EUROPEAN COMMISSION

SECRETARIAT-GENERAL

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Brussels, 8 April 2020

TEXTE EN

MINUTES

of the 2326th meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 19 February 2020

(morning)

TABLE OF CONTENTS

Single sitting: Wednesday 19 February 2020 (morning)

The sitting opened at 9.05 with Ms von der LEYEN, President, in the chair.

Present:

Ms von der LEYEN	President	
Mr TIMMERMANS	Executive Vice-President	Items 1 to 11 (in part)
Ms VESTAGER	Executive Vice-President	
Mr DOMBROVSKIS	Executive Vice-President	Items 1 to 11 (in part)
Mr BORRELL i FONTELLES	High Representative/ Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Ms JOUROVÁ	Vice-President	
Ms ŠUICA	Vice-President	
Mr SCHINAS	Vice-President	
Mr HAHN	Member	
Mr HOGAN	Member	
Ms GABRIEL	Member	Items 8 to 11
Mr SCHMIT	Member	
Mr GENTILONI	Member	
Mr WOJCIECHOWSKI	Member	
Mr BRETON	Member	
Ms FERREIRA	Member	
Ms KYRIAKIDES	Member	
Mr REYNDERS	Member	
Ms JOHANSSON	Member	
Mr LENARČIČ	Member	
Mr VÁRHELYI	Member	
Ms URPILAINEN	Member	
Ms SIMSON	Member	
Mr SINKEVIČIUS	Member	

Absent:

Ms DALLI	Member
Ms VĂLEAN	Member

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

Mr KERR	Chef de cabinet to Ms DALLI	
Mr GOETZ	Chef de cabinet to Ms VĂLEAN	

The following also sat in:

Mr SEIBERT	Chef de cabinet to the PRESIDENT	
Mr ROMERO REQUENA	Director-General, Legal Service	
Ms AHRENKILDE HANSEN	Director-General, DG Communication	
Ms SPINANT	Commission Spokesperson's Service	
Mr LEARDINI	Deputy Secretary-General	Items 1 to 11 (in part)
Ms GAUER	Deputy Secretary-General	
Mr FLOSDORFF	Executive Adviser in the PRESIDENT's office	
Ms PETKOVA	Director of Coordination and Administration in the PRESIDENT's Office	
Mr WHELAN	Adviser in the PRESIDENT's Office	Items 8 to 10
Ms VILA NUÑEZ	Policy Coordinator in the PRESIDENT's Office	Items 1 to 11 (in part)
Mr JØRGENSEN	Chef de cabinet to Ms VESTAGER	Items 8 to 10
Ms CELMINA	Policy Assistant in Mr DOMBROVSKIS's Office	Item 11 (in part)
Ms NIKOLAY	Chef de cabinet to Ms JOUROVÁ	Items 8/10 (in part) and 11 (in part)
Mr MOUTARLIER	Chef de cabinet to Mr BRETON	Items 8/10 (in part)
Mr BARNIER	Head of the Task Force for Relations with the United Kingdom	Item 11 (in part)
Mr VALERO LADRÓN	Secretariat-General	

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

1. AGENDAS
(OJ(2020) 2326/FINAL; SEC(2020) 2326/FINAL)

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

2. WEEKLY MEETING OF CHEFS DE CABINET
(RCC(2020) 2326)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 17 February 2020.

3. APPROVAL OF THE MINUTES OF THE 2323RD, 2324TH AND 2325TH MEETINGS OF THE COMMISSION (29 JANUARY, 5 AND 11 FEBRUARY 2020)

The Commission held over approval of the minutes of its 2323rd, 2324th and 2325th meetings for a later meeting.

4. INTERINSTITUTIONAL RELATIONS
(RCC(2020) 22)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 14 February 2020 (RCC(2020) 22).

It paid particular attention to the following points.

4.1. HORIZONTAL MATTERS

i) 2021-2027 Multiannual Financial Framework – Trilogue
(point 1.1.1 of the IRG record)

– European Maritime and Fisheries Fund and repeal of Regulation (EU) 508/2014 of the European Parliament and of the Council (Regulation) – MATO report – 2018/0210 (COD)

The Commission approved the line set out in SI(2020) 44.

ii) Opening of negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland (Council Decision)
(point 1.2 of the IRG record)

The Commission approved the line set out in SI(2020) 49/2.

