



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

**PV(2001)1540 final**

Strasbourg, 23 October 2001

**MINUTES**  
**of the 1540th meeting of the Commission**  
**held in Brussels**  
**(Breydel)**  
**on Wednesday 17 October 2001**  
**(morning)**

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These minutes were approved by the Commission at its 1541<sup>st</sup> meeting, held in Strasbourg on 23<sup>rd</sup> October 2001.

They contain 21 pages.

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**Single sitting: Wednesday 17 October (morning)**

The sitting opened at 0920 hours with Mr Prodi, President, in the chair.

Present:

|                   |                       |
|-------------------|-----------------------|
| Mr PRODI          | President             |
| Mr KINNOCK        | Vice-President        |
| Ms de PALACIO     | Vice-President        |
| Mr FISCHLER       |                       |
| Mr LIIKANEN       |                       |
| Mr BOLKESTEIN     |                       |
| Mr BUSQUIN        |                       |
| Mr SOLBES         |                       |
| Mr VERHEUGEN      |                       |
| Mr LAMY           |                       |
| Mr BYRNE          |                       |
| Mr BARNIER        |                       |
| Ms REDING         |                       |
| Ms SCHREYER       |                       |
| Ms WALLSTRÖM      |                       |
| Mr VITORINO       | Except items 13 to 16 |
| Ms DIAMANTOPOULOU |                       |

Absent:

Mr MONTI  
Mr NIELSON  
Mr PATTEN

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

|              |                                |                |
|--------------|--------------------------------|----------------|
| Mr VAN HOOFF | Chef de cabinet to Mr Monti    |                |
| Mr SCHMIDT   | A member of Mr Nielson's staff |                |
| Mr POWER     | A member of Mr Patten's staff  |                |
| Mr CAVACO    | Chef de cabinet to Mr Vitorino | Items 13 to 16 |

**The following also sat in**

|               |                                     |                |
|---------------|-------------------------------------|----------------|
| Mr PETITE     | Director-General, Legal Service     |                |
| Mr MANSERVISI | Chef de cabinet to the President    |                |
| Mr DE LECEA   | A member of the President's staff   | Item 12        |
| Mr FAULL      | Commission Spokesman                |                |
| Ms DAHMEN     | Spokesman                           |                |
| Mr THOMAS     | Press and Communication DG          |                |
| Ms CORUGEDO   | Press and Communication DG          |                |
| Ms AHRENKILDE | Press and Communication DG          |                |
| Ms LAZARD     | Press and Communication DG          |                |
| Mr CANGA      | A Member of Ms de Palacio's staff   |                |
| Ms BERGENFELT | A member of Ms Wallström's staff    | Items 12 to 16 |
| Mr ARP        | A member of Ms Wallström's staff    | Items 12 to 16 |
| Mr BARISICH   | Environment DG                      | items 12 to 16 |
| Mr DELBEKE    | Environment DG                      | items 12 to 16 |
| Mr VIGNON     | Director in the Secretariat-General | Item 4         |
| Mr HAAG       | Secretariat-General                 | Item 13        |
| Mr SANDLER    | Secretariat-General                 | Item 12        |

Secretary: Mr O'SULLIVAN, Secretary-General, assisted by Mr BISARRE, Director in the Secretariat-General.

**1. AGENDAS**

**(OJ(2001)1540/3; SEC(2001)1614/2)**

The Commission took note of the agenda for that day's meeting and of the tentative agendas for forthcoming meetings.

**2. WEEKLY MEETING OF CHEFS DE CABINET**

**(SEC(2001)1540)**

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 15 October.

**3. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1539th MEETING**

**(10 October)**

**(PV(2001)1539 to /3; PV(2001)1539, Part II)**

The Commission approved the minutes of its 1539th meeting.

**4. PARLIAMENT**

***PARLIAMENTARY AFFAIRS GROUP***

***(SP(2001)3356 and /2)***

The Commission took note of the record of the meeting of the Parliamentary Affairs Group held on 11 October (SP(2001)3356 and /2).

