



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

**PV(2006) 1767 final**

Brussels, 6 December 2006

**MINUTES**

**of the 1767th meeting of the Commission**

**held in Brussels**

**(Berlaymont)**

**on Wednesday 29 November 2006**

**(morning)**

—

**PV(2006) 1767 final**

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**Single sitting: Wednesday 29 November 2006 (morning)**

The sitting opened at 09.15 with Mr BARROSO, President, in the chair. The items 15 and 16 are considered in part chaired by Ms WALLSTRÖM.

Present:

Mr BARROSO	President	Items 1 to 15/16 (in part)
Ms WALLSTRÖM	Vice-President	
Mr VERHEUGEN	Vice-President	
Mr BARROT	Vice-President	Items 1 to 15/16 (in part)
Mr KALLAS	Vice-President	
Mr FRATTINI	Vice-President	Items 1 to 14 (in part)
Ms REDING		Items 1 to 14.
Mr DIMAS		Items 1 to 14.
Mr ALMUNIA		
Ms HÜBNER		
Mr BORG		
Ms GRYBAUSKAITĖ		
Mr POTOČNIK		
Mr FIGEL'		Items 1 to 14.
Mr KYPRIANOU		Items 1 to 15/16 (in part)
Mr REHN		Items 1 to 14
Mr MICHEL		Items 1 to 15/16 (in part)
Mr KOVÁCS		
Ms KROES		Items 1 to 15/16 (in part)
Ms FISCHER BOEL		
Ms FERRERO-WALDNER		
Mr McCREEVY		Items 13 (in part) and 14
Mr ŠPIDLA		
Mr MANDELSON		

Absent:

Mr PIEBALGS

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

Mr KESTERIS                                      Chef de cabinet to Mr PIEBALGS

**The following also sat in**

Mr VALE DE ALMEIDA	Chef de cabinet to the PRESIDENT	Items 1 to 15/16 (in part)
Mr PETITE	Director-General, Legal Service	
Ms CORUGEDO STENEBERG	Communication DG	
Mr LAITENBERGER	Commission Spokesman	Items 1 to 14
Ms CARVALHO	Acting Director-General, Bureau of European Policy Advisers	Items 1 to 13 (in part)
Mr THEBAULT	Deputy Chef de cabinet to the PRESIDENT	
Ms MARTINHO	Chief Adviser in the PRESIDENT's Office	Items 1 to 14
Mr ELLIS	Adviser in the PRESIDENT's Office	Item 14
Ms HOFFMANN	Deputy Chef de cabinet to Ms REDING	Items 15 and 16
Mr QUEST	Chef de cabinet to Ms GRYBAUSKAITĖ	Item 13 (in part)
Mr PESONEN	Chef de cabinet to Mr REHN	Items 1 to 14
Mr SCHWAIGER	Deputy Chef de Cabinet to Ms FERRERO-WALDNER	Items 15 and 16
Mr POWER	Chef de cabinet to Mr McCREEVY	Items 1 to 13 (in part)
Ms SCHREIBER	Chef de cabinet to Mr ŠPIDLA	Items 1 to 13

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



**1. AGENDAS**

**(OJ(2006) 1767/3 ; SEC(2006) 1521/2)**

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) 1767 and /2)**

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 27 November and Tuesday 28 November.

**3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1766th MEETING  
(22 NOVEMBER)**

**(PV(2006) 1766 ; PV(2006) 1766, Part II)**

The Commission approved the minutes of its 1766th meeting.

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

##### **4.1. *WRITTEN PROCEDURES APPROVED* (SEC(2006) 1522 ET SEQ.)**

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

##### **4.2. *SENSITIVE WRITTEN PROCEDURES* (SEC(2006) 1523 TO /3)**

The Commission took note of the sensitive written procedures for which the time limit expires between 27 November and 1 December and of the « finalisation » written procedures initiated following the weekly meeting of Chefs de cabinet on 27 and 28 November.

##### **4.3. *EMPOWERMENT* (SEC(2006) 1524 ET SEQ.)**

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

##### **4.4. *DELEGATION AND SUBDELEGATION OF POWERS***

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation procedure between 20 and 24 November, as archived on the « Greffe 2000 » (Registry) website.

