



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

**PV(2020) 2355 final**

*- English translation of the French version which is authentic -*

Brussels, 24 November 2020

# TEXTE EN

## MINUTES

**of the 2355<sup>th</sup> meeting of the Commission  
held in Brussels  
(Berlaymont)  
on Wednesday 28 October 2020  
(morning)**

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**PV(2020) 2355 final**

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**Single sitting: Wednesday 28 October 2020 (morning)**

The sitting opened at 9.06 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 HAHN          | Member                   |
| Mr SCHMIT        | Member                   |
| Mr GENTILONI     | Member                   |
| Mr WOJCIECHOWSKI | Member                   |
| Mr BRETON        | Member                   |
| Ms FERREIRA      | Member                   |
| Ms KYRIAKIDES    | Member                   |
| Mr REYNDERS      | Member                   |
| Ms JOHANSSON     | Member                   |
| Mr LENARČIČ      | Member                   |
| Ms VÁLEAN        | Member                   |
| Mr SINKEVIČIUS   | Member                   |
| Ms McGUINNESS    | Member                   |

**Attended by videoconference:**

|            |        |               |
|------------|--------|---------------|
| Ms GABRIEL | Member | Items 1 to 12 |
| Ms DALLI   | Member |               |
| Ms SIMSON  | Member |               |

Absent:

|                        |                                      |
|------------------------|--------------------------------------|
| Mr BORRELL i FONTELLES | High Representative / Vice-President |
| Mr SCHINAS             | Vice-President                       |
| Mr VÁRHELYI            | Member                               |
| Ms URPILAINEN          | Member                               |

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

|                   |                                  |
|-------------------|----------------------------------|
| Ms LLANO CARDENAL | Expert in Mr SCHINAS' Office     |
| Mr KRISTÓFFY      | Chef de cabinet to Mr VÁRHELYI   |
| Mr LAHTI          | Chef de cabinet to Ms URPILAINEN |

The following also sat in:

|                      |                                                                             |               |
|----------------------|-----------------------------------------------------------------------------|---------------|
| Mr SEIBERT           | Chef de cabinet to the PRESIDENT                                            |               |
| Ms BANKS             | Deputy 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 FLOSDORFF         | Executive Adviser in the PRESIDENT's Office                                 |               |
| Mr VANDENBERGHE      | Adviser in the PRESIDENT's Office                                           | Items 1 to 12 |
| Ms SPINANT           | Deputy Chief Spokesperson of the Commission                                 |               |
| Mr PIOT              | Special Adviser to the PRESIDENT                                            | Items 1 to 12 |
| Ms ALLOUIS-LE LOSTEC | Head of Unit in the Secretariat-General                                     |               |

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

The PRESIDENT opened the meeting by explaining that it would again take place in a hybrid format that week as some Members of the Commission were present in the room and others were joining by videoconference since they were in quarantine or in isolation due to suspected COVID-19.

The Secretary-General explained that the Members of the Commission joining the meeting remotely also had access to interpretation.

\* \* \*

**1. AGENDAS**

**(OJ(2020) 2355/FINAL; SEC(2020) 2355/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) 2355)**

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 26 October 2020.

**3. APPROVAL OF THE MINUTES OF THE 2351<sup>ST</sup>, 2352<sup>ND</sup>, 2353<sup>RD</sup> AND 2354<sup>TH</sup> MEETINGS OF THE COMMISSION (30 SEPTEMBER, 6, 14 AND 19 OCTOBER)**

The Commission held over approval of the minutes of its 2351<sup>st</sup>, 2352<sup>nd</sup>, 2353<sup>rd</sup> and 2354<sup>th</sup> meetings for a later meeting.

#### **4. INTERINSTITUTIONAL RELATIONS**

**(RCC(2020) 164)**

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held by videoconference on Friday 23 October 2020 (RCC(2020) 164).

It paid particular attention to the following points.

##### **4.1. HORIZONTAL MATTERS**

###### **i) 2021-2027 Multiannual Financial Framework – Trilogues**

(point 1.1.1 of the IRG record)

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

The Commission approved the line set out in SI(2020) 207/2.

- Erasmus: the Union programme for education, training, youth and sport, and repeal of Regulation (EU) No 1288/2013 (Regulation) – ZVER report – 2018/0191 (COD)

The Commission approved the line set out in SI(2020) 163/2.

- Common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition 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) 162/2.

(28 October 2020)

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

The Commission approved the line set out in SI(2020) 159/2.

- European Defence Fund (Regulation) – KRASNODEBSKI report – 2018/0254 (COD)

The Commission approved the line set out in SI(2020) 341.

- Connecting Europe Facility and repeal of Regulations (EU) No 1316/2013 and (EU) No 283/2014 (Regulation) – MARINESCU, VIRKKUNEN & RIQUET report – 2018/0228 (COD)

The Commission approved the line set out in SI(2020) 354/3.

- Transitional provisions for the support by the European Agricultural Fund for Rural Development (EAFRD) and by the European Agricultural Guarantee Fund (EAGF) in the year 2021, amendment of Regulations (EU) No 228/2013, (EU) No 229/2013 and (EU) No 1308/2013 as regards resources and their distribution in respect of the year 2021 and amendment of Regulations (EU) No 1305/2013, (EU) No 1306/2013 and (EU) No 1307/2013 as regards their resources and application in the year 2021 (Regulation) – KATAINEN report – 2019/0254 (COD) / Rules on support for strategic plans to be drawn up by Member States under the Common Agricultural Policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repeal of Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Regulation (EU) No 1307/2013 of the European Parliament and of the Council (Regulation) – JAHR report – 2018/0216 (COD)

The Commission approved the line set out in SI(2020) 355.

- Technical Support Instrument (Regulation) – KARAS, PÎSLARU & GEESE report – 2020/0103 (COD)

The Commission approved the line set out in SI(2020) 356.

**ii) 2021-2027 Multiannual Financial Framework – Council dossiers**

(point 1.1.3 of the IRG record)

- Programme for the Environment and Climate Action (LIFE) and repeal of Regulation (EU) No 1293/2013 (Regulation) – GERBRANDY report – 2018/0209 (COD)

The Commission approved the line set out in SI(2020) 342.

- Amendment of Regulation (EU) No 223/2014 as regards the introduction of specific measures for addressing the COVID-19 crisis (Regulation) – ĎURIŠ NICHOLSONOVÁ report – 2020/0105 (COD)

The Commission approved the line set out in SI(2020) 343.

- Space programme of the Union and the European Union Agency for the Space Programme and repeal of Regulations (EU) No 912/2010, (EU) No 1285/2013, (EU) No 377/2014 and Decision 541/2014/EU (Regulation) – SALINI report – 2018/0236 (COD)

The Commission approved the line set out in SI(2020) 357/2.

