



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2007)1793 final

Brussels, 22 June 2007

MINUTES
of the 1793rd meeting of the Commission
held in Strasbourg
(Winston Churchill Building)
on Tuesday 19 June 2007
(afternoon)

PV(2007)1793 final

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Single sitting: Tuesday 19 June (afternoon)

The sitting opened at 13.07 hours with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	President	
Ms WALLSTRÖM	Vice-President	
Mr VERHEUGEN	Vice-President	
Mr BARROT	Vice-President	Items 1 to 8 (in part)
Mr KALLAS	Vice-President	
Mr FRATTINI	Vice-President	
Ms REDING		
Mr ALMUNIA		
Mr BORG		
Ms GRYBAUSKAITĖ		Items 1 to 8 (in part)
Mr POTOČNIK		
Mr FIGEL'		
Mr KYPRIANOU		Items 1 to 8 (in part)
Mr REHN		Items 7 (in part) and 8
Mr MICHEL		Items 1 to 8 (in part)
Mr KOVÁCS		
Ms KROES		
Ms FERRERO-WALDNER		Items 7 (in part) and 8
Mr McCREEVY		Item 8 (in part)
Mr ŠPIDLA		
Ms KUNEVA		
Mr ORBAN		

Absent:

Mr DIMAS

Ms HÜBNER

Ms FISCHER BOEL

Mr MANDELSON

Mr PIEBALGS

(19 June 2007)

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

Mr ELLERMANN-KINGOMBE	A member of Ms FISCHER BOEL's staff
Ms SOEWARTA	A member of Mr PIEBALG's staff

The following also sat in:

Mr THEBAULT	Deputy Chef de cabinet to the PRESIDENT	
Mr SANTAOLALLA	Legal Service	
Mr CARVOUNIS	Deputy Director-General, Communication DG	
Mr LAITENBERGER	Commission Spokesman	
Mr GASPAR	Acting Director-General, Bureau of European Policy Advisers	
Mr MARQUES DE ALMEIDA	A member of the PRESIDENT's staff	
Ms MARTÍNEZ ALBEROLA	A member of the PRESIDENT's staff	
Mr SEVERIS	A member of Mr KYPRIANOU's staff	Item 8 (in part)
Mr POWER	Chef de cabinet to Mr McCREEVY	Items 1 to 8 (in part)

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

1. AGENDAS

(OJ(2007)1793/3; SEC(2007)813/2)

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)1793)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 18 June 2007.

**3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1792nd
MEETING (13 JUNE 2007)**

(PV(2007)1792 ;PV(2007)1792, Part II)

The Commission approved the minutes of its 1792nd meeting.

**4. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF
POWERS**

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2007)814 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 11 and 15 June 2007.

4.2. SENSITIVE WRITTEN PROCEDURES

(SEC(2007)815)

The Commission took note of the sensitive written procedures for which the time limit expired between 18 and 22 June 2007.

4.3. EMPOWERMENT

(SEC(2007)816 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 11 and 15 June 2007.

4.4. GENERAL EMPOWERMENT FOR APPOINTMENTS TO THE ENTERPRISE POLICY GROUP

(SEC(2007)841)

The Commission granted the general empowerment as set out in SEC(2007)841 to the Commission Member responsible for enterprise and industry.

4.5. DELEGATION AND SUBDELEGATION OF POWERS

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation procedure between 11 and 15 June 2007, as archived in Greffe 2000.

5. ADMINISTRATIVE AND BUDGETARY MATTERS**(SEC(2007)817/2)****ADMINISTRATIVE MATTERS****(PERS(2007)67/2)****5.1. DG MARKT – INTERNAL PUBLICATION OF A VACANCY NOTICE
FOR AN AD15/16 DEPUTY DIRECTOR-GENERAL****(PERS(2007)65)**

On a proposal from Mr KALLAS, in agreement with the PRESIDENT and Mr McCREEVY, the Commission decided to authorise the publication, under Article 29(1)(a) (i) and (iii) of the Staff Regulations, of the vacancy notice in PERS(2007)65 for a post of Deputy Director-General in the Internal Market and Services Directorate-General.

This decision would take effect immediately.

5.2. DG RELEX – AMENDMENT OF ORGANISATION CHART

After taking note of the information in point 2 of PERS(2007)67/2, the Commission, on a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms FERRERO-WALDNER, decided to create the AD14/15 function of Head of Delegation to the African Union.

This decision would take effect immediately.