4.2. LEGISLATIVE MATTERS

iii) Trilogue
(point 3.1 of the IRG record)

– Visa Information System (VIS) – Amendment of Regulation (EC) 767/2008, Regulation (EC) 810/2009, Regulation (EU) 2017/2226, Regulation (EU) 2016/399, Regulation XX/2018 [Interoperability Regulation], and Decision 2004/512/EC, and repeal of Council Decision 2008/633/JHA (Regulation) – RANGEL report – 2018/0152 (COD)

The Commission approved the line set out in SI(2020) 47/2.

iv) Council dossier
(point 3.3 of the IRG record)

– Strategic Innovation Agenda (SIA) of the European Institute of Innovation and Technology (EIT) 2021-2027: Boosting the Innovation Talent and Capacity of Europe (Decision) – CARVALHO Report – 2019/0152 (COD) / European Institute of Innovation and Technology (Regulation – recast) – MATIAS Report – 2019/0151 (COD)

The Commission approved the line set out in SI(2020) 45/2.

4.3. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

v) Programming of Council business
(SI(2020) 51)

The Commission took note of the information in SI(2020) 51 on the Council meetings between 20 February and 4 March 2020.

4.4. RELATIONS WITH PARLIAMENT

vi) Action to be taken on Parliament's legislative resolutions and other resolutions of a legal nature
(SP(2020) 54)

The Commission decided to empower the Members of the Commission responsible for the sectors in question, in agreement with the PRESIDENT and, if necessary, with the other Members concerned, to adopt the amended proposals for transmission to Parliament and the Council, as set out in SP(2020) 54, drawn up following the February 2020 part-session of Parliament, the contents of which were noted.

vii) Results of February 2020 part-session
(point 5.8.1 of the IRG record)

The Commission took note of the information on the proceedings of the part- session of Parliament held in Strasbourg from 10 to 13 February 2020, as set out in SP(2020) 72.

5. COORDINATION OF EXTERNAL ACTION (RCC(2020) 25)

The Commission took note of the operational conclusions in RCC(2020) 25 of the meeting of the Group for External Coordination (EXCO) held on Wednesday 12 February 2020.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

6.1. WRITTEN PROCEDURES APPROVED (SEC(2020) 75 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 10 and 14 February 2020.

6.2. EMPOWERMENT (SEC(2020) 76 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 10 and 14 February 2020.

6.3. DELEGATION / SUBDELEGATION OF POWERS (SEC(2020) 77 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 10 and 14 February 2020 archived in D*e*cide.

6.4. SIGNIFICANT WRITTEN PROCEDURES (SEC(2020) 78)

The Commission took note of the significant written procedures for which the time limit expired between 17 and 21 February 2020.

6.5. DELEGATION OF POWERS RELATING TO THE ADOPTION OF CERTAIN MEASURES CONCERNING TARIFF CLASSIFICATION OF GOODS (C(2020) 975)

The Commission adopted the decision in C(2020) 975, and decided to grant a delegation of powers to the Director-General of DG Taxation and Customs Union to adopt, on behalf of the Commission and under its responsibility, subject to the conditions set out in Articles 2, 3 and 4 of the Decision, measures relating to the tariff classification of goods.

7. ADMINISTRATIVE AND BUDGETARY MATTERS (SEC(2020) 79/2)

ADMINISTRATIVE MATTERS
(PERS(2020) 9)

7.1. SECRETARIAT GENERAL / REGULATORY SCRUTINY BOARD – EXTERNAL PUBLICATION OF VACANCY NOTICES FOR TWO AD14 PRINCIPAL ADVISER POSTS (PERS(2020) 10; PERS(2020) 11)

On a proposal from Mr HAHN, in agreement with the PRESIDENT, and after consulting Mr ŠEFČOVIČ, the Commission decided to authorise the publication, under Article 29(2) of the Staff Regulations, of the vacancy notices in PERS(2020) 10 and PERS(2020) 11 for principal adviser posts on the Regulatory Scrutiny Board, with a view to engagements as temporary staff members, under Article 2(a) of the Conditions of Employment of Other Servants of the European Union.

These decisions would take effect immediately.

