



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2020) 2351 final

- English translation of the French version which is authentic -

Brussels, 11 November 2020

TEXTE EN

MINUTES

of the 2351st meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 30 September 2020

(morning)

PV(2020) 2351 final

- English translation of the French version which is authentic -

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Single sitting: Wednesday 30 September 2020 (morning)

The sitting opened at 9.06 with Ms von der LEYEN, President, in the chair.

Present:

Ms von der LEYEN	President	
Ms VESTAGER	Executive Vice-President	
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	
Ms GABRIEL	Member	
Mr SCHMIT	Member	
Mr GENTILONI	Member	
Mr WOJCIECHOWSKI	Member	
Mr BRETON	Member	
Ms FERREIRA	Member	
Mr REYNDERS	Member	
Ms DALLI	Member	
Ms JOHANSSON	Member	
Mr LENARČIČ	Member	
Ms VÁLEAN	Member	
Mr VÁRHELYI	Member	Items 1 to 9
Ms URPILAINEN	Member	
Ms SIMSON	Member	

Absent:

Mr TIMMERMANS	Executive Vice-President
Mr DOMBROVSKIS	Executive Vice-President
Ms KYRIAKIDES	Member
Mr SINKEVIČIUS	Member

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The following sat in to represent an absent Member of the Commission:

Mr SAMSOM	Chef de cabinet to Mr TIMMERMANS
Ms VEGNERE	Deputy Chef de cabinet to Mr DOMBROVSKIS
Mr ROSSIDES	Chef de cabinet to Ms KYRIAKIDES
Ms PREISING	Deputy Chef de cabinet to Mr SINKEVIČIUS

The following also sat in:

Mr SEIBERT	Chef de cabinet to the PRESIDENT	
Mr CALLEJA CRESPO	Director-General, Legal Service	
Ms AHRENKILDE HANSEN	Director-General, DG Communication	
Ms SPINANT	Deputy Chief Spokesperson of the Commission	
Mr LEARDINI	Deputy Secretary-General	
Ms PETKOVA	Director of Coordination and Administration in the PRESIDENT's Office	
Mr FLOSDORFF	Executive Adviser in the PRESIDENT's Office	
Mr VANDENBERGHE	Adviser in the PRESIDENT's Office	Items 10 to 12
Ms HILI	Adviser in the PRESIDENT's Office	Item 9
Ms VILA NUÑEZ	Policy Coordinator in the PRESIDENT's Office	
Ms DEWANDRE	Policy Coordinator in the PRESIDENT's Office	Items 10 to 12
Ms UJUPAN	A member of Ms VESTAGER's staff	Items 10 to 12
Ms NIKOLAY	Chef de cabinet to Ms JOUROVÁ	Item 9
Ms SPANOU	Chef de cabinet to Mr SCHINAS	Items 10 to 12
Ms TUTS	Chef de cabinet to Mr REYNDERS	Item 9
Ms ALLOUIS-LE LOSTEC	Head of Unit in the Secretariat-General	
Mr VALERO	Secretariat-General	

Secretary: Ms JUHANSONE, Secretary-General, assisted by Ms DEPREZ, Director in the Secretariat-General.

1. AGENDAS

(OJ(2020) 2351/FINAL; SEC(2020) 2351/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) 2351)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 28 September 2020.

3. APPROVAL OF THE MINUTES OF THE 2348TH, 2349TH AND 2350TH MEETINGS OF THE COMMISSION (9, 15 AND 23 SEPTEMBER 2020)

The Commission held over approval of the minutes of its 2348th, 2349th and 2350th meetings for a later date.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2020) 146)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held by videoconference on Friday 25 September 2020 (RCC(2020) 146).

It paid particular attention to the following points.

4.1. HORIZONTAL ITEMS

i) 2021-2027 Multiannual Financial Framework – Trilogues

(point 1.1.1 of the IRG record)

- Neighbourhood, Development and International Cooperation Instrument (NDICI) (Regulation) – GAHLER & JUKNEVIČIENĖ report – 2018/0243 (COD)

The Commission approved the line set out in SI(2020) 281/2.

- European Globalisation Adjustment Fund (EGF) (Regulation) – BLINKEVIČIŪTĖ report – 2018/0202 (COD)

The Commission approved the line set out in SI(2020) 289.

ii) 2021-2027 Multiannual Financial Framework – Council Dossiers

(point 1.1.3 of the IRG record)

- Common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund and the European Maritime and Fisheries Fund and financial rules for those and for the Asylum and Migration Fund, the Internal Security Fund and the Border Management and Visa Instrument (Regulation) – NOVAKOV & KREHL report – 2018/0196 (COD)

The Commission approved the line set out in SI(2020) 282/2.

- European Regional Development Fund and Cohesion Fund (Regulation) – COZZOLINO report – 2018/0197 (COD)

The Commission approved the line set out in SI(2020) 284/2.

- Specific provisions for the European territorial cooperation goal (Interreg) supported by the European Regional Development Fund and external

financing instruments (Regulation) – ARIMONT report – 2018/0199 (COD)

The Commission approved the line set out in SI(2019) 286.

- Just Transition Fund (Regulation) – KEFALOGIANNIS report – 2020/0006 (COD)

The Commission approved the line set out in SI(2020) 287/2.

- InvestEU Programme (Regulation) – FERNANDES & TINAGLI report – 2020/0108 (COD)

The Commission approved the line set out in SI(2020) 288/2 and /4.

