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SECRETARIAT-GENERAL

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- English translation of the French version which is authentic -

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Brussels, 12 May 2021

TEXTE EN

MINUTES

of the 2372nd meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 24 March 2021

(morning)

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Single sitting: Wednesday 24 March 2021 (morning)

The sitting opened at 9.10 with Ms von der LEYEN, President, in the chair.

Present:

Ms von der LEYEN	President	
Mr TIMMERMANS	Executive Vice-President	Items 1 to 12
Ms VESTAGER	Executive Vice-President	
Mr DOMBROVSKIS	Executive Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Ms JOUROVÁ	Vice-President	
Ms ŠUICA	Vice-President	
Mr SCHINAS	Vice-President	
Mr HAHN	Member	
Ms GABRIEL	Member	
Mr SCHMIT	Member	
Mr GENTILONI	Member	
Mr WOJCIECHOWSKI	Member	
Mr BRETON	Member	
Ms FERREIRA	Member	
Ms KYRIAKIDES	Member	
Mr REYNDERS	Member	
Ms DALLI	Member	
Ms JOHANSSON	Member	
Mr LENARČIČ	Member	
Ms VÁLEAN	Member	
Mr VÁRHELYI	Member	
Ms SIMSON	Member	
Mr SINKEVIČIUS	Member	
Ms McGUINNESS	Member	

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Absent:

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

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

Mr SERRANO	Chef de cabinet to Mr BORRELL
Mr LAHTI	Chef de cabinet to Ms URPILAINEN

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	
Mr MAMER	Head of the Spokesperson's Service and Chief Spokesperson of the Commission	
Ms PETKOVA	Director of Coordination and Administration in the PRESIDENT's Office	
Mr VANDENBERGHE	Adviser in the PRESIDENT's Office	Item 13.2
Ms CABRAL	Adviser in the PRESIDENT's Office	Items 10 and 11
Ms SCHULTZ	Policy Coordinator in the PRESIDENT's Office	
Mr SMITH	Policy Coordinator in the PRESIDENT's Office	Items 10 and 11
Ms SPINANT	Deputy Chief Spokesperson of the Commission	
Mr HEMMELGARN	Secretariat-General	

Secretary: Ms JUHANSONE, Secretary-General, assisted by Ms ALLOUIS-LE LOSTEC, Head of Unit in the Secretariat-General.

1. AGENDAS

(OJ(2021) 2372/FINAL; SEC(2021) 2372/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(2021) 2372)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 22 March 2021.

3. APPROVAL OF THE 2369TH, 2370TH AND 2371ST MEETINGS OF THE COMMISSION (3, 9, AND 17 MARCH 2021)

(PV(2021) 2369)

The Commission approved the minutes of its 2369th meeting, and decided to hold over approval of the minutes of its 2370th and 2371st meetings until a later meeting.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2021) 84)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held by videoconference on Friday 19 March 2021 (RCC(2021) 84).

The Commission approved the lines proposed for the following points:

- **Multiannual Financial Framework 2021-2027 – Common Agricultural Policy (CAP):**

- **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)**
- **Financing, management and monitoring of the common agricultural policy and repeal of Regulation (EU) No 1306/2013 (Regulation) – MÜLLER report – 2018/0217 (COD)**
- **Amendment of Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products, (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union and (EU) No 229/2013 laying down specific measures for agriculture in favour of the smaller Aegean islands (Regulation) – ANDRIEU report – 2018/0218 (COD)**

Line set out in SI(2021) 86/2.

- **Multiannual Financial Framework 2021-2027 – Establishment, as part of the Integrated Border Management Fund, of the instrument for financial support for customs control equipment (Regulation) – POSPÍŠIL report – 2018/0258 (COD)**

Line set out in SI(2021) 87.

- **Multiannual Financial Framework 2021-2027 – Connecting Europe Facility and repeal of Regulations (EU) No 1316/2013 and (EU) No 283/2014 (Regulation) – MARINESCU, VIRKKUNEN & RIQUET report – 2018/0228 (COD)**

Line set out in SI(2021) 73.

- **Multiannual Financial Framework 2021-2027 – ‘Fiscalis’ programme for cooperation in the field of taxation (Regulation) – 2018/0233 (COD) – GIEGOLD report**

Line set out in SI(2021) 90.

- **Multiannual Financial Framework 2021-2027 – Neighbourhood, Development and International Cooperation Instrument (NDICI) (Regulation) – GAHLER & JUKNEVIČIENĖ & ARENA & GOERENS report – 2018/0243 (COD)**

Line set out in SI(2021) 92.

- **Establishment of the framework for achieving climate neutrality and amendment of Regulation (EU) 2018/1999 (Regulation) – GUTELAND report – 2020/0036 (COD)**

Line set out in SI(2021) 94/2.

- **Conditions for accessing the other EU information systems and amendment of Regulation (EU) 2018/1862 and Regulation (EU) yyyy/xxx [ECRIS-TCN] (Regulation) – LENAERS report – 2019/0001 (COD) – Establishing the conditions for accessing other EU information systems for ETIAS purposes and amendment of Regulation (EU) 2018/1240, Regulation (EC) No 767/2008, Regulation (EU) 2017/2226 and Regulation (EU) 2018/1861 (Regulation) – LENAERS report – 2019/0002 (COD)**

Line set out in SI(2021) 91.

- **Use of the term ‘gender equality’ in negotiations in the Council**

Line set out in SI(2021) 88/2.

- **Conclusion, on behalf of the Union, of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, and of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland concerning security procedures for exchanging and protecting classified information (Council Decision) – 2020/0382 (NLE)**

Line set out in SP(2021) 191/2.