**4.2. LEGISLATIVE MATTERS**

**iii) Trilogues**

(point 3.1 of the IRG record)

- Multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean, amendment of Regulations (EC) No 1936/2001, (EU) 2017/2107, and (EU) 2019/833 and repeal of Regulation

(EU) 2016/1627 (Regulation) – FERRANDINO report – 2019/0272 (COD)

The Commission approved the line set out in SI(2020) 344.

- Amendment of Regulation (EU) No 654/2014 of the European Parliament and of the Council concerning the exercise of the Union's rights for the application and enforcement of international trade rules (Regulation) – VEDRENNE report – 2019/0273 (COD)

The Commission approved the line set out in SI(2020) 345/2.

- Union regime for the control of exports, transfer, brokering, technical assistance and transit of dual-use items (Regulation – recast) – BUCHNER report – 2016/0295 (COD)

The Commission approved the line set out in SI(2020) 346.

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

The Commission approved the line set out in SI(2020) 351.

- Amendment of Regulation (EC) No 883/2004 on the coordination of social security systems and Regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004 (Regulation) – BISCHOFF report – 2016/0397 (COD)

The Commission approved the line set out in SI(2020) 347.

- Conditions of entry and residence of third-country nationals for the purposes of highly skilled employment (Directive) – MORENO SÁNCHEZ report – 2016/0176 (COD)

The Commission approved the line set out in SI(2020) 352/3.

- Amendment of Regulation (EC) No 767/2008, Regulation (EC) No 810/2009, Regulation (EU) 2017/2226, Regulation (EU) 2016/399, Regulation (EU) XX/2018 [Interoperability Regulation], and Decision 2004/512/EC and repeal of Council Decision 2008/633/JHA (Regulation) – RANGEL report – 2018/0152A (COD)

The Commission approved the line set out in SI(2020) 353/2.

- Prevention of the dissemination of terrorist content online (Regulation) – JAKI report – 2018/0331 (COD)

The Commission approved the line set out in SI(2020) 358/2.

**iv) Council dossiers**

(point 3.3 of the IRG record)

- Temporary derogation from certain provisions of Directive 2002/58/EC of the European Parliament and of the Council as regards the use of technologies by number-independent interpersonal communications service providers for the processing of personal and other data for the purpose of combatting child sexual abuse online (Regulation) – SIPPEL Report – 2020/0259 (COD)

The Commission approved the line set out in SI(2020) 348/2.

- Amendment of Council Regulation (EC) No 168/2007 establishing a European Union Agency for Fundamental Rights (Council Regulation) — MANDL report — 2020/0112 (APP)

The Commission approved the line set out in SI(2020) 350.

- Coordinated approach to the restriction of free movement in response to the COVID-19 pandemic (Council Recommendation) — 2020/0256 (NLE)

The Commission approved the line set out in SI(2020) 359.

#### **4.3. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL**

##### **v) Non-legislative dossiers**

(point 4.1 of the IRG record)

- Negotiations for the modernisation of the Energy Charter Treaty; definition of ‘Economic Activity in the Energy Sector’; phase out of investments in fossil fuels

The Commission approved the line set out in SI(2020) 363/2.

#### **4.4. RELATIONS WITH PARLIAMENT**

##### **vi) Action to be taken on Parliament’s legislative resolutions and other resolutions of a legal nature**

(SP(2020) 518)

The Commission took note of document SP(2020) 518, drawn up following Parliament’s part-session of 19 to 23 October 2020.

##### **vii) Action taken on the legislative opinions and non-legislative resolutions adopted by Parliament at its October I 2020 part-session**

(point 5.6.1 of the IRG record)

The Commission approved document SP(2020) 532 on the action taken on the legislative opinions and non-legislative resolutions adopted by Parliament at its October I 2020 part-session, for transmission to Parliament.

**viii) Results of Parliament's October II 2020 part-session**

(point 5.8.1 of the IRG record)

The Commission took note of the information on Parliament's part-session held from 19 to 23 October 2020 in Brussels, set out in SP(2020) 511.

**4.5. OTHER MATTERS**

**ix) BREXIT – Information on the work of the Joint Committee established under the Withdrawal Agreement**

(point 7.2 of the IRG record)

The Commission took note of document SI(2020) 254.

**5. COORDINATION OF EXTERNAL ACTION**

**(RCC(2020) 108 AND /2)**

The Commission took note of the operational conclusions in RCC(2020) 108/2 of the meeting of the Group for External Coordination (EXCO) held by videoconference on Wednesday 21 October 2020.

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

**6.1. WRITTEN PROCEDURES APPROVED**

**(SEC(2020) 346 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 19 and 23 October 2020.

**6.2. EMPOWERMENT**

**(SEC(2020) 347 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 19 and 23 October 2020.

**6.3. *DELEGATION / SUBDELEGATION OF POWERS***  
***(SEC(2020) 348 ET SEQ.)***

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 19 and 23 October 2020 archived in Decide.

**6.4. *SIGNIFICANT WRITTEN PROCEDURES***  
***(SEC(2020) 349 AND /2)***

The Commission took note of the significant written procedures for which the time limit expired between 26 October and 6 November and of the finalisation written procedure initiated following the weekly meeting of Chefs de cabinet on Monday 26 October.

**7. *ADMINISTRATIVE AND BUDGETARY MATTERS***  
***(SEC(2020) 350 AND /2)***

***ADMINISTRATIVE MATTERS***  
***(PERS(2020) 89 AND /2)***

At the invitation of the PRESIDENT, Mr HAHN presented two additional proposals for administrative decisions which he was submitting directly to the College for approval.

Mr HAHN explained that it was proposed to appoint Ms Céline GAUER to the post of Director-General in charge of the Recovery and Resilience Task Force (RECOVER) in the Secretariat-General, and Ms Flaminia BUSSACCHINI to the

permanent post of Commission Mediator, a Principal Adviser function, also in the Secretariat-General.

He highlighted the great skills, outstanding career and recognised expertise of Ms Céline GAUER and Ms Flaminia BUSSACCHINI, who would be valuable assets in their new posts.

**7.1. SECRETARIAT GENERAL / RECOVERY AND RESILIENCE TASK FORCE (RECOVER) – APPOINTMENT OF AD15/16 DIRECTOR-GENERAL  
(PERS(2020) 71 TO /4)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director-General in charge of the Recovery and Resilience Task Force (RECOVER) in the Secretariat-General (PERS(2020) 71 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 21 and 23 October 2020 (PERS(2020) 71/3 and /4).

The Commission proceeded to compare the applicants' qualifications for the post. On a proposal from Mr HAHN, in agreement with the PRESIDENT, it then decided to appoint Ms Céline GAUER to the post.