**4.5. *DELEGATION OF POWERS FOR THE ADOPTION OF THE DECISIONS ON THE CONFIDENTIALITY OF INFORMATION SUPPLIED UNDER THE TERMS OF REGULATION (EC) 1829/2003 OF PARLIAMENT AND OF THE COUNCIL ON GENETICALLY MODIFIED FOOD AND FEED***  
***(SEC(2006) 1557)***

The Commission decided to delegate to the Director-General responsible for health and consumer protection the adoption, on behalf of the Commission and under its responsibility, of decisions under Article 30(2) of Regulation (EC) 1829/2003 on the confidentiality of the information supplied by applicants under the authorisation procedure laid down in that Regulation, in accordance with the terms laid down in SEC(2006) 1557.

**5. ADMINISTRATIVE AND BUDGETARY MATTERS**  
***(SEC(2006) 1525/2)***

**ADMINISTRATIVE MATTERS**  
***(PERS(2006) 163)***

**5.1. *DG RELEX - APPLICATION OF ARTICLE 50 OF THE STAFF REGULATIONS (SECOND STAGE) WITH RESPECT TO AN AD15 OFFICIAL***  
***(C(2006) 5786)***

The Commission continued its discussions on this matter, begun on 12 October (PV(2006) 1761).

The Commission, on a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms FERRERO-WALDNER, adopted the decision in C(2006) 5786 to apply the second stage of the procedure laid down in Article

50 of the Staff Regulations with respect to Mr Christian FALKOWSKI, an AD15 official, currently Head of Delegation in Vienna in DG RELEX.

This decision would take effect on 1 April 2007.

**5.2. *DG RELEX - APPLICATION OF ARTICLE 50 OF THE STAFF REGULATIONS (SECOND STAGE) WITH RESPECT TO AN AD16 OFFICIAL***  
***(C(2006) 5787)***

The Commission continued its discussions on this matter, begun on 12 October 2006 (PV(2006) 1761).

The Commission, on a proposal from Mr KALLAS, in agreement with the PRESIDENT and Ms FERRERO-WALDNER, adopted the decision in C(2006) 5787 to apply the second stage of the procedure laid down in Article 50 of the Staff Regulations with respect to Mr Bernard ZEPTER, an AD16 official, and currently Adviser *hors classe* in DG RELEX.

This decision would take effect on 1 February 2007.

**5.3. *DG ADMIN – RULES FOR IMPLEMENTING THE ATTESTATION PROCEDURE***  
***(C(2006) 5788; SEC(2006) 1549 AND /2)***

The Commission :

- took note of the communication distributed as SEC(2006)1549 and /2 ;
- adopted the new rules for implementing the attestation procedure set out in the document distributed as C(2006) 5788.

**5.4. *DG ADMIN – EXTENSION OF THE USE OF ASSESSMENT CENTRES TO INTERNAL SELECTION PROCEDURES FOR POSTS OF DIRECTOR OR EQUIVALENT***  
***(SEC(2006) 1556)***

The Commission took note of the document distributed as SEC(2006) 1556, concerning the extension of the use of assessment centres to internal selection procedures for posts of Director and equivalent, vacancy notices for which would be published from 1 January 2007.

**OTHER MATTERS**

**5.5. *RULES RELATING TO THE CONSTITUTION OF CABINETS AND TO THE DESIGNATION OF SPOKESPERSONS***  
***(SEC(2006) 1592/2)***

The Commission took note of the information note from the PRESIDENT distributed as SEC(2006) 1592/2.

**6. COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT - ASSESSMENT OF NATIONAL ALLOCATION PLANS FOR GREENHOUSE GAS EMISSION ALLOWANCES IN THE SECOND PERIOD OF THE EU EMISSIONS TRADING SCHEME (2008-2012)**

**(COM(2006) 725 TO /4 ; SEC(2006) 1503 ; SEC(2006) 1534 ; SEC(2006) 1537)**

**7. COMMISSION DECISION CONCERNING THE NATIONAL ALLOCATION PLANS FOR GREENHOUSE GAS EMISSION ALLOWANCES NOTIFIED BY THE MEMBER STATES IN ACCORDANCE WITH PARLIAMENT AND COUNCIL DIRECTIVE 2003/87/EC**

**(C(2006) 5609 TO /4 ; C(2006) 5610 TO /4 ; C(2006) 5611 TO /4 ; C(2006) 5612 TO /4 ; C(2006) 5613 TO /4 ; C(2006) 5614 TO /4 ; C(2006) 5615 TO /4 ; C(2006) 5616 TO /4 ; C(2006) 5617 TO /4 ; C(2006) 5618 TO /4 ; SEC(2006) 1503 ; SEC(2006) 1534 ; SEC(2006) 1537)**