It paid particular attention to the following:

a) **Interinstitutional relations**

(point 1 of the record)

**Codecision procedure Art. 251 - state of play**

1st and 2nd reading

(SPI(2001)139 and SPI(2001)140)

The Commission took note of the state of progress on the dossiers at first and second reading. It invited departments actively to continue their informal contacts at the appropriate level with representatives of the Council and Parliament, particularly for the dossiers which SPI(2001)139 and SPI(2001)140 suggested might be closed at this stage.

Conciliation procedure

(SPI(2001)141)

- Money-laundering, 99/0152 (COD)

The Commission took note of the latest developments in this matter (see SPI(2001)137 and SI(2001)1073). It authorised Mr BOLKESTEIN to support the final compromise and make the statement, distributed during the meeting of the GAP, that he had been asked for on future Commission initiatives concerning the protection of the European Communities' financial interests.

**Presentation of the Commission's work programme to Parliament**

**(timetable)**

The Commission noted that the PRESIDENT would table this item at a future meeting.



b) **Preparations for October II part-session**  
(point 2 of the record)

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

It paid particular attention to the following:

**2nd reading**

- SCHMIDT report, Undertakings for collective investment in transferable securities (UCITS),  
COM(1998)451 - 98/0242-0243 (COD)

The Commission adopted the line set out in SP(2001)3354 involving the rejection of the second part of amendment 2 and the acceptance in principle of the remaining amendments. It noted that an amendment on committee procedure was likely to be tabled in plenary which was not acceptable to the Commission.

- JENSEN report, Employment: Community incentive measures,  
COM(2000)459 - 00/0195 (COD)

The Commission adopted the line set out in SP(2001)3351 involving the rejection of some amendments.

- GHILARDOTTI report, Information and consultation rights of employees,  
COM(1998)612 - 98/0315 (COD)

The Commission adopted the line set out in SP(2001)3350 involving the rejection of some amendments.

- THORNING-SCHMIDT report, Exposure of workers to the risks arising from physical agents (vibrations),  
COM(1992)560 - 92/0449 (COD)

The Commission adopted the line set out in SP(2001)3349 involving the rejection of some amendments.

- VAN DAM report, Safe loading and unloading of bulk carriers,  
COM(2000)179 - 00/0121 (COD)

Noting that no amendments had been tabled for the plenary session, the Commission adopted the line set out in SP(2001)3345.

### **Empowerment**

Under Article 13 of its Rules of Procedure, the Commission empowered Mr BOLKESTEIN, Ms DIAMANTOPOULOU and Ms de PALACIO, in agreement with the PRESIDENT, the Member responsible for relations with Parliament and any other Members associated, to adopt and transmit to the Council, in accordance with Article 251(2)(c) of the Treaty, once Parliament had given its view, its opinion on the amendments, together with any amended proposals, on the basis of the line set out in SP(2001)3354, SP(2001)3351, SP(2001)3350, SP(2001)3349 and SP(2001)3345 for the following:

- SCHMIDT report, Undertakings for collective investment in transferable securities (UCITS),  
COM(1998)451 - 98/0242-0243 (COD)
- JENSEN report, Employment: Community incentive measures,  
COM(2000)459 - 00/0195 (COD)
- GHILARDOTTI report, Information and consultation rights of employees,  
COM(1998)612 - 98/0315 (COD)

- THORNING-SCHMIDT report, Exposure of workers to risks arising from physical agents (vibrations),  
COM(1992)560 - 92/0449 (COD)
- VAN DAM report, Safe loading and unloading of bulk carriers,  
COM(2000)179 - 00/0121 (COD)

**1st reading and simple consultation**

- KORHOLA report, Environment: public participation in the drawing-up of certain plans and programmes,  
COM(2000)839 - 00/0331 (COD)

The Commission adopted the line in SP(2001)3348.

**5. PERMANENT REPRESENTATIVES COMMITTEE  
(SI(2001)1068)**

The Commission took note of the Secretariat-General's reports on recent meetings of the Permanent Representatives Committee.