- Recovery and Resilience Facility (Regulation) – MUREŞAN & GARDÍAZABAL RUBIAL report – 2020/0104 (COD)

The Commission approved the line set out in SI(2020) 297/4.

- Digital Europe Programme for the period 2021-2027 (Regulation) – FLEGO report – 2018/0227 (COD)

The Commission took note of SI(2020) 283 and /2.

- Establishment, as part of the Integrated Border Management Fund, of the instrument for financial support for border management and visa (Regulation) – FAJON report – 2018/0249 (COD)

The Commission approved the line set out in SI(2020) 290.

- Asylum and Migration Fund (Regulation) – DALLI report – 2018/0248 (COD)

The Commission approved the line set out in SI(2020) 291/2.

- Internal Security Fund (Regulation) – HOHLMEIER report – 2018/0250 (COD)

The Commission approved the line set out in SI(2020) 292.

- European Social Fund Plus (ESF+) (Regulation) – CASA report – 2018/0206 (COD)

The Commission approved the line set out in SI(2020) 294.

- A Bridge to Jobs – Reinforcing the Youth Guarantee and replacement of Council Recommendation of 22 April 2013 on establishing a Youth Guarantee (Council Recommendation) – 2020/0132 (NLE)

The Commission approved the line set out in SI(2020) 298.

4.2. LEGISLATIVE MATTERS

iii) European Parliament dossiers – October I 2020 part-session (point 3.2 of the IRG record)

Ordinary legislative procedure – Second reading

- Amendment of Directive 2014/65/EU on markets in financial instruments (Directive) – NAGTEGAAL report – 2018/0047 (COD)

The Commission took note of document SP(2020) 437, further to note COM(2020) 356, which it had already approved on 29 July 2020.

- European Crowdfunding Service Providers (ECSP) for Business (Regulation) – JURZYCA report – 2018/0048 (COD)

The Commission took note of document SP(2020) 438, further to note COM(2020) 356, which it had already approved on 29 July 2020.

Ordinary legislative procedure – First reading

- Framework for achieving climate neutrality and amendment of Regulation (EU) 2018/1999 (European Climate Law) – GUTELAND report – 2020/0036 (COD)

The Commission approved the line set out in SP(2020) 439/2.

4.3. RELATIONS WITH PARLIAMENT

- iv) Action taken on the non-legislative resolutions adopted by Parliament at its June 2020 part-session**
(point 5.6.2 of the IRG record)

The Commission approved document SP(2020) 427/3 on the action taken on the non-legislative resolutions adopted by Parliament at its June 2020 part-session, for transmission to Parliament.

- v) Parliament resolutions based on Article 225 of the Treaty on the Functioning of the European Union (TFEU)**
(point 5.7.2 of the IRG record)

- Digital Finance: emerging risks in crypto-assets – Regulatory and supervisory challenges in the area of financial services, institutions and markets – KOVAŘÍK report – 2020/2034 (INL)

The Commission approved the line set out in SP(2020) 440/2.

**5. COORDINATION OF EXTERNAL ACTION
(RCC(2020) 104)**

The Commission took note of the operational conclusions in RCC(2020) 104 of the meeting of the Group for External Coordination (EXCO) held by videoconference on Wednesday 23 September 2020.

6. MONITORING THE APPLICATION OF EUROPEAN UNION LAW

STATE AID AND OTHER COMPETITION RULES

The Commission's decision on this agenda item is recorded in the special minutes.

7. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

7.1. WRITTEN PROCEDURES APPROVED

(SEC(2020) 310 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 21 and 25 September 2020.

7.2. EMPOWERMENT

(SEC(2020) 311 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 21 and 25 September 2020.

7.3. DELEGATION / SUBDELEGATION OF POWERS

(SEC(2020) 312 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 21 and 25 September 2020 archived in Decide.

7.4. SIGNIFICANT WRITTEN PROCEDURES

(SEC(2020) 313 AND /2)

The Commission took note of the significant written procedures for which the time limit expired between 28 September and 2 October 2020.

8. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2020) 314 AND /2)

ADMINISTRATIVE MATTERS

(PERS(2020) 82)

At the request of the PRESIDENT, Mr HAHN presented three additional proposals for administrative decisions which he was submitting directly to the Commission for approval.

He explained that it was first proposed to terminate the selection procedure for the post of Deputy Director-General in charge of Directorates B, C, D and F in DG Internal Market, Industry, Entrepreneurship and SMEs, without making an appointment.

With regard to that decision, it was then proposed to reinstate Ms Maive RUTE, currently on leave on personal grounds under Article 40 of the Staff Regulations, to this vacant post of Deputy Director-General of DG Internal Market, Industry, Entrepreneurship and SMEs.

Finally, it was proposed to approve a certain number of measures designed to reinforce the gender equality policy at management level at the Commission.

8.1. DG INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND SMES – TERMINATION OF THE SELECTION PROCEDURE FOR THE POST OF DEPUTY DIRECTOR-GENERAL

On a proposal from Mr HAHN, in agreement with the PRESIDENT, and after consulting Mr BRETON, the Commission decided to terminate the selection procedure for the post of Deputy Director-General in charge of Directorates B, C, D and F in DG Internal Market, Industry, Entrepreneurship and SMEs, without making an appointment.