The Commission

- approved the communication set out in COM(2006) 725/4, for transmission to the European Parliament and the Council, and to the national parliaments ;
- adopted the decisions in documents C(2006) 5609/4, C(2006) 5610/4, C(2006) 5611/4, C(2006) 5612/4, C(2006) 5613/4, C(2006) 5614/4, C(2006) 5615/4, C(2006) 5616/4, C(2006) 5617/4 and C(2006) 5618/4, and authorised notification to Germany, Greece, Ireland, Latvia, Lithuania, Luxembourg, Malta, Slovakia, Sweden and the United Kingdom respectively.

**8. COMMISSION RECOMMENDATION FOR A COUNCIL DECISION ABROGATING, IN ACCORDANCE WITH ARTICLE 104(12) OF THE EC TREATY, DECISION 2003/487/EC ON THE EXISTENCE OF AN EXCESSIVE DEFICIT IN FRANCE  
(SEC(2006) 1529 TO /3 ; SEC(2006) 1538)**

The Commission approved the communication in the document distributed as SEC(2006) 1529/3, for transmission to the Council.

**9. COMMISSION DECISION CONCERNING A PROCEEDING FOR APPLICATION OF ARTICLE 81 OF THE EC TREATY AND OF ARTICLE 53 OF THE EEA AGREEMENT (*CASE COMP/F/38.638 – BUTADIENE RUBBER AND EMULSION STYRENE BUTADIENE RUBBER*)  
(C(2006) 5700 TO /11 ; SEC(2006) 1571)**

The Commission

- took note of the opinions of the Advisory Committee on Restrictive Practices and Dominant Positions of 20 and 27 November in C(2005) 5700/3 and /6 ;
- took note of the final report of the Hearing Officer of 22 November in C(2006) 5700/4 ;
- adopted, in the authentic languages (English, German, Italian and Polish), the decision set out in C(2006) 5700/7 to 11 finding that the undertakings named had infringed Article 81 of the EC Treaty and Article 53 of the Agreement on the European Economic Area and imposing fines on some of these undertakings totalling €519 050 000 ;
- decided that the decision in C(2006) 5700/7 to 11 would be notified to the companies concerned together with the final report of the Hearing Officer ;

- decided that the most important parts of the decision, together with the opinions of the Advisory Committee and the final report of the Hearing Officer, would be published in the official languages in the Official Journal of the European Union (with business secrets removed) ;
- decided to publish the decision (with business secrets removed) on the Internet.

**10. PRELIMINARY ANALYSIS RELATING TO A PROCEEDING UNDER ARTICLE 21 OF COUNCIL REGULATION (EC) 139/2004 ON THE CONTROL OF CONCENTRATIONS BETWEEN UNDERTAKINGS (*CASE COMP/M.4197 – E.ON/ENDESA*)  
(SEC(2006) 1568 TO /4)**

The Commission adopted, in the authentic language (Spanish), the preliminary analysis in document SEC(2006) 1568/4, and decided to notify it to the Spanish authorities.

**11. RELATIONS WITH THIRD COUNTRIES**

***11.1. EIGHTEENTH EU / RUSSIA SUMMIT  
(SEC(2006) 1588)***

***AGREEMENT BETWEEN THE EU AND RUSSIA ON SIBERIAN  
OVERFLIGHTS (HELSINKI, 24 NOVEMBER)  
(SEC(2006) 1589/2)***

The Commission took note of the information note from Ms FERRERO-WALDNER in SEC(2006) 1588. She also took note of the information note from Mr BARROT and Mr MANDELSON, distributed as SEC(2006) 1589/2,



on the agreement concluded with the Russian Federation on the fringe of the summit on payments by airlines for Siberian overflights.

***11.2. VISITS TO TURKEY (ISTANBUL, 23 AND 24 NOVEMBER)***  
***(SEC(2006) 1583 ; SEC(2006)1587)***

The Commission took note of the information notes from Mr ALMUNIA and Ms KROES, distributed as SEC(2006) 1583 and SEC(2006) 1587 respectively, particularly concerning the results of the meeting of the World Economic Forum on the theme « Connecting regions, creating new opportunities ».