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

**7.2. SECRETARIAT GENERAL – APPOINTMENT OF AD14/15 COMMISSION MEDIATOR  
(PERS(2020) 5 TO /4)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the permanent post of Commission Mediator, a Principal Adviser function, in the Secretariat-General (PERS(2020) 5 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 22 April and 7 May 2020 (PERS(2020) 5/3 and /4).

The Commission proceeded to compare the applicants' qualifications for the post. It also considered their ability, efficiency and conduct in the service. On a proposal from the PRESIDENT, in agreement with Mr HAHN, it then decided to appoint Ms Flaminia BUSSACCHINI to the post.

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

**7.3. DG EMPLOYMENT, SOCIAL AFFAIRS AND INCLUSION –  
APPOINTMENT OF AD14/15 DIRECTOR  
(PERS(2020) 96 TO /3)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director of the 'Investment' Directorate in DG Employment, Social Affairs and Inclusion (PERS(2020) 96).

It took note of the opinions of the Consultative Committee on Appointments of 8 and 24 September 2020 (PERS(2020) 96/2 and /3).

The Commission proceeded to compare the applicants' qualifications for the post. It also considered their ability, efficiency and conduct in the service. On a proposal from Mr HAHN, in agreement with the PRESIDENT and after consulting Mr SCHMIT, it then decided to appoint Ms Ruth PASERMAN to the post.

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

**7.4. SECRETARIAT GENERAL / RECOVERY AND RESILIENCE TASK  
FORCE (RECOVER) – APPOINTMENT OF AD14/15 PRINCIPAL  
ADVISER  
(PERS(2020) 97 TO /3)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Principal Adviser for Coordination of the European Semester, attached to the Head of the Recovery and Resilience Task Force (RECOVER) in the Secretariat-General (PERS(2020) 97).

It took note of the opinions of the Consultative Committee on Appointments of 8 and 22 October 2020 (PERS(2020) 97/2 and /3).

The Commission proceeded to compare the applicants' qualifications for the post. It also considered their ability, efficiency and conduct in the service. On a proposal from Mr HAHN, in agreement with the PRESIDENT, it then decided to appoint Mr Johannes LUEBKING to the post.

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

**7.5. INTERNAL AUDIT SERVICE – AMENDMENT OF ORGANISATION CHART AND INTERNAL PUBLICATION OF AN AD14/15 DIRECTOR POST AND AN AD14/15 PRINCIPAL ADVISER POST (SEC(2020) 363; PERS(2020) 90; PERS(2020) 91)**

On a proposal from Mr HAHN, in agreement with the PRESIDENT and after consulting Mr REYNDERS, the Commission decided:

- to create a permanent post of Principal Adviser for relations with internal and external partners;
- to authorise the internal publication, with immediate effect, of the vacancy notice for the newly-created permanent post of Principal Adviser for relations with internal and external partners in the Internal Audit Service, as set out in PERS(2020) 90, in accordance with Article 29(1)(a)(i) and (iii) of the Staff Regulations;
- to authorise the internal publication, with immediate effect, of the vacancy notice for the post of Director of the 'Audit in EU Agencies and other

autonomous bodies' Directorate in the Internal Audit Service, as set out in PERS(2020) 91, in accordance with Article 29(1)(a)(i) and (iii) of the Staff Regulations;

- to approve the new organisation chart set out in SEC(2020) 363.

Unless indicated otherwise, these decisions would take effect on 1 January 2021.

**7.6. DG ECONOMIC AND FINANCIAL AFFAIRS – AMENDMENT OF ORGANISATION CHART AND INTERNAL PUBLICATION OF AN AD15/16 DEPUTY DIRECTOR-GENERAL POST AND TWO AD14/15 DIRECTOR POSTS**

**(SEC(2020) 364; PERS(2020) 92; PERS(2020) 93; PERS(2020) 94)**

On a proposal from Mr HAHN, in agreement with the PRESIDENT and after consulting Mr GENTILONI, the Commission decided:

- to create a new Directorate ECFIN.L 'InvestEU and financial institutions' attached to the Deputy Directorate-General ECFIN.DDG2, comprising, among others, the three units currently attached to ECFIN.DDG2;
- to create two new units, ECFIN.L.4 'Investment programmes management' in the newly-created Directorate ECFIN.L 'InvestEU and financial institutions', and ECFIN.R.4 'Control, planning and evaluation' in the current Directorate ECFIN.R 'Resources', renamed 'Resources and performance management';
- to authorise the internal publication, with immediate effect, of the vacancy notices for the post of Deputy Director-General in charge of Directorates ECFIN.D and ECFIN.L, and the post of Director of Directorate ECFIN.L 'InvestEU and financial institutions' set out in PERS(2020) 92 and PERS(2020) 93 respectively, in accordance with Article 29(1)(a)(i) and (iii) of the Staff Regulations;

- to authorise the internal publication, with immediate effect, of the vacancy notice in PERS(2020) 94 for the post of Director of Directorate ECFIN.F ‘Economies of the Member States I’, in accordance with Article 29(1)(a)(i) and (iii) of the Staff Regulations;
- to adopt the new organisation chart and the changes in remits for the units and directorates concerned, as set out in SEC(2020) 364.

This decision was conditional on the commitment of DG Economic and Financial Affairs to carry out a thorough reassessment of its structure in 2021 and to submit another reorganisation on that basis.

Unless indicated otherwise, these decisions would take effect on 16 January 2021.

After the restructuring, the total number of directorates at DG Economic and Financial Affairs would increase from 9 to 10 and the number of units from 35 to 37.

**7.7. DG STRUCTURAL REFORM SUPPORT – AMENDMENT OF ORGANISATION CHART AND INTERNAL PUBLICATION OF AN AD14/15 DIRECTOR POST  
(SEC(2020) 365; PERS(2020) 95)**

On a proposal from the PRESIDENT, in agreement with Mr HAHN and after consulting Ms FERREIRA, the Commission decided:

- to create Directorate REFORM.B ‘Support to Member State reforms’, which would be reviewed after one year;
- to create Unit REFORM.B.5 ‘Financial sector & access to finance’;
- to authorise the internal publication, with immediate effect, of the vacancy notice in PERS(2020) 95 for the newly-created post of Director of Directorate REFORM.B ‘Support to Member States reforms’, in

accordance with Article 29(1)(a)(i) and (iii) of the Staff Regulations;

- to adopt the new organisation chart set out in SEC(2020) 365.

Unless indicated otherwise, these decisions would take effect on 16 January 2021.

After the restructuring, the total number of directorates at DG Structural Reform Support would increase from 1 to 2 and the number of units from 8 to 9.