7.2. SECRETARIAT-GENERAL / REGULATORY SCRUTINY BOARD – EXTENSION OF THE TERM OF OFFICE OF A MEMBER OF THE REGULATORY SCRUTINY BOARD

The Commission took note of the information at point 2 of PERS(2020) 90/9 and, on a proposal from Mr HAHN, in agreement with the PRESIDENT and Mr ŠEFČOVIČ, decided:

– to extend for one year the period of appointment of Mr Andreas KOPP as a member of the Regulatory Scrutiny Board and his contract as a temporary staff member, under Article 3(4) of the decision of the PRESIDENT (P(2020) 2);

– to authorise Mr Andreas KOPP to remain in service until the age of 66, until 31 March 2021.

These decisions would take effect on 1 April 2020.

7.3. ACTIVITIES OF TWO COMMISSIONERS AFTER LEAVING OFFICE (C(2020) 9003; C(2020) 9004)

The Commission adopted the Decisions set out in C(2020) 9004 and C(2020) 9003.

The Commission specifically decided that the activities envisaged by Mr JUNCKER and Mr STYLIANIDES after leaving office as Members of the Commission were compatible with Article 245(2) of the Treaty on the Functioning of the European Union (TFEU) and with the Code of Conduct for Commissioners, subject to certain specific conditions and obligations.

8. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – SHAPING EUROPE'S DIGITAL FUTURE (COM(2020) 67 TO /3; RCC(2020) 23)

9. WHITE PAPER ON ARTIFICIAL INTELLIGENCE – A EUROPEAN APPROACH TO EXCELLENCE AND TRUST
(COM(2020) 65 TO /3; RCC(2020) 23)

10. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – A EUROPEAN STRATEGY FOR DATA
(COM(2020) 66 TO /4; RCC(2020) 23)

The PRESIDENT invited Ms VESTAGER, Mr BRETON, Ms JOUROVÁ and Mr REYNDERS to present the digital strategy which the Commission proposed to adopt that day in the form of a general Communication on ways to shape Europe's digital future, a White Paper on artificial intelligence and a second Communication defining a Europe strategy for data which, like the White Paper on artificial intelligence, would be the subject of extensive public consultation. She began by saying that she was very proud of this balanced and ambitious strategy that would serve as a guide for the European Union in the long term.

Ms VESTAGER began by presenting the **general, strategic Communication**, stressing its main political message that the Union must decide to ensure its technological sovereignty and to take measures to support its digital transformation by deriving the maximum benefit from it for the good of its citizens and businesses, in the interests of a sustainable and inclusive model rooted in European democratic values. She referred to the many components of this strategy, ranging from fundamental rights to research and innovation and including development of the skills needed for the economy of the future. All of these aspects would culminate by the end of 2020 in legislative proposals and other initiatives by the Commission to put into practice the ambitious but balanced vision being set out and presented that day.

In the case of the **White Paper on artificial intelligence**, Ms VESTAGER explained that the document was intended to start a process of collective reflection by launching a three-month long public consultation. The purpose was to provide the Commission with analytical tools to determine whether current EU legislation was fit for the age of artificial intelligence. She explained the dual approach that would be adopted: the creation of an 'ecosystem of excellence' that would promote the deployment of AI, and the development of an 'ecosystem of trust' to mitigate the potential risks associated with AI in terms of fundamental values, in the field of health or for the operation of networks.

She spoke at greater length about these two strands. Creating an ecosystem of excellence would require significant funding, particularly for investments in high-performance computing infrastructure, cybersecurity, research and development, and to attract talent. She referred in this context to the major efforts being made by the United States and China in these areas. Emphasis should also be placed on levelling up skills in the Union, on the one hand, and giving SMEs in the EU the means to deploy artificial intelligence, on the other.

In terms of creating an ecosystem of trust, she said that the Union would draw on the work carried out by an expert group during the previous Commission's term of office and on the tradition of protecting fundamental rights and values. The Union would continue to preserve its open, democratic, environmentally-friendly society. These were all principles to which digital tools could make a contribution. It would remain a rule-based market that was open to cooperation with its international partners.

Ms VESTAGER said that the new legislative measures that would be proposed and the new regulatory frameworks that would be developed as part of the digital strategy would aim to enable the Union to develop cutting-edge digital technologies while at the same time strengthening its cybersecurity capacities. She explained that the risk criterion would set the limits to the scope of these measures, both in terms of the sectors affected, i.e. part of the public sector, and the applications themselves. Put more simply, high-risk applications would have to satisfy a number of requirements in terms of the quality of the data sets used to train the algorithms, but also traceability, quality of information, reliability, accuracy and human supervision. She gave a few examples of high-risk applications, such as open-heart surgery, recruitment procedures and facial recognition. On the latter point she noted that regulations did exist, allowing for one exception, remote identification, an application which could be used for surveillance purposes and which therefore warranted a public debate, particularly given that once a framework had been created there would be no turning back.

