



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2020) 2343 final

- *English language version of the French text which is authentic* -

Brussels, 15 July 2020

TEXTE EN

MINUTES

of the 2343rd meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 24 June 2020

(morning)

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PV(2020) 2343 final

- *English language version of the French text which is authentic* -

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Single sitting: Wednesday 24 June 2020 (morning)

The sitting opened at 9.08 with Ms von der LEYEN, President, in the chair.

Present:

Ms von der LEYEN	President	
Mr TIMMERMANS	Executive Vice-President	
Ms VESTAGER	Executive Vice-President	
Mr DOMBROVSKIS	Executive Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Ms JOUROVÁ	Vice-President	
Ms ŠUICA	Vice-President	
Mr SCHINAS	Vice-President	
Mr HAHN	Member	
Mr HOGAN	Member	Items 8, 12 (in part), 13 and 14
Ms GABRIEL	Member	
Mr SCHMIT	Member	
Mr GENTILONI	Member	
Mr WOJCIECHOWSKI	Member	
Mr BRETON	Member	
Ms FERREIRA	Member	
Ms KYRIAKIDES	Member	
Mr REYNDERS	Member	
Ms DALLI	Member	
Ms JOHANSSON	Member	
Ms VÁLEAN	Member	
Mr VÁRHELYI	Member	
Ms URPILAINEN	Member	
Ms SIMSON	Member	
Mr SINKEVIČIUS	Member	

Absent:

Mr BORRELL
i FONTELLES

High Representative/
Vice-President

Mr LENARČIČ

Member

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

Mr BRIENS Deputy Chef de cabinet to Mr BORRELL i
FONTELLES

Ms PAUWELS Deputy Chef de cabinet to Mr LENARČIČ

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

Mr MAMER Head of the Spokesperson's Service and Chief
Spokesperson of the Commission

Mr LEARDINI Deputy Secretary-General

Ms RISO Deputy Chef de cabinet to the PRESIDENT Items 1 to 8, 12 and
13

Mr FLOSDORFF Executive Adviser in the PRESIDENT's Office Items 1 to 8 (in part)

Ms PETKOVA Director of Coordination and Administration in
the PRESIDENT's Office Items 1 to 8 and 10
to 13

Ms CABRAL Adviser in the PRESIDENT's Office Items 8 and 9

Ms HILI Adviser in the PRESIDENT's Office Items 10 and 11

Ms VILA NUÑEZ Policy Coordinator in the PRESIDENT's
Office

Ms NIKOLAY Chef de cabinet to Ms JOUROVÁ Items 9 to 11

Ms ALLOUIS-LE LOSTEC Secretariat-General

Ms SIMEONOFF Secretariat-General

Ms SPINANT Commission Spokesperson's Service

Mr KRAFF Director-General, Internal Audit Service Item 13

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

1. AGENDAS

(OJ(2020) 2343/FINAL; SEC(2020) 2343/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) 2343)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 22 and Tuesday 23 June 2020.

3. APPROVAL OF THE MINUTES OF THE 2339TH, 2340TH, 2341ST AND 2342ND MEETINGS OF THE COMMISSION (27 MAY, AND 3, 10 AND 17 JUNE 2020)

(PV(2020) 2339; PV(2020) 2340; PV(2020) 2340, PART II; PV(2020) 2341; PV(2020) 2341, 2ND PART)

The Commission approved the minutes of its 2339th, 2340th and 2341st meetings and decided to hold over approval of the minutes of its 2342nd meeting for a later meeting.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2020) 92)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 19 June 2020 (RCC(2020) 92).

It paid particular attention to the following points.

4.1. LEGISLATIVE MATTERS

i) Council dossiers

(point 3.3 of the IRG record)

- Amendment of Regulation (EU) 2019/1838 as regards certain fishing opportunities for 2020 in the Baltic Sea, and amendment of Regulation (EU) 2020/123 as regards certain fishing opportunities in 2020 in Union and non-Union waters (Council Regulation) – 2020/0087 (NLE)

The Commission approved the line set out in SI(2020) 200/2.

- European Year of Rail (2021) (Decision) – DEPARNAY-GRUNENBERG report – 2020/0035 (COD)

The Commission approved the line set out in SI(2020) 201.

- Amendment of Directive 92/83/EEC on the harmonization of the structures of excise duties on alcohol and alcoholic beverages (Council Directive) – VIEGAS report – 2018/0173 (CNS)

The Commission approved the line set out in SI(2020) 204.

ii) Response to the COVID-19 pandemic

(point 3.4 of the IRG record)

- Temporary measures concerning the time limits for the collection, verification and examination stages provided for in Regulation (EU) 2019/788 on the European citizens' initiative in view of the COVID-19 outbreak (Regulation) – VINCZE report – 2020/0099 (COD)

The Commission approved the line set out in SI(2020) 186.

- Amendment of Regulation (EU) 2016/1628 as regards transitional provisions to address the impact of the COVID-19 crisis (Regulation) – 2020/0113 (COD)

The Commission approved the line set out in SI(2020) 203.

- Temporary exceptional measures derogating from certain provisions of Regulation (EU) No 1308/2013 of the European Parliament and of the Council to address the market disturbance in the fruit and vegetables and wine sectors caused by the COVID-19 pandemic and measures linked to it (Commission Delegated Regulation) – DE CASTRO report – 2020/2633 (DEA)

The Commission approved the line set out in SP(2020) 273/2.