#### **7.8. DG HUMAN RESOURCES AND SECURITY – EXTENSION OF THE JUNIOR PROFESSIONALS PROGRAMME PILOT SCHEME**

The Commission took note of the information in point 6 of PERS(2020) 89 and, on a proposal from Mr HAHN, in agreement with the PRESIDENT, decided:

- to instruct DG Human Resources and Security:
  - to organise on a biannual basis and in line with the calendar of the Commission's 'Blue Book' traineeship programme, the selection of up to 50 junior professionals per year from four categories of staff working for the European Commission and meeting the eligibility criteria on the closing date of the call for expressions of interest, i.e. officials, temporary staff, contract staff and 'Blue Book' trainees;
  - to engage junior professionals selected from among the 'Blue Book' trainees, temporary staff and contract staff, and junior professionals selected from among officials in the AST and AST/SC function groups, as temporary staff at grade AD5 under Article 2(b) or, where necessary, Article 2(a) of the Conditions of Employment of Other Servants;
  - to prepare a Commission decision on the Junior Professionals

Programme, taking into account the experience gained in the first rounds of selection of junior professionals and the main findings of the evaluation carried out in October 2020;

- to allow a derogation from Article 2(c) and Article 3 of Commission Decision C(2013) 9049 of 16 December 2013 on policies for the engagement and use of temporary agents;
- to allow a derogation from Commission Decision C(2013) 3288 of 4 June 2013 on the exercise of powers conferred by the Staff Regulations on the appointing authority (AIPN) and by the Conditions of Employment of Other Servants on the authority empowered to conclude contracts of employment (AHCC), as last amended; during the first year of the programme, the junior professionals would be assigned to DG Human Resources and Security; also during that first year, the Director responsible for the Junior Professionals Programme in DG Human Resources and Security could, by way of derogation, post them to two successive Commission departments; such a decision would be taken on a proposal from the selection panel of the Junior Professionals Programme, on the basis of the postings proposed by Commission departments;
- to ask DG Human Resources and Security to provide the Member of the Commission responsible for it with regular progress reports on the pilot scheme.

These decisions would take effect immediately.

**7.9. DG HUMAN RESOURCES AND SECURITY – EXTENSION OF CERTAIN MEASURES ALREADY TAKEN TO MEET DEPARTMENTAL STAFFING NEEDS IN THE CONTEXT OF THE COVID-19 PANDEMIC**

The Commission took note of the information in point 7 of PERS(2020) 89

and, in order to allow its departments sufficient leeway to cover their staffing needs in the context of the current COVID-19 pandemic and the start of the implementation of the future multiannual financial framework and the new recovery instrument, NextGenerationEU, it decided, on a proposal from Mr HAHN, in agreement with the PRESIDENT, to extend until 31 December 2021 the following measures:

- the authorisation given at the 2335<sup>th</sup> Commission meeting to the authority empowered to conclude contracts of employment to issue offers of employment and conclude contracts of employment for temporary and contract staff, subject to subsequent confirmation that candidates complied with the requirements set out in Article 12(2)(c) and (d) and Article 82(3)(c) and (d) of the Conditions of Employment of Other Servants (CEOS), provided that the following conditions were met:
  - the overriding interest of the department in the person taking up their duties before the Medical Service was able to confirm their physical aptitude, or before the person was able to produce the character references required, must be duly justified by the Directorate-General or the department concerned;
  - compliance by the candidate with the requirements set out in Article 12(2)(c) and (d) and Article 82(3)(c) and (d) of the Conditions of Employment of Other Servants should, in principle, be demonstrated as soon as possible, and in any case, within five months of taking up their duties;
  - to this end, the following contractual provisions must be complied with for temporary staff members recruited under Article 2(a), (b) and (d) of the Conditions of Employment of Other Servants, and for contract staff members:
    - the initial contract must be established for the period set out by the

recruiting department, within the limits set in the Conditions of Employment of Other Servants and in the rules on the duration of contracts applicable at the Commission;

- the contract must provide that it would automatically end after six months if the person had not demonstrated compliance with the requirements set out in Article 12(2)(c) and (d) or Article 82(3)(c) and (d) of the Conditions of Employment of Other Servants within five months of taking up their duties;
  - in the exceptional event of the Medical Officer of the institution or the medical committee referred to in the second paragraph of Article 33 of the Staff Regulations being unable to take a definitive position on compliance with the requirement set out in Article 12(2)(d) or Article 82(3)(d) of the Conditions of Employment of Other Servants within five months from the date of entry into service, the contract must provide that it would automatically end 12 months from the date of entry into service, except where compliance with that requirement was confirmed within 11 months from the date of taking up duties, in which case the contract would run for the period specified by the recruiting department;
- the authorisation given at the 2335<sup>th</sup> Commission meeting to DG Human Resources and Security to extend beyond three years, at the duly justified request of the departments, the contracts of temporary staff members recruited under Article 2(b) and (d) of the Conditions of Employment of Other Servants (TA2b/d), and to amend the duration of any extensions of less than two years already granted for TA2b/d contracts, without requiring a selection procedure as set out in the third subparagraph of Article 3(2)(a) of Commission Decision C(2013) 9049, if by default the contracts concerned were due to end on or before 31 December 2021;

- the suspension of the application of Article 3(1) of Commission Decision C(2013) 9049, which had initially been decided at the 2313<sup>th</sup> Commission meeting and then extended at the 2346<sup>th</sup> meeting;
- the authorisation given at the 2346<sup>th</sup> Commission meeting to DG Human Resources and Security to depart from the rules on classification in grade of temporary staff in the ‘Administrators’ function group laid down in Article 3(2)(a) of Commission Decision C(2013) 9049, where the interest of the service requires certain skills and specific professional experience that are particularly relevant for a given job.

This decision would take effect immediately.

**7.10. DG HUMAN RESOURCES AND SECURITY – APPOINTMENT OF A SPECIAL ADVISER**  
**(PERS(2020) 98)**

On a proposal from Mr HAHN, in agreement with the PRESIDENT, the Commission decided:

- to appoint Mr José António VIEIRA DA SILVA as special adviser to Mr SCHMIT;
- to authorise the Member of the Commission responsible, Mr HAHN, by way of derogation from point 6(2) of Commission Decision C(2007) 6655, to amend the contract of Mr José António VIEIRA DA SILVA in the event of urgent and duly justified needs, subject to the availability of sufficient budgetary appropriations;
- to authorise the Director-General of DG Human Resources and Security to implement this decision by signing the contract on behalf of the authority empowered to conclude contracts of employment.

These decisions would take effect immediately.

**7.11. COMMISSION DECISIONS ON POST TERM-OF-OFFICE ACTIVITIES  
OF THREE FORMER MEMBERS OF THE COMMISSION  
(C(2020) 9040; C(2020) 9041; C(2020) 9042; C(2020) 9043)**

The Commission adopted the Decisions set out in C(2020) 9040, C(2020) 9041, C(2020) 9042 and C(2020) 9043.