- **Commission replies to the non-legislative resolutions adopted by Parliament at its part-session of December 2020**

The Commission approved the line set out in SP(2021) 190/2, for transmission to Parliament.

- **European Parliament Resolution on the basis of Article 225 of the Treaty on the Functioning of the European Union (TFEU) – The right to disconnect – AGIUS SALIBA report – 2019/2181 (INL)**

Line set out in SP(2021) 186.

- **Follow-up to opinions of the Committee of the Regions – Plenary session of October 2020**

The Commission approved the line set out in SR(2021) 4/2, for transmission to the Committee of the Regions.

The Commission took note of the following points:

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

Compromise text in SP(2021) 183, further to note SI(2020) 370, which the Commission had already approved on 18 November 2020.

- **Active Monitoring and Forecast of Budget Implementation (AMFBI) – Information note**

Information set out in SPI(2021) 16.

5. COORDINATION OF EXTERNAL ACTION (RCC(2021) 20)

The Commission took note of the operational conclusions in RCC(2021) 20 of the meeting of the Group for External Coordination (EXCO) held by videoconference on Wednesday 17 March 2021.

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(2021) 132 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 15 and 20 March 2021.

7.2. EMPOWERMENT
(SEC(2021) 133 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 15 and 19 March 2021.

7.3. DELEGATION / SUBDELEGATION OF POWERS
(SEC(2021) 134 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 15 and 21 March 2021 archived in Decide.

7.4. SIGNIFICANT WRITTEN PROCEDURES
(SEC(2021) 135 AND /2)

The Commission took note of the significant written procedures for which the time limit expired between 22 March and 9 April 2021.

**7.5. GRANTING OF DELEGATED POWERS IN THE FIELD OF THE
COMMON FOREIGN AND SECURITY POLICY**
(C(2021) 2011)

The Commission adopted the decision in C(2021) 2011.

8. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2021) 136)

ADMINISTRATIVE MATTERS
(PERS(2021) 28)

8.1. DG MARITIME AFFAIRS AND FISHERIES – LIST OF CANDIDATES FOR THE POST OF EXECUTIVE DIRECTOR OF THE EUROPEAN FISHERIES CONTROL AGENCY (EFCA), IN VIGO, SPAIN, AT GRADE AD14 (PERS(2021) 30 TO /3)

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

- to approve the list of two candidates, presented in alphabetical order, set out in point 1 of PERS(2021) 28, for the post of Executive Director of the European Fisheries Control Agency, in Vigo, Spain, and to consider this list as the Commission proposal;
- to ask Mr SINKEVIČIUS, the Member of the Commission responsible, to communicate this decision to the Administrative Board of the European Fisheries Control Agency.

These decisions would take effect immediately.

8.2. DG MOBILITY AND TRANSPORT – EXTENSION OF THE TERM OF OFFICE OF THE EXECUTIVE DIRECTOR OF THE SHIFT2RAIL JOINT UNDERTAKING (S2R JU), AT GRADE AD14

The Commission took note of the information set out in point 2 of PERS(2021) 28 and, on a proposal from Mr HAHN, in agreement with the PRESIDENT and after consulting Ms VĂLEAN, decided:

- to propose to the Governing Board of the Shift2Rail Joint Undertaking to extend, at grade AD14, the term of office of Mr Carlo BORGHINI in the post of Executive Director for a period of five years, with effect from 16 May 2021, in accordance with Article 9(4) and (5) of Annex I to Council Regulation (EU) No 642/2014; however, the term of office would continue to apply after S2R JU was abolished only if a Council Regulation

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establishing the joint undertakings under Horizon Europe created a new joint undertaking and made it the legal and universal successor to S2R JU, unless the Governing Board of the new joint undertaking decided otherwise;

- to ask Ms VĂLEAN, the Member of the Commission responsible, to communicate this decision to the Governing Board of the Shift2Rail Joint Undertaking.

These decisions would take effect immediately.

**8.3. DG BUDGET – APPOINTMENT OF LIQUIDATORS FOR THE WINDING-UP OF THE CONSUMERS, HEALTH, AGRICULTURE AND FOOD EXECUTIVE AGENCY (CHAFEA)
(C(2021) 2050)**

On a proposal from Mr HAHN, in agreement with the PRESIDENT, and after consulting Ms KYRIAKIDES, the Commission approved the decision set out in C(2021) 2050.

This decision would take effect immediately.

**8.4. DG HUMAN RESOURCES AND SECURITY – SPECIAL ADVISERS TO THE COMMISSION FROM 1 APRIL 2021 TO 31 MARCH 2022
(PERS(2021) 29)**

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

- to adopt the list of special advisers to the Commission valid, unless otherwise stated, from 1 April 2021 to 31 March 2022, as set out in PERS(2021) 29;
- by way of derogation from the provisions under point 6, second

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paragraph, of Commission Decision C(2007) 6655 of 19 December 2007 on the rules on special advisers to the Commission, to authorise Mr HAHN, the Member of the Commission responsible for the budget and human resources, to conclude addenda to the existing contracts in the event of duly justified and urgent 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 contracts of employment on behalf of the authority empowered to conclude contracts of employment.

These decisions would take effect immediately.