These decisions would take effect immediately.

8.2. DG INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND SMES – APPOINTMENT OF AN AD15 DEPUTY DIRECTOR-GENERAL

On a proposal from the PRESIDENT, and after consulting Mr BRETON, the Commission decided to reinstate Ms Maive RUTE, an AD15 official currently on leave on personal grounds under Article 40 of the Staff Regulations, to the vacant post of Deputy Director-General in charge of Directorates B, C, D and F in DG Internal Market, Industry, Entrepreneurship and SMEs.

This decision would take effect on a date to be determined.

8.3. DG HUMAN RESOURCES AND SECURITY – MEASURES FOR REINFORCEMENT OF THE GENDER EQUALITY POLICY AT MANAGEMENT LEVEL

Having taken note of the information in point 3 of PERS(2020) 82, with a view to reinforcing gender equality policy at management level in the European Commission, and to achieve the objective set by the PRESIDENT by the end of its term of office, the Commission decided, without prejudice to the decisions taken on 1 April 2020 (see PV(2020) 2332):

- to charge DG Human Resources and Security with putting in place actions for the upstream identification of female talents for senior management posts, including increased monitoring of the talent pool at grades AD12, AD13 and AD14;
- to charge DG Human Resources and Security with providing tailored development programmes to support and prepare internal talent for selection procedures;
- to mandate the Consultative Committee on Appointments to create a list of observed talents who were not subsequently appointed to a specific

post but who could be provided with development actions (if not already in place) and encouraged to apply for other vacancies;

- to instruct all Directors-General to draw up, in agreement with their portfolio Commissioner and in accordance with Article 27 of the Rules of Procedure of the Commission, a list designating a Head of Unit to deputise for each Director post in the Directorate-General and to submit this list to DG Human Resources and Security by 31 October 2020. The list for each Directorate-General should in principle comprise at least 55% women unless the current organisational structure precluded this in the short term. In this case, the Director-General would present a strategy to move to gender parity in terms of deputising for Directors before the end of this Commission's term of office. The Heads of Unit so designated would be indicated as 'Deputy to the Director' in the organisation chart;
- to strengthen the preselection phase for senior management posts by:
 - charging the Rapporteur for the procedure with the additional task of supervising the procedure from the broader perspective of diversity, ensuring fairness and equality for all candidates;
 - mandating the Rapporteur for the procedure to take part in the pre-selection phase as a full member of the pre-selection panel;
 - authorising the Director-General of DG Human Resources and Security to adopt and update guidelines on best practices for balanced pre-selection shortlists;
- to streamline certain aspects of the senior management selection procedure to ensure smooth and timely processes:
 - four of the Permanent Members of the Consultative Committee on Appointments (CCA), i.e. the Secretary-General (in the Chair), the Director-General of DG Human Resources and Security, the Head of

the President's Cabinet and the Head of the Cabinet of the Member of the Commission responsible for human resources, would issue opinions, either at a meeting held at least once a month or by written procedure, on requests to publish vacant posts and on whether to proceed to CCA interviews and with which candidates. The preselection would remain subject to revision until the opinion was issued;

- candidates shortlisted by the CCA for a Director-General post or a senior management post in one of the President's services would be interviewed by the President herself. If duly justified for imperative service needs, the President could delegate this task to other Members of the Commission or her Head of Cabinet before making her proposal for appointment to the College;
- to adopt the principle that all units should have a Deputy Head of Unit post and instruct the Directors-General to ensure that posts of Deputy Head of Unit within their Directorate-General were held in equal proportions by men and women by the end of 2022 in parallel with ongoing efforts to achieve gender balance at Head of Unit level. The creation of these Deputy Head of Unit posts should be done within the existing resource allocation and the measure should appear in the local HR strategy of each Directorate-General.

These decisions would take effect immediately.

8.4. COMMISSION DECISIONS ON POST TERM-OF-OFFICE ACTIVITIES OF THREE FORMER MEMBERS OF THE COMMISSION
(C(2020) 9037; C(2020) 9038; C(2020) 9039)

The Commission adopted the Decisions set out in C(2020) 9037, C(2020) 9038 and C(2020) 9039.

The Commission decided that the professional activities envisaged by Mr OETTINGER, Mr ANDRIUKAITIS and Ms BIENKOWSKA after leaving office as Members 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.

9. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, AND THE COMMITTEE OF THE REGIONS – 2020 RULE OF LAW REPORT – THE RULE OF LAW SITUATION IN THE EUROPEAN UNION

(COM(2020) 580 TO /3; SWD(2020) 300 TO /3; SWD(2020) 301; SWD(2020) 302; SWD(2020) 303; SWD(2020) 304; SWD(2020) 305; SWD(2020) 306; SWD(2020) 307 AND /2; SWD(2020) 308; SWD(2020) 309; SWD(2020) 310 AND /2; SWD(2020) 311; SWD(2020) 312; SWD(2020) 313; SWD(2020) 314 AND /2; SWD(2020) 315; SWD(2020) 316 AND /2; SWD(2020) 317 AND /2; SWD(2020) 318 AND /2; SWD(2020) 319; SWD(2020) 320 TO /3; SWD(2020) 321; SWD(2020) 322 AND /2; SWD(2020) 323; SWD(2020) 324; SWD(2020) 325; SWD(2020) 326; RCC(2020) 150)

The PRESIDENT introduced the discussion by stressing the innovative nature of this first Commission report on the rule of law situation in the European Union. She pointed out that she had announced, in her political guidelines, her intention to establish a comprehensive European rule of law mechanism, with an EU-wide scope and taking the tangible form of an objective annual report covering all the Member States.