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

**8. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT  
AND OF THE COUNCIL ESTABLISHING THE EUROPEAN UNION  
SINGLE WINDOW ENVIRONMENT FOR CUSTOMS AND AMENDING  
REGULATION (EU) NO 952/2013  
(COM(2020) 673 AND /2; SWD(2020) 237; SWD(2020) 238; SWD(2020) 239;  
SEC(2020) 360; RCC(2020) 165)**

The Commission adopted the proposal for a Regulation in COM(2020) 673/2 for transmission to the European Parliament, the Council, the European Economic and Social Committee and the national parliaments, and, for information, to the European Data Protection Supervisor, together with the staff working document, the impact assessment, the summary thereof and the opinion of the Regulatory Scrutiny Board in SWD(2020) 237, SWD(2020) 238, SWD(2020) 239 and SEC(2020) 360, the contents of which were noted.

- 9. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL ON ADDITIONAL COVID-19 RESPONSE MEASURES  
(COM(2020) 687 TO /3; RCC(2020) 167)**
- 10. COMMISSION RECOMMENDATION ON COVID-19 TESTING STRATEGIES, INCLUDING THE USE OF RAPID ANTIGEN TESTS  
(C(2020) 7502 TO /3 ; RCC(2020) 167)**
- 11. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL – COVID-19 – GUIDANCE ON PERSONS EXEMPTED FROM THE TEMPORARY RESTRICTION ON NON-ESSENTIAL TRAVEL TO THE EU AS REGARDS THE IMPLEMENTATION OF COUNCIL RECOMMENDATION 2020/912 OF 30 JUNE 2020  
(COM(2020) 686 TO /3; RCC(2020) 167)**
- 12. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL ON UPGRADING THE TRANSPORT GREEN LANES TO KEEP THE ECONOMY GOING DURING THE COVID-19 PANDEMIC RESURGENCE  
(COM(2020) 685 TO /3; RCC(2020) 167)**

The PRESIDENT introduced the presentation of the new package of measures proposed by the Commission that day to continue the fight against the COVID-19 pandemic, at a time when all EU Member States were experiencing a further worrying increase in the number of infections.

Before turning to this matter, she explained that she had asked Professor Peter PIOT, her special adviser on health issues, to attend this part of the College meeting by videoconference. She hoped that he would share with the College his assessment of the current health situation in the EU in his capacity as an internationally recognised epidemiologist, and that he would answer any questions

that the Members of the Commission might raise on this subject. She welcomed him, albeit remotely, to the College meeting.

Professor PIOT warmly thanked the PRESIDENT for her introduction and wasted no time in referring to the seriousness of the current situation in Europe and around the world. There had been an exponential increase in the number of cases of people infected with the virus in recent days in the EU, as evidenced by the European Centre for Disease Prevention and Control (ECDC), and the start of an increase in COVID-19 deaths, albeit at a slower rate at this stage. One million European citizens had been infected with the virus in the last week alone and the number of deaths had increased by one third during the same period, which was a significant amount.

The virus had therefore not disappeared in the summer, despite something of a respite, and although mainly young people had been affected when the second wave of pandemic began, it was clear at this stage that more and more elderly people and people in poor health were hit hardest by the disease.

85% of the European population had not yet been exposed to the virus, which made it possible to measure the extent of possible further infections. Moreover, there was a four-week lag between the time when people contracted the infection and possible deaths, suggesting that the number of deaths would continue to rise. In addition, although the number of deaths was lower now than in the spring, the current episode could have a longer-lasting impact on the COVID-19 mortality rate.

Furthermore, the situation facing intensive care units in European hospitals was worsening, even though the occupancy rate of beds in these units was currently one third of the level recorded in the spring.

COVID-19 also had long-term consequences and could result in protracted symptoms lasting for many months, which would also place a heavy burden on Member States' health systems over time.

Regarding the measures taken at national level, Professor PIOT noted that while some Member States had been spared at the beginning of the pandemic, all of them were currently affected by its resurgence. However, he noted that patients were now receiving much better treatment in hospitals than when the virus first appeared. He also welcomed the fact that the Member States which had taken extensive measures in the spring had managed to curb the rise in infections. It was now a matter of taking similar measures again, but ensuring that they were less damaging in economic and social terms.

In his view, the Commission had led the way in the spring by calling on the Member States to prepare for a resurgence of the pandemic and by prioritising testing and tracing as well as the introduction of a wide range of coordination measures. The EU was therefore in better shape now than a few months ago, although there was certainly no room for complacency.

He stressed that nobody knew how the pandemic would evolve, but its economic and social repercussions were already far-reaching and citizens were growing tired of the uncertainty and of being denied certain freedoms for several months.

He regretted that some Member States had been slow to get to grips with the pandemic and had lost time in order to contain new infections. In general, he recommended swifter action. Regarding the possible trade-off between public health and the economy, he felt that this was a false debate because protecting health meant protecting the economy.

He acknowledged that there was no magic solution to escape the current situation, which was only just beginning to worsen. He reiterated the need to comply with the rules on physical distancing and the wearing of masks in public places to curb the pandemic and save lives. These effective measures called for the participation of all citizens.

He then referred to the four possible scenarios, namely (i) eradication of the virus, which was very unlikely since to date only smallpox had been completely

eliminated, (ii) herd immunity, which could only be achieved at the cost of a very large number of deaths, (iii) the pursuit of draconian measures to contain infections, and (iv) the provision of a vaccine, which could provide light at the end of the tunnel.

In terms of a vaccine, Professor PIOT highlighted the considerable efforts made at international level to achieve in some 18 months what would normally be the result of a decade or so of work in normal times. He pointed out that such an undertaking had never been attempted. He was optimistic about the success of this global race against time. In his view, the Commission had played a leading role in supporting research and in exploring ways to ensure that the whole of the EU had access to an effective and safe future vaccine, in particular through procurement, pre-purchases of doses and the actions of the European Medicines Agency.

Eleven potential vaccines were currently at the third stage of clinical trials and the initial results were expected before the end of this year. However, there would still be a lot of questions concerning (i) the efficacy and duration of the future vaccine(s), bearing in mind that clinical trials had to cover 30 000 to 60 000 people in order to be valid, (ii) their safety, a fundamental criterion for gaining citizens' trust, which implied close monitoring, (iii) the availability of sufficient quantities, (iv) the staging of vaccinations, (v) the priority beneficiaries of the first batches, on which there would have to be agreement and coherent practices at European level, and (vi) public acceptance. Beyond measures to curb the rise of COVID-19, this would be the major task facing policy makers over the next six months.