**8.5. DG HUMAN RESOURCES AND SECURITY – APPROVAL OF THE LISTS OF CANDIDATES FOR THE POSTS OF HEAD OF EU DELEGATION OR DEPUTY HEAD OF EU DELEGATION, AND FOR A POST OF CHARGE D’AFFAIRES IN SYRIA, AT GRADES AD14-15/AD14 AND AD9-14/AD12
(PERS(2021) 31; PERS(2021) 32; PERS(2021) 33; PERS(2021) 34)**

The Commission took note of the information in point 5 of PERS(2021) 28 and, on a proposal from Mr HAHN, in agreement with the PRESIDENT, decided to approve:

- the lists of candidates for the posts of Head of EU Delegation to Morocco and Serbia (at grades AD14-15/AD14), Central African Republic, Congo, Eswatini, Ethiopia, Ghana, Lesotho, Malawi (not covered by the rotation exercise), Mauritania, Nigeria, Sierra Leone, Somalia, Argentina, Colombia, Cuba, Dominican Republic, El Salvador, Paraguay, Peru, Uruguay, Bangladesh, Mongolia, Singapore, Thailand, Azerbaijan, Kazakhstan, Moldova, Norway, Algeria, Iraq, and Israel (at grades AD9-14/AD12), as set out in PERS(2021) 31 and PERS(2021) 32;

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- the lists of candidates for the posts of Deputy Head of EU Delegation to the African Union and to India (at grades AD9-14/AD12), as set out in PERS(2021) 31 and PERS(2021) 33;
- the list of candidates for the post of Chargé d’Affaires in Syria (not covered by the rotation exercise) (at grades AD9-14/AD12), set out in PERS(2021) 31 and PERS(2021) 34.

The competent authority of the European External Action Service would make the final appointments on the basis of these lists, as set out in PERS(2021) 31 to PERS(2021) 34.

This decision would take effect immediately.

**8.6. COMMISSION DECISIONS ON POST TERM-OF-OFFICE ACTIVITIES OF THREE FORMER MEMBERS OF THE COMMISSION
(C(2021) 9005; C(2021) 9006; C(2021) 9008; C(2021) 9009)**

The Commission adopted the Decisions set out in C(2021) 9005, C(2021) 9006, C(2021) 9008 and C(2021) 9009.

The Commission specifically decided that the professional activities envisaged by Mr Günther OETTINGER, Mr Miguel ARIAS CAÑETE and Ms Elżbieta 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 (TFEU) and with the Code of Conduct for Commissioners, subject to certain specific conditions and obligations.

8.7. DG COMMUNICATION – APPOINTMENT OF HEAD OF EUROPEAN COMMISSION REPRESENTATION

The Commission took note of the decision taken by the Appointing Authority to appoint Ms Barbara NOLAN to the post of Head of the European Commission’s Representation in Dublin, Ireland.

This decision would take effect on 16 May 2021.

9. OTHER BUSINESS

PREPARATIONS FOR THE EUROPEAN COUNCIL AND THE EURO SUMMIT (BRUSSELS, 25 AND 26 MARCH 2021)

The PRESIDENT opened the discussion on the preparations for the European Council video conference that would take place on 25 and 26 March. She reviewed the main topics on the agenda, namely an update on the epidemiological situation and vaccinations against the COVID-19 virus, the EU's relations with Turkey, the single market from a digital policy perspective, relations with Russia, and the Euro Summit in inclusive format (27 EU leaders).

She gave an overview of the **epidemiological situation** and the **vaccination campaign**. She stated that 85 million doses of vaccine had been delivered to the EU since December 2020, a figure expected to reach almost 100 million doses in a few days' time at the very end of the first quarter, and that 60 million Europeans would have been vaccinated by that date, of whom 16.5 million, or 3.7% of the total population of the EU, would have received the two doses required for some of the vaccines.

She observed that, of the 100 million first quarter doses, BioNTech would have delivered between 66 and 67 million doses, in accordance with the contract it had concluded with the EU, AstraZeneca was due to supply a total of 30 million doses, whereas it had committed to supplying 120 million, and Moderna would have supplied 10 million doses, in accordance with its contractual obligations. The PRESIDENT stressed that, had AstraZeneca fulfilled its commitments, the EU would have received 90 million more doses by the end of the first quarter.

As regards the second quarter, she reported that the pharmaceutical companies with which the EU had concluded contracts had committed to supply a total of

360 million doses to the EU. Accordingly, BioNTech would scale up production significantly, delivering 200 million doses, following an amendment to the contract negotiated by the Commission in January, including the accelerated delivery of 10 million doses; AstraZeneca would deliver 70 million doses, despite having committed to supply 180 million; Moderna would deliver 35 million doses to the EU; plus a delivery of 55 million doses of the fourth vaccine, manufactured by Johnson & Johnson, which had recently been authorised by the European Medicines Agency and was administered in a single dose.

She noted that the situation was improving, although she expressed concern at the distribution of these quarterly deliveries across April, May and June. She referred to her efforts to encourage the companies concerned to deliver large quantities of vaccine in April rather than at the end of the quarter.

As regards vaccine exports, she explained that around 63 million doses manufactured in the EU had been exported in the first quarter to 33 high income countries, in addition to 31 million doses delivered to 54 low and middle income countries through COVAX.

She welcomed the fact that the export control mechanism that had entered into force on 1 February had enabled the Commission to have a clear picture of the real situation on the ground and announced that this mechanism would be further refined thanks to that day's initiative, which Mr DOMBROVSKIS would explain in detail.

She observed that the persistent production shortfalls were not evenly distributed across the various contracting parties. She added that the EU was the only major producer to continue exporting vaccines, including to countries that had their own production capacity but had found ways to restrict exports, as well as to countries where the epidemiological situation was less serious and that had advanced further in the vaccination of their populations. She pointed out that neither the United States nor the United Kingdom had exported vaccines to the EU. She therefore expressed

the wish that the authorisation scheme take into account the elements of reciprocity and proportionality.