The Commission departments had undertaken to identify any loopholes in existing EU legislation that needed to be closed. To enforce the law and punish infringements a European governance structure was being proposed to ensure a single market in artificial intelligence in the European Union.

She concluded her presentation by expressing her belief that the Commission's strategy would attract a great deal of attention and provoke intense debate.

Mr BRETON focused on the **European strategy for data**, but added a few remarks on the White Paper on artificial intelligence.

The impact of personal data on people's lives was now plain for all to see, and over the past ten years everyone had witnessed the emergence of large platforms, none of them, sadly, European. Europe had undoubtedly missed this first industrial wave relating to personal data.

The challenge today was not to miss the second wave – the industrial data wave – which was starting now. This was an area where the Union was not lagging behind and in which it would be the main battlefield. Europe was the continent with the largest industrial base in the world, providing the greatest integrated added value, with small and medium-sized enterprises that played a key role in industrial sectors. He firmly believed that Europe would be the largest generator of industrial data with high added value, so the eyes of the world would be upon it. To give an idea of the scale of the phenomenon in the future, he said that by 2030 there would be approximately 500 billion objects connected via the internet of things.

In the forthcoming race, yesterday's winners would not necessarily be the winners of today, because the current platforms were not ready to respond either to the technical demands or to the safety and service standards required by industry and public administrations.

There was therefore no time to lose, given that other big powers, foremost among them the United States and China, were already mobilising. The data strategy presented by the Commission demonstrated the Union's desire to anticipate developments and act decisively, while at the same time taking into account citizens' concerns about digital developments. Hence the need to take into account European rules and values downstream, in the data sets that would be used.

Mr BRETON explained that there were three strands to this strategy. Firstly, a regulatory framework had to be put in place, to settle questions relating to interoperability, access to data, data sharing or re-use and data anonymisation. Secondly, European infrastructure had to be created for the storage, use and creation of applications or services. This represented a major challenge for the technological sovereignty of the European Union. On this point he wanted to launch a European alliance of platforms and industrial clouds, funded jointly by the Member States, industry and the European Union, thanks to which the EU will position itself in these technologies. The Commission could invest almost EUR 2 billion in this project, structured around a public pillar, with common platforms for services of general interest, and a business pillar in order to encourage the emergence of a European industrial alliance around cloud-to-edge platforms. Thirdly and finally, sectoral approaches needed to be developed around common data spaces, for example in health, manufacturing industry, the environment, mobility, finance, energy and so on.

He felt that the strategy for data clearly set out the elements for which the European Union had to prepare itself, with instruments of its own, in order to take full advantage of the opportunities. Europe had already made progress in certain areas. Above all, he stressed that the Union had the skills that would be needed to put this strategy into effect.

Mr BRETON then returned to the White Paper on Artificial Intelligence, the aim of which was to implement artificial intelligence that was trustworthy, ethical, responsible and in line with the EU’s values and rules, particularly those set out in the General Data Protection Regulation.

He considered that it would be important for the Commission to draw carefully considered conclusions from the public consultation in order to provide a framework for the rules on the development of artificial intelligence and also to boost European industry in that field. Rules were already in place to protect consumers and privacy, as were provisions to tackle unfair commercial practices. Those rules were applicable, although some of them would need to be adapted to take account of new technology.

He highlighted the proposal, as already mentioned by Ms VESTAGER, to have differentiated rules and requirements based on the level of risk posed by the sector or application in question. For that reason, the public consultation would focus particularly on the means of determining which activities, sectors and applications were high-risk.

He explained that artificial intelligence systems needed to be trained using datasets that were wide-ranging enough and encompassed all risk situations, i.e. data that was representative enough to prevent discriminatory decisions, and using data that complied with the EU’s privacy rules. He added that the Commission also wanted to introduce requirements to keep data registers and ensure robustness and accuracy, along with human oversight, based on the sensitivity of the subjects. Lastly, he added that these requirements would be subject to an ex ante certification procedure, as was already the case in the EU for potentially dangerous products such as cars, children’s toys and medicines, as well as ex post checks. They would apply to all systems, including those developed outside Europe.