***11.3. INTERNATIONAL NEGOTIATIONS IN THE FIELD OF FISHERIES***  
***– 58th SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY***  
***AND ANNUAL MEETING OF THE INTERNATIONAL***  
***COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNA***  
***(DUBROVNIK, 17 TO 26 NOVEMBER)***  
***(SEC(2006)1585)***

The Commission took note of the information note from Mr BORG, in SEC(2006) 1585.

**12. OTHER BUSINESS**

***PLAN D – WIDER AND DEEPER DEBATE ON EUROPE***  
***(SEC(2006) 1553)***

The Commission took note of the information note from Ms WALLSTRÖM distributed as SEC(2006) 1553.

### **13. INTERINSTITUTIONAL RELATIONS** **(SEC(2006) 1502)**

The Commission took note of the record of the meeting of the Interinstitutional Relations Group held on Friday 24 November (SEC(2006) 1502).

It paid particular attention to the following:

#### ***13.1. LEGISLATIVE MATTERS***

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

(point 1.1.1 of the IRG record)

Ms WALLSTRÖM drew the attention of Commission Members to the need to achieve effective and coherent implementation of the new committee procedure rules. She pointed to the importance for achieving this of ensuring good coordination within the Commission between the Members' Offices and the departments concerned, with the active support of the Secretariat-General and the Legal Service.

The Commission took note of this information.

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

- COSTA report – Harmonisation of the technical rules and administrative procedures in the field of civil aviation (EU-OPS) – COM(2000) 121 – 2000/0069 (COD)
- COSTA report – Technical requirements for inland waterway vessels – COM(1997) 644 – 1997/0335 (COD)

The Commission authorised Mr BARROT to accept Parliament's amendments relating to the alignment of the proposals in question to the new committee

procedure, on condition that there was agreement between the institutions on these amendments.

General guidelines for work of the Council

The Commission approved the line set out in SI(2006) 1141/2.

Budgetary procedure 2007 – results of the trialogue meeting between the European Parliament, the Council and the Commission (Brussels, 28 November)

Ms GRYBAUSKAITĖ reported on the results of the interinstitutional trialogue meeting on 28 November. She felt that many of the Commission's objectives had been achieved at the end of these difficult negotiations. She noted with satisfaction that the proposals made by the Commission last year concerning the Financial Regulation, particularly its simplification, had been approved and would come into force on 1 May 2007, in time to apply to the new generation of programmes for the period 2007-2013.

Ms GRYBAUSKAITĖ then mentioned the results of the 2007 budgetary procedure. She said that the level of payment appropriations adopted was in line with the Commission's proposals. She welcomed in particular the results secured as regards the Commission's staffing, 800 new posts for enlargement, and thanked the Commission Members for their active support throughout the negotiations. In this connection, she pointed out that the plan of the Presidency Finnish to do away with 1700 posts between 2008 and 2013 had been rejected by Parliament and a majority of Member States. This represented a vote of confidence in the present Commission, but it would be necessary to stay on our guard in this area and to avoid complacency.

As regards the recruitment of nationals of the new Member States, she drew the attention of Commission Members to the content of the joint statement of Parliament and the Council. She particularly underscored the vital importance

of meeting the recruitment targets set for 2007, otherwise the chances of securing new posts in 2008 and beyond would be compromised.

Mr KALLAS confirmed what Ms GRYBAUSKAITE's said on this last point and asked the Commission Members to contribute actively to achieving recruitment goals in 2007.

The Commission held a brief discussion in which it welcomed the outcome of the budgetary negotiations. The following points were also raised :

- the importance of the results for the Commission to be able to function properly ;
- compliance with the relevant rules for the recruitment of nationals of the new Member States, without, however, forgetting the specific requirements of the posts in question ;
- the need to rely on the unfailing commitment of all the Commission Members and the departments under their responsibility in order to meet the recruitment targets.

In conclusion the PRESIDENT noted with satisfaction the results secured at the end of some hard negotiations and warmly congratulated Ms GRYBAUSKAITE, the Budget Directorate-General and the Secretariat-General, and all the Commission Members, for the work done. He emphasised the positive effects of these results for the operation of the Commission and the motivation of staff, and reiterated the importance of achieving the recruitment objectives in 2007.

The Commission took note of this information.

**ii) Preparations for November II part-session**

(point 1.2.1 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 associated, to take a position on Parliament's amendments to its proposals.

