EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2021) 2373 final

- English translation of the French version which is authentic -

Brussels, 12 May 2021

TEXTE EN

MINUTES

of the 2373rd meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 14 April 2021

(morning)

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PV(2021) 2373 final

- English translation of the French version which is authentic -

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Single sitting: Wednesday 14 April 2021 (morning)

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

Present:

Ms von der LEYEN	President	
Ms VESTAGER	Executive Vice-President	
Mr DOMBROVSKIS	Executive Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Ms JOUROVÁ	Vice-President	
Ms ŠUICA	Vice-President	
Mr SCHINAS	Vice-President	
Mr HAHN	Member	Items 1 to 8/9 (in part)
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 VĂLEAN	Member	
Mr VÁRHELYI	Member	
Ms URPILAINEN	Member	Items 1 to 10.3 (in part)
Ms SIMSON	Member	
Mr SINKEVIČIUS	Member	
Ms McGUINNESS	Member	

Absent:

Mr TIMMERMANS	Executive Vice-President
Mr BORRELL i FONTELLES	High Representative / Vice-President

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

Mr SAMSOM	Chef de cabinet to Mr TIMMERMANS	
Mr BRIENS	Deputy Chef de cabinet to Mr BORRELL	

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	
Ms HILI	Adviser in the PRESIDENT's Office	Items 8/9
Ms SCHULTZ	Policy Coordinator in the PRESIDENT's Office	
Mr LAHTI	Chef de cabinet to Ms URPILAINEN	Item 10.3 (in part)
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) 2373/FINAL; SEC(2021) 2373/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) 2373)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 12 April 2021.

3. APPROVAL OF THE 2370TH, 2371ST AND 2372ND MEETINGS OF THE COMMISSION (9, 17, AND 24 MARCH 2021)
(PV(2021) 2370; PV(2021) 2370, 2ND PART; PV(2021) 2371; PV(2021) 2371, 2ND PART)

The Commission approved the minutes of its 2370th and 2371st meetings and decided to hold over approval of the minutes of its 2372nd meeting for a later meeting.

4. INTERINSTITUTIONAL RELATIONS
(RCC(2021) 87)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held by videoconference on Friday 9 April 2021 (RCC(2021) 87).

The Commission approved the lines proposed for the following points:

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

  Line set out in SI(2021) 93.

– **Amendment of Directive 2013/34/EU as regards disclosure of income tax information by certain undertakings and branches (Directive) – BAYET & REGNER report – 2016/0107 (COD)**

  Line set out in SI(2021) 103/2.

– **Commission replies to questions by a special committee of the Belgian Chamber of Representatives on the handling of the COVID-19 epidemic by Belgium**

  Line set out in SNP(2021) 5.

The Commission approved the lines proposed for the following points, for transmission to Parliament:

– **Commission replies to the non-legislative resolutions adopted by Parliament at its part-session of January 2021**

  Line set out in SP(2021) 223/3.

– **Commission replies to the legislative resolutions adopted by Parliament at its part-session of March I 2021**

  Line set out in SP(2021) 234.

The Commission approved the lines proposed for the following points, for transmission to the European Economic and Social Committee:

– **Follow-up to opinions of the European Economic and Social Committee – Plenary session of October 2020**

Line set out in SC(2021) 14/3.

The Commission took note of the following points:

– **COVID-19 – Digital Green Certificate:**

o **Framework for the issuance, verification and acceptance of interoperable certificates on vaccination, testing and recovery to facilitate free movement during the COVID-19 pandemic (Digital Green Certificate) (Regulation) – 2021/0068 (COD)**

o **Framework for the issuance, verification and acceptance of interoperable certificates on vaccination, testing and recovery to third-country nationals legally staying or legally residing in the territories of Member States during the COVID-19 pandemic (Digital Green Certificate) (Regulation) – 2021/0071 (COD)**

Information set out in SI(2021) 104/2.

– **Results of Parliament's March II 2021 part-session**

Information set out in SP(2021) 209.

5. COORDINATION OF EXTERNAL ACTION (RCC(2021) 21; RCC(2021) 22)

The Commission took note of the operational conclusions in RCC(2021) 21 and RCC(2021) 22 of the meeting of the Group for External Coordination (EXCO) held by videoconference or virtually on Wednesday 24 March and 7 April 2021.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

6.1. WRITTEN PROCEDURES APPROVED (SEC(2021) 142 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 22 March and 9 April 2021.