Ms JOUROVÁ highlighted the overall balance and visionary nature of the EU’s proposed digital transition strategy. She also pointed out that, with regard to respect for fundamental rights, the strategy showed that the EU’s vision for technological development was that it should first and foremost serve citizens, rather than mere consumers. She confirmed that it was important for the EU to find its own European way to move forward with its digital transition.

She noted that, when taking this approach, the risks associated with the development of the digital sector, and artificial intelligence in particular, needed to be clearly identified and a proportionate response put in place. She added that it would also be necessary to ensure that the growing use of artificial intelligence was accessible to all, without discriminating against any specific sectors of the population.

Lastly, she referred to the complex issues raised by facial recognition, noting that it was necessary to strike a balance between the right to privacy and the right to security, and to ensure that this tool could not be abused. On that point, she noted that, even inside the Union, some political leaders were already planning to use facial recognition in a discriminatory manner for the purpose of conducting population checks.

Mr REYNDERS highlighted the pivotal role of respect for fundamental rights when developing a digital Europe and artificial intelligence, something he felt should not be viewed as a constraint but rather as an opportunity to promote the European way of life. With that in mind, he considered that the EU ought to adopt the same approach to artificial intelligence as it had done to personal data protection, by making its principles and values central to the debates that would lead to the definition of a European vision. He reminded the College that the EU had set an example in terms of data protection and a number of countries had followed its lead, which had enabled the EU to export its principles and make them into international standards.

He also felt that it was important for the Union to create a climate of trust for users and suppliers to ensure a smooth transition to a digital economy and society. Furthermore, he considered that, when assessing the risks inherent to the development of digital technologies, it was necessary to differentiate between sectors in order to provide tailored responses for each sector. In his view, it was also vital to ensure that the consultation on the White Paper on Artificial Intelligence was open not only to non-governmental organisations and companies in the sector but also to citizens, so that they could play an active role in defining the principles that would underpin the development of artificial intelligence.

To that end, he called for everyday examples to be used, as well as topics that were liable to elicit a reaction from citizens. He gave the specific example of driverless cars and the issues they raised, particularly with regard to the information used, the fact that artificial intelligence could choose to protect the occupants of the vehicle or the people in the immediate vicinity in the event of an accident, the issue of liability if an accident were to happen given the lack of a driver, etc. This led him to conclude that, by using concrete examples, it was possible to involve citizens closely in debates and to gauge their responses to the issues that would affect them directly as a result of the digital transition.

He considered that the overarching strategy proposed by the Commission to shape Europe's digital future allowed it to regain the initiative and provided an opportunity for the EU to convince its international partners to apply the same principles, without imposing those principles on them.

Lastly, Mr REYNDERS referred to the issue of facial recognition, noting that a real debate was needed on the question of respect for fundamental rights and privacy, even though facial recognition was already covered by specific rules stipulating that it could only be used subject to specific conditions and with safeguard clauses in place. Nevertheless, he stressed the urgent nature of the debate that had recently begun, given that certain places, such as cities or stadiums, had already installed facial recognition technology to identify those who committed violent acts or used hate speech.

In the course of the discussion that followed, the Commission raised the following key points:

- the importance of building citizens' trust in the transition towards a digital society by protecting them from online crime, which now accounted for a significant proportion of crimes committed;

- hence the need for law-enforcement authorities to be suitably equipped, given that 85% of criminal evidence was now digital;

- the need to address citizens' concerns with regard to the transition's impact on jobs by showcasing the opportunities that the change could bring about and, at the same time, using social policy that encourage people to learn new skills and to create jobs, while ensuring protection for workers affected by this revolution;

- acknowledgement of cohesion policy's important role in the EU's digital strategy;

- the importance of explaining to European citizens the many expected benefits of the digitisation of society and the economy by giving them concrete examples that allowed the general public to gain an understanding of concepts that were unfamiliar or misunderstood and triggered their fear and mistrust;

- the recognised potential of using artificial intelligence in the healthcare sector, but also the sensitive issues that it raised with regard to patients' health-related personal data;

- the EU added value of the proposed strategy, which sought to bridge the digital divide;