**5.3. DG RELEX – EXTENSION OF LEAVE ON PERSONAL GROUNDS OF
A DIRECTOR**

After taking note of the information in point 3 of PERS(2007)67/2, the Commission, on a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms FERRERO-WALDNER, decided to approve the request for extension of leave on personal grounds, under Article 40 of the Staff Regulations, made by Mr Stefano SANNINO, an AD14 official formerly Director, Crisis Platform - Policy Coordination in Common Foreign and

Security Policy (CFSP) in the External Relations Directorate-General, for the period from 1 July 2007 to 30 June 2008.

This decision would take effect on 1 July 2007.

6. RELATIONS WITH THIRD COUNTRIES

6.1. VISIT TO CHINA AND JAPAN (BEIJING AND TOKYO, 11 TO 15 JUNE 2007)

(SEC(2007)859)

The Commission took note of the information note from Mr McCREEVY distributed as SEC(2007)859.

6.2. MINISTERIAL MEETING OF THE EUROPEAN UNION TROIKA WITH UKRAINE ON QUESTIONS OF JUSTICE, FREEDOM AND SECURITY (LUXEMBOURG, 11 JUNE 2007)

(SEC(2007)865)

The Commission took note of the information note from Mr FRATTINI distributed as SEC(2007)865.

6.3. PROGRESS IN ESTABLISHING THE TRANSATLANTIC ECONOMIC COUNCIL – WORKING ARRANGEMENTS

(SEC(2007)858)

The Commission took note of the information note from Mr VERHEUGEN distributed as SEC(2007)858.

7. DRAFT EUROPEAN UNION/COUNCIL OF EUROPE JOINT DECLARATION ESTABLISHING “A EUROPEAN DAY AGAINST THE DEATH PENALTY”

(SEC(2007)825 AND /2; SEC(2007)826 TO /3; SEC(2007) 827; SEC(2007) 866)

Mr FRATTINI presented the draft Joint Declaration of the EU and the Council of Europe establishing a “European day against the death penalty”. He outlined the reasons behind this initiative. He mentioned particularly the commitment of the entire European continent, i.e. the 47 Member States of the Council of Europe, including the 27 EU Member States, against the death penalty.

As regards non-member countries, he felt that this initiative would lend support to Union action throughout the world for the abolition of the death penalty. He reminded the meeting of the state of play of legislation and of the application of capital punishment in many non-member countries, particularly in those which, while not actually applying it, were still reluctant to remove it definitively from their statute books.

He pointed out that the European day against the death penalty would come after the establishment of the World Day by a coalition of NGOs, to which the European day would provide real added value by giving it an institutional dimension and increasing its visibility in the world. The choice of the same date, 10 October, confirmed this objective.

Mr FRATTINI then described the procedure planned for the adoption of the declaration, which involved sending to the Presidents of Parliament and the Council a letter with the draft Joint Declaration annexed, and then associating the Council of Europe in drawing up the definitive Declaration. He welcomed the support for the initiative given by the Council of Europe's Secretariat and by the future Portuguese Presidency of the EU Council. Lastly, he stated that the formal signing of the Joint Declaration was scheduled for 9 October 2007, at a high-level international conference against the death penalty to be held in Lisbon and organised by the Commission, the Portuguese Ministry of Justice and the Council of Europe.

The PRESIDENT confirmed the importance of the initiative, by which the European Union and the Council of Europe confirmed their determination to fight the death penalty. He reminded the meeting that this European initiative would strengthen the institutional nature and the visibility of the World Day against the death penalty, and pointed out that abolition of the death penalty was one of the objectives of the European Union in terms of values.

After the presentation, the Commission approved the draft Joint Declaration of the European Union and the Council of Europe in SEC(2007)826/3, and tasked the PRESIDENT with transmitting it to the Presidents of Parliament and the Council as an annex to the letter in SEC(2007)827.

It also approved the communication and took note of the additional note, distributed as SEC(2007)825 and SEC(2007)866 respectively.

8. INTERINSTITUTIONAL RELATIONS

(SEC(2007)820)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 15 June (SEC(2007)820).

It paid particular attention to the following:

8.1. LEGISLATIVE MATTERS

i) Preparation of agreement at second reading

(point 1.2 of the record of the IRG)

- Community action programme in the field of health (2007-2013) (Decision) – TRAKATELLIS report – 2005/0042A (COD)

The Commission authorised Mr KYPRIANOU to pursue contacts with Parliament and the Council in order to reach agreement at second reading

following the line set out in SI(2007)628 and, in this connection, to support the trilateral declaration on the budget in the terms contained in the note.

ii) Preparation of agreement at first reading

(point 1.3 of the record of the IRG)

- Community energy-efficiency labelling programme for office equipment (Energy Star) (Regulation – recasting) – VAKALIS report – 2006/0187 (COD)