4.2. RELATIONS WITH PARLIAMENT

- iii) Action taken on the non-legislative resolutions adopted by Parliament at its January I 2020 part-session – Part II**
(point 5.6.1 of the IRG record)

The Commission approved document SP(2020) 278/2 on the action taken on the non-legislative resolutions adopted by Parliament at its January I 2020 part-session, for transmission to Parliament.

- iv) Action to be taken on Parliament's legislative resolutions and other resolutions of a legal nature**
(SP(2020) 265)

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) 265, drawn up following the June 2020 part-session of Parliament, the contents of which were noted.

4.3. OTHER BUSINESS

- v) Update of Financial Framework Partnership Agreements in line with 2018 Financial Regulation – Transitional arrangements**
(point 7.2 of the IRG record)

The Commission approved the line set out in SI(2020) 198 and /2.

5. COORDINATION OF EXTERNAL ACTION (RCC(2020) 95/2)

The Commission took note of the operational conclusions in RCC(2020) 95/2 of the meeting of the Group for External Coordination (EXCO) held by videoconference and teleconference on Wednesday 17 June 2020.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

6.1. WRITTEN PROCEDURES APPROVED (SEC(2020) 217 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 15 and 19 June 2020.

6.2. EMPOWERMENT (SEC(2020) 218 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 15 and 19 June 2020.

6.3. DELEGATION / SUBDELEGATION OF POWERS
(SEC(2020) 219 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 15 and 19 June 2020 archived in Decide.

6.4. SIGNIFICANT WRITTEN PROCEDURES
(SEC(2020) 220 AND /2)

The Commission took note of the significant written procedures for which the time limit expired between 22 and 26 June 2020.

7. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2020) 221 AND /2)

ADMINISTRATIVE MATTERS
(PERS(2020) 52)

At the PRESIDENT's invitation, Mr HAHN presented an additional proposal for an administrative decision which was tabled directly to the College for approval.

Mr HAHN explained that the Director-General of the Legal Service, Mr Luis ROMERO REQUENA, would be retiring on 1 July 2020. It was proposed to transfer, in the interest of the service, Mr Daniel CALLEJA CRESPO, currently Director-General of DG Environment, to the post of Director-General of the Legal Service on 15 July 2020, in order to facilitate the transition in his Directorate-General of origin.

On his own behalf and on behalf of the institution, Mr HAHN wished Mr ROMERO REQUENA, who was attending the College meeting for the last time, all the best for his retirement. He thanked him for his professionalism, his skills and his personal qualities, which he had experienced throughout the many years spent

working alongside him. He recalled his long career serving the Commission, where he had held many posts, up to the highest levels of the institution. He had worked for several presidents, who had all been highly appreciative of his services. He thanked him sincerely for his contribution to the European cause.

The PRESIDENT informed the College that, following this formal decision, they would pay a less formal tribute to Mr ROMERO REQUENA at the end of the meeting.

7.1. *LEGAL SERVICE – APPOINTMENT OF AD16 DIRECTOR-GENERAL*

On a proposal from Mr HAHN, in agreement with the PRESIDENT, and after consulting Mr SINKEVIČIUS, the Commission decided to transfer in the interest of the service, under Article 7 of the Staff Regulations, Mr Daniel CALLEJA CRESPO, an AD16 official and currently Director-General in DG Environment, to the post of Director-General of the Legal Service.

This decision would take effect on 15 July 2020.

7.2. *COMMISSION DECISION ON POST TERM-OF-OFFICE ACTIVITIES OF A FORMER MEMBER OF THE COMMISSION (C(2020) 9028)*

The Commission adopted the Decision set out in C(2020) 9028.

The Commission specifically decided that the professional activities envisaged by Ms Federica MOGHERINI after leaving office as a Member of the Commission were compatible with Article 245(2) of the Treaty on the Functioning of the European Union and with the Code of Conduct for Commissioners, subject to certain specific conditions and obligations.

8. STRUCTURED DIALOGUE – HONOURING DIVERSITY AND BOOSTING EQUALITY AND FAIRNESS: STRENGTHENING THE FIGHT AGAINST RACISM IN THE EUROPEAN UNION
(SEC(2020) 260)

The PRESIDENT introduced the College's policy debate on racism to be structured around a background note (SEC(2020) 260).

She considered the debate to be necessary and particularly timely in the light of the mass demonstrations and the wave of anti-racism protests that had swept across the world following the death of George Floyd at the hands of the police in the United States.

She said that everyone had experienced some form of discrimination at some point in their life, for example because of their gender or age, but acknowledged that most of those present at the meeting would have had no experience of discrimination on the grounds of the colour of their skin.

She shared an experience of her own a few years ago during two election campaigns in Germany. On the first occasion she herself was standing as a candidate and on the second she was supporting a member of her campaign team, of Ghanaian origin, who was standing in a local election. During the door-to-door canvassing she had noticed a huge difference between the reception she had received and that given to her team member, simply because of his skin colour. During the second campaign, when the black candidate naturally introduced himself first, people's doors often remained closed. This was not the case when she introduced herself first. She had seen at first hand the reality of everyday life as a black person and gained an understanding of the difficulties that people of colour faced when looking for work or housing, or simply living in a majority-white society. She stressed that these difficulties had nothing to do with inequalities but were of a very particular kind and went by the name of racism.

Behind these difficulties lay a whole range of factors, from unconscious prejudice and bias to a very disturbing form of overtly racist ideologies and behaviours which had been nourished by the migrant crisis and were being vociferously propagated in the name of freedom of expression. These were being taken up and shamelessly exploited by politicians - men and women - of the far right.