- the central role that ought to be given to research and innovation when rolling out a digital Europe, and the need to ensure that EU financing was used in the right place at the right time;

- the absolute necessity of involving citizens in the consultation on artificial intelligence, so as to make them central to the strategy to be implemented;

- the need to take into account the countries of the Western Balkans that had already embarked on a structural reform process with a view to acceding to the Union, and to involve them in the development of digital platforms at European level;

- an emphasis on the numerous links between development of the digital sector and the Union's trade policy, and the potential benefits of cooperation at international level to define the principles for governance of the digital sector;

- the competitive advantages at the Union's disposal to make a success of its digital transition and to be a driving force in the development of artificial intelligence, thanks to a highly qualified workforce and use of the considerable volume of industrial data it had;

- the importance of continuing at international level the work undertaken to establish digital taxation, in particular within the G20 and the OECD;

- the need to set out the Union's ambitions in the digital field with an emphasis on cooperation with its international partners;

- the special attention that had to be given to the development of digital tools in the financial sector, in view of their complexity;

- the impetus that the public sector could provide by engaging in the digital transition;

- the issue of technological sovereignty raised by the digital transition, which justified the Union giving itself the means to achieve its ambitions by ensuring the financing required for investment, particularly within the framework of the next Multiannual Financial Framework;

- the need for public authorities to be able to control algorithms, which were currently in the hands of engineers and companies, by incorporating security aspects in particular into the development of the digital sector;

– a reminder of the initiatives that would gradually be added to the proposed strategy, and specifically the proposals relating to the acquisition of skills and to security policy, scheduled for March and June, respectively, that year.

To provide the College with further information, the PRESIDENT asked Mr ŠEFČOVIČ to present the first outlook report on the digital sphere, which was made available to the Commissioners at the meeting.

Mr ŠEFČOVIČ explained that the report by the Joint Research Centre (JRC) analysed the digital transition and artificial intelligence from different angles, particularly geopolitical, societal and environmental ones.

In geopolitical terms, the United States appeared to be aiming for world domination in artificial intelligence, primarily on the basis of military power, without taking a human-centred approach as the EU was doing. China, for its part, wished to become – by any means necessary – the world leader in artificial intelligence by 2030. In Russia, the thinking was that whoever dominated the sector would run the world. Powerful new arrivals were entering the field of artificial intelligence, such as India, which was currently the world's fifth biggest player in this field.

Although the Union was the third biggest player in the sector, the United Kingdom, which was preparing to leave the EU in a few months' time, hosted 50% of European artificial intelligence firms, a fact which needed to be taken into account.

In societal terms, the public had a negative view of artificial intelligence, which encouraged fear of AI. For this reason an in-depth public information drive was needed to explain the highly positive aspects of the technology.

Finally, in environmental terms, artificial intelligence would be combined with the European Green Deal to reduce energy consumption in the Union and to improve energy efficiency.

He pointed out that the European Patent Office had rejected two applications relating to artificial intelligence systems because they did not comply with the legal obligation under the European Patent Convention whereby the inventor named in the application had to be a human being, not a machine. Mr ŠEFČOVIČ noted that this was the first time such a situation had arisen, and considered that the system for awarding patents ought to be modernised to take account of the new realities.

He made a general observation that artificial intelligence could easily be abused, hence the need for extreme caution in the use of algorithms.

Mr ŠEFČOVIČ concluded by confirming that the strategy proposed that day by the Commission would consolidate the Union’s position in a sector in which it was already well advanced.

Ms VESTAGER welcomed the fact that the debate had dealt with the substance of the strategy rather than its technical aspects. She highlighted the European approach to digitisation, which consisted not of following the trend but of taking the initiative by drawing on a method that had ensured 60 years of prosperity for the Union. She praised the collective work that had been carried out within the Commission in order to enhance the strategy and to incorporate various nuances into it, and went on to thank the Commissioners’ cabinets, the Secretariat-General and all the departments that had made their contribution, in a listening spirit and taking a synthetic approach, to achieve a balanced outcome.

Mr BRETON considered that, following the adoption of the proposal for a European Green Deal, the package presented that day represented an important geopolitical moment for the current Commission. The strategy rested on two pillars: on the one hand, protection of citizens, training and employment, in which the Union would follow its usual methods; and on the other, the new battleground of industrial data, in which the Union was the first to arm itself with a strategy. He concluded by hoping that the Members of the College would engage in communication activities regarding the assets the Union had at its disposal.