Professor PIOT stressed that the fight against this pandemic was a perfect example of a win-win solidarity scenario in which every citizen could protect themselves and protect others, but that it unfortunately involved curbing certain freedoms. He concluded his presentation by encouraging the Commission to convey its actions more effectively to citizens.

Before opening the discussion, the PRESIDENT reported that the Commission had signed contracts with three vaccine manufacturers and was still negotiating with three others, which would cover the needs of the whole of the EU. Regarding the portfolio of potential vaccines on which the EU had taken up options, she hoped that the result would be somewhere between the worst-case scenario, where research would not lead to any effective or safe vaccine, and the best-case scenario, albeit unrealistic, whereby all the potential vaccines would be selected, which would amount to 1.2 billion doses, a figure far greater than the total population of the EU and from which third countries could therefore benefit.

In the event of one of the potential vaccines in the Commission's portfolio being successful, she stressed that the Member States would have to prepare themselves here and now and at full speed for the subsequent vaccination campaign. This would require considerable infrastructure and material resources, but also careful monitoring of the data, which would have to be collected and processed jointly.

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

- a number of questions on (i) the existence of reliable research into the impact of lockdowns or restriction measures, whether local or national, on the infection curve, (ii) people's immunity after infection and hence the effectiveness of a future vaccine, (iii) the option of tests conducted on a national scale, including rapid tests, and the current capacity situation, (iv) the possibilities of transferring patients between hospitals, regions and Member States, (v) the chances of the virus mutating and becoming more aggressive, (vi) ways of limiting the seriousness of infection before admission to hospital, or avoiding admission, and of limiting the long-term effects, and (vii) the chances of not resorting to a lockdown;
- the need to be concerned about protecting mental health in the EU in terms of preventing and mitigating the indirect effects of the COVID-19 pandemic;

- the mention of a certain loss of authority by the scientific community owing to public disagreements between its representatives regarding the government measures adopted in the Member States – disagreements which were eroding the citizens' confidence in the measures concerned;
- the advisability of establishing a European forum of expert epidemiologists to better counter disinformation by tasking it with publishing pertinent information on the evolution of the pandemic, including on social networks and major on-line platforms;
- the risk that citizens would no longer comply with safety instructions owing to the succession of measures adopted, sometimes inconsistently, the diverse methods followed or differences in the assessments made by the regional and national decision-making levels, for example;
- the need for better sharing of data by the Member States, including for requests to transfer patients to other hospitals;
- a reminder of the heavy infrastructure necessary for the future vaccination campaign and a question about the possible benefits of anticipating the increased industrial capacities for that purpose;
- a reference to the requests from industry for a guarantee fund to cope with any problems in the utilisation of a future vaccine.

In his replies to the various questions raised, Professor PIOT said that real progress had been made in treating COVID-19, even if it was still relatively uncoordinated. At EU level, a network of clinical trials was currently being put in place. He added that in the initial stages of infection, treatment consisted in neutralising the COVID-19 virus, but the long-term inflammatory sequelae required other therapeutic measures.

He considered that a lockdown was the most effective measure for containing the spread of the virus, but he recommended a cost-benefit analysis to limit it to what was strictly essential. In any event, he called for schools to remain open – at least primary schools, which were not major factors in the spread of the virus.

With regard to regional approaches, he said that they had worked in a number of Member States but that their success also depended on population density.

It was important to attend to mental health given that a lockdown exacerbated loneliness in particular. He mentioned local support-group initiatives, which played a positive role. He said that the effects of COVID-19 were complex and went well beyond traditional public health issues.

Professor PIOT said that science still had no answer to the question of whether people developed immunity after being infected, but in any event there were indications that vaccines would protect them, at least for a certain time.

With regard to improving industrial manufacturing capacity, he said that it was a matter of national and European security. He proposed a European mechanism for supporting the manufacture of vaccines, treatments and diagnostic tools, now at the dawn of the era of pandemics.

He added that national strategies, for example testing strategies, could also bear fruit. However, testing alone was not sufficient because it was also important to ensure that the positive results of the tests were provided rapidly and did in fact lead to the prescribed isolation protocols. Moreover, there should be a single scientific platform for bringing together the data collected by the Member States.

On the subject of testing capacity, he regretted that the majority of Member States had not taken advantage of the previous summer's lull in order to get better organised, with the result that they were now overwhelmed. He called for adequate health systems, equipped and on standby in case of need, with the support of technological innovation.

Moreover, the optimal use of antigen tests had been the subject of discussion and the Member States had different views. Those tests were more rapid and less costly to conduct but were also less sensitive than PCR reference tests.

Professor PIOT also said that the possibility of the virus mutating into an even more dangerous virus could not be ruled out but stressed that so far it had not done so.

On the question of the role of the scientific community, he said that a distinction should be made between the discussions within the community and the discussions conducted in public. He feared that the current discord, linked to the confusion between those two spheres, would get worse.

On the subject of tracing applications, he said they were very useful but worked only if they were used by a large number of people.

In reply to the question of what, apart from a lockdown, could help in combating the pandemic, he mentioned the option of combining testing and tracing on a large scale, which was very difficult to do, however, in situations where the cases of COVID-19 were very numerous. The other option consisted in partial lockdowns accompanied by an increase in testing and a very strict policy on mask-wearing.

He said it was fundamentally important to counter disinformation and that working with the social media platforms would be beneficial.

In conclusion, Professor PIOT said that the COVID-19 pandemic was much more than a simple public health problem because it also affected the economy, society and also many other aspects. In his view, tackling it in a coordinated and coherent manner represented a real added value.

The PRESIDENT thanked Professor PIOT for his presentation and his replies to the many questions of the Members of the Commission.

She added some comments on what had just been said.

She announced, firstly, the setting up of a European platform of public health specialists which was advising the national governments in connection with the COVID-19 pandemic.

She then said that the contracts for the supply of a future vaccine, concluded with certain pharmaceutical companies, provided for investment in industrial capacity to ensure that doses could be produced without delay once an effective and safe vaccine had been developed. However, the Member States would pay to purchase their doses.

Furthermore, tracing applications would be interoperable between 22 Member States at the end of November.

In general, she stressed the absolute need to encourage the exchange of data between the Member States, for example to provide an overview of existing hospital capacities with a view to cross-border patient-transfer operations.

She concluded this part of the discussion by proudly highlighting all the Commission had done over the course of a few months to support the Member States in the fight against COVID-19. She took the opportunity to thank the College, listing the proposals that had been made – from the testing strategy to the adoption of a single colour code to illustrate the degree of prevalence of the virus across the EU – and highlighting some very significant innovations, such as the creation of European stockpiles of medical equipment as part of *rescEU*.