6.2. EMPOWERMENT (SEC(2021) 143 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 22 March and 9 April 2021.

6.3. DELEGATION / SUBDELEGATION OF POWERS (SEC(2021) 144 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 22 March and 9 April 2021 archived in D*e*cide.

6.4. SIGNIFICANT WRITTEN PROCEDURES (SEC(2021) 145 AND /2)

The Commission took note of the significant written procedures for which the time limit expired between 12 and 16 April 2021.

Communication from the Commission to the European Parliament and the Council on a new funding strategy to finance *NextGenerationEU* (COM(2021) 250; RCC(2021) 97)

The PRESIDENT introduced the presentation of the new funding strategy to finance *NextGenerationEU*, observing that, with the entry into force of this historic recovery fund, the Commission would for the first time be raising

capital on the markets at an unprecedented scale to accompany the EU's economic recovery efforts and the twin green and digital transitions. She noted that this new role taken on by the Commission entailed considerable risks and responsibilities for it. It was therefore necessary to set out a funding strategy, which will be adopted that day by written procedure and which she asked Mr HAHN to present to the College.

Mr HAHN explained that this strategy would be the engine for Europe's economic and social recovery, and would enable green, digital and resilient growth to be supported in the coming years. He noted that *NextGenerationEU* would be financed by EUR 800 billion that the Commission would raise through the sale of EU bonds on international capital markets between now and 2026.

He considered that the scale of this new recovery fund marked a historic step in European construction. It would enable the Member States to concentrate on implementing their national recovery plans, confident that the Commission would be able to release all funds immediately when required.

He stated that, thanks to the Commission's diversified funding strategy, it would be possible to raise an average of EUR 150 billion annually between now and 2026 by borrowing on the markets on the most advantageous terms. This would directly benefit the Member States and taxpayers by reducing their contributions to the EU budget in order to repay the debt when it became due.

He added that offering attractively priced and structured loans to Member States would allow repayment to be spread over time, as their economies recovered. As awareness grew of the benefits of the lending terms proposed under the EU budget, the rate of take-up would steadily increase.

Mr HAHN also pointed out that the diversified funding strategy presented that day would make a significant contribution to the implementation of the

EU's political priorities. By way of example, he indicated that *NextGenerationEU* would include a green bond issuance programme of up to EUR 250 billion in order to achieve the ambitious objectives defined in the current Commission's political priorities. A green bond programme on this scale would constitute the largest sustainable financing programme in the world, demonstrating the EU's international leadership in the fight against climate change.

He also stressed the indirect but lasting benefits of the bond issuances for the international role of the euro, at a time when many international investors were looking for a safe alternative to US Treasury bills and bonds.

He considered that the EU was moving up a gear with this new funding instrument, by providing a euro-denominated, highly rated asset. The introduction of EU bonds with maturities of between 3 and 12 months would be a landmark development that would increase the attractiveness of the euro area for investors.

Mr HAHN then presented each element of the package of initiatives adopted that day by written procedure.

Firstly, the Communication on a new funding strategy to finance *NextGenerationEU* set out the Commission's road map for how to organise the financial operations necessary for the success of this unprecedented financial undertaking. This document set out the important measures already taken to build the operational infrastructure of the recovery plan. He noted that, following six successful operations under the European instrument for temporary support to mitigate unemployment risks in an emergency (SURE), worth EUR 75 billion, and thanks to this strategy, the Commission was now ready to rise to this challenge by replicating at EU level the measures already implemented by the Member States, with which it would continue to work closely.

Secondly, the Commission would also adopt a Decision establishing a primary dealer network to support the Commission in its borrowing activities and to help it to execute the bond issuances through auctions and syndicate issuances. This pan-European network would be open to investors from across the EU.

Thirdly, the package included two decisions establishing a strong organisational framework for *NextGenerationEU* operations, based on the rigorous planning of issuance schedules, strict oversight and independent risk management of those operations. This framework would offer assurances to institutional stakeholders that this substantial funding programme would comply with the highest standards of probity and integrity.

Mr HAHN concluded his presentation by saying that, thanks to this package of measures, the funding mechanism developed under *NextGenerationEU* would be ready to be deployed sufficiently quickly that the first bonds would be issued on the markets in June 2021. He considered that it was important for the Commission to demonstrate its capacity to finance the recovery, despite current speculation about the delays in ratification by the Member States of the Decision on new own resources of the EU, the adoption of which was nonetheless a prerequisite for the implementation of the funding strategy. He stated that the Commission already had systems in place to mobilise the amounts needed to pre-finance grants and loans throughout the summer, and beyond, as the recovery plan gathered momentum.