The PRESIDENT considered that the three documents presented that day clearly stressed both the potential to be exploited in the field of digitisation and the risks to be anticipated; in her view, the package was therefore very well balanced. These documents represented the first stage of a long process. She reiterated the need to explore avenues in untapped areas of potential in the data industry and artificial intelligence. The PRESIDENT asked the Members of the College, in their public statements on the matter, to explain the risks that had to be given serious consideration, but also to communicate all the positive applications that would open up in future under the European digitisation strategy.

Following these presentations, the Commission:

– approved the Communication on shaping Europe's digital future set out in COM(2020) 67/3, for transmission to Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions, and, for information, to the national parliaments;

– approved the White Paper on artificial intelligence set out in COM(2020) 65/3, for transmission to Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions, and, for information, to the national parliaments;

– approved the Communication on a European strategy for data set out in COM(2020) 66/4, for transmission to Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions, and, for information, to the national parliaments.

11. OTHER BUSINESS

11.1. COMMISSION DECISION ON THE ADMISSIBILITY OF THE PROPOSED CITIZENS' INITIATIVE ENTITLED 'START UNCONDITIONAL BASIC INCOME (UBI)'
(C(2020) 909)

Ms JOUROVÁ presented a draft decision being tabled for approval by the

College concerning the registration of a proposal for a European citizens' initiative entitled, in the authentic language (English), 'Start Unconditional Basic Income (UBI)'. In essence, this initiative requested that the Commission actively support all Member States in introducing an unconditional basic income that, without any age restriction and without using means testing or any other criteria, ensured every person's material existence and opportunity to participate in society.

She pointed out that the College's task that day was to decide only on the registration of the proposal and not at this stage to analyse its substance or political expediency.

She explained that the conditions for registering European citizens' initiatives were set out in Article 6(3) of Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative which, since 1 January 2020, had repealed and replaced Regulation (EU) 211/2011. One of these conditions was the requirement that none of the parts of the citizens' initiative should manifestly fall outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties.

Ms JOUROVÁ said that, as it stood, the proposed initiative did not satisfy this requirement and therefore could not be registered. The only valid legal basis for the Commission to propose a Union act in the case at hand would be Article 153(2)(a) of the Treaty on the Functioning of the European Union in conjunction with paragraph 1(j) of the same Article. On that basis, the Commission could propose measures designed to encourage cooperation between Member States only if they concerned workers (or unemployed persons) at risk of social exclusion, and not if they concerned all citizens.

However, Ms JOUROVÁ explained that in order to encourage participatory democracy in the Union through the use of the European Citizens' Initiative, the new registration procedure introduced provided that, if the requirement referred to above was not fulfilled, the Commission informed the group of organisers of its assessment and the underlying reasons so that the organisers had the choice of amending the initiative to take into account the Commission's assessment, withdrawing it or maintaining it in its current form.

The Commission confirmed that, as it stood, the citizens' initiative 'Start Unconditional Basic Income (UBI)' did not meet all the registration requirements. It therefore decided, in accordance with document C(2020) 909, to notify the group of organisers of this and authorised Ms JOUROVÁ to sign the reply on behalf of the College in the authentic language (English) and send it to the organisers of the initiative.

11.2. PREPARATION OF THE SPECIAL EUROPEAN COUNCIL TO DISCUSS THE MULTIANNUAL FINANCIAL FRAMEWORK FOR 2021-2027 (BRUSSELS, 20 FEBRUARY)

The PRESIDENT gave an overview of negotiations on the Multiannual Financial Framework for 2021-2027, in view of the Special European Council to be held to discuss it on Thursday 20 February.

She underlined the importance of reaching an agreement rapidly in order to provide as soon as possible specific responses commensurate with the pressing challenges to be addressed.

In this context, she drew attention to the serious risks that would be posed to the EU by a reduction in the expenditure ceilings allocated to modernisation in favour of the traditional areas represented by the common agricultural policy and the cohesion policy, especially given that Member States would inevitably expect the European Union to deploy innovative measures to address current challenges.

On the other hand, she considered some elements of the 'negotiating box' put forward by the President of the European Council, Charles MICHEL, to be promising, following talks he had held with the leaders of the 27 Member States with a view to defining the overall financial envelope of the Multiannual Financial Framework and the manner in which it would be allocated.