She said that the report presented that day by the Commission marked the beginning of a process which might be a source of dissatisfaction for some, but which she

hoped would go on to become a driver of change. She pointed out that the European Semester for economic and fiscal policy coordination had met resistance when it was introduced 15 years ago, but that it was now not just well established, but accepted and expected by the Member States.

She warmly thanked Ms JOUROVÁ, Mr REYNDERS, Ms JOHANSSON and Mr BRETON for their detailed analysis of the rule of law situation in the EU Member States in a tool of which the Commission, as guardian of the Treaties, intended to make preventive use.

Ms JOUROVÁ said that the Commission was opening up a new field with this first report; it had never conducted an exhaustive examination of the rule of law situation in the 27 EU Member States. In the past, the Commission had had a number of instruments at its disposal to ensure that the principles of the rule of law were respected by the Member States taken individually, namely the infringement procedure, the procedure under Article 7 of the Treaty on European Union and the recommendations made in the context of the European Semester. The Commission, in its role as guardian of the Treaties, would continue to use those instruments as necessary to remedy established breaches of the rule of law. Moreover, the upcoming multiannual financial framework for the period 2021 to 2027 was due to add conditions relating to respect for the principles of the rule of law in management of the European funds granted to the Member States.

It was high time to supplement the measures available with a preventive tool aimed at identifying potential problems at an early stage and preventing them from taking root by engaging in a dialogue with the Member State concerned.

Ms JOUROVÁ explained that the scope of the report was accordingly extensive and covered four main pillars, namely (i) judicial systems, including their independence, their quality and their efficiency, (ii) anti-corruption frameworks, (iii) the freedom and pluralism of the media, and (iv) other institutional questions related to the system of checks and balances, such as the constitutional architecture, good

governance and the role of civil society. Those pillars were closely linked and were all essential to ensure respect for the rule of law.

The Communication also addressed the specific context linked to the management of the COVID-19 pandemic, which had put liberties to the test, but had also demonstrated that checks and balances at national level had played their role, for example through court rulings on the proportionality of the COVID-19 emergency measures introduced by governments.

She then presented the main trends emerging in the EU in each of the pillars mentioned, which were summarised in the Communication.

First, as regards justice systems, reforms were under way in a number of Member States to strengthen the independence of the judiciary or the efficiency of its work, in particular through digitalisation. There were also matters of concern that had sometimes led the Commission to launch infringement procedures.

Secondly, a number of Member States had adopted anti-corruption strategies, but had yet to ensure their actual implementation. She also mentioned difficulties in ensuring effective investigation and prosecution of corruption offences, and the need in some cases to put in place preventive measures.

Thirdly, she voiced the Commission's concerns with regard to media freedom and pluralism, the effective role of the competent authorities in some Member States, the political pressures exerted there on the media, even the attacks and threats against journalists, although overall EU citizens enjoyed high standards of media freedom.

Fourthly, with regard to institutional checks and balances, she noted the existence of debates on those issues in the context of constitutional reforms in some Member States and on various principles of good governance, in particular as regards the involvement of stakeholders in the decision-making process and the civil society space.

Finally, the report also took stock of the rule of law situation at the level of the Union, in particular the case law of the Court of Justice in this area, which had evolved significantly.

With regard to the next steps, Ms JOUROVÁ said that, at the European level, the German Presidency of the Council had announced two discussions in the General Affairs Council, the first in October on the general broad developments in the rule of law in the EU and the second in November on national findings, Member State by Member State. She said that the first five Member States to take part in this country dialogue would be, in protocol order, Belgium, Bulgaria, the Czech Republic, Denmark and Estonia. She added that the European Parliament was ready to examine the report as soon as possible and wished to involve the national parliaments. Finally, the Commission intended to encourage not only the national parliaments but also stakeholders and civil society in the Member States to discuss the conclusions of the report.

She concluded by hoping that this document would reaffirm a common understanding of the rule of law in the EU and develop a culture of the rule of law in the EU, which was essential for mutual trust and an effective single market.

Mr REYNDERS said that the rule of law was at the heart of the EU's identity, in other words of its common values, as defined in Article 2 of the Treaty on European Union. The rule of law was not an abstract concept but had a direct impact on our European way of life. Respect for the rule of law was in fact a guarantee of fair treatment before the law, protection against abuse of power by public authorities and the right of every citizen to be heard by independent and impartial judges. It was a prerequisite for trust in the institutions and for mutual trust between the Member States and between the courts of the Member States. It was ultimately the guarantee of the effective application of EU law and respect for its fundamental principles.

He said that if the rule of law was not respected in the EU, this could undermine the EU's credibility vis-à-vis the candidate countries and its international partners.

He added that if the rule of law was in danger, the whole Community edifice was at risk because what was happening in one Member State had an impact on all the others.

With that day's report, the EU was equipping itself with a preventive mechanism which, for the first time, collected data and information already in the public domain and aggregated it so as to provide an accurate snapshot of the rule of law situation in the 27 Member States. He stressed that it was the result of long-term work and intensive cooperation within the Commission.