The PRESIDENT insisted that situations like this were incompatible with democracy, respect for human dignity and all the values that lay at the heart of the European project, as defined in Article 2 of the Treaty on European Union.

Ms JOUROVÁ viewed racism as a structural problem on a pan-European scale, even if its symptoms varied from one Member State to the next and the hostility was directed at different population groups - Roma, Blacks, Muslims, etc. However, one thing remained constant: antisemitism, which was sadly to be found virtually everywhere. In view of this highly alarming situation, it was important to try to understand the historic and cultural roots of racism, which were nourished by stereotypes, the political discourse of some individuals and the news agenda of the media and had been further exacerbated by the xenophobic reactions to the migrant crisis of 2015.

She therefore urged the Union to discuss the concrete measures it could take at EU level to combat the racism that was poisoning its societies. There were already 15 pieces of European legislation against racism, xenophobia, online hate speech and all forms of discrimination. These included the European Charter of Fundamental Rights. The priority was to ensure that this legislation was applied much more vigorously, taking cases to court to enforce compliance and supporting civil society and the organisations fighting for the respect of these fundamental values.

She also recommended stepping up efforts to promote integration, starting in childhood, for example for Roma children, by allocating more funds from the European Social Fund to guarantee an inclusive education throughout the European Union. Similarly, she called for closer cooperation with players in the

private sector, the media and the world of culture, who were vehicles of discourse and practices that could be mobilised in the fight against all forms of racism.

Finally, she felt that the European Union should demonstrate the consistency of its defence of human rights either by drafting an action plan against racism or by including a chapter on racism in the report on the implementation of the European Charter of Fundamental Rights due at the end of the year. In any case, she believed that this dimension had to be incorporated in all the Union's policies and stressed that the victims of racism should be involved in this in-depth work.

Ms JOUROVÁ concluded by referring to the lack of diversity within the Commission.

Ms DALLI feared that legislation alone was not enough to transform European society, as demonstrated by the current situation, twenty years on from the Directive implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. She was consequently in favour of examining other complementary ways of defending and enforcing respect for the values of the Union enshrined in the Treaties.

It was therefore necessary not only to prepare a strategy for the equality, security, inclusion and participation of black people in Europe but also to challenge stereotypes in, for example, the police, healthcare and artificial intelligence.

Within the Commission she announced that a first important step had been taken because the task force on equality, created within the institution, was preparing a survey that would be sent to staff. The results would be analysed before producing a strategy for the Commission.

Finally, in addition to the equity argument that obviously militated in favour of fighting all forms of injustice, including racism, she mentioned the economic argument in an ageing Union that needed migrants and in which the world of work had to respect human dignity. Hence the importance, in her view, of responding to

the call by MEPs in their recent resolution for ‘a comprehensive strategy against racism’.

As the Commissioner responsible for personnel, Mr HAHN welcomed this policy debate. He admitted that the Commission was not perfect in terms of the diversity of its officials which was why he and Ms DALLI were currently preparing a series of measures to address this issue. A diversity advisor had been appointed in the Directorate-General for Human Resources and Security.

On a general level, he believed it was necessary to move from a passive attitude to an active one to promote diversity, for example in recruitment. An in-depth review of this issue was under way, notably with the European Personnel Selection Office (EPSO), although it was not a question of quotas. While the composition of the Commission did not reflect that of society, he called for the institution to lead by example on the issue of combating discrimination.

In the course of the in-depth discussion that followed, the Commission raised the following main points:

- the value of this first debate in the College on this complex, shifting and sensitive subject which was emotionally-charged for many people; the debate was essential in order to stop expressions of racism from destroying fundamental European values;
- the reiteration, through this debate, of the current College’s commitment to diversity, which had already been reflected in the creation of an ‘equality’ portfolio; a recognition, on the other hand, of the limitations of this debate, given the lack of diversity within the College;
- agreement on the fact that racism was a systemic problem in Europe;
- acknowledgement of the need to act with both the care and the determination the subject demanded; the fact that the eyes of the world were on Europe’s response to this global problem, even if the issues were not the same everywhere;

- the importance of fully taking into account the cultural and identity aspects of the issue of racism; on the other hand, a call not to fall into the trap of forgetting the success of the European model, particularly in the area of education, out of a sort of guilt;
- although the subject had come to prominence because of events in the United States, following the death of George Floyd, the vital importance of not importing the terms of the U.S. debate into Europe; a reminder of the fundamental differences between the problems of racism on the two continents and the fact that ignoring these differences would sow the seeds of a cultural war that would be disastrous;
- a question about the merits of embarking on research at European level into the Member States' colonial past and ensuring that the results of this work were widely disseminated;
- the suggestion that the current situation should be an opportunity to resolutely tackle the different types of discrimination, in accordance with the fundamental rights guaranteed by the Union;
- the case for addressing social integration from an economic point of view, taking action on the correction of inequalities and better wealth distribution - priorities on which the Union very much needed to focus its efforts in the coming years;
- the observation that in Europe, discrimination affected the black community, but even more frequently other communities – the Roma above all – and a warning of the worrying resurgence of antisemitism in Europe;
- a call to view the attacks suffered by national minorities in Europe as a form of racism;
- hence the wide support for the drafting of an action plan to improve the situation in Europe; a question, however, about the political expediency of establishing a

separate action plan rather than merging it with the Action Plan on Integration and Inclusion already scheduled for 2020, in the interests of streamlining;