She noted therefore that, firstly, the expenditure ceiling had been raised to 1.074% of EU 27 gross national income for 2021-2027, which represented a slight – and welcome – increase compared with the negotiating framework presented by the last Presidency of the Council (Finland).

Secondly, she noted with satisfaction that, as regards the objective of achieving climate neutrality by 2050, on the one hand, the new negotiating framework maintained the objective of integrating the fight against climate action into all EU policies by allocating at least 25% of budgetary expenditure to measures in this area and, on the other hand, that EUR 7.5 billion in additional funds was earmarked for the Just Transition Fund.

Thirdly, she felt that the new own resources proposed in the negotiating framework offered a favourable prospect, whether in terms of the national contribution calculated on the basis of the volume of non-recycled plastic packaging waste or the revenue generated from the EU greenhouse gas emissions trading scheme, which exceeded the annual average per Member State resulting from the allowances auctioned in 2016-2018.

Mr HAHN, to complete the overview given by the PRESIDENT, expressed concern as to the consequences of the planned restrictions on administrative expenditure. He indicated that the restrictions would mean the non-replacement of retired staff and, ultimately, a reduction in the number of staff at the EU institutions by hundreds of people over the next seven years, which would inevitably have a negative impact on the implementation of the policies and initiatives being demanded by the Member States, such as the European Public Prosecutor's Office becoming operational.

In the course of the discussion that followed, the Commission raised the following key points:

- appreciation of the efforts made by the President of the European Council to achieve a more balanced negotiating framework than the one that had been presented by the previous Council Presidency;

- a fervent plea in favour of the mechanism proposed by the Commission in May 2018 to strengthen the link between access to EU funding and respect for the rule of law, with some Members of the Commission regretting that this link had been weakened and largely deprived of its dissuasive force at the current stage of discussions;

- a reminder that this mechanism aimed to strengthen sound management and protect the EU's financial interests whilst establishing an effective and credible tool to encourage Member States in which a generalised deficiency as regards the rule of law had been observed to remedy it;

- serious concerns as to the risk of the reversed qualified majority proposed by the Commission being replaced by a qualified majority for the adoption of Council decisions to activate the rule of law mechanism, the added value of which appeared indisputable;

- regrets at the budgetary cuts envisaged at this stage in areas – asylum, immigration, neighbourhood policy, relations with the Western Balkans, foreign policy and defence, administration – in which the Commission had ambitions commensurate with the scale of the challenges to be addressed, and Member States had expectations of the EU, which would consequently become totally disproportionate;

- a call for Members not to oppose the funding of traditional and new policies, in view of the fact that the former could contribute to the achievement of the latter if they were redirected in such a way as to support the green and digital transitions;

– the observation that the hostility of some Member States towards fixed funding ceilings for new policies might be mitigated by giving them access to certain parts of the 'Horizon Europe' programme; this access had currently been made more difficult by the criterion of excellence, which they perceived as exacerbating differences within the EU;

– the need to invite Member States to align their expectations for 2021-2027 with the financial allocations they were supporting;

– a call for collective responsibility, in which spirit all the Members of the College were invited to defend the proposals made by the Commission in 2018;

– the need to keep in mind the tougher positions the new European Parliament might take, once the Multiannual Financial Framework had been submitted to it for approval.

As regards the 'Horizon Europe' programme, the PRESIDENT pointed out that excellence must remain the criterion for the allocation of funds to finance research. She nonetheless stated that work was underway to allow Member States that had not been able to access the programme to do so.

Given the complexity of the negotiations to take place at the Special European Council on 20 February with a view to reaching unanimous agreement, she recommended that all Members keep in mind the big picture with regard to the project to be carried out over the next seven years. She stressed the absolute need to maintain realistic funding ceilings in order to deliver on the new priorities for 2019-2024, as set out in her political guidelines and included by the European Council in its new strategic programme.

The Commission took note of this information.

11.3. FUTURE PARTNERSHIP BETWEEN THE EUROPEAN UNION AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

The PRESIDENT asked Mr BARNIER to brief the College on the latest developments regarding the United Kingdom's withdrawal from the Union under Article 50 of the Treaty on European Union, a few days before the adoption by the Council, on 25 February, of the negotiating mandate for the future partnership between the Union and the United Kingdom.

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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 11.59.