It paid particular attention to the following :

Codecision 2<sup>nd</sup> reading

- BUZEK report – Seventh framework programme of the European Community for research, technological development and demonstration activities (2007-2013) – COM(2005) 119 – 2005/0043 (COD)

The Commission approved the line set out in SP(2006) 5292.

Empowerment

- BUZEK report – Seventh framework programme of the European Community for research, technological development and demonstration activities (2007-2013) – COM(2005) 119 – 2005/0043 (COD)

Under Article 13 of its Rules of Procedure the Commission empowered Mr POTOČNIK, in agreement with the PRESIDENT, Ms WALLSTRÖM and any other Members associated, to adopt its opinion on the amendments, together with any amended proposals, on the basis of the line set out in SP(2006) 5292, once Parliament had given its opinion, and transmit them to the Council in accordance with Article 251(2)(c) of the Treaty, for the following.

Codecision – 1<sup>st</sup> reading

- FLAUTRE / McMILLAN-SCOTT report – European financing instrument for the promotion of democracy and human rights worldwide – COM(2006) 354 – 2006/0116 (COD)

The Commission approved the line set out in SP(2006) 5293.

- BUSQUIN Report – Rules for the participation of undertakings, research centres and universities in actions under the Seventh Framework Programme and for the dissemination of research results (2007-2013) – COM(2005) 705 – 2005/0277 (COD)

The Commission approved the line set out in SP(2006) 5296.

Consultation

- LAPERROUZE report – Rules for the participation of undertakings, research centres and universities in implementing the Euratom programme (2007-2011) – COM(2006) 42 – 2006/0014 (CNS)

The Commission approved the line set out in SP(2006) 5296.

- PIRILLI / NIEBLER / PRODI / RIERA MADURELL / HAMMERSTEIN-MINTZ / CASPARY / GUIDONI reports – Implementation of the seventh framework programme of the European Community and the Euratom programme – specific programmes: Staff, Ideas, Capacities, Cooperation, Direct Actions by the Joint Research Centre (RTD), Direct Actions by the Joint Research Centre (nuclear research and training), specific Euratom programme – COM(2005) 442, COM(2005) 441, COM(2005) 443, COM(2005) 440, COM(2005) 439, COM(2005) 444 and COM(2005) 445 – 2005/0187 (CNS), 2005/0186 (CNS), 2005/0188 (CNS), 2005/0185 (CNS), 2005/0184 (CNS), 2005/0189 (CNS) and 2005/0190 (CNS)

The Commission approved the line set out in SP(2006) 5298.

**iii) Preparations for November I part-session**

(point 1.2.2 of the IRG record)

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

The Commission approved the line set out in SP(2006) 5383/3.

**iv) Preparation of Permanent Representatives Committee I,  
29 November 2006**

(point 1.3 of the IRG record)

Codecision, agreement at first reading

- FOURTOU report, Action programme for customs in the Community (Customs 2013), COM(2006) 201 - 2006/0075(COD)

The Commission authorised Mr KOVÁCS to follow the line set out in SI(2006) 1140, in order to help secure agreement at first reading.

**v) Preparation of Council meeting « Employment, Social Policy, Health, Consumers » (30 November and 1 December)**

(point 1.3 of the IRG record)

Codecision, political agreement on a negotiated common position

- TRAKATELLIS report – Proposal for a Parliament and Council Decision establishing a second programme of Community action in the field of Health and Consumer protection (2007-2013) – COM(2005) 115 – 2005/0042 (COD)

The Commission approved the line set out in SI(2006) 1142/2.

**13.2. RELATIONS WITH THE COUNCIL**

**(SI(2006) 1160)**

The Commission took note of the information supplied in SI(2006) 1160 relating to Council meetings held from 23 November to 6 December.

**vi) Results of Council meeting « Agriculture and Fisheries » (Brussels, 20-21 November)**

(SEC(2006) 1584 ;SI(2006) 1126)

The Commission took note of the information in SEC(2006) 1584.

**vii) Results of Council meeting « Economic and Financial Affairs » (Brussels, 28 November)**

Mr KOVÁCS outlined the results of the Council meeting « Economic and Financial Affairs » held in Brussels on 28 November, on points relating to taxation. As regards the VAT package under discussion, he felt that the ongoing work would lead to a simplification of legislation that would benefit companies and consumers alike. In this connection, he reported that it had been agreed to extend the « electronic commerce » Directive until the end of 2008.



Mr KOVÁCS also referred to the political agreement reached on tax-free allowances for travellers, whatever the means of transport used.