- encouragement to develop an approach within that action plan that would allow people to be recognised as individuals and not as spokespeople of a skin colour or a community;
- a call, with the credibility of the Union's actions in mind, to begin by examining existing measures so as to ensure their effectiveness and to analyse shortcomings before envisaging new ones;
- the repeated desire, therefore, that the necessary action be taken to ensure the effective implementation in Member States of the solid existing rules, such as the Race Equality Directive and the EU Framework Decision on combating racism and xenophobia by means of criminal law;
- a reminder that the issue of discrimination was included in the European Semester of economic and budget policy coordination in the EU – even if it was not the main aim – and in the annual sustainable growth strategy, given its impact on the job market and society;
- the suggestion of launching a strategy, with performance indicators, to supplement the EU Framework for National Roma Integration Strategies up to 2020, which had not produced the expected results;
- emphasis on the very useful work carried out by the Coordinator on Combating Anti-Semitism, appointed by the Commission in December 2015; the fact that the Coordinator on combating anti-Muslim hatred had his task made harder by the lack of an official contact person because of the way in which Islam itself was organised;
- the announcement of a number of initiatives scheduled for the coming months which would help tackle the problem of racism, such as the Digital Services Act, one pillar of which focused on combating hate speech;

- the observation that the German presidency of the Council could take up the issue, especially with regard to antisemitism, and make combating hate speech a priority;
- a reference to several policy areas and instruments to be exploited or explored to improve the Union's situation in terms of diversity;
- the decisive and preventive role of education in making diversity the norm; the useful tool which the network of ambassadors who visited schools represented from this point of view, and the potential of Erasmus+;
- the importance of the expression of cultural diversity and a reminder that all Member States were signatories to the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions; the added value that could be brought to this by the Creative Europe programme;
- a reference to sport as a vehicle for inclusion, with the notable example of the cooperation between the European Commission and UEFA and the #BeInclusive Sport Awards promoting the EU's common values, especially respect for human dignity and non-discrimination;
- a call, furthermore, to work with the media, the new European Digital Media Observatory and the European Regulators Group for Audiovisual Media Services (ERGA); a reminder of the recent amendment of the Audiovisual Media Services Directive to combat hate speech more effectively;
- the value of making sure that new technologies did not reproduce systemic racism by solidifying it; a desire to see this aspect taken into account in training tools for artificial intelligence systems, particularly for face recognition;
- the focus that needed to be placed on the regions that were receiving cohesion funds in order to implement inclusion projects for certain communities, for example the Roma, but whose circumstances meant that – lacking infrastructure – they were unable to launch these projects, creating a vicious circle;

- a further proposal to introduce diversity in public services that were in contact with minorities or people complaining of racism and xenophobia, such as the police and criminal justice services, and the importance of training their staff;
- the need for the drafting of any action plan or other measures to combat racism to be preceded by a highly inclusive debate, for example via the Conference on the Future of Europe; the possibility raised of reaching out to networks, such as the Covenant of Mayors, or social partners;
- the case for emphasising the near-unavoidable link that would be made between the debate on combating racism and that relating to migration, even though the issue of integration needed to be set apart from the problem of racism;
- the observation that acts of racism often targeted people perceived as threats for various reasons (security, employment and even health, as the COVID-19 pandemic had revealed), regardless of how integrated into society they were;
- a forceful warning against the dangers of the ‘great replacement’ theory;
- the need to make migration policy a policy like any other; the unique opportunity that the next Pact on Migration and Asylum would offer for uncoupling migration from racism, given that its unveiling would not be linked to an acute migration crisis;
- in the light of all of these factors, the reaffirmed justification for and importance of proposing that conditionality linked to the rule of law and therefore fundamental rights be included in the multiannual financial framework for the 2021-2027 period;
- the unanimous opinion of the College on the fact that diversity should be reflected more within the Commission, at the administrative and political levels, and that the institution had a duty to lead the way and set an example on this point;

- a proposal that concrete action be taken within the Commission by increasing staff awareness of this issue and introducing a more pro-active HR policy to allow citizens to identify with an institution that reflected the demographics of the population;
- the suggestion that specific grants and targeted training courses be considered, and a recommendation to start using the traineeship programme at the Commission right away to promote diversity and move beyond the sole criterion of high-quality training in the procedures for the selection and recruitment of European officials.

The PRESIDENT warmly thanked the College for the wide-ranging nature of the discussion, which would inform the subsequent process of collective reflection.

She had already drawn a number of partial conclusions, beginning with the importance that needed to be placed on general political discourse to open minds and raise awareness.

As regards the Commission itself, she noted first of all the value of giving diversity every chance of success, which would require political will at the top level. She then underlined that there were instruments for integrating diversity, for example coaching, which could be targeted at certain groups by setting objectives. Concerning recruitment methods, too, she was in favour of a more open approach, to avoid depriving the institution of viewpoints other than those that were traditionally represented.

In conclusion, she welcomed the diversity action plan to be devised shortly by the College.

The Commission took note of the contributions to the debate and of the background note in SEC(2020) 260.

**9. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – EU STRATEGY ON VICTIMS’ RIGHTS (2020-2025)
(COM(2020) 258 TO /3; RCC(2020) 93)**

Ms JOUROVÁ presented to the College the communication on the Union strategy on victims’ rights for the period 2020-2025, which was being tabled for its approval. This was the Union’s very first strategy on victims’ rights. Its aim was to ensure that all victims of crime could fully rely on their rights, no matter where in the EU the crime had taken place.