Mr REYNDERS then presented the methodology that had been followed in preparing the present report. The aim of the methodology was to guarantee the objectivity of the analysis, its transparency and full respect for the principle of equality between the Member States, while closely involving the Member States throughout the process.

Thus, an identical evaluation grid covering the four pillars of the report was drawn up for each Member State. The Commission's evaluation was carried out in the light of the requirements of EU law – for example the case law on judicial independence – and well-established European standards – such as the recommendation of the Committee of Ministers of the Council of Europe.

The report presented, for each pillar and for each Member State, both the gaps to be filled and the satisfactory results, and it highlighted good practices in order to give the Member States the possibility of learning from each other. He said that the 2020 report focused on the major changes that had taken place since January 2019.

The country chapters used factual information that was already available, including the assessments made and positions adopted by the Commission in the context of the other tools in the 'toolbox' in order to ensure overall consistency. The report also used the positions of the monitoring bodies of the Council of Europe, for example those of the Group of States against Corruption (*GRECO*), the Council of Europe platform to promote the protection of journalism and safety of journalists, and the Venice Commission.

Mr REYNDERS stressed in particular that the Member States and stakeholders had been consulted throughout the preparation of the report. In order to prepare the Commission's analysis, each Member State had been asked to designate a national contact point. The network of contact points thus created enabled the Commission to rapidly verify or clarify any outstanding matters.

All the Member States had cooperated closely with the Commission by examining its methodology, making their contributions to it, organising and participating in country visits as well as commenting on the factual accuracy of the report.

In addition, the Member States had sent written contributions to the Commission detailing their legal and institutional frameworks and any significant changes made since January 2019 using a questionnaire which had also been examined by the network of contact points.

At the same time, a stakeholder consultation had also taken place; more than 200 contributions had been received from various EU agencies, European networks, civil society organisations and national and European professional associations, as well as from other EU and international stakeholders. These contributions had also been carefully assessed. Furthermore, between May and July, over 300 virtual meetings had been held with national authorities and stakeholders.

Lastly, before the report was published, the Member States had had the opportunity to send in their comments on their respective country chapter in order to ensure that it was factually correct. The Commission had taken account of these comments, which provided clarifications or updates of a factual nature.

This inclusive working method ensured that the report was of high quality and allowed the Member States to keep the Commission fully informed in a transparent manner.

In conclusion, Mr REYNDERS highlighted the Commission's aim of involving all stakeholders in the establishment of a permanent annual cycle, the European Rule of Law Mechanism. The report presented that day marked a major step for the

Commission toward achieving its aspiration of fostering a rule of law culture throughout the EU.

Ms JOHANSSON's contribution to the discussion focused on corruption, one of the topics covered in the report. She explained how this phenomenon compromised the functioning of the State and of institutions at all levels, threatened security, opened the door to organised crime and hampered economic growth. Corruption undermined citizens' confidence in their public institutions. Member States also needed to have confidence in each other with regard to the functioning of their democratic systems, the upholding of fundamental rights and the application of EU law. In conclusion, her departments were monitoring closely the implementation of effective anti-corruption tools in the Member States, within the framework of the Rule of Law Mechanism and the European semester.

Mr BRETON noted that the report provided an objective and factual overview of the rule of law situation in the EU since it used aggregated public data. Although the report's publication would undoubtedly spark debate, he was proud of the Commission's work in this fundamental area. His contribution had focused in particular on the media pluralism and freedom chapter of the report, the work for which had been conducted with the utmost transparency. He highlighted the main findings of the report in this area. The situation had deteriorated, with the media world weakened by the upheaval in the sector and its financing structures; anomalies had also been observed in certain Member States. He recommended a highly informative communication action to ensure that the process set in motion by this first report was generally well understood.

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

- the College's broad support for the major step forward that this report represented in terms of upholding the rule of law, its preventive role and the fact that it added to the tools already available for penalising abuses;

- the key aim of the report, namely to instil the confidence that was vital to ensure that the rule of law functioned correctly and which could also have a positive impact on economic activity;
- a reference to the balanced approach taken to drawing up the report, in particular the clear definition provided of the rule of law, the welcome uniformity in terms of the approach taken and the identical structure of all the Member State chapters;
- similarly, the balance achieved between the monitoring process, on the one hand, and the ongoing dialogue and close cooperation with the Member States, on the other hand;
- the sound methodology used, which had allowed the Commission, the guardian of the Treaties, to describe the rule of law situation in the EU objectively;
- support for the fact that the report examined the rule of law situation in all the Member States, and for the need for the newly launched exercise to be conducted regularly;
- a number of comments, however, concerning the very definition of the rule of law with regard to the independence of the judiciary, the desire for the country chapters to take account of certain country-specific situations in terms of the organisation of the judiciary, and concerning the reference, in certain chapters, to allegations of rule of law violations that appeared to be based on perceived risks rather than clearly established facts;
- highlighting of the debate that would be triggered by the report, given the sensitive nature of the report in certain Member States;
- with this in mind, a call to consider that, beyond the checks and balances at national level, the highest expression of checks at European level was ultimately a country's membership of the Union and the clear rules enshrined in law that went with that membership, regardless of governments and political hue;

- a call to keep emotions out of any discussions and to refrain from adding any political comments during the exercise, since the quality of the Commission's analysis spoke for itself;
- the need for the exercise to be conducted regularly, with a view to it being fine-tuned and improved over time;
- the need to also consider the rule of law from the perspective of the international credibility of the Union, which had to be exemplary in that regard;
- the fact that the Recovery and Resilience Facility could contribute to the justice or anti-corruption reforms that would be implemented in the Member States and to the development of digital capabilities in the public administrations concerned;
- a suggestion to ensure that the report presented that day, which was a preventive tool, was not confused with the conditions linked to the rule of law to which EU funding for the Member States could be subject under the next multiannual financial framework, for which negotiations were ongoing;
- a general reminder of the fact that the Commission Members served the general European interest.