Finally, he underlined the urgency of this recovery, stating that the funding mechanism under the EU budget was ready to be initiated as soon as the Decision on new own resources of the EU had entered into force.

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

– the importance of finding a swift compromise with the Member States on the issue of the grace period for the repayment of the loans, which would be discussed at the next meeting of the Economic and Financial Affairs Council on 17 April, bearing in mind that although some stakeholders considered a period of 10 years to be too long, the loans should be made more attractive to the Member States, in particular by offering greater flexibility;

– the importance of the July deadline, by which the first pre-financing payments should be made, since a number of Member States would submit their recovery plans to the Commission at the end of April. The Commission would then have two months to assess the plans, and the Council would still have one month to adopt them in June;

– the value of ensuring that the primary dealer network that would be put in place to support the Commission in its activities covered all EU Member States, to the extent possible;

– the need to have in place reserves of own funds and liquidity in order to effectively make the payments to be transferred to the Member States;

– the need to strengthen cooperation between the Commission's Internal Audit Service and the European Court of Auditors in order to ensure that management of *NextGenerationEU* was closely monitored, by carrying out both internal and external audits for financial operations;

– the timeliness, in this context, of also strengthening risk management rules and arrangements within the Commission services;

– the responsibility that Member States had to assume to ratify the Decision on new own resources for the EU budget in a timely manner, which was a prerequisite for the implementation of *NextGenerationEU*;

– the monitoring of the referral to the German Constitutional Court on this issue;

– the importance of the communication actions that would accompany the launch of *NextGenerationEU* in order to ensure that they were precise, that they targeted both Member States and financial stakeholders and that they highlighted the safe, sustainable and long-term nature of the EU bonds to be issued on the markets, thereby strengthening the role of the euro on the international stage.

The PRESIDENT concluded the discussion by stressing that *NextGenerationEU* was a response by the EU commensurate with the crisis triggered by the COVID-19 pandemic. She pointed out that increasing the EU's financial resources within the framework of its institutions rather than in an intergovernmental framework, as had initially been envisaged, would promote the green and digital transitions. She thanked the Members of the College and the Commission services for contributing to the creation of these new instruments, which would be game-changing, while the EU was preparing to relaunch growth in a context of economic and social transformation. She noted that the Commission was now ready to support the Member States in this historic transition, and that it was now for the Member States to ensure this undertaking would be possible, by ratifying the Decision on new own resources of the EU, which would confer on the EU budget the means to achieve its ambitions.

The Commission took note of this information.

7. ADMINISTRATIVE AND BUDGETARY MATTERS (SEC(2021) 146 AND /2)

ADMINISTRATIVE MATTERS
(PERS(2021) 35 AND /2)

At the invitation of the PRESIDENT, Mr HAHN presented three proposals for administrative decisions that were being submitted directly to the College for approval.

Mr HAHN explained that it was proposed to appoint Ms Mechthild WÖRSDÖRFER to the post of Deputy Director-General, responsible for the Coordination of the Just and Green Energy Transition (in charge of Directorates B and C) in DG Energy, on the one hand, and Ms Maria MARTIN-PRAT DE ABREU to the post of Deputy Director-General, in charge of Directorates D and E, in DG Trade, on the other.

He highlighted the great skills, outstanding career and recognised expertise of Ms Mechthild WÖRSDÖRFER and Ms Maria MARTIN-PRAT DE ABREU, which would be valuable assets in their new posts.

He added that it was also proposed to accept the resignation of Mr Carles ESTEVA MOSSO, currently Deputy Director-General, in charge of state aid, in DG Competition.

7.1. DG ENERGY – APPOINTMENT OF AN AD15/16 DEPUTY DIRECTOR-GENERAL
(PERS(2021) 40 TO /3)

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Deputy Director-General responsible for the Coordination of the Just and Green Energy Transition (in charge of Directorates B and C) in DG Energy (PERS(2021) 40).

It took note of the opinions of the Consultative Committee on Appointments of 12 February and 3 March 2021 (PERS(2021) 40/2 and /3).

The Commission then examined the applicants' qualifications for the post. On a proposal from Mr HAHN, in agreement with the PRESIDENT and after consulting Ms SIMSON, it then decided to appoint Ms Mechthild WÖRSDÖRFER to the post.

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

7.2. DG TRADE – APPOINTMENT OF AN AD15/16 DEPUTY DIRECTOR-GENERAL (PERS(2021) 41 TO /3)

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Deputy Director-General in charge of Directorates D and E in DG Trade (PERS(2021) 41).