The rights of victims, with which any citizen could identify, were a good example of a Europe that protected its citizens. Every year, millions of people in the European Union became victims of crime; in 2017, some 15 million people had been the victims of serious offences such as homicide, child sexual abuse and kidnapping.

The Union already had a strong set of rules on victims’ rights, but these required better implementation, in particular through the pursuit of ongoing infringement proceedings – due in particular to partial and/or incorrect transposition into national law – before examining possible legislative gaps to be filled in the medium term.

The strategy also made provision for strengthening victims’ rights to compensation, promoted originally for the victims of acts of terrorism, by extending them to other serious criminal offences.

In her view, the Union had to be able to protect all victims of crime, especially those who were particularly vulnerable and had specific needs, such as victims of gender-based violence or racist and xenophobic hate crimes, LGBTI people, people with disabilities, children, the elderly, victims of human trafficking and victims of terrorism.

Finally, the proposed strategy allowed lessons to be drawn from the COVID-19 pandemic, during which a rise in domestic violence, child sexual abuse, cybercrime and hate crimes had unfortunately been identified. In her view, one of the important benefits of the strategy would be to make support to victims more resilient in times of crisis.

Mr REYNDERS focused on the links between the College's policy debate on racism and the proposed strategy aimed at protecting the rights of victims of racism and xenophobia in particular.

The strategy aimed primarily to ensure that all victims of all forms of crime, wherever they were in the Union and whatever the circumstances, could fully rely on their rights.

The basis for this strategy was a two-track approach: firstly, to empower victims to report crimes, seek compensation and recover from the consequences; secondly, to work with the Member States and civil society to promote an overall vision of victims' rights. The strategy established five main priorities, namely (i) effective communication with victims and a safe environment for victims to report crime, (ii) improving support and protection to the most vulnerable victims, (iii) facilitating victims' access to compensation, (iv) strengthening cooperation and coordination among all relevant actors, and (v) strengthening the international dimension of victims' rights.

Finally, he emphasised that the Commission wanted to take concrete action. For example, the main actions planned under the strategy included the launch in 2021 of an EU-wide awareness-raising campaign on victims' rights, the promotion of better training on victims' rights, the provision of EU funding opportunities for projects relating to victims' rights, integrated and targeted support for the most vulnerable victims, and effective implementation of Union rules by means of infringement procedures aimed at strengthening victims' rights, including their right to physical protection. Finally, better coordination of Union policy was needed by setting up a platform for victims' rights.

Mr REYNDERS finished by emphasising that a Union of equality that protected its citizens had to guarantee all victims of crime the necessary support and protection, as well as non-discriminatory access to justice. The Union was striving to do so via this new strategy, in collaboration with the Member States and civil society.

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

- the comprehensive and inclusive nature of the strategy, covering all victims of serious crime, including the most vulnerable;
- the need to take into account Europe's ageing population, which would result in greater numbers of people with disabilities, necessitating specific support and protection, given their vulnerability to certain types of crime;
- the strategy's timeliness with regard to the COVID-19 pandemic and subsequent lockdown measures, which had led to a rise in domestic violence, child sexual abuse, cybercrime and hate crime motivated by racism and xenophobia;
- the importance, in this context, of ensuring that the framework for supporting and protecting victims was also resilient in crisis situations;
- the need to ensure that victims were not exposed to secondary victimisation when applying for compensation, by providing them with appropriate support and protection;
- the case for regular monitoring of the implementation of this strategy, chiefly through regular meetings of the Victims' Rights Platform to update details of actions under the responsibility of the different actors;
- the case for the Commission to take stock of actions undertaken at the mid-term of this strategy and update it where necessary.

The PRESIDENT thanked Ms JOUROVÁ and Mr REYNDERS for their presentation of this very important dossier.

The Commission approved the communication in COM(2020) 258/3, for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, and, for information, to the national parliaments.

**10. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL – DATA PROTECTION AS A PILLAR OF CITIZENS’ EMPOWERMENT AND THE EU’S APPROACH TO THE DIGITAL TRANSITION – TWO YEARS OF APPLICATION OF THE GENERAL DATA PROTECTION REGULATION
(COM(2020) 264 TO /3 ; SWD(2020) 115 TO /3 ; RCC(2020) 94)**

**11. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL – WAY FORWARD ON ALIGNING THE FORMER THIRD PILLAR ACQUIS WITH DATA PROTECTION RULES
(COM(2020) 262 AND /2 ; RCC(2020) 94)**

At the invitation of the PRESIDENT, Ms JOUROVÁ and Mr REYNDERS presented the report and the communication submitted that day for approval by the College on the protection of personal data, by which the Commission had met legal obligations.

Ms JOUROVÁ began by pointing out that Article 97 of the General Data Protection Regulation provided that, after two years of application, the Commission should submit a report on the evaluation and review of the Regulation to the European Parliament and to the Council.

She said that this first report by the current Commission on data protection sought to reaffirm the EU’s ambitious standards in this area, which were human-centred and therefore a source of inspiration for the whole world.

It was the result of many contributions from European institutions, the European Data Protection Board, national data protection authorities and stakeholders.

Ms JOUROVÁ welcomed the findings of the report, starting with the fact that the General Data Protection Regulation had met most of its objectives. She felt that its success was due to the philosophy behind it, which placed the individual at the heart of this single, pan-European law. This architecture allowed for a level playing field for all businesses in Europe and meant that the smallest players did not have to adapt to the complexity of 27 different sets of rules, to the benefit of a dynamic single market.

The report also established that, far from hampering innovation, the European rules offered a competitive advantage to European companies by ensuring a high level of data protection.