It paid particular attention to the following:

***PREPARATIONS FOR COUNCIL MEETING (AGRICULTURE) OF  
23 OCTOBER: PROPOSAL FOR A REGULATION AMENDING DIRECTIVE  
70/524/EEC CONCERNING ADDITIVES IN FEEDINGSTUFFS AS  
REGARDS WITHDRAWAL OF THE AUTHORISATION OF CERTAIN  
ADDITIVES  
(SI(2001)1068)***

The Commission was informed of the difficulties arising in the Council bodies. In the light of the clarifications communicated by Mr BYRNE's Office, the

Secretariat-General and the Legal Service, it considered the institutional problem resulting from a new interpretation by the Council's Legal Service of the conditions for applying the "double safety net" procedure in the former IIIb committee procedure.

The Council's Legal Service considered that the Council could apply the "double safety net" procedure, i.e. that it would vote by a simple majority, against certain clearly identifiable and separable components of the proposal. In this particular case, the Commission proposal could be regarded as a bundle of individual decisions and, on this view, the Council could therefore rule on each of the substances concerned. It could then decide by simple majority to delete the two substances in contention (which would therefore remain authorised) and adopt the other substances by qualified majority, or not rule on them at all, leaving it to the Commission to agree its proposal as thus cut down. The Presidency seemed determined to continue on this path.

For the forthcoming discussion of the dossier in Coreper (19 October), the Commission decided to maintain its initial position at this stage, on the understanding that, in the light of the conclusions reached by Coreper and if a dissociation of the elements of the proposal was agreed by simple majority, the Commission would reserve the right to ask for the entry of a statement in the Council minutes, without prejudice to action in the Court of Justice.

## **6. MONITORING THE APPLICATION OF COMMUNITY LAW: STATE AID**

### **6.1. STATE AID**

***(SEC(2001)1625/2)***

The Commission adopted the decisions in SEC(2001)1625/2.

**6.2. COMMUNICATION ON THE APPLICATION OF STATE AID RULES  
TO PUBLIC SERVICE BROADCASTING  
(C(2001)3063/3)**

The Commission approved in principle the communication in C(2001)3063/3 and empowered Mr MONTI to adopt it formally in the official Community languages, for publication in the Official Journal.

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

**7.1. WRITTEN PROCEDURES APPROVED  
(SEC(2001)1615 to /5; SEC(2001)1616)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted by written procedure between 8 and 12 October.

**7.2. SENSITIVE WRITTEN PROCEDURES  
(SEC(2001)1617)**

The Commission took note of the following written procedures initiated between 8 and 12 October for the adoption of decisions with political implications:

**Time limit: 16.10.2001**

**E/2001/2068 - COM(2001)584**

**Education & Culture DG**

Proposal for a Parliament and Council decision establishing the European Year of Education through Sport 2004.

**Time limit: 18.10.2001**

**E/2001/2090 - COM(2001)593**

**Environment and Health &  
Consumer Protection DGs**

Commission communication to the Council, Parliament and the Economic and Social Committee on the Community strategy for dioxins, furans and polychlorinated biphenyls.

**Suspended written procedure**

**E/2001/2052**

**Energy & Transport DG**

Commission report on the market for solid fuels in the Community in 2000 and the outlook for 2001.

### **7.3. *EMPOWERMENT***

***(SEC(2001)1618 to /5; SEC(2001)1619 to /5)***

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the empowerment procedure between 8 and 12 October.

### **7.4. *DELEGATION OF POWERS***

***(SEC(2001)1635 to /3; SEC(2001)1663)***

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation procedure between 8 and 12 October.

**8. ADMINISTRATIVE AND BUDGETARY MATTERS  
(SEC(2001)1620/2)**

**ADMINISTRATIVE MATTERS  
(PERS(2001)286)**

**8.1. *LEGAL SERVICE - INITIAL COMMUNICATION UNDER ARTICLE 50  
OF THE STAFF REGULATIONS***

The Commission, on a proposal from Mr KINNOCK, in agreement with the PRESIDENT, decided to initiate the first stage of the procedure laid down in Article 50 of the Staff Regulations in respect of Ms Karin OLDFELT HJERTONSSON, A2 official and currently Chief Legal Adviser in the Legal Service.

The PRESIDENT would send Ms OLDFELT HJERTONSSON a letter notifying her of the Commission's intentions and asking for a reply before 16 November.