On the other hand, the Council had failed to reach agreement on the minimum rates of excise duty on alcoholic beverages. Mr KOVÁCS said that he intended to present a study in the coming months on the taxation of alcoholic beverages and the impact this had on consumption, competition and prices.

Lastly, he mentioned the importance of the Council conclusions on a coordinated Community-level strategy to combat tax fraud.

The Commission took note of this information.

### ***13.3. RELATIONS WITH PARLIAMENT***

#### **viii) Hearings by Parliament of Commission Members designate**

Ms WALLSTRÖM mentioned briefly the results of the hearings by Parliament of the Commission Members designate. She was pleased to report that they had gone smoothly and that Ms Meglena Kuneva and Mr Leonard Orban had both performed well

In this connection, the PRESIDENT and Ms WALLSTRÖM asked the Commission Members to be present at the vote in Parliament scheduled for Tuesday 12 December at 11.30, in Strasbourg.

The Commission took note of this information.

#### **ix) Appearance before Parliament on the restructuring of the Volkswagen plant in Brussels**

Mr ŠPIDLA informed the Commission Members of the invitation he had received from Parliament to come and address the plenary on Wednesday 29 November concerning restructuring in the motor industry. He would inform Parliament of the actions already taken by the Commission in the case

of the Volkswagen plant in Forest and would maintain the line laid down by the Commission the previous week.

Mr ŠPIDLA then mentioned the often high costs of restructuring for workers and for the local or regional economic fabric. In the case of Volkswagen, the restructuring was on a European scale; it was not yet clear what exactly was involved but the impact was likely to be considerable.

Mr ŠPIDLA reminded the Commission of the latest meetings between the Commission's representatives and the Belgian federal and regional authorities, which were to discuss the resources available at Community level to cushion the impact on the workers, whether from the European Social Fund or the European Regional Development Fund. In this connection, Mr ŠPIDLA pointed to the Commission's willingness to show utmost flexibility as regards the ongoing programmes.

Mr ŠPIDLA also informed the Commission Members of the results of a special meeting of the departmental-level Restructuring Task Force. Apart from the question of the use of the Funds, the Task Force had considered the importance of the Community Directives on collective redundancies, information and consultation of workers, and European works councils.

Ms HÜBNER in turn pointed to the Commission's efforts to identify the Community instruments that could offer support to the workers affected by the restructuring, and to clarify the conditions for their use. She noted the positive reactions of the Belgian authorities and the workers' representatives.

The Commission held an exchange of views, focusing on the following :

- the Commission's intention to give as much support as possible to the workers and the regions affected by the present restructuring, in compliance with the rules in force ;

- the precedent that this case could constitute for future restructurings, and the need to ensure maximum coherence of the various measures taken by the Commission in this matter ;
- the relevance of the subsidiarity principle and the important role that Member States could play, but also the responsibility of the company ;
- the importance in this connection of the strategy for growth and employment, and of the concept of flexicurity ;
- state aid aspects ;
- the characteristics of the European Globalisation Adjustment Fund and the specific conditions for the intervention of the Fund ;
- the importance of a balanced communication strategy, covering all the above aspects.

The PRESIDENT concluded by thanking Mr ŠPIDLA and Ms HÜBNER for their efforts over the previous week. He noted that the Commission :

- expressed its total solidarity and understanding to the workers affected and the Belgian authorities ;
- would monitor compliance, in the present case, with the Community provisions and take appropriate measures should it be found that this was not the case ;
- was acting within the limits of its powers and the instruments at its disposal, such as the Structural Funds, and was explaining this carefully, referring also to the responsibilities of the Member States ;
- remained cautious about the use of the future European Globalisation Adjustment Fund ;

- was proceeding in close collaboration with the authorities of the Member State concerned ;
- reiterated that responsibility for the restructuring decisions lay with the company in question.

The Commission took note of this information.

**x) Action taken on Parliament's opinions and resolutions**

(point 3.4 of the IRG record)

- Action taken on Parliament's opinions and resolutions

The Commission approved SP(2004) 5316 and /2 on the action taken on the opinions and resolutions adopted by Parliament at its October I and II part-sessions, for transmission to Parliament.

- Action taken on Parliament's non-legislative resolutions

The Commission approved SP(2006) 5317 on the action taken on non-legislative resolutions adopted by Parliament at its September II part-session, for transmission to Parliament.