Ms JOUROVÁ continued her presentation by referring to the possible room for improvement highlighted by the report in certain areas.

One of those areas was the need for greater uniformity in applying the Regulation throughout the Union, to the benefit of citizens and businesses, especially small and medium-sized businesses. Avoiding fragmentation of the single market had been a major objective when it was decided to replace the existing directive with a regulation, which left the Member States more room for manoeuvre.

It was also necessary to ensure that Member States gave their national data protection authorities adequate resources to perform their duties effectively. The Irish and Luxembourg authorities had significant needs because of the large technology companies established in their countries, which had to adapt to the requirements of the General Regulation.

Efforts still had to be made in favour of small and medium-sized businesses.

Finally, Ms JOUROVÁ warned that the General Data Protection Regulation should not under any circumstances be a pretext for limiting access to information for journalists or restricting freedom of information.

Still on the subject of the report on the General Data Protection Regulation, Mr REYNDERS pointed out that it had embodied for the first time the human-centred approach the Commission wished to use to guide the digital transition. The same approach had then been used in other policies such as data strategy and the approach to artificial intelligence.

He then briefly outlined the main conclusions of the report and the measures to be taken to enable the European data protection regime to achieve its full potential.

Mr REYNDERS said that in addition to the success of the General Regulation mentioned by Ms JOUROVÁ, it had proved to be a flexible tool to support innovative digital solutions, including in unforeseen circumstances such as the COVID-19 crisis. He referred to the tracing application developed in this context.

As regards future actions, he felt it was important for the European Data Protection Board to provide more guidelines for small and medium-sized businesses, as had been the case for the tracing application.

He also felt that it would be good to strengthen the means to empower and protect people. He lamented the complex, lengthy and frequent messages informing people about the processing of their personal data nearly every time they browsed the internet. He thought this created obstacles that prevented people from making informed choices when trying to find information quickly.

On the international front, he said that the Court of Justice of the European Union would deliver its judgment in the case *Maximilian Schrems v Facebook Ireland Limited* on 16 July 2020, concerning data transfer between the Union and third countries. He said that this would have to be taken into account in the ongoing negotiations with the Union's partners, in particular the United States, regarding the adequacy of the level of data protection they offered, and that it might also require

adjustments to the adequacy decisions the Commission had already adopted in respect of third countries.

Finally, he pointed to possible conflicts between the General Data Protection Regulation and the e-Privacy Directive. He called for a balanced approach on this point.

Mr REYNDERS also explained that, as regards data protection in the field of law enforcement, the Commission was required, under Article 62(6) of Directive (EU) 2016/680, to identify Union acts which needed to be aligned with the Directive, from among those regulating the processing of personal data by the competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties. This was the subject of the communication submitted for approval by the College that day.

Of the 26 Union acts covered by that review, only 10 required such alignment.

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

- the obstacle to people exercising their data protection rights posed by long and complex messages on websites;
- the need to develop a system that enabled individuals to exercise their rights and make informed choices, in line with the empowerment objective pursued by the General Data Protection Regulation;
- the regret, in this regard, that the market had not yet developed applications to safeguard user preferences and ensure that they applied by default to all sites visited by the user;
- the case for proposing ready-made tools for small and medium-sized businesses that processed personal data only rarely.

The PRESIDENT concluded by thanking Ms JOUROVÁ and Mr REYNDERS for

their work.

The Commission approved:

- the report in COM(2020) 264/3 for transmission to Parliament and the Council and, for information, to the national parliaments, together with the staff working document distributed as SWD(2020) 115/3, the contents of which were noted;
- the communication in COM(2020) 262/2 for transmission to Parliament and the Council and, for information, to the national parliaments.

12. STATEMENT OF ESTIMATES OF THE COMMISSION FOR 2021 – PREPARATION OF THE 2021 DRAFT GENERAL BUDGET (SEC(2020) 250 TO /3; RCC(2020) 117)

Mr HAHN presented to the College the Commission's statement of estimates for 2021, used to prepare the Union's 2021 draft general budget.

He began by stating that, given the current very unusual circumstances, this was an exceptional proposal, as it was not only the first draft budget put forward by the current Commission, but also the first annual budget under the new multiannual financial framework for 2021-2027, for which discussions were still ongoing. Given the circumstances, preparing the 2021 draft general budget had been somewhat of a virtual exercise, and updates would be required once an agreement had been reached on the multiannual financial framework.

However, these were not the only exceptional aspects of this budget.

New programmes were being introduced under the new multiannual financial framework, as was a new budget structure, going from five to seven headings.

He also reminded the College that this was the first budget as a Union of 27 Member States, following the withdrawal of the United Kingdom.

Lastly, he emphasised that the budget was designed to stimulate recovery and was closely linked to the very ambitious recovery plan for Europe called *Next Generation EU*, proposed by the Commission on 27 May.

Thus, Mr HAHN said that the Commission was proposing to make EUR 378 billion available in 2021 via the general budget, including the contribution under *Next Generation EU*. In addition, up to EUR 133 billion would be paid out to the Member States in the form of loans.

He also emphasised how extraordinary these amounts were for an EU budget, while also noting that they were commensurate with the extraordinary circumstances linked to the COVID-19 pandemic.

He stressed that the amounts paid out via *Next Generation EU* would exceed those under the normal 2021 EU budget, and that with this powerful recovery mechanism, the net balance between national contributions and envelopes would improve for each Member State, a point that he recommended emphasising in the Commission Members' communication activities in the Member States.