Mr DOMBROVSKIS pointed out that the Commission had introduced the export authorisation mechanism on 30 January for a limited period of six weeks, which had recently been extended until 30 June, with the broad support of the Member States.

This system provided the necessary clarity on vaccine deliveries in the EU, and allowed the authorisation of exports that did not undermine pharmaceutical companies' commitments under their advance purchase agreements with the EU.

He stated that the Commission had applied this mechanism in a balanced manner, with only one request for an export authorisation, to Australia, having been refused, on the grounds that it would have compromised the contractual commitments of AstraZeneca, bearing in mind that the latter had delivered to the Union only a small portion of the quantities it had committed to.

He explained that, under the urgency comitology procedure, the Commission was therefore preparing to adopt a legal act that would introduce the principles of reciprocity and proportionality referred to by the PRESIDENT. It would be adopted by written procedure on the same day 24 March, and would be published the following day.

Under the mechanism, when authorising exports, the Member States and the Commission would therefore examine both the impact of the export on compliance with obligations linked to advance purchase agreements, and those principles of reciprocity and proportionality.

As regards reciprocity, it would be necessary to determine whether the country of destination restricted its own exports of vaccines or raw materials, by law or other means. Since the supply chains necessary for the production of vaccines were highly complex, care had to be taken to avoid disrupting them. As regards proportionality, the conditions prevailing in the country of destination would have to be taken into

consideration, in particular the epidemiological situation, the vaccination rate and the existing availability of COVID-19 vaccines. He added that it was appropriate to distinguish between those pharmaceutical companies that were performing well, and those that were performing less well.

He noted that, as the export authorisation criteria were tightened, the risk of circumvention of the rules would increase. That was why the new act included neighbourhood countries within the scope of the Regulation, since vaccine exports could transit through those countries and eventually reach non-exempt countries. The objective of the adjustment was to have a more transparent view of exports and market movements.

He stated that the suspension only concerned neighbourhood countries, but that other exemptions remained valid. Exports to low and middle income countries, supplies through COVAX and exports to EU overseas territories remained unconditionally exempt.

Mr DOMBROVSKIS noted that, in view of the circumstances, those amendments had been adopted by the urgency procedure, and that the Member States would be consulted on the new act in the relevant comitology committee after its adoption by the College. In accordance with the applicable EU legislation, the act would only be valid for a period of six weeks. In order to extend the period of application, the College would need to adopt a further legal act within the next six weeks under the normal comitology procedure, i.e. with prior consultation of the Member States.

He concluded that the usefulness of the proposal lay neither in the legal text itself nor in its practical application, but in the leverage it offered to achieve better cooperation with the EU's partners in order to ensure that flows of vaccines and ingredients were not one-way. Such cooperation was necessary not only to ensure a fair distribution of vaccines under current conditions, but also to give companies the predictability they needed to accelerate global production.

Mr BRETON noted that while the vaccine supply situation was improving, the next 6 weeks would nonetheless be critical. Just-in-time manufacturing and packaging of COVID-19 vaccines was going on at 52 sites in the EU. He was confident in their ability to supply the 360 million doses expected in the second quarter, despite AstraZeneca having significantly scaled back the deliveries it had announced. Immunity could be achieved in the EU by July, provided the Member States put the necessary logistics in place. While the EU had faced many problems with vaccine supply in the first quarter, this had to do with the failures of a single supplier, AstraZeneca, and despite everything, the EU was catching up. Most of the vaccines exported were from BioNTech, which had not only met its contractual obligations but had even been able to fulfil additional orders from the EU.

Now that the precise status of production capacity was known, the EU had to ensure that all pharmaceutical companies with which contracts had been signed complied with their commitments. In that regard, the mechanism for authorising vaccine exports, even if temporary, was useful as it showed the EU was determined to assert its rights. At the same time, dialogue should be continued with the companies concerned.

The EU had continued to export vaccines to many parts of the world. In addition, Mr BRETON's team was in weekly contact with the US authorities to ensure supply chains ran smoothly. Lastly, as regards the political tensions with the UK over vaccine exports, the UK was highly dependent on European production for the continued success of its vaccination strategy. For its part, the EU depended on the UK for some of the raw materials used in vaccine manufacture.

Ms KYRIAKIDES referred to the alarming epidemiological situation which some Member States found themselves in again. In some cases, variants accounted for the majority of infections, and there were cases of reinfection and younger people suffering from serious forms of COVID-19. Governments were under pressure to both continue the vaccination campaign and reintroduce restrictions to halt the spread of COVID-19. In any event, the measure taken that day to strengthen the

mechanism for authorising vaccine exports, which she considered appropriate, should be explained in the light of the ongoing public health crisis.

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

- the usefulness of the mechanism for authorising vaccine exports in ensuring objective information on deliveries;
- the support provided by Member States in that regard, which would continue to depend on the smooth roll-out of vaccination campaigns over the coming weeks;
- the appropriateness of the new act proposed that day in written procedure to fine-tune the mechanism and align it with the management of a public health crisis;
- the need to carefully communicate the information, figures and measures referred to that day, at a time when Member States were imposing new restrictions to curb the resurgence of COVID-19 infections;
- the fact that the Commission's proposal on the digital green certificate was broadly welcomed; the related discussions in the European Parliament and the Council, which focused on the duration of immunity after vaccination, the degree of technical preparation in the Member States and data protection; the recognition, however, of divisions between the Member States on the approach to be taken;
- the need to conclude the co-legislators' discussions on the certificate as soon as possible, ideally within the next 3 months;
- the public debate on the vaccine co-developed by AstraZeneca and Oxford University, now being manufactured in India;

- questions about expected investments in vaccine manufacturers' production capacities;
- the news that legal proceedings could be brought in some Member States on the transfer of liability for defective products from vaccine manufacturers to states, and thus to taxpayers;
- a question on how the current political tensions with the UK over vaccine availability might play out; the desire for a firm response from the EU, without creating a situation that ultimately would be detrimental to both sides.