- Action taken on Parliament's non-legislative resolutions

The Commission approved SP(2006) 5318 and /2 on the action taken on non-legislative resolutions adopted by Parliament at its October I part-session, for transmission to Parliament.

## **14. ACCESSION NEGOTIATIONS WITH TURKEY**

**(COM (2006)773)**

The PRESIDENT and Mr REHN presented the communication on the continuation of the accession negotiations with Turkey, which they were tabling.

The PRESIDENT began by pointing to the priority that the Commission accorded to the enlargement process and reminded the meeting of the Commission's conclusions following its review of the strategic document on enlargement on 8 November (PV(2006)1764, item 14, pages 20 to 25). He mentioned particularly its decision that if Turkey failed to comply with the provisions of the Additional Protocol to the Ankara Agreement it would hold a fresh discussion on the ongoing accession negotiations, prior to the December 2006 European Council meeting, in order to draw up concrete recommendations.

As the Finnish Presidency of the Council had announced, at the beginning of the week, that it was no longer possible to reach agreement with the Turkish authorities on full implementation of the Additional Protocol to the Ankara Agreement before the end of the year, the PRESIDENT had judged, in agreement with Mr REHN, that the matter should be referred to the Commission quickly so that the Member States could take a position before the Council meeting « General Affairs and External Relations » on Monday 11 December, and before the European Council meeting on 14 and 15 December. The PRESIDENT explained that it was vital for the Commission to take a political initiative and to shoulder its responsibility by presenting a balanced, clear and legally sound recommendation that complied with the statement of the European Community and of the Member States of 21 September 2005. He felt that with this recommendation, the Commission would preserve its right of initiative but would also hold the key for the continuation of the process.

The PRESIDENT was pleased with the broad support that the draft communication had received during the preparatory work of the Chefs de cabinet, and he asked Commission Members to strongly support the approach he was advocating jointly with Mr REHN, in order to facilitate unanimous agreement in the Council.

Mr REHN pointed first of all to the need to present speedily, i.e. before the Council meeting « General Affairs and External Relations » on 11 December, a balanced recommendation that would help secure agreement between the Member States, in the general interest of the European Union.

He said that the main objective of the initiative was twofold: first, to send a very clear message about the inevitable effects of failure to comply with the international obligations, and second, to keep alive the negotiation process, even though it had slowed down at this time.

Mr REHN then reviewed the stages of the negotiations with Turkey from the time the conditions had been set for opening them in December 2004, up to this week's events, highlighting the close link that existed between full implementation of the Additional Protocol to the Ankara Agreement and these negotiations. He paid tribute to the considerable diplomatic efforts made by the Finnish Presidency of the Council to unblock the situation and regretted that they had not been successful.

He said that the text of the recommendation was strongly based on the statement of 21 September 2005 as regards the effects of failure by Turkey to honour the commitments laid down in the Additional Protocol. He outlined the six points of the recommendation and mentioned in particular the principles which had guided the identification of the eight negotiation chapters which could not be opened before the Commission had confirmed that Turkey was honouring its commitments.

Lastly, after reporting certain recent reactions of the Turkish authorities, Mr REHN asked the Commission Members to assess the risks of the approach taken, but repeating that the Commission needed to take a firm initiative without delay.

During the in-depth discussion which followed these two interventions, the Commission considered in particular the following points :

- the need to present a recommendation that was objective, credible and legally sound and which would send a strong signal to Turkey about the consequences of failure to comply with international commitments and might also incite it to change its attitude ;
- the number of chapters for which the negotiations could not be opened, the reasons for this choice, and the importance of above all ensuring overall coherence ;

- the interlinking between procedures and established responsibilities as regards enlargement negotiations and certain points of the recommendation, in particular those relating to the opening and the provisional closing of the chapters ;
- the timing of the planned initiative ;
- the possibility of proposing a total suspension of the negotiations or of presenting several options to the Council, but also the importance of not freezing the negotiations in view of the positive impact they have had in a number of areas since they opened in 2005 ;
- the possibility of inserting a "rendez-vous clause" in addition to the verification provisions already contained in points (2), (3) and (4) of the recommendation ;
- the frequency of these verifications ;
- the effects of the approach chosen for strategic relations between the EU and Turkey ;
- the impact of elections due to take place in several Member States and other countries in the coming months and years ;
- the absolute need to promote good communication on this item, at various levels, within the European Union and in Turkey, in order to explain as clearly as possible the Union's position and to combat any incorrect inferences regarding Turkey which were all too frequent in public opinion in the Union and which triggered strong emotional reactions in Turkey ;
- the high importance of reaching a comprehensive settlement concerning the island of Cyprus under the aegis of the United Nations, if necessary with the support of the European Union (see point (6) of the text of the recommendation) ;
- the present state of the negotiations at political and technical levels.