He listed the main programmes that would benefit from support under *Next Generation EU*, namely the Recovery and Resilience Facility, *Horizon Europe*, the *InvestEU* fund, the Rural Development Programme, the Solvency Support Instrument, *REACT-EU*, the Just Transition Fund, *RescEU*, the *EU4Health* programme, the Neighbourhood, Development and International Cooperation Instrument (NDICI) and humanitarian aid.

In his view, this long list demonstrated the Commission's desire to launch the recovery process swiftly and to support it over the long term.

Mr HAHN explained that this draft budget was in line with the Commission's top priority of exiting the pandemic while keeping to its six political priorities, namely those of ensuring a green, just and digital transition, which would help build a stronger and more resilient European Union on the global stage. In other words, this draft 2021 budget not only addressed the post-crisis recovery, but also focused on

resilience and the policies that needed to be strengthened to meet the challenges that the Union was already facing before the pandemic.

He then explained how the *Next Generation EU* contribution was expected to support the 2021 budget headings. He pointed out that the proposed expenditure that needed to be financed using external assigned revenue was not, strictly speaking, part of the annual budget, but that it was important to demonstrate to the Council and the European Parliament, in a transparent manner, the full firepower of the Union's budget and of *Next Generation EU*.

He also explained that the 'bridge' provided for in the draft 2021 budget covered the adjustment proposed in the current multiannual financial framework so that recovery support could begin in 2020. This bridge would finance the Solvency Support Instrument, the European Fund for Sustainable Development and *React-EU* and provide capital for the European Investment Fund.

In conclusion, Mr HAHN announced that the statement of estimates would that day be sent to the Parliament and the Council and that he would personally present it to the Parliament's Budget Committee later in the day.

He stressed that the Council would begin studying it immediately, but that it would not adopt a position until an agreement had been reached on the next multiannual financial framework. Budgetary conciliation would take place in the autumn. However, the Commission could be called upon to present other budget proposals before then, such as a letter of amendment in order to include in the 2021 budget the agreement on the 2021-2027 multiannual financial framework.

He assured the Members of the Commission that they would be involved in that process.

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

- the observation that the budget had been drawn up in very particular circumstances owing to the current unprecedented crisis, while the economic situation in the EU was still very uncertain and the next multiannual financial framework had still not been adopted;
- nevertheless, the fact that the 2021 budget would play a fundamental role in ensuring the ambitious recovery that the Commission hoped to encourage thanks to the unprecedented scope of the recovery plan it had presented on 27 May;
- the challenge posed by the implementation of this indispensable recovery plan;
- in particular, the absolute necessity of ensuring rapid processing of Member States' requests for financing through the crisis instruments to ensure that they received the funds they needed as quickly as possible, and provide a counter-cyclical response to the crisis;
- the concern that certain types of financing, particularly under the European instrument for temporary Support to mitigate Unemployment Risks in an Emergency (SURE), would be granted only sparingly in 2020 – even though funds were urgently needed – and that really significant amounts would not be paid out until 2021;
- satisfaction with the allocations for certain politically important programmes and a reminder that the European Public Prosecutor's Office would be set up at the end of the year, specifically with the aim of protecting the EU budget.

Mr HAHN explained that many of the measures launched in 2020 would be paid for in 2021. He added that certain conditions had been lifted to speed up payments in 2021, which would be more significant than expected, meaning that outstanding commitments would be lower that year. In his view, payment liquidity should not be a problem. He explained that the Member States would have 18 months in which to request financing under the recovery facility and that the EU would respond quickly.

The PRESIDENT ended the discussion by thanking Mr HAHN for his presentation and reminding the College that, while the multiannual financial framework was important, the 2021 budget was also important in terms of beginning the recovery process.

Following this presentation, the Commission:

- adopted the statement of estimates as set out in documents I, II, III, IV and V, distributed as SEC(2019) 250/3, as a basis for drawing up the draft general budget of the European Union for the 2021 financial year;
- authorised Mr HAHN, the Member of the Commission with responsibility for the budget and human resources, to send documents I, II, III and IV to the European Parliament and the Council, for information;
- empowered Mr HAHN, the Member of the Commission with responsibility for the budget and human resources, in agreement with the PRESIDENT, to convert documents I, II, III and IV into the corresponding volumes of the draft general budget for the 2021 financial year;
- empowered Mr HAHN, the Member of the Commission with responsibility for the budget and human resources, in agreement with the PRESIDENT, and in accordance with Article 314(1) of the Treaty on the Functioning of the European Union, to consolidate the draft general budget for the 2021 financial year on the basis of the latest information supplied by the other institutions concerning their own statements of estimates, which might contain different estimates, for transmission to the European Parliament and the Council and, for information, to the national parliaments.

13. REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COURT OF AUDITORS – 2019 ANNUAL MANAGEMENT AND PERFORMANCE REPORT FOR THE EU BUDGET (COM(2020) 265 TO /3; RCC(2020) 116)

Mr HAHN presented to the College, in the presence of the Commission's Internal Auditor, Mr Manfred KRAFF, the Commission's 2019 Annual Management and Performance Report for the EU budget. This report was the Commission's main input to the annual discharge procedure by which the European Parliament and the Council scrutinised the implementation of the EU budget. It covered both the performance of the programmes financed by the Union budget and the management of the budget by the Commission during the year in question. The report also formed part of the integrated set of reports on the Commission's responsibility for budgetary matters.

