEEN UNDERTAKINGS AND ARTICLE 57 OF THE EEA AGREEMENT (CASE COMP/M.4404 – UNIVERSAL / BMG MUSIC PUBLISHING)  
(C(2007)2160 TO /7)**

The Commission

- took note of the opinion of the Advisory Committee on Concentrations of 10 May 2007 in C(2006)2160/4;
- took note of the final report of the Hearing Officer of 11 May 2007 in C(2007)2160/5;
- adopted, in the authentic language (English), the decision set out in C(2007)2160/6, declaring the operation notified compatible with the common market and with operation of the Agreement on the European Economic Area subject to full compliance with the commitments made, as set out in the same document C(2007)2160/6;
- decided to notify the decision set out in C(2007)2160/6 to the firm concerned, together with the final report of the Hearing Officer and the opinion of the Advisory Committee;
- decided that the most important parts of the decision and the opinion of the Advisory Committee and the report of the Hearing Officer would be published in the official languages of the Union in the Official Journal of the European Union (with business secrets removed);

- decided to publish the decision (with business secrets removed) on the Internet.

## **8. RELATIONS WITH THIRD COUNTRIES**

### **8.1. SUMMIT BETWEEN THE EUROPEAN UNION AND RUSSIA (SAMARA, 17 AND 18 MAY 2007) (SEC(2007)711)**

Further to the information note that she presented jointly with the PRESIDENT, Ms FERRERO-WALDNER set out the main results of the summit between the European Union and Russia, held in Samara on Friday 18 May. Ms FERRERO-WALDNER considered that key issues had been tackled during the summit and that the outcome was more positive than the media had reported.

Ms FERRERO-WALDNER reported that both sides agreed on the need to step up the strategic partnership, which was based more than ever on steadily strengthening economic and commercial ties. Consequently a new EU-Russia agreement remained a common objective.

Ms FERRERO-WALDNER then mentioned the tangible and in some instances significant progress made at the summit:

- agreement was reached on working towards an early warning mechanism in the field of energy;
- agreement was reached on engaging in a structured dialogue on investments;
- both sides fully agreed that it was important that the Russian Federation join the World Trade Organisation;

- there was a real prospect of signing an agreement enabling European aircraft to overfly Siberia within the coming months;
- Russia provided clarifications concerning the Druzhba gas pipeline;
- lastly, the agreements on visa facilitation and readmission, which would greatly facilitate contacts between Russian and European citizens, would enter into force on 1 June.

Ms FERRERO-WALDNER also mentioned the issues that had cast a shadow over the summit. She pointed to the current tensions between Russia and certain Member States, the Russian import ban on Polish meat products, and the violations of democratic principles and human rights taking place in Russia, particularly in connection with the coming elections. She deplored for instance the fact that Mr Garry Kasparov had been held on his way to Samara the day before the summit.

Finally, Ms FERRERO-WALDNER noted with satisfaction that this summit had been an occasion for the Union to demonstrate a very high level of solidarity and internal cohesion, especially in connection with the current difficulties in relations between Russia and certain Member States.

The PRESIDENT underlined this, saying that the European Union had shown solidarity and cohesion throughout this rather difficult summit. Russia had clearly understood this strong signal from the Europeans, and the PRESIDENT felt that this understanding was one of the keys to future relations between the European Union and the Russian Federation.

The PRESIDENT also stressed that the viewpoints expressed during the summit by the Council Presidency and the Commission had been fully consistent with each other, and that the press conference at the end of the summit had taken place in an atmosphere of frankness and clarity.

The PRESIDENT then reviewed the various issues discussed during the summit, stating his views on the current and future cooperation with Russia,

which in large part depended on the EU's commitment and ability to stay united. In addition to what was said by Ms FERRERO-WALDNER he mentioned certain international policy issues such as the future status of Kosovo and climate change.