The Commission approved the line set out in SP(2007)3143, and authorised Mr PIEBALGS to support the compromise negotiated between the co-legislators, in order to reach agreement at first reading.

iii) Preparations for Council meeting (Competitiveness) (Luxembourg, 25 June)

(point 1.4 of the record of the IRG)

- Community customs code (Regulation) – FOURTOU report – 2005/0246 (COD) – SI(2007)624/2

The Commission authorised its departments, in the preparation of an "A" item which would pass unanimously in the Council (Competitiveness) on 25 June, to lift the reservation entered by the Commission in the Permanent Representatives Committee (part one) on 13 June 2007 as regards the request by Spain concerning the rules of origin for Ceuta and Melilla.

8.2. RELATIONS WITH THE COUNCIL

iv) Programming of Council business

(SI(2007)633)

The Commission took note of the information in SI(2007)633 on the Council meetings between 14 and 27 June 2007.

v) Preparations for European Council (Brussels, 21 and 22 June 2007)
(point 2.1 of the record of the IRG)

The PRESIDENT introduced the debate by informing the Commission Members that, in connection with the ongoing preparations for the European Council meeting on 21 and 22 June 2007, a compromise text on the European reform process would be transmitted that day by the German Presidency to the personal representatives of the Heads of State or Government, and to the Presidents of the Commission and Parliament.

Ms WALLSTRÖM began by reporting on the discussions held that Sunday 17 June 2007 in the “conclave” of the twenty-seven Foreign Ministers in Luxembourg. She noted a number of positive factors: general recognition of the efforts made by the German Presidency, broad support for the approach adopted and the search for a compromise, a clear willingness to reconcile positions on the part of certain Member States, the results of the good cooperation established between certain governments, and the consensus on the principle of an amended Treaty and the dropping of certain symbolic items contained in the draft Constitutional Treaty.

As regards the negative aspects, she noted the reluctance still being shown by certain Member States on issues such as voting arrangements in the Council, the inclusion of the Charter of Fundamental Rights or the single legal personality of the European Union, and the debate launched by certain strong statements on these points.

Ms WALLSTRÖM then presented the case for highlighting the arguments in favour of making progress on the institutional questions. First came the particularly satisfactory results of the last Eurobarometer survey, which revealed strong public confidence, a good general atmosphere in Europe, but also high expectations for the European institutions to deliver on questions such as globalisation or climate change. She also mentioned the great success of the enlargement begun in 2004. And finally she referred to the

implementation of the Citizens' agenda of 10 May 2006 in the shape of the presentation of many proposals in various areas.

On the substance, she emphasised the importance of finding a solution to the institutional question that was clear and legible, did not call into question the basic principles laid down and also gave the European Union the tools it needs to tackle the major world challenges of the 21st century.

Lastly, she referred to the conclusion drawn by the German Foreign Minister, Mr Frank-Walter STEINMEIER, who, noting the points still open at the end of the meeting, stated that there would be no winners and losers following the European Council, but that the Member States would either be “all winners together or all losers together”.

The PRESIDENT in turn noted that negotiations were continuing and he felt that they were close to a solution, even though the points still unresolved were matters of substance, such as the voting arrangements in the Council, the integrity of the internal market, the maintenance of the Community method or the status of the Charter of Fundamental Rights.

He confirmed that the Commission's position was to seek an agreement that would round off the good results already secured on the economic front, pointing out that by contrast failure might imperil some of the achievements of recent years. He added that the Portuguese Presidency wanted to be given a clear and precise mandate to move forward and referred to the risk, if the current negotiations were to fail, that the settlement of the institutional question could be put off for several years.

The PRESIDENT also warned against the danger that accommodating the wishes of several Member States might ultimately lead to an undermining of the Community acquis, and pointed out that, while cooperating with the German Presidency, a firm position should be defended as regards the principles of the internal market, the maintenance of the institutional

balances, respect for the Community method and the primacy of Community law.

While recognising the concerns caused in recent days by the demands of certain Member States on these points, he nevertheless felt that things would evolve by the end of the week and that an agreement was possible, provided that all parties were prepared to show willing. Certain Member States needed to be aware, during the negotiations, of the signal they were sending to the public.

In conclusion he summarised what would be the Commission's clear line: cooperate in order to reach agreement, while standing firm on respect for the principles and the achievements of the European Union, but not at whatever cost: this agreement would have to give Europe greater capacity for action and not constrain it by additional operational difficulties.