**8.2. *DG ECFIN - INITIAL COMMUNICATION UNDER ARTICLE 50 OF  
THE STAFF REGULATIONS***

The Commission, on a proposal from Mr KINNOCK, in agreement with the PRESIDENT and Mr SOLBES, decided to initiate the first stage of the procedure laid down in Article 50 of the Staff Regulations in respect of Mr Dieter ENGEL, A2 official and currently Chief Legal Adviser in the Economic and Financial Affairs DG.

The PRESIDENT would send Mr ENGEL a letter notifying him of the Commission's intentions and asking for a reply before 16 November.

**8.3. *DG FC - A2 POST OF DIRECTOR OF DIRECTORATE FC-A***

The Commission had before it applications under Article 29(1)(a) of the Staff Regulations for the A2 post of Director of Directorate A (Ex-ante financial

control) in the Financial Control DG from Mr Juergen ANDERMANN, Mr Apostolos BLETAS, Mr Ricardo GARCIA AYALA, Mr Horst HUENKE, Mr Konstantin KONSTANTINOU, Ms Claire MAGNANT and Mr Daniel VAN DER SPREE (PERS(2001)192 and /2).

The Commission took note of the opinions of the Consultative Committee on Appointments of 28 June and 12 July (PERS(2001)192/3 and /4).

The Commission proceeded to compare the applicants' qualifications for the post. It also examined the reports on their ability, efficiency and conduct in the service. On a proposal from Mr KINNOCK, in agreement with the PRESIDENT and Ms SCHREYER, it then decided to appoint Mr Horst HUENKE to the post.

This decision would take effect from 15 November.

**9. APPLICATION OF COUNCIL REGULATION (EC) No 4064/89 ON THE CONTROL OF CONCENTRATIONS BETWEEN UNDERTAKINGS (C(2001)3121 and /2)**

The Commission:

- took note of the final report of the Hearing Officer in C(2001)3121;
- took note of the opinion of the Advisory Committee on Concentrations of 1 October on the preliminary draft decision in Case COMP/M.2097, as set out in C(2001)3121;
- adopted, in the authentic language (English), the decision in C(2001)3121/2, declaring the merger notified to be incompatible with the common market and the operation of the EEA Agreement.



The decision would be published in the Official Journal (with all business secrets deleted) in all the official Community languages.

**10. PROPOSAL FOR A COUNCIL DECISION ON THE PROVISIONAL APPLICATION OF THE PROTOCOL TO THE EC/ ISLAMIC REPUBLIC OF MAURITANIA FISHERIES AGREEMENT  
(COM(2001)588 to /3)  
PROPOSAL FOR A COUNCIL REGULATION ON THE CONCLUSION OF THE PROTOCOL TO THE EC/ ISLAMIC REPUBLIC OF MAURITANIA FISHERIES AGREEMENT  
(COM(2001)590 to /3)**

The Commission adopted the proposals in COM(2001)588 and /3 and COM(2001)590 and /3, for transmission to the Council, and to Parliament for information.

**11. AMENDED COMMISSION PROPOSAL CONCERNING THE SPECIFIC PROGRAMME 2002-06 FOR RESEARCH, TECHNOLOGY DEVELOPMENT AND DEMONSTRATION AIMED AT INTEGRATING AND STRENGTHENING THE EUROPEAN RESEARCH AREA  
(COM(2001)594 to /4; SEC(2001)1638)**

The Commission:

- adopted the amended proposal in COM(2001)594/4 for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.
- approved the indicative budgetary allocation annexed to the amended proposal.

**12. OVERVIEW OF EU ACTION IN RESPONSE TO THE EVENTS OF  
11 SEPTEMBER AND ASSESSMENT OF THEIR LIKELY ECONOMIC  
IMPACT  
(SEC(2001)1646 and /2)**

The PRESIDENT tabled a communication for the Ghent informal European Council (19 October), covering both the action taken by the EU in response to the events of 11 September, and an assessment of the likely impact of these events on the general economic situation and on certain specific economic sectors.