In reply to a question on the definition of the rule of law, Mr REYNDEERS said that the definition given in the report was very clear and precise. He added that all the Member States needed to make improvements to their current situation, in varying degrees, in order to create an environment of trust and ensure full respect for the EU's values. He emphasised that the Union did not have a uniform model for the organisation of the executive, legislative and judicial powers, and that the way in which these were organised in each country had been examined according to the objective criteria of that definition.

Ms JOUROVÁ thanked the Members of the College for their support. She acknowledged that not all the Member States might be satisfied with the

report's findings, but said that the originality of the new tool presented that day was precisely that it took into account, in a single analysis, all the aspects of respect for the rule of law in each Member State, and prevented possible detrimental developments at an early stage. She said that the report respected the particular constitutional set-up of each Member State and confirmed the need for sound mechanisms for checks and balances. Lastly, she stressed that the chosen methodology guaranteed the impartiality of the Commission's analysis.

Winding up the discussion, the PRESIDENT thanked the College for its support for that day's proposal, following an excellent discussion that demonstrated the Commission's capacity to freely debate complex and sensitive issues, in this case the strengths and weaknesses identified in the EU with regard to a fundamental principle of its existence, the rule of law. As the guardian of the Treaties, it was legitimate for the Commission to express its views on respect for the rule of law in the Member States, although this in no way meant that it would not listen to the arguments put forward by the various Member States.

As regards the process launched that day with the publication of the 2020 Rule of Law Report, she stressed that by setting the tone, the Commission and the College as a whole would have to take on a major responsibility. She emphasised once more the need for neutrality if this exercise, as was its aim, was to be widely accepted and inspire trust, beyond political allegiances.

The Commission approved the Communication in COM(2020) 580/3 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, together with the staff working documents distributed as SWD(2020) 300/3, SWD(2020) 301, SWD(2020) 302, SWD(2020) 303, SWD(2020) 304, SWD(2020) 305, SWD(2020) 306, SWD(2020) 307/2, SWD(2020) 308, SWD(2020) 309, SWD(2020) 310/2, SWD(2020) 311, SWD(2020) 312, SWD(2020) 313, SWD(2020) 314/2, SWD(2020) 315, SWD(2020) 316/2, SWD(2020) 317/2, SWD(2020) 318/2, SWD(2020) 319, SWD(2020) 320/3, SWD(2020) 321, SWD(2020) 322/2, SWD(2020) 323,

SWD(2020) 324, SWD(2020) 325 and SWD(2020) 326, the contents of which were noted.

10. **COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, AND THE COMMITTEE OF THE REGIONS – DIGITAL EDUCATION ACTION PLAN 2021-2027 – RESETTING EDUCATION AND TRAINING FOR THE DIGITAL AGE**
(COM(2020) 624 TO /3; SWD(2020) 209; RCC(2020) 149)
11. **COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, AND THE COMMITTEE OF THE REGIONS ON ACHIEVING THE EUROPEAN EDUCATION AREA BY 2025**
(COM(2020) 625 AND 2; SWD(2020) 212; RCC(2020) 149)
12. **COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, AND THE COMMITTEE OF THE REGIONS – A NEW EUROPEAN RESEARCH AREA (ERA) FOR RESEARCH AND INNOVATION**
(COM(2020) 628 TO /3; SWD(2020) 214 TO /3; RCC(2020) 152)

The PRESIDENT asked Mr VESTAGER, Mr SCHINAS and Ms GABRIEL to present the proposed **Digital Education Action Plan** for 2021-2027 for resetting education and training in the digital age.

Ms VESTAGER said that the COVID-19 pandemic had forced the world of education to make extensive use of digital tools, marking a turning point in this respect.

She said that the proposed Action Plan was commensurate with the challenge posed by this crisis and took account of the far-reaching experience the pandemic had

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given rise to at European level. The plan was thus intended to meet the ever more pressing need to exploit the full potential of digital technologies for teaching and learning, and develop digital skills.

Due to the new dynamics resulting from the pandemic, it should be possible to shape and modernise Europe's education systems to make them more resilient and equip them to take a qualitative leap forward and contribute to the recovery.

In particular, she stressed the inclusive nature of the initiatives set out in the Action Plan. Apart from the essential need for quality education accessible to all, this inclusiveness was important in ensuring that technological development reflected society as a whole and not just part of it.

Mr SCHINAS added that in order to successfully achieve the digital transition in education, digital tools should become widespread at all levels of education in order to democratise and mainstream their use. This was the aim of the set of initiatives set out in the Action Plan for high-quality, inclusive and accessible digital education in Europe.

Ms GABRIEL welcomed the very positive and encouraging signal sent by the package of measures presented that day in the field of education and research, starting with the Digital Education Action Plan.