He observed that the Commission and the European Court of Auditors had significantly different approaches, since the Commission adopted a multiannual approach taking into account expected future corrections, whereas the Court of Auditors preferred a more mechanical approach based on statistical sampling to estimate an annual error rate.

Mr HAHN reminded the meeting that the Directors-General were required to present the report to their respective Commissioners and to inform them of the specific aspects relating to their areas of responsibility. The Management and Performance Report for the EU budget was an excellent communication tool, which provided concrete examples and infographics on the added value of the EU budget in its different areas of competence.

He concluded that, with this report, the Commission took overall political responsibility for the management of the 2019 EU budget.

Mr REYNDERS highlighted the importance of the Internal Audit Service as an essential component of the Commission's governance system, particularly in the

context of the EU economic recovery plan, which should allow the Commission to commit more funds, more quickly and more flexibly to meet the needs arising from the current crisis.

Against this backdrop, the Commission's internal audit capability should be strengthened in view of the excessive workload and the increased risks inherent in the implementation of a recovery plan on this scale.

He also mentioned that the chairmanship of the Audit Progress Committee was part of his remit. As Chair, he would ensure the continuity of its work and of the internal audit mechanisms throughout the Commission's term of office.

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

- the value of the Annual Management and Performance Report for the EU budget as a means of informing and educating the public on its added value;
- the importance of taking into account the adjustments that would necessarily have to be introduced in the following financial year, given the particular circumstances of the current year;
- a call to bear in mind that the lockdown measures implemented in the context of the pandemic had made audit missions on the ground impossible for several months.

At the end of this presentation, the Commission:

- approved the 2019 Annual Management and Performance Report for the EU Budget in COM(2020) 265/3, for transmission to Parliament, the Council and the European Court of Auditors, and, for information, to the national parliaments, indicating a link giving access to all the annual activity reports (https://ec.europa.eu/info/publications/annual-activity-reports_en);

- took note of the fact that each Member of the Commission had been made aware of the Annual Activity Report and of the declaration presented by his/her Director(s)-General or Head(s) of Service, and that a reference to this dialogue was specifically mentioned in each Annual Activity Report;
- took note of the fact that the declarations of assurance contained in the Annual Activity Reports did not cover the Members' private offices and their expenditure;
- authorised Mr HAHN, the Member of the Commission with responsibility for the Budget and Human Resources, to present the report to the discharge authority;
- took note of the documents available in Decide as supporting documents, namely: (i) the Annual Report of the Audit Progress Committee for the period from May 2019-May 2020, distributed as SEC(2020) 248, (ii) the annual report on the internal audit for 2019, distributed as a meeting document under Ares(2020) 3113941, and (iii) the general opinion of the Internal Auditor for 2019 and the related working document.

14. OTHER BUSINESS

MAIN RESULTS OF 22ND EU-CHINA SUMMIT (22 JUNE 2020, BY VIDEOCONFERENCE)

The PRESIDENT informed the Members of the College of the main results of the 22nd bilateral EU-China summit held by videoconference on 22 June 2020. The Union had been represented by the President of the European Council, Charles MICHEL, and herself as President of the European Commission, accompanied by Mr BORRELL, High Representative for the Common Foreign and Security Policy, while the Chinese side had been represented by the Prime Minister,

Li Keqiang, and then by the President of the People's Republic of China, Xi Jinping, at a second session, which turned out to be much longer than expected.

She observed that the College's policy debate on EU-China relations the previous week had served as a valuable preparation for this meeting. On this occasion, the College had noted the scant progress made since the last bilateral summit and had regretted that no negotiating mandate had been given to the Chinese representatives for the 22nd summit.

However, she welcomed the very open nature of the exchanges that had been held on numerous sensitive matters such as the reciprocity of market access, maintaining a level playing field, the overproduction in certain industrial sectors, and cybersecurity and disinformation campaigns.

She also referred to a substantive debate on climate change, which was a convergence issue, since China was a partner of the EU under the Paris Agreement but must commit to acting on this issue resolutely and ambitiously at national level to reduce greenhouse gas emissions in the short term and set a climate neutrality objective as soon as possible. She also noted that China was preparing the next UN Convention on Biological Diversity in the second half of next year. She considered that these preparations would make a valuable contribution to the Climate Change Conference to be held on 1-12 November 2021 in Glasgow.

The PRESIDENT noted overall a positive approach on the part of the Chinese Government as regards developing its relations with the EU.

She explained that she had strongly emphasised the need to advance negotiations for an ambitious EU-China Comprehensive Investment Agreement that addressed the current asymmetries in market access and ensured a level playing field. She had pointed out that urgent progress was needed in particular on the behaviour of state-owned enterprises, transparency on subsidies and rules to combat forced transfers of technology.

(24 June 2020)

In conclusion, she told the meeting she felt that China genuinely wanted to strengthen its relationship with the EU. She considered that this was possible and desirable, provided that the obstacles to progress in the negotiations could be overcome and that the 2025 EU-China Strategic Agenda could be finalised. With this in view, she asked the Members of the College, in the coming months, to structure the dialogue between the Chinese Government and the Commission.

The Commission took note of this information.

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At the end of the Commission meeting, the PRESIDENT paid tribute to Mr Luis ROMERO REQUENA. She referred to his distinguished career in the Commission and wished him a happy retirement in the name of all the Members, who applauded.

She warmly welcomed Mr Daniel CALLEJA CRESPO, who was preparing to succeed Mr ROMERO REQUENA as head of the European Commission's Legal Service, and wished him every success in his new post.

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The meeting closed at 12.09.