Mr BRETON picked up on the last point raised during the discussion. Alongside EU initiatives to secure its fair share of the vaccines for which it had concluded contracts with manufacturers, there was a need for dialogue with the UK to defuse the current escalation of tensions and explore the possibility of including UK vaccine plants in European supply chains.

Mr DOMBROVSKIS pointed out that public health considerations outweighed trade considerations in justifying the introduction of the export authorisation mechanism. That mechanism also had to be well managed.

The PRESIDENT confirmed the complex trade-offs to be made between public health and trade policy considerations, on the one hand, and between firmness and dialogue in the political crisis with the UK, on the other. The EU intended both to assert its rights and interests, and to continue to export.

Discussions were being held with the UK authorities to try to ease the current tensions in a manner that was constructive for both sides.

The PRESIDENT then briefly addressed the other items on the agenda of the European Council, which would be held by videoconference at the end of the week.

The discussion on the **EU's relations with Turkey** would be based on a joint report by the Commission and the High Representative of the EU for Foreign Affairs and

Security Policy. The report took stock of political, economic and trade relations and outlined possible future scenarios.

After numerous provocations and other violations of international law, Turkey seemed to have softened its stance towards the EU. The European Council would decide whether this repositioning was likely to last and could be counted on, outline the general direction of the bilateral relationship for the coming years and return to the issue at its June meeting.

A short discussion ensued, during which the Commission noted with regret Turkey's announcement that it was withdrawing from the Council of Europe Convention on preventing and combating violence against women and domestic violence ('Istanbul Convention'), which sent an unfortunate political signal, and proposed that relations with Turkey be viewed through the lens of EU foreign policy in the wider region.

As regards the other items on the agenda of the European Council and the Euro Summit, the PRESIDENT wound up the discussion by saying that the EU Heads of State or Government would discuss the national recovery plans currently being examined by the Commission, the EU's digital policy and the international role of the euro.

The Commission took note of this information.

**10. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – EU STRATEGY ON THE RIGHTS OF THE CHILD
(COM(2021) 142 TO /3; RCC(2021) 91)**

**11. PROPOSAL FOR A COUNCIL RECOMMENDATION ESTABLISHING A EUROPEAN CHILD GUARANTEE
(COM(2021) 137 AND /2; SWD(2021) 62 TO /3; RCC(2021) 88)**

The PRESIDENT asked Ms ŠUICA, Mr REYNDERS and Mr SCHMIT to present the strategy for children proposed for the approval of the College that day, comprising the EU Strategy on the Rights of the Child and the Proposal for a Council Recommendation establishing a European Child Guarantee.

Ms ŠUICA began by reminding the meeting that the Commission's last general guidance document on the rights of the child dated from several years ago, and that a number of stakeholders, including the European Parliament, had recently asked the Commission to set out a new, comprehensive strategy on the rights of the child and to adopt a European Child Guarantee.

Much had been achieved regarding children's rights and child protection in Europe and around the world since the introduction of the UN Convention on the Rights of the Child more than 30 years ago. The EU was a good place for children to live, but globally not all children were so fortunate. The COVID-19 pandemic had amplified existing inequalities, and deepened socio-economic divides. Domestic and online child abuse had shot up alarmingly. At the same time, many children had fallen behind in their education, and one child in five reported suffering from anxiety and loneliness because of the isolation resulting from pandemic-management measures.

It was therefore the right moment to reflect on the progress made, identify shortcomings and the challenges to be met, and develop practical ways of building healthier, more resilient and fairer societies together with children.

The two initiatives presented that day would contribute to achieving this.

The ambitious strategy put forward on the rights of the child would provide a comprehensive framework bringing together existing and forthcoming EU measures in the field. It would include a list of new, practical measures to be taken whilst

reinforcing effective implementation of the EU Charter on Fundamental Rights and the UN Convention on the Rights of the Child. The strategy also provided for respect for and protection of the rights of the child to be integrated into all relevant EU policy areas from the outset of each initiative.

Participation, equality and inclusion were the principles guiding the strategy. All children in the EU were entitled to the same protection and access to services such as education, healthcare and socio-economic support, regardless of their background, social status or residence status.

Furthermore, the strategy had been developed in collaboration with children, which was a first.

Aspects relating to children's participation in the EU's democratic life were therefore addressed, as they had requested, in the first part of the strategy. The second part related to children's socio-economic inclusion, education and health, and created a direct link with the Child Guarantee. The third and fourth parts related to measures to combat all forms of violence against children and to ensure that they had access to justice. The fifth part of the strategy related to the digital and information society, and the sixth part the global section, focused on combatting child labour and underlined the EU's commitment to protecting, promoting and fulfilling children's rights on an international scale. The EU was the leading aid donor in this field.

With regard to the European Child Guarantee, Ms ŠUICA noted that nearly 18 million children in the EU were at risk of poverty or social exclusion, i.e. approximately one child in five. The COVID-19 pandemic had weighed heavily on children's lives, affecting in particular their learning, development and effective access to basic services: early childhood care and education; sporting, cultural and leisure activities; healthcare, nutrition and housing. The health crisis had also exposed and deepened socio-economic divides and inequalities.