She stressed the vital need to make digital education a quality education accessible to all and change attitudes towards it. The Action Plan focused on two long-term strategic priorities: first, fostering the development of a high-performing digital education ecosystem and, second, enhancing digital skills for the digital transformation of the EU.

The PRESIDENT then asked Mr SCHINAS and Ms GABRIEL to present the **Communication on achieving the European Education Area by 2025**.

M. SCHINAS explained that the vision set out was deeply rooted in the European values of freedom, diversity, human rights and social justice. It aimed to help recovery and growth in the Union by supporting the commitments made to foster

the digital and green transitions. The Digital Education Action Plan was intended to serve as a catalyst for the emergence of the European Education Area.

He returned to the role of the COVID-19 pandemic as an accelerator, saying that it had served as a reminder of the urgent need to make education systems in Europe more resilient so that, beyond crises, education would continue to play a decisive role in personal fulfilment and in allowing all citizens to participate in society and democratic life.

It was proposed to step up efforts to make the European Education Area a reality by 2025 by working along six dimensions, namely (i) emphasising the qualitative dimension of education in order to redress certain current shortcomings, (ii) ensure that education remained a means of upward social mobility for everyone without exception, (iii) foster the green and digital transitions in order to build a more resilient and prosperous Europe, (iv) enhance the status and role of teachers, (v) increase cooperation at European level in higher education, and (vi) take account of the role of education in spreading European values on the international stage.

Ms GABRIEL added that these six dimensions, like the Digital Education Action Plan, were intended to bring a clear European perspective to education, with due regard for the respective competences of the EU and the Member States.

She welcomed the specific initiatives proposed along these six dimensions, citing as an example the launching of an Education for Climate Coalition to illustrate the power of education in transforming society. In higher education, the introduction of a European degree would provide undeniable added value.

In conclusion, she stressed the need to create synergies between the European Education Area and the new European Research Area.

Lastly, Ms VESTAGER and Ms GABRIEL presented the **Communication on a New European Research Area**.

Ms VESTAGER explained that the essential aim of this Communication was to simplify and strengthen the European Research Area, in particular by reducing the

number of objectives from 6 to 4 and the number of actions from 60 to 14, while proposing targets for public investment in research and innovation and also in research infrastructure at national level. She pointed out that excellence remained one of the fundamental principles of the European Research Area and that the reform of research systems should enable all Member States to gain access to the same level of excellence.

She then listed the four objectives to be achieved, namely:

- (i) prioritising the reforms needed in order to give the Union a common direction and a higher level of ambition, so as to help accelerate the twin green and digital transitions and increase resilience through a research and innovation system of the highest possible quality;
- (ii) improving access to excellence, since the Union had unexploited potential in many Member States, and guiding those who so wished to make the necessary efforts to achieve excellence in the field of research and innovation;
- (iii) accelerating the transfer of research results to the economy, since Europe produced high-level research but generally took time to translate it into practice, thereby depriving itself of the real added value of excellent research; and
- (iv) deepening the current Research Area to ensure that Europe retained and attracted talent, by offering researchers good career prospects, better access to science and access to state-of-the-art infrastructure to encourage frontier research.

Finally, the COVID-19 pandemic had demonstrated the importance of the Union and the Member States joining forces in order to tackle effectively major challenges such as the emergence of a new virus. It was essential for the Union to move towards a strategic approach rather than having to respond hurriedly: this was one of the lessons learned from the management of the pandemic in recent months.

Ms GABRIEL stated that the European Research Area had allowed great strides to be made in developing an open research market in which researchers and knowledge could move with increasing freedom. Despite these successes, however, the Union was still falling short of the target of spending 3% of its GDP on investment in research and development, with an average of 2.19% for the Union as a whole.

There were also still significant differences between the research and innovation capacities of the Member States and regions. The EU remained a world leader in research, but its performance had stagnated, notably in terms of translating its results into the economy.

Finally, the Union would have to do better in the area of gender equality, because women currently held only 24% of high-level positions in higher education.

Moreover, the four main objectives defined for the new European Research Area were an ambitious project in itself, but one that should also be considered in synergy with the European Education Area and the Digital Education Action Plan, in order to develop a genuine ‘knowledge square’ comprising education, research, innovation and services to society and citizens.

Through its broader ambitions, the Union was showing the way to remain competitive and innovative at global level, while remaining true to its common values and contributing to a fairer and more sustainable world.

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

- broad support for the set of measures presented, which came at the right time to provide a genuine and comprehensive European vision for education from early childhood to higher education, with a digital focus and taking advantage of the pace of change engendered by the COVID-19 pandemic;
- the vital need to invest in education, in particular to encourage public-spirited and critical future citizens and to maintain a society true to its democratic values and enshrined in the rule of law;

- the key objective, as the COVID-19 pandemic had clearly demonstrated, of providing all citizens with a minimum grounding in digital skills and access to digital infrastructure; the desirability therefore of working simultaneously on digital skills and educational content;
- the strategic importance to Europe of joining in the quantum revolution in universities;
- the call to exploit digital technologies to strengthen the role of European education in the world, particularly in Africa;
- the role of cohesion policy in contributing to the inclusive and homogeneous deployment of the initiatives presented that day within the Union;
- the crucial part now played by digital skills in access to the labour market;
- the importance of combining excellence and integration in order to encourage social mobility, which education should enable;
- the value of the synergy between the proposed package and the European Skills Agenda and the new vocational education and training policy in order to ensure that they had a lasting impact.