Lastly, the PRESIDENT recalled the words he had spoken in the margins of the summit, expressing the Union's solidarity with all Russian nationals who had been victims of Nazi atrocities.

After the presentation of the summit's main results, the Commission held an exchange of views during which the following issues were discussed:

- the evolution of Russia's attitude towards the EU, in particular the enlarged Union;
- the need for the Commission, in its relations with the Union's partners, always to uphold and strengthen the principles that define the European Union;
- the circumstances of Mr Kasparov's detention and the problems surrounding the exercise of certain fundamental freedoms in Russia;
- prospective developments in relation to the Russian import ban on Polish meat and ways to end the stalemate;
- the respective approaches of Russia and the Union to the western Balkan region;
- the political importance of abolishing certain border-crossing formalities in order to facilitate more intensive contacts between Russian and EU citizens;
- the crucial significance of the fact that throughout the summit the Union had steadfastly maintained its unity and solidarity in response to Russian viewpoints.

The Commission took note of this information and of the note from the PRESIDENT and Ms FERRERO-WALDNER, distributed as SEC(2007)711.

**8.2. *REPORT FROM THE OECD MINISTERIAL COUNCIL MEETING  
(PARIS, 15 AND 16 MAY 2007)  
(SEC(2007)712)***

Mr ALMUNIA summarised the key features of the Ministerial session of the Council of the Organisation for Economic Cooperation and Development, taking place in Paris on 15 and 16 May 2007.

He noted that the current process of OECD enlargement was of great significance to the EU and its Member States.

Mr ALMUNIA announced the OECD Council's decision to open accession negotiations with Chile, Estonia, Israel, the Russian Federation and Slovenia. He went on to note that the OECD Council had come out in favour of strengthening cooperation with the large emerging economies — South Africa, Brazil, China, India and Indonesia — on account of their expanding role in the world, and in favour of an increased OECD commitment towards the countries of South East Asia on account of their dynamism. He added that this approach should be seen in the light of the ongoing debate about the OECD's future mission: should it remain a forum for cooperation among industrialised and emerging countries that shared the principles of the market economy, or should it become a permanent platform for dialogue among those countries?

Mr ALMUNIA felt that the forthcoming OECD enlargement, together with the uncertainties about the organisation's future, could make accession more difficult for the six EU Member States who were not yet OECD members: Bulgaria, Cyprus, Latvia, Lithuania, Malta and Romania.

The Commission held a brief exchange of views, during which it discussed the nature of the OECD and its working methods, the very wide range of

subjects it covered and responsibilities within the Commission for relations with it.

At the end of this exchange of views, the Commission agreed to hold an in-depth discussion on the Commission's relations with the OECD at the first opportunity, taking into account the current discussions on its nature and future mission.

It also took note of this information and of the memo from Mr ALMUNIA and Mr MANDELSON, distributed as SEC(2007)712.

**8.3. MEETING OF G8 FINANCE MINISTERS (POTSDAM, 18 AND 19 MAY 2007)  
(SEC(2007)713)**

Mr ALMUNIA reported briefly to the Commission on the results of the meeting of G8 finance ministers held in Potsdam on 18 and 19 May 2007, in preparation for the G8 summit scheduled to be held at Heiligendamm from 6 to 8 June.

The meeting had begun with a dinner with the Finance Ministers of South Africa, Cameroon, Ghana, Mozambique and Nigeria, which had addressed matters concerning the financial governance of the African countries, and the need for these countries to conduct sound budget policies and to avoid falling back into situations of overindebtedness following the debt cancellations of recent years. In this connection, Mr ALMUNIA drew attention to the deep concern of the G8 Ministers about the behaviour of China in Africa, which threatened to ruin all the recent efforts. He also mentioned the adoption by the G8 of an action plan for sound financial governance in Africa, and the approval of a document on the principles of a responsible policy of lending to these countries. Mr ALMUNIA considered, however, that the expectations of the African Ministers had to some extent been disappointed for want of more concrete results and greater understanding of the challenges their country must face up to.