On the day before the informal European Council meeting on the pandemic, to be held on 29 October, she reiterated her intention to insist on the need for European leaders to share the data at their disposal, create a platform of advisers to help in steering the management of the pandemic, implement the testing strategy proposed by the Commission, including for antigen tests, link up their national tracing apps, ensure the operation of Green Lanes and draw up vaccination plans.

She praised Professor PIOT and thanked him again for his very insightful analysis and the valuable information.

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The PRESIDENT then invited Ms KYRIAKIDES, Ms JOHANSSON and Ms VĂLEAN to present the additional measures that the Commission was also proposing that day to limit the spread of coronavirus, ensure a more effective response, strengthen the resilience of the internal market and promote European solidarity.

Ms KYRIAKIDES said that it was vital to again call on the Member States to swiftly redouble their efforts in order to bring the alarming health situation described by Professor PIOT under control.

She explained that the dozen or so measures presented that day were in addition to the many hundreds of measures already implemented by the Commission since the beginning of the pandemic. She focused her contribution on four aspects of the package presented that day that were most closely related to health.

Firstly, she stressed the need for the Member States to share - in a timely manner - accurate, complete and comparable epidemiological data with the European Centre for Disease Prevention and Control. The effectiveness of its work to facilitate coordination at EU level depended on this. It was therefore proposed that a more advanced online portal be developed to collect all of this data.

With the same objective of ensuring coordination and a consistent approach at EU level, she confirmed the Commission's intention to facilitate discussions between high-level epidemiologists and other national experts in order to coordinate national approaches and exchange best practices.

Secondly, Ms KYRIAKIDES stressed that the Member States needed to start work as soon as possible to organise future vaccination campaigns in case a safe and

effective vaccine were to be developed, highlighting the fact that this work was complex.

The Commission had approved a European COVID-19 vaccine strategy on 17 June and had invited the Member States to draw up national strategies on 15 October.

She said that the European Centre for Disease Prevention and Control would organise a pilot exercise to ensure the robustness of the Member States' national plans with regard to the vaccine deployment strategy.

She also stressed the importance of earning, and then maintaining, citizens' trust, by ensuring sound data, rigorous checks, full transparency and close monitoring, under the direction of the European Medicines Agency and the European Centre for Disease Prevention and Control.

With this in mind, she felt it was vital, thirdly, to communicate carefully with citizens. Aside from the virus itself, it was also necessary to combat citizens' growing weariness. That was why she recommended using clear and consistent messaging, and avoiding contradictory or controversial messages.

She also highlighted the need to encourage citizens to use contact tracing and alert apps, on the one hand, and to convince the Member States to link up their national apps using the gateway service proposed by the Commission, on the other hand. These apps were effective tools to break transmission chains.

Lastly, she came back to the key role of effective and rapid testing. In combination with contact tracing in particular, it was one of the main tools available to slow the spread of coronavirus. She stressed the importance of encouraging the development of reliable tests, national testing strategies and rapid antigen tests, as explained in the Recommendation on COVID-19 testing strategies being tabled that day.

In conclusion, she said that no strategy or measure would be effective unless the Member States were on board. That was why she hoped that EU leaders would view

this new package of measures presented by the Commission as support in a fight in which the three watchwords were cooperation, coordination and solidarity.

Ms JOHANSSON referred to the measures proposed to facilitate the safe entry of people into the EU from third countries, i.e. at the Union's external borders.

On 30 June, the Council of the European Union had adopted a Recommendation on the temporary restriction of non-essential travel into the EU. The Recommendation provided for exemptions for certain categories of persons and therefore for essential travel to be authorised for specific categories of travellers with an essential function or need.

She explained that the Commission was therefore proposing guidelines to help the Member States interpret these categories in a consistent manner. Among other things, the aim was to encourage the Member States to facilitate the reunion of people in a durable relationship. These guidelines also gave examples of evidence that could be used for this purpose.

Ms VĂLEAN then turned to the measures presented that day in the transport sector with a view to safeguarding unhindered free movement in the single market and limiting disruption to trade and the economy that could be caused by new measures to combat the pandemic.

She said that the transport ecosystem was complex, given the variety of transport modes, differences between the transport of goods and of passengers, the significant number of workers in this sector and its central position in the economic value chain.

Since March, the use of Green Lanes had helped keep supplies of goods flowing and the EU's economic fabric intact. Encouraged by that experience, the Commission was now in a position to propose strengthening the principles underpinning the Green Lanes and adapting them to a resurgence of the pandemic. One key objective was to expand the Green Lanes principle beyond road freight.

In addition, the Commission was proposing guidelines to facilitate the practical application of Green Lanes, such as using electronic documentation and making rest and refuelling points available. It also needed to be possible for drivers to transit through a Member State regardless of their point of origin without them being required to take a test provided that they stayed inside the transit corridor.

She also highlighted the particular attention given to seafarers. The Member States needed to facilitate the regular movement of these essential workers, otherwise there was a risk that the safety of waterborne transport could be compromised.

Ms VĂLEAN then turned to the proposed measures for passenger transport, something which, in her view, should be facilitated, while minimising health risks, as it was essential for European citizens and ensured their wellbeing.

She referred to two tools being developed that should be especially useful, namely (i) a testing protocol for travellers drawn up by the European Union Aviation Safety Agency and the European Centre for Disease Prevention and Control, and (ii) passenger locator forms, which should help Member States to evaluate risks linked to arrivals and make contact tracing easier.

The PRESIDENT thanked Ms KYRIAKIDES, Ms JOHANSSON and Ms VĂLEAN. She concluded the last presentation by pointing out that the aim of the measures presented was to safeguard the proper functioning of the single market and free movement, both of which were flagship achievements of European integration and needed to be protected, even during these turbulent times, without undermining the vital efforts to protect health.

Following these presentations, the Commission:

- approved the Communications in COM(2020) 687/3, COM(2020) 686/3 and COM(2020) 685/3, for transmission to Parliament, the European Council and the Council and, for information, to the national parliaments;

- adopted the Recommendation in C(2020) 7502/3 and decided to notify it to the Member States and to publish it, for information, in the Official Journal of the European Union.

**13. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON ADEQUATE MINIMUM WAGES IN THE EUROPEAN UNION**

**(COM(2020) 682 TO /3; SWD(2020) 245; SWD(2020) 246; SEC(2020) 362; RCC(2020) 166)**

The PRESIDENT asked Mr DOMBROVSKIS and Mr SCHMIT to present to the College the proposal for a Directive on adequate minimum wages in the European Union, which was submitted for its approval that day.

She began by stressing the importance of this proposal, which responded to an unacceptable situation, for a social market economy such as that in the EU, in which too many people were working for a wage that failed to provide them with decent living standards.