The Commission then held a wide-ranging discussion focusing on the following aspects:

- the disappointment caused by the deadlock in recent days, but also the goods prospects that things would move during the negotiations;
- general support for the firm approach advocated by the PRESIDENT and Ms WALLSTRÖM in order to avoid any backsliding and to preserve the integrity of the Community acquis and Community powers;
- the vital importance for the effectiveness of Union action of preserving the Community method;
- the tricky question of the Council voting system and the differences on this matter between the Treaty of Nice and the draft Constitutional Treaty;
- the danger, with several aspects of the initial text having been dropped one after the other, that in the end there would not be sufficient resources available to take up the new challenges; the difficulty, in the present state

of the negotiations, of even preserving the Community acquis, and the need to avoid concluding any agreement accepting concessions on certain fundamental points and thus upsetting the present institutional balance;

- the difficulties that would, however, accompany the status quo if there were no solution to the institutional question and, hence the need to reach a successful conclusion; if there were no agreement by the end of the week, the need not to break off the negotiations but to continue work apace until a compromise was found, in order to avoid a crisis situation;
- the limitations demonstrated today by the method adopted in the light of the positions taken by certain Member States, and the importance for the countries in favour of an agreement, particularly those which had already ratified the Constitutional Treaty, of making their voices heard too;
- the need, at all events, not to end up with a compromise that was less ambitious than the Treaty of Nice;
- the real chances of reaching agreement and the Commission's vital role in helping to work out a solution;
- the importance of accompanying the economic revival with a political renewal at European level, in the shape of an agreement bringing real improvements and a real added value for the operation and the external action of the Union, but not an agreement at whatever cost;
- the specific problems created for enlargement policy by the request that the Copenhagen criteria be enshrined in the Treaty, particularly as regards the question of minority rights;
- the role of the Commission as guardian of the Treaties, that it needed to play more than ever in the present and future negotiations;
- the possibility of a solution with opt-outs, without, however, calling into question the basic principles such as the primacy of Community law.

The PRESIDENT pointed out that the negotiations in progress must lead to a unanimous position, so that it was necessary to find the means of rallying together the Member States that had their own particular concerns, whether on the operation of the institutions or on Europe's economy. He felt that a satisfactory agreement was within reach and pointed out that the ultimate responsibility lay with the Member States but that the Commission could exert real influence, with the support of the Member States which were not prepared to accept any backsliding. He repeated his wish to see an agreement, but added that he would insist that this agreement should not come at whatever cost.

He felt that the mounting pressure of the last few days was quite usual on the eve of a European Council and, while recognising that the negotiations would be tough, referred to the many bilateral contacts still in progress in the search for a satisfactory outcome for all. He stressed that the Commission would be defending the interests of the European Union, but added that its role of guardian of the Treaties did not alter the right of the States to amend the Treaties. He hoped that it would possible to produce a new Treaty that retained the improvements recommended by the draft Constitutional Treaty without undermining the Community acquis or backtracking on the status of the Charter of Fundamental Rights. His conclusion was that everything was still possible subject to the normal play of negotiations and the appearance of solutions that all the Member States would be able to subscribe to.

The Commission took note of this information.

**vi) Results of the General Affairs and External Relations Council –
External Relations meeting (Luxembourg, 17-19 June 2007)**

The Commission discussed the main results of the General Affairs and External Relations Council in Luxembourg on 18 June 2007, with particular reference to the situation in the Middle East and the western Balkans, and relations with Cuba.

Situation in the Middle East

Ms FERRERO-WALDNER noted that, despite the different views expressed in the Council, the EU supported the new Government of President Mahmoud Abbas. The Council Conclusions clearly reflected the decision to restore normal relations with the Palestinian National Authority. The meeting with the Israeli Foreign Minister, Ms Tzipi Livni, had also confirmed the Israeli Government's intention to support the Government of President Abbas.

Ms FERRERO-WALDNER confirmed the EU's readiness to supply humanitarian aid, including aid to those living in the Gaza Strip, to extend the international temporary mechanism by a further three months, until September 2007, to explore ways of resuming direct aid and to examine the case for once again providing direct budgetary support. However, she stressed that in return for this influx of funds there was a need for guarantees that they would be properly used and therefore for the establishment of adequate and effective arrangements for management and auditing.

In the light of the very worrying situation in the Palestinian Territories, Mr MICHEL emphasised the importance of avoiding certain risks, particularly as regards direct budgetary aid, which required transparent management. He advocated the creation of structures capable of managing the massive influx of funds which was expected. He also referred to the challenge the Palestinian National Authority faced in order to remain the legitimate authority for all Palestinians.