The PRESIDENT reiterated that education was key to the vitality of European society and its economy and had a significant role to play in the Union's geopolitical position.

In conclusion, she noted the College's support for the package presented, which should give the education community the support it needed to fulfil its fundamental mission and continue to carry it out in difficult times of transition.

The Commission:

- approved the communications in COM(2020) 624/3 and COM(2020) 625/2, 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, together with the staff working documents distributed as SWD(2020) 209 and SWD(2020) 212, the contents of which were noted;

- approved the communication in COM(2020) 628/3 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, together with the staff working document distributed as SWD(2020) 214/3, the contents of which were noted.

13. OTHER BUSINESS

RECENT DEVELOPMENTS IN EXTERNAL RELATIONS

The PRESIDENT asked Mr BORRELL to brief the College on the most significant recent external policy developments.

Mr BORRELL started by mentioning the resumption of hostilities between Armenia and Azerbaijan for the control of Nagorno-Karabakh in the South Caucasus. This was a separatist enclave of Azerbaijan in which Armenians formed the majority population. Initial manoeuvres had rapidly developed into a fully-fledged armed conflict with more than 500 victims on each side. A Special Representative of the European Council had visited Baku recently and had not spotted any signs of an imminent eruption of violence on that scale. The two sides were blaming each other for the resumption of hostilities, which already extended along the full length of the border with Nagorno-Karabakh.

Azerbaijan alone had as many tanks as France and Germany combined. This illustrated the potential scale of the impending conflict, which could spread, placing the two countries' respective allies – Turkey in the case of Azerbaijan and Russia in the case of Armenia – in an awkward position.

Russia and Turkey were currently playing a major role in the South Caucasus, as they were in other conflicts and other EU neighbourhood regions. Mr BORRELL

intended to contact the Foreign Ministers of Azerbaijan and Armenia in the coming days. The Minsk Group, created in 1992 by the Organisation for Security and Cooperation in Europe (OSCE) to encourage a political resolution of the conflict and co-chaired by the United States, France and Russia, could offer to take on the role of mediator between the parties. The French President, Emmanuel Macron, had convened a meeting for that purpose. For its part, the Union had limited leverage when it came to encouraging a ceasefire. Mr BORRELL had spoken to the Prime Minister of Georgia the previous day. There were reasons to fear that the whole of the region could become embroiled, particularly if Russia were to decide to intervene militarily.

He planned to intensify dialogue with Russia and Turkey in the course of the next few days.

Turning to the situation in Libya, Mr BORRELL said that the ceasefire seemed to be holding for the time being and oil production had resumed. However, Franco-German initiatives to relaunch a political process between the various parties on the ground had gone unheeded to date. A ministerial meeting to support the efforts of the UN Secretary-General and his special envoy to Libya to bring the conflict to an end was scheduled for 5 October as part of the Berlin process.

With regard to Syria, more than one million refugees were still receiving food aid from EU and UN agencies. Mr BORRELL said he had recently spoken to Filippo Grandi, the United Nations High Commissioner for Refugees (UNHCR), about the humanitarian situation in refugee camps during the winter.

Next, he mentioned the efforts undertaken by the Union to ensure that the forthcoming parliamentary elections in Venezuela took place in good conditions, efforts which – in his view – had yielded few results to date. Indeed, the situation could degenerate into a major humanitarian crisis.

The summit between the European Union and Ukraine, initially scheduled for 1 October, had been postponed until 6 October. He noted the increasingly critical tone adopted recently by the Ukrainian Prime Minister regarding relations with the

Union.

In the run-up to the Special European Council meeting on 1 and 2 October, Mr BORRELL also raised the issue of sanctions against Belarus. These had been blocked by one Member State, which had made its support conditional on the adoption of sanctions against Turkey. Meanwhile, some Member States were not in favour of adopting sanctions against Turkey, so progress on both issues had been halted. The European leaders needed to find a way of adopting a clear position. Failure to do so could somewhat undermine the Union's credibility on foreign policy issues. A Foreign Affairs Council meeting would take place on 12 October at which the Member States might have to take decisions on the matter, possibly by qualified majority in accordance with the provisions of the Treaty on the Functioning of the European Union. He was regularly in touch with the Turkish authorities with the aim of encouraging dialogue with Greece.

Lastly, he briefly mentioned the situation in Iraq, with the withdrawal of the United States' troops, the strategy implemented in the Sahel region, as well as the situation in Mali following the August coup.

In the course of the discussion that followed, the Commission focused mainly on events in the South Caucasus:

- the regular resurgence of the conflict between Armenia and Azerbaijan, which called for a lasting resolution;
- Turkey's direct involvement in the conflict, which was a new and worrying factor in that it could foreshadow an extension of the conflict throughout the region;
- the need for dialogue between the parties to be reactivated to encourage a negotiated solution to the conflict before it spread;
- the economic support that the Union could provide to Armenia and the usefulness of developing regional cooperation to ease tensions.

The PRESIDENT wound up the discussion by noting that international contingents were often poorly equipped and insufficiently armed to protect themselves.

With regard to sanctions, she favoured making use of the provisions enshrined in the Treaty, i.e. adoption by a qualified majority of the Member States.

The Commission took note of this information.

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

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The meeting closed at 11.53.