As regards the general economic situation it was not possible at that stage, on the basis of the statistical data available, to make reliable forecasts for 2002. Analysis of trends in the main indicators should therefore continue, as should implementation of the structural reforms in accordance with the strategy agreed by the Lisbon European Council, so as to be able to make substantial progress at the Barcelona European Council. The PRESIDENT noted in particular that, in order to combat the sense of uncertainty currently affecting the markets, companies and consumers, the use of various instruments (budgetary policy and monetary policy in particular) should be balanced and at all events must meet the objectives of the stability and growth pact.

He reviewed the other key recommendations in various fields:

- external relations: relaunch of dialogue and cooperation with various countries in all parts of the world (Arab and Islamic world; Middle East; Mediterranean; Central Asia); launch of a new round of multilateral trade negotiations;
- development aid and poverty reduction: compliance with commitments as regards the level of aid, debt relief, promotion of sustainable development, humanitarian assistance.

The Commission paid tribute to the balanced quality and structure of the document. It held an in-depth exchange of views on certain specific aspects which led it to make a number of amendments to be included in a revised version.

Following this discussion, the Commission asked the PRESIDENT, on the basis of the contributions by various Members, to finalise the text of the communication in SEC(2001)1646/2 for transmission to the Ghent Council European on 19 October, and to the Council and, for information, to Parliament.

**13. SERVICES OF GENERAL ECONOMIC INTEREST - REPORT FOR THE  
LAEKEN EUROPEAN COUNCIL  
(COM(2001)598 to /5; SEC(2001)1641)**

The PRESIDENT tabled a communication for the Laeken European Council on services of general economic interest, which, in line with the specific requests made by the Nice European Council, pointed to the need both:

- to clarify the relationship between methods for financing services of general interest and the application of the state aid rules, and
- to carry out a regular assessment of the performance of services of general interest.

With respect to the financing of these services, the communication proposed a two-stage approach: firstly drawing up guidelines on state aid and then, if experience gained in applying these guidelines justified it, adopting a Regulation exempting certain aid from notification on the basis of precise compatibility criteria.

On regular assessment of the performance of these services, the proposal was to strengthen and improve the existing sectoral reports in the liberalised sectors, and to introduce an annual horizontal assessment under the "Cardiff process".

The Commission held an exchange of views on chapter 2.2 of the communication on the applicability of the Community public procurement rules to the selection of the providers of such services.

Following this exchange of views, the Commission decided to amend paragraph 33 as follows:

"The Member States are free to decide how the service should be operated, and may decide to provide the public service themselves, **directly or indirectly (through other public entities)**. Where they decide to entrust the provision of the service to a third party, they must follow the procedural rules and principles which apply to the subsequent selection of the provider, **as set out below.**"

The Commission noted that this text did not call into question existing well-established practices in the Member States.

Subject to this amendment, the Commission adopted the report in COM(2001)598/5 for transmission to the Council, with a view to its presentation to the Laeken European Council on 14 and 15 December, and to Parliament, the Economic and Social Committee and the Committee of the Regions.

- 14. PROPOSAL FOR A COUNCIL DECISION CONCERNING THE  
CONCLUSION ON BEHALF OF THE EUROPEAN COMMUNITY OF THE  
KYOTO PROTOCOL ON CLIMATE CHANGE  
(COM(2001)579 to /5; SEC(2001)1610 and /2; SEC(2001)1627)**
  
- 15. COMMUNICATION ON THE IMPLEMENTATION OF THE FIRST PHASE  
OF THE EUROPEAN CLIMATE CHANGE PROGRAMME  
(COM(2001)580 to /4; SEC(2001)1627)**
  
- 16. PROPOSAL FOR A PARLIAMENT AND COUNCIL DIRECTIVE  
ESTABLISHING A FRAMEWORK FOR GREENHOUSE GAS EMISSIONS  
TRADING WITHIN THE EUROPEAN COMMUNITY AND AMENDING  
COUNCIL DIRECTIVE 96/61/EC  
(COM(2001)581 to /4; SEC(2001)1610/3; SEC(2001)1627)**

Following a preliminary exchange of views, the Commission decided to continue its discussions on these items at its next meeting.

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The meeting closed at 1120 hours.

The Commission's other discussions on certain agenda items are recorded in the special minutes.