The aim of that day's proposal was therefore to give workers access to adequate minimum wages, whether in Member States with a statutory minimum wage or those operating a system of collective bargaining. The aim was thus to protect not just workers but also employers who were already paying their workers decent wages, and to make the European labour market fairer.

She particularly welcomed the fact that the proposal sought to develop collective bargaining between the social partners throughout the EU.

She stressed the balance achieved by the proposal, which fully respected national traditions, the autonomy of the social partners and, naturally, the limits set by the Treaty on the Functioning of the European Union.

Nonetheless, she expected the negotiation of this initiative between the co-legislators to be difficult, given the sensitivity of the issue in some Member States. However, she considered that it was a battle worth fighting.

Mr DOMBROVSKIS said that the lowest-paid workers had benefited least from the economic growth in the EU since the financial crisis. This was why, at the start of the current Commission's term of office, the PRESIDENT had made a political commitment to make work pay. In the EU, the percentage of the working poor had risen from 8.3% in 2007 to 9.4% in 2018. COVID-19 was aggravating the situation still further and increasing inequalities, since low-wage workers were also the hardest hit by the economic effects of the pandemic.

The Commission was therefore presenting that day a proposal to address a regrettable situation by ensuring that the economic recovery would benefit everyone, including low-wage workers. This proposal was all the more justified in economic terms since it would help to boost labour productivity in Europe and make the EU economy more resilient.

He said that 21 Member States operated a statutory minimum wage system and the remaining 6 the system of collective bargaining between social partners. He added that there had been lengthy preparations for that day's proposal. The Commission had carried out a two-stage consultation with the social partners and had asked them whether they were prepared to negotiate with each other. Talks had failed, with employers wanting a recommendation and trade unions a directive. The Commission had therefore taken the initiative and opted for a proposal for a directive, which was more binding than a mere recommendation.

The legal basis for the proposal, Article 153 of the Treaty on the Functioning of the European Union, provided for the Union to complement the action of the Member States in the field of working conditions. However, in line with the limits imposed on EU action in the field of social policy, the proposal did not contain measures directly affecting the level of wages.

Mr DOMBROVSKIS stressed that the framework set out by the proposal left all specific decisions on minimum wages to be taken at national level. The proposal was also intended to protect and support systems based on collective bargaining, encourage all the Member States to promote collective bargaining and propose instruments to enable those operating a statutory minimum wage system to improve the adequacy of that wage, its scope and the involvement of the social partners.

In his view, the Commission had struck a fair balance between the ambition to make work pay and the need to leave the Member States room for manoeuvre. In conclusion, he highlighted the fact that that day's proposal was a tangible demonstration of the EU's determination to leave no-one behind.

Mr SCHMIT said that the PRESIDENT had on several occasions raised the question of the value and dignity of work and had undertaken to ensure that every EU worker would receive a decent wage. This was a political and democratic issue as well as a social one.

He said that a proposal for a Directive had been chosen as the legal instrument since it could give guidance without specifying either the system for setting minimum wages or the level of the wages, leaving the Member States a margin of discretion about how to implement these guidelines to improve workers' living conditions.

He also said that that day's proposal recognised the value of collective bargaining, which was part of the EU's social market economy model.

The Commission was therefore sending an important signal that day, which many were no longer expecting from it. However, he cautioned against raising too high expectations, particularly among workers who were very worried about what their wage levels would be after the pandemic, since minimum wages were not going to increase overnight.

On the economic front, it was not only wages that determined how competitive an economy was. Modernisation and investing in skills in particular were also needed.

He cited the example of China. Having long based its competitiveness on very low wages, it was now geared towards cutting-edge technology and therefore had to raise the wage levels of workers trained in these technologies in order to attract them.

The PRESIDENT referred to the social contract that must be entered into in the European social market economy, whereby a full-time worker must be able to earn a wage higher than minimum social benefits, otherwise there was no incentive to work. Apart from the issue of wages, this social contract related more broadly to the way in which workers were treated.

Moreover, employers who relied on low wages also relied on the State to subsidise them. In this way they exploited a moral hazard and nullified the efforts of other employers who paid higher wages.

Lastly, experience showed that if minimum wages were negotiated properly between the social partners or had a scientific basis, as was the case in certain Member States, these factors, which made for a level playing field between businesses, had a stabilising effect on the sectors concerned.

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

- strong support for the proposal, which met an essential need for minimum protection for workers and was the result of a process of broad external consultation with the social partners and internal consultation within the Commission;
- the balance, fairness and economic pragmatism of the proposal, which respected national traditions and left Member States room for manoeuvre to factor in their particular situation, including in terms of demography; likewise, the proposal's social, macroeconomic and political importance;

- support for the constructive and inclusive method used, which, despite the complexity of the subject, had taken into account national differences and specific factors in the field of wage policy in the EU;
- the recognition, underpinning the proposal, that GDP was increasing but wages were tending to stagnate, giving rise to a feeling of injustice and insecurity conducive to populism;
- support for the decision not to grant individual rights but rather for the proposal to cover workers as a whole, on the one hand, and recognise the benefits of collective bargaining in setting adequate wages, on the other;
- the contribution that this proposal could make to a debate on the issue of the working poor and, more generally, on other equity factors such as redistribution, in order to help set things on a different track in the EU;
- denunciation of the exploitation of the working poor all over the world;
- the detrimental effects of low-wage policies on the internal market, hence the welcome contribution that the proposal would make to improving the level playing field in the social area;
- the even more evident appropriateness of this proposal at a time of economic crisis due to COVID-19, which hit the working poor harder than other workers;
- support for the idea of also sending a message to low-wage workers, who played a crucial role in the functioning of society, as demonstrated by the crisis;
- the message sent by the Commission regarding the importance it attached to the dignity of workers;
- the need to rebalance labour through a consistent promotion of vocational skills, without leaving anyone behind, and to build the future European recovery by strengthening the social market economy;

- the importance of the communication activities to be deployed around the proposal, which should emphasise the message of a Europe that protected and the new encouragement it offered to workers, after the European instrument for temporary support to mitigate unemployment risks in an emergency (SURE).

Mr SCHMIT thanked the Members of the College for their support. He explained that the proposal for a Directive presented by the Commission would now enter the legislative process, under the German and Portuguese Council presidencies and at the European Parliament, which would take several months. He was relatively optimistic about the outcome of this process, despite the doubts of certain Member States concerning the balance of the proposal, which could even be subject to qualified majority voting.

Following these presentations, the Commission adopted the proposal for a Directive in COM(2020) 682/3, for transmission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the national parliaments, together with the impact assessment, the summary thereof and the opinion of the Regulatory Scrutiny Board in SWD(2020) 245, SWD(2020) 246 and SEC(2020) 362, the contents of which were noted.

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The meeting closed at 11.41.