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He then went on to the main question on the agenda of the Potsdam meeting, the discussion on hedge funds and their impact on the global financial system, with a view to the G8 summit. He reported that the Ministers had endorsed the five recommendations made by the Financial Stability Forum and restated the need for continued vigilance on the rapid development of the sector. But Mr ALMUNIA had to point out that no consensus had been reached on the question of the adoption by the sector of a voluntary code of conduct, the American, British and Japanese Ministers opposing the idea at the present time.

The Commission took note of the information note from Mr ALMUNIA in SEC(2007)713.

**8.4. SEVENTEENTH MINISTERIAL MEETING OF EU-GULF COOPERATION COUNCIL JOINT COUNCIL (RIAD, 8 MAY 2007) (SEC(2007)714)**

The Commission took note of the information note from Ms FERRERO-WALDNER and Mr MANDELSON distributed as SEC(2007)714.

**8.5. MINISTERIAL MEETING OF THE INTERNATIONAL ENERGY AGENCY (PARIS, 14 AND 15 MAY 2007) (SEC(2007)715)**

The Commission took note of the information note from Mr PIEBALGS in SEC(2007)715.

**9. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMITTEE OF THE REGIONS -TOWARDS A GENERAL POLICY ON THE FIGHT AGAINST CYBER CRIME**

**(COM(2007)267 TO /4; (SEC(2007)642; SEC(2007)641; SEC(2007)649; SEC(2007)652)**

Mr FRATTINI presented the communication on combating cyber crime, which was consistent with the Council and Commission's action plan on the implementation of the Hague Programme and came after a wide-ranging consultation of the public and private stakeholders. The results of this consultation and of the analysis of the mass of data on cyber crime in Europe and in the world demonstrated, he felt, the need to for concerted action at European and national levels to combat criminal activities in this area, in particular fraud, identity theft, publication of illegal content, such as child pornography, or attacks on electronic networks.

Mr FRATTINI outlined the main measures at Community level which were advocated in the communication:

- strengthen strategic and operational cooperation between the Member States' specialist law enforcement and judicial authorities and to encourage, within bodies such as Europol, Eurojust and the European Police College (CEPOL), the development of an operational system for the exchange of information, data and best practices, and of further training on technological development of electronic systems, in particular to combat child pornography on the Internet;
- strengthen dialogue and cooperation with the private sector in order to jointly devise methods of preventing cyber crime and to support research on Internet security;
- organise a major conference, planned for November, for European law enforcement experts and private sector representatives in order to improve public-private cooperation;

- improve the capacity for combating illegal activities and content, in particular as regards incitement to terrorism, which should be treated as a criminal offence in all the Member States;
- take measures to prevent and combat coordinated, large-scale attacks against the infrastructure of the EU and Member States' institutions, particularly by coordination of responses and exchange of information and best practices;
- explore the possibility and advisability of drafting European legislation on identity theft.

After Mr FRATTINI's presentation, the Commission held a brief exchange of views during which the following aspects were mentioned:

- the role the Commission can play in combating cyber crime by promoting various forms of coordination;
- the importance of combating cyber crime at international level;
- the need to put to best use the results obtained from research on cyber crime by rapid decision-making by national authorities;
- the importance of establishing effective cooperation between public institutions and private operators, along the lines of what had been done by mobile phone operators and credit card companies in combating child pornography.

Following this exchange of views, the Commission:

- approved the communication in COM(2007)267/4, for transmission to Parliament, the Council and the Committee of the Regions, and to the national parliaments, accompanied by the impact assessment and the summary in the staff papers distributed as SEC(2007)642 and SEC(2007)641 respectively, the contents of which were noted ;
- took note of the opinion of the Impact Assessment Board on this dossier, as set out in SEC(2007)649.

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The meeting closed at 14.47 hours.