In conclusion the PRESIDENT hailed the solidarity shown by the Commission behind an initiative that everybody would have preferred not to have to take but which had been made inevitable given the impossibility, at this stage, of reaching agreement with Turkey. He reminded the meeting of the seriousness of the situation and insisted on the importance for the Commission of remaining as credible as possible, in view of the decisions already taken by the Member States as regards enlargement in 2004 and in 2005. Lastly, he emphasised the importance of maintaining the best communication possible between the Union and Turkey, so as to avoid any misunderstanding as to the *sui generis* nature of the enlargement negotiations, which must be conducted in the light of and in compliance with the values on which the European Union was based.

Subject to an amendment in the 5<sup>th</sup> line of point (2) of the text of the recommendation to replace the words « directly related » by the word « relevant », the Commission approved the communication in COM(2006) 773, for transmission to the Council.



**15. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND TO THE COUNCIL - STRENGTHENING THE EUROPEAN NEIGHBOURHOOD POLICY (ENP)**

**(COM(2006) 726 TO /4 ; SEC(2006) 1504 TO /3 ; SEC(2006) 1505 AND /2 ; SEC(2006) 1506 AND /2 ; SEC(2006) 1507 AND /2 ; SEC(2006) 1508 TO /3 ; SEC(2006) 1509 AND /2 ; SEC(2006) 1510 TO /3 ; SEC(2006) 1511 AND /2 ; SEC(2006) 1512 AND /2 ; SEC(2006) 1536)**

**16. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND TO THE COUNCIL - GENERAL APPROACH TO ENABLE ENP PARTNER COUNTRIES TO PARTICIPATE IN COMMUNITY AGENCIES AND COMMUNITY PROGRAMMES**

**(COM(2006) 724 TO /4 ; SEC(2006) 1536)**

Ms FERRERO-WALDNER presented the main points of the communications on the European neighbourhood policy, due to be approved by « finalisation » written procedure on Monday 4 December (E/2571/2006 and E/2573/2006).

Ms FERRERO-WALDNER recalled the strategic objective the Commission had set itself in 2004, and which had been made a foreign policy priority, to set up an area of prosperity, stability and security encompassing the neighbouring countries and territories of the European Union. She stressed the mutual interest of the neighbourhood policy for the Union and for the countries concerned, and briefly took stock of the main achievements since 2004.

Ms FERRERO-WALDNER expressed her strong conviction of the need to continue and to strengthen the neighbourhood policy, which also corresponded to the wishes of the countries concerned as well as of the future German Presidency of the Council. She stated that this strengthening should lead to a consolidation of the incentives and to more effective implementation, so as to increase the impact of the policy.

Ms FERRERO-WALDNER referred to the main aspects involved in the recommended strengthening of the neighbourhood policy: furthering of economic integration development of trade; increased mobility coherent with the policy on freedom, security and justice; development of the human pole of the neighbourhood policy, in the shape of increased exchanges between citizens, particularly in the areas of education, culture, youth, research or enterprise; strengthening of certain key areas such as energy, transport, environment, management of borders and migration, public health issues, including the participation of neighbours in the relevant Community agencies and programmes; strengthening of political cooperation policy; promotion of regional integration and cooperation; growth of means of financing.

Ms FERRERO-WALDNER concluded by asking the Commission Members to contribute to the achievement of this ambitious agenda which without any doubt would have practical impact on the ground.

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

- the importance of combining an ambitious approach and a concern for realism, particularly in areas such as the strengthening of trade ;
- search for a balance between the promotion of European values and respect for the traditions of the neighbouring countries and territories ;
- the importance of sustained and coordinated action so as to optimise the use of the financial resources planned.

Emphasising the strategic priority accorded by the Commission to neighbourhood policy, the PRESIDENT thanked Ms FERRERO-WALDNER for the work done in recent months the result of which was the two major communications before the meeting. In particular he backed Ms FERRERO-WALDNER's statement about the need to implement all the recommended measures, once they had been approved, as effectively as possible.

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 13.20