As far as the Gaza Strip was concerned, he reminded the Commission of the importance of combining the supply of humanitarian aid to a population of over one million inhabitants, nearly 70% of whom were living below the poverty line, with maintaining an attitude of extreme caution as regards recognising Hamas control over the Gaza Strip.

Mr MICHEL welcomed the fact that the Commission's humanitarian partners had been able to resume their activities on the ground on 17 June 2007, but

was concerned about Israel's stated intention of imposing an economic blockade on the Gaza Strip, which would particularly affect medical supplies. He emphasised the need to send a message to the Israeli Government urging it to allow people and goods to enter the Gaza Strip as soon as possible, in order to prevent any deterioration in the humanitarian situation, and to ensure continued humanitarian aid for the Palestinian population on an impartial and neutral basis, without allowing this to become a political issue.

The Commission then held a brief exchange of views, covering the following points:

- the need to guarantee the influx of humanitarian aid to the population of the Gaza Strip, particularly via the international temporary mechanism, and to ensure technical and financial monitoring of its use;
- the legal aspects of the current situation of the Government of the Palestinian National Authority;
- the need to explore the possibilities for strengthening cooperation offered by informal forums, such as the recent Euro-Mediterranean Conference on Higher Education and Scientific Research in Cairo on 18 June 2007;
- the importance of taking into account the position of neighbouring countries, particularly Turkey, which plays a stabilising role in the region.

The Commission took note of this information.

Western Balkans

On the matter of Kosovo, Mr REHN noted a convergence of views between the Council and the Commission on the importance of maintaining EU unity in order to secure a clear resolution by the UN Security Council on the definitive status of Kosovo. He also mentioned the French idea of a 120-day moratorium to enable the Serbian and Kosovan parties to reach an agreement

and then automatically imposing the Ahtisaari plan if these negotiations failed.

As regards relations with Serbia, Mr REHN mentioned the Council's positive response to the Commission's decision to resume negotiations to conclude a stabilisation and association agreement, and hoped that the Member States would constructively support the negotiations. He also noted an improvement in the political climate in Serbia and the development of a positive momentum for cooperation, particularly with the arrest of Mr Vlastimir Djordjevic, who had been accused of war crimes by the International Criminal Tribunal for the Former Yugoslavia (ICTFY).

The Commission then held a brief exchange of views, covering the following points:

- the importance of maintaining a constructive political line to ensure stability in the western Balkans;
- the political importance for Serbia of the decision on the definitive status of Kosovo;
- the need to maintain balanced relations with all the countries in the region, and with Russia;
- the arrangements and the timetable for cooperation with Serbia in order to ensure an outlook for the future, particularly with a view to the conclusion of the stabilisation and association agreement;
- the progress achieved on visas, with the conclusion of the facilitation agreement, which would enter into force on 1 January 2008, and the establishment of a common centre for handling visa applications in Belgrade;
- the need to cooperate with Serbia on social issues, taking into account the country's situation, particularly on matters of social inclusion;

- the need to strengthen cooperation with Serbia in the field of youth, education and sport.

The Commission took note of this information.

Cuba

Mr MICHEL briefly referred to the discussions in the Council following Spain's initiative aimed at launching a political dialogue with Cuba. He gave a positive assessment of the contribution such a dialogue could make to greater openness and the normalisation of political relations and confirmed his support for the Council conclusions, although he pointed to the cautious tone adopted in the text on the subject of lifting sanctions.

Ms FERRERO-WALDNER confirmed her support for the Spanish initiative and reminded the meeting of the need, in the current political context, for a dialogue with the Cuban authorities, civil society and opposition.

The Commission took note of this information.

vii) Society for Worldwide Interbank Financial Telecommunication (SWIFT)

(point 2.1 of the record of the IRG)

The Commission took note of the information note from Mr FRATTINI in SEC(2007)857.

8.3. RELATIONS WITH PARLIAMENT

viii) Action taken on Parliament's legislative opinions and non-legislative resolutions

(point 3.5.1 of the record of the IRG)

The Commission approved document SP(2007)3179 on the action taken on Parliament's legislative opinions and non-legislative resolutions adopted at its May I and II part-sessions, for transmission to Parliament.

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

The Commission approved document SP(2007)3180 on the action taken on Parliament's non-legislative resolutions adopted at its April part-session, for transmission to Parliament.

8.4. OTHER MATTERS

x) Revision of the decision on the organisation and operation of the Official Publications Office of the European Communities (OPOCE)
(point 5.1 of the record of the IRG)

The Commission authorised its departments to give their agreement in principle on the draft decision on the organisation and operation of the OPOCE at the meeting of its Management Committee on 29 June 2007, following the line set out in SI(2007)627.

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The meeting closed at 15.07 hours.