To conclude, Ms ŠUICA explained that the European Child Guarantee was a key

element of the European Pillar of Social Rights Action Plan, as it focused on children in need, who were at risk of poverty or social exclusion. The Guarantee would support Member States in their efforts to offer equal opportunities to these children by improving their access to basic services.

Mr REYNDERS said that this Strategy on the Rights of the Child would determine the EU's action in this field for the years to come, and that it was based on Article 24 of the Charter of Fundamental Rights of the European Union, which stated 'Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity'.

He presented three of the main pillars of the strategy.

First, he emphasised that the protection of victims of violence against children, including sexual violence, was a priority; such violence remained widespread throughout the world, including in the EU. Each year, 50% of children globally suffered some form of violence, and this situation had been further exacerbated by the health crisis. The EU wished to take practical measures in this respect, by encouraging integrated child-protection systems that placed the child at the centre and brought all the competent authorities together to protect and support children.

The strategy also underlined the need to protect vulnerable children, such as migrants, and to provide them with adequate support when they suffered violence. The Commission's Citizenship, Equalities, Rights and Values programme (CERV) would continue to fund projects relating to child protection, and the Commission was preparing to present a new legislative proposal on gender-based violence, which affected women and girls in particular.

Mr REYNDERS moved on to the fourth pillar of the Strategy, entitled 'Child-friendly justice'. Children could be victims, witnesses, suspects or be accused of committing an offence. In all cases it was essential that they felt safe in

order to have effective recourse to the justice system and to be heard. Amongst the planned measures, the Commission was proposing a legislative initiative to support mutual recognition of parenthood between Member States. It would also contribute to training justice-system professionals on the principles of child-friendly justice.

Mr REYNDERS also considered it important to address the issue of children deprived of liberty for breaking the law or within the context of migration or asylum procedures. The Member States should be encouraged to set out effective and viable alternatives to detention of children, especially with regard to migration procedures.

Concerning the fifth pillar, the digital and information society, Mr REYNDERS put forward operational guidelines for developing the opportunities that the digital world offered children whilst dealing with the risks to which it exposed them and from which they had to be protected.

The pandemic lockdown measures had brought to light inequalities in children's access to the benefits of digital technologies. The Commission therefore called on the Member States to ensure equal access to digital tools, high-speed internet and digital culture.

Children should be protected from exposure to content that could be harmful, cyberbullying or online abuse. The Commission would therefore support safer-internet centres and the Better Internet for Kids platform to raise children's awareness of these risks, boost capacity to combat cyberbullying and disinformation and promote responsible online behaviour. It would also work with ICT companies to make privacy policies understandable to children.

Mr SCHMIT said that the European Child Guarantee announced in the PRESIDENT's political guidelines was one of the flagship initiatives of the current Commission and one of the objectives of the action plan on the European Pillar of Social Rights. The proposal for a Council Recommendation was therefore designed to confirm a long-term commitment to the shared objectives of addressing child poverty and social exclusion and ensuring equal opportunities for all children.

Investing in children meant investing in the future, building fairer societies as well as more inclusive economies. According to the studies available, supporting children in need and breaking the intergenerational cycle of poverty was an investment with a certain long-term return.

The proposal provided practical guidance to Member States to ensure that children in need received effective access to healthy nutrition and adequate housing and free and effective access to early childhood education and care, sports, cultural and leisure activities and healthcare. Making these services cost-free for the most disadvantaged was one of the ways of increasing effectiveness of access.

The proposal for a Recommendation focused on children in need and at risk of poverty or social exclusion in the EU up to the age of 18. The Member States were urged to take account of the disadvantages faced by the children concerned, who were homeless or living in poor housing, had a disability, had a migrant background or were of minority ethnic origin, in particular Roma.

To support these actions, EU funding would be made available to Member States under the European Social Fund Plus (ESF+), which financed projects that fostered social inclusion and fought poverty, as well as through the European Regional Development Fund, REACT-EU, InvestEU and the Recovery and Resilience Facility. Member States with a rate of child poverty or social exclusion above the EU average would have to allocate at least 5% of their ESF+ resources under shared management to support targeted actions and structural reforms to tackle child poverty.

He ended by noting that the European Child Guarantee also provided for good-governance arrangements enabling the Commission and the Member States to work hand in hand. In practical terms, each Member State would be asked to appoint a national Child Guarantee Coordinator to oversee implementation of the Recommendation, to draw up a multi-annual action plan covering the period to 2030 and to report to the Commission every two years. In addition, the Commission

would monitor the Recommendation in the context of the European Semester of economic and fiscal policy coordination.

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

- the Commission’s broad support for the strategy on the Rights of the Child and for the European Child Guarantee, the timeliness and importance of which were highlighted;
- the benefits of including access to healthcare in the raft of measures for children and proposing to mainstream the protection of children’s rights in all EU health initiatives;
- the close link between child and adult poverty and the foreseeable increase in that phenomenon in the wake of the COVID-19 pandemic;
- the need to better protect children from human trafficking and the risk of sexual abuse, including online, and the importance, in that context, of the adoption of the ePrivacy Directive;
- the importance of sex education from an early age, in particular with a view to informing children of the dangers of online pornography;
- the fact that around 50% of homosexual children in the Union were victims of violence in schools;
- more generally, a mention of the treatment of LGBTIQ people throughout Europe and the world;
- the suggestion to set specific objectives and establish ready-to-use funding programmes to implement the measures provided for within the framework of the strategy so that national, regional and local authorities could use them easily;

- the welcome involvement of children in developing the strategy and the good practice of preparing child-friendly communication materials, which was deemed positive and could be considered in other contexts;
- a reminder that six Member States had not ratified the Istanbul Convention;
- a question about the return to Europe of children who were nationals of a Member State and whose parents had joined the ranks of Da'esh in Syria and Iraq.

Ms ŠUICA said that for the sake of the Union's credibility, all Member States should ratify the Istanbul Convention.

With regard to children whose parents had fought alongside Da'esh and were nationals of a Member State, Mr LENARČIČ said that citizenship of a Member State gave those children the right to return to the Union and that there were only a few exceptions to that rule. He also referred to the possibility of withdrawing parental custody rights and placing the children concerned in care. Although many Member States were reluctant to repatriate parents, they had a number of options in that connection.

Mr REYNDERS added that these children could be placed in the care of their grandparents and that the Member States were increasingly willing to repatriate their mothers.

The PRESIDENT wound up by thanking Ms ŠUICA, Mr REYNDERS and Mr SCHMIT for their outstanding work.

While children needed their parents' affection, they also needed to be around other children. Adequate childcare facilities with meals for children helped to reduce the risk of family poverty, as the fact that those facilities existed meant that both parents could work.

She also referred to long-term studies showing that children growing up with

same-sex parents developed in the same way as other children.

Lastly, she felt that the practice of allowing same-sex couples to bring up children without being able to formally adopt them should be reviewed.

Following these presentations, the Commission:

- approved the Communication in COM(2021) 142/3 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;
- adopted the proposal for a Recommendation in COM(2021) 137/2 for transmission to the Council and, for information, to Parliament, the Economic and Social Committee, and the Committee of the Regions, and to the national parliaments, together with the staff working document distributed as SWD(2021) 62/3, the contents of which were noted.

12. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, AND THE COMMITTEE OF THE REGIONS ON AN ACTION PLAN FOR THE DEVELOPMENT OF ORGANIC PRODUCTION

(COM(2021) 141 TO /3; SWD(2021) 65; RCC(2021) 90)

Mr TIMMERMANS began the presentation on the communication on an action plan for the development of organic production by noting that agriculture was one of the main drivers of biodiversity loss, while biodiversity loss was a major threat to agriculture. That was why the EU urgently needed to re-establish a balanced relationship between humans and nature. This was not just an issue for farmers, but for the entire food production chain. The action plan presented that day therefore proposed a comprehensive approach in order to boost demand for organic products, help consumers make informed choices and support EU farmers in this transition.

Mr WOJCIECHOWSKI confirmed that the ideal and long-term objective pursued had to be for all European farming to protect the environment, the climate and animal welfare, so that only the highest-quality organic food would be produced.

However, the target for the next decade was for 25% of agricultural land to be used for organic farming. This target had already been enshrined in the Farm to Fork and Biodiversity strategies. Currently, just over 8% of farmland in the EU was used for organic farming, so a huge effort was still required in order to achieve the 25% target within a decade.

He considered that the development of organic farming would be one of the key indicators when assessing the measures taken by the EU to implement the European Green Deal in the agricultural sector. Organic production and animal welfare were matters of particular concern to the public.

He nonetheless acknowledged that the challenge would be great and that the targets would need to be met not through administrative measures, but rather by providing incentives for farmers, processing industries and distributors of organic food.

The challenge was further complicated by the considerable differences between the Member States in terms of the scale of organic farming and production; the leading countries used more than 20%, or even 25%, of their agricultural land for organic farming, while those that lagged behind used only 2% to 3%. The same was true of the supply of organic food and its consumption, with significant variations between the Member States. In some countries, annual consumption of organic products stood at around EUR 300 per inhabitant, while in others it stood at only EUR 1 or 2 per inhabitant.

Mr WOJCIECHOWSKI also pointed to the fact that, in the same Member State, there could be a significant difference between the share of organic farming and the supply of organic foodstuffs. He gave the example of one Member State in which 3% of agricultural land was used for organic farming, but where organic products accounted for only 0.3% of total food supply in the domestic market. It was

therefore necessary to ensure that measures to support organic farming took account of these differences and were adapted to the individual situation in each Member State.

He saw the development of organic farming as an excellent opportunity to be seized by small and medium-sized farms, at a time when the world was still witnessing a race towards intensive agricultural production and competition was driving concentration in the production sector. The European Union was currently the world's largest exporter of food, especially processed food, and was very well placed in the race for high-quality food production.

The market for high-quality food products was primarily driven by organic production. By transitioning to organic production, and thanks to the support available for that purpose, many medium-sized farms, currently under pressure from the concentrated industrial farming sector, would not only be able to survive, but also to grow and increase their income.

In Europe and the rest of the world, there was growing demand for organic food and an ever-increasing number of people wanted healthy food produced using methods that ensured the protection of the environment, the climate and animals.

The action plan therefore covered a wide range of activities with the aim of developing organic production, from farm to fork, and supporting organic farmers through the current support scheme in Pillar II of the Common Agricultural Policy (CAP) and through the eco-scheme in Pillar I.

Mr WOJCIECHOWSKI emphasised that the EU was planning to automatically include organic farmers in payments under environmentally friendly programs and to give support to processors of organic products, which could fall under the EU recovery plan. In addition, the EU would encourage organic production and the distribution of organic products through CAP funds and cohesion policy. It would also encourage the prioritisation of organic food in supplies to mass caterers, schools and hospitals.

Lastly, he said that the action plan presented that day set out 23 actions which should allow organic farming itself and the related processing and distribution sectors to develop harmoniously and sustainably.

The 23 actions were organised into three axes. The first focused on supporting the development of the organic sector and maintaining a balanced and profitable market by boosting demand for organic products and encouraging farmers to convert to organic farming. The second set out other stimulus measures to achieve the target of devoting 25% of agricultural land to organic practices and significantly boosting organic aquaculture by 2030. The third axis focused on improving the organic sector's contribution to sustainable development and environmental protection.

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

- the desirability of a comprehensive approach that took account of the many adaptations required to convert from conventional to organic farming in terms of acquiring skills and implementing a complex system to organise the production process;
- the need for proper understanding of all of the consequences of such a transition, which in some cases could involve the continued use of antibiotics to fight certain illnesses until alternative organic solutions became available;
- the need to continue research and development activities to develop seeds that were suited to different soils and local conditions;
- the importance of taking into consideration the price impact of a rise in organic farming and production;
- the need to reduce conventional farming's impact on pollution, the environment and biodiversity by drawing up strict standards as part of the transition towards organic farming;

- the importance of assessing the impact of the development of organic farming on farmers' incomes and on the security of supplies of agricultural products;
- the fundamental role that developing organic and environmentally friendly aquaculture would play in successfully implementing the action plan;
- the need to define the key aspects of organic farming, given that the Member States often had very different approaches, in order to develop a common understanding of the objectives to be achieved;
- the need to ensure that conventional and organic farming could viably coexist, so that the latter was not affected by the less sustainable production methods used nearby.

The PRESIDENT thanked Mr TIMMERMANS and Mr WOJCIECHOWSKI for their presentation. She concluded the discussion by highlighting the fact that the action plan was part of an overarching strategy, was a key aspect of the European Green Deal and complemented the Farm to Fork and Biodiversity Strategies.

Following these presentations, the Commission, on a proposal from the PRESIDENT, agreed to formally adopt the Communication in COM(2021) 141/3 by the finalisation written procedure, the deadline for which was set at 9.00 on Thursday 25 March 2021 (PE/2021/1923).

13. OTHER BUSINESS (CONTINUED)

13.1. COMMISSION RESPONSE TO A RESOLUTION BY THE EUROPEAN PARLIAMENT PURSUANT TO ARTICLE 225 OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION (SP(2021) 186)

The PRESIDENT asked Mr DOMBROVSKIS to present to the College the Commission's response to a European Parliament resolution pursuant to Article 225 of the Treaty on the Functioning of the European Union.

Mr DOMBROVSKIS explained that this legislative resolution adopted by the European Parliament on 21 January 2021 concerned the right to disconnect.

It called on the Commission to legislate on the right to disconnect and to regulate the use of digital tools for work purposes and to introduce minimum requirements for teleworking across the EU.

At the same time, the resolution made it clear that the Commission should not present any legislative proposals in these areas over the next three years in order to respect the role of the social partners laid down in the Treaty.

In its response, the Commission acknowledged that the social partners had a key role to play in identifying the measures that could be taken, in implementing them, and in striking a fair balance between how to take advantage of the opportunities offered by digitalisation in the workplace and how to deal with the risks it entailed.

He added that the Commission's response to the European Parliament resolution demonstrated the importance it attached to the issues raised by the Parliament and its commitment to engage with the social partners in order to facilitate their exchanges.

The response suggested a set of measures aimed at gathering evidence, raising awareness among stakeholders of the right to disconnect and facilitating a debate.

On the basis of the outcome of the social partners' negotiations and the information which would be gathered, Mr DOMBROVSKIS said that the Commission could launch in two stages the consultation of the social partners required by the Treaty, with a view to possible legislative initiatives, in full

compliance with the principles of proportionality, subsidiarity and better law-making.

The PRESIDENT thanked Mr DOMBROVSKIS for his presentation.

The Commission took note of this information and authorised the Vice-President for Interinstitutional Relations and Foresight to inform the Parliament of the decision on the follow-up proposed.

13.2. STATE OF PLAY OF IMPLEMENTATION OF THE RECOVERY AND RESILIENCE FACILITY

Mr DOMBROVSKIS reported to the College on the outcome of the seventh meeting of the Steering Board of the Recovery and Resilience Facility held on 17 March.

Two items were on the agenda, namely (i) the state of play of the political contacts made in recent days with some Member States to encourage them to finalise their national recovery and resilience plans, and (ii) the state of play of certain draft national plans, in the case at hand Latvia, Cyprus, Poland and Bulgaria.

On the first point, he explained that meetings had been held with seven Member States – Italy, Croatia, Portugal, Romania, France, Malta and Luxembourg – to draw the attention of the ministers concerned to the aspects of their national plans which needed to be further developed. These aspects related in particular to the balance between investment and reforms, the taking on board of the Commission's country-specific recommendations, the fact that the planned measures needed to respect the 'do no significant harm' principle, the path towards intermediate milestones, and cost calculation and control systems.

(24 March 2021)

He reported that the ministers had been receptive to most of the Commission's comments and that additional meetings at different technical levels had been planned.

In addition, contacts would be made at political level with other Member States in time to enable the Commission to take stock of the implementation of the Recovery and Resilience Facility ahead of the European Council on 25 and 26 March.

With regard to the second item on the agenda, Mr DOMBROVSKIS explained that the Member States mentioned were making progress in drawing up their national recovery and resilience plans, although they still had work to do before these could be presented officially.

He also noted that those Member States which had started to prepare well before the conclusion of the interinstitutional agreement on the Regulation establishing the Facility were the only ones to have finalised their national plans, even if they also still had work to do, particularly with regard to intermediate milestones and targets.

Mr DOMBROVSKIS concluded his presentation by stating that the Steering Board would meet again on 29 March and that it might discuss the national plans of a fourth set of Member States and the state of play of certain horizontal issues in order to ensure equal treatment 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 12.24.