It took note of the opinions of the Consultative Committee on Appointments of 12 February and 12 March 2021 (PERS(2021) 41/2 and /3).

The Commission then examined the applicants' qualifications for the post. On a proposal from Mr HAHN, in agreement with the PRESIDENT and after consulting Mr DOMBROVSKIS, it then decided to appoint Ms Maria MARTIN-PRAT DE ABREU to the post.

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

7.3. DG COMPETITION – RESIGNATION OF AN AD15 OFFICIAL UNDER ARTICLE 48 OF THE STAFF REGULATIONS

On a proposal from Mr HAHN, in agreement with the PRESIDENT, and after consulting Ms VESTAGER, the Commission decided to accept the request for resignation submitted, pursuant to Article 48 of the Staff Regulations, by Mr Carles ESTEVA MOSSO, currently Deputy Director-General, in charge of state aid, in DG Competition, with effect from 1 May 2021.

7.4. DG TRADE – AMENDMENT OF THE ORGANISATION CHART AND SECONDMENT OF AN AD15 OFFICIAL IN THE INTERESTS OF THE SERVICE UNDER ARTICLES 37 AND 38 OF THE STAFF REGULATIONS

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

– to create a temporary post of adviser hors classe in DG Trade; this post would be abolished upon the departure of the job-holder;

– to transfer to this post, in the interest of the service, under Article 7 of the Staff Regulations, Ms Maria Helena KÖNIG, currently Deputy Director-General in charge of Directorates B and C in DG Trade;

– to second Ms Maria Helena KÖNIG for a period of four years, in the interests of the service, under Articles 37 and 38 of the Staff Regulations, to the European External Action Service (EEAS); for the duration of her secondment, all costs would be covered by the European External Action Service.

These decisions would take effect on 16 April 2021.

7.5. DG COMPETITION – APPOINTMENT OF AN AD14/15 DIRECTOR (PERS(2021) 36 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 'Markets and cases III - Financial services' Directorate in DG Competition (PERS(2021) 36).

It took note of the opinions of the Consultative Committee on Appointments of 1 February and 11 March 2021 (PERS(2021) 36/2 and /3).

The Commission then examined 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 Ms VESTAGER, it then decided to appoint Mr Alberto BACCHIEGA to the post.

This decision would take effect on 16 April 2021.

7.6. INTERNAL AUDIT SERVICE – APPOINTMENT OF AN AD14/15 DIRECTOR
(PERS(2020) 91 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 of the 'Audit in Commission, Executive Agencies, EU Agencies and other autonomous bodies I' Directorate in the Internal Audit Service (PERS(2020) 91 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 2 and 25 February 2021 (PERS(2020) 91/3 and /4).

The Commission then examined 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 REYNDERS, it then decided to appoint Ms Doriane GIVORD-STRASSEL to the post.

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

7.7. DG RESEARCH AND INNOVATION – APPOINTMENT OF AN AD15 DIRECTOR

On a proposal from Mr HAHN, in agreement with the PRESIDENT, and after consulting Ms GABRIEL, the Commission decided to transfer, in the interest of the service, under Article 7 of the Staff Regulations, Mr Matthias WILL, an

AD15 official and currently Director of the 'Organisational Development' Directorate in DG Human Resources and Security to the post of Director of the 'Common Implementation Centre' Directorate in DG Research and Innovation.

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

7.8. DG MOBILITY AND TRANSPORT – APPOINTMENT OF AN AD14 DIRECTOR

On a proposal from Mr HAHN, in agreement with the PRESIDENT, and after consulting Ms VĂLEAN, the Commission decided to transfer, in the interest of the service, under Article 7 of the Staff Regulations, Ms Mona BJÖRKLUND, an AD14 official and currently Director and Member of the Regulatory Scrutiny Board in the Secretariat-General to the post of Director of the 'Policy Coordination' Directorate in DG Mobility and Transport.

This decision would take effect on 16 June 2021.

7.9. DG BUDGET – INTERNAL AND INTERINSTITUTIONAL (AT GRADE AD14/15) AND EXTERNAL (AT GRADE AD14) PUBLICATION OF THE VACANCY NOTICE FOR A PRINCIPAL ADVISER POST (PERS(2021) 37)

On a proposal from Ms HAHN, in agreement with the PRESIDENT, the Commission decided to authorise the publication, under Article 29(1)(a)(i) and (iii), Article 29(1)(b) and Article 29(2) of the Staff Regulations, of the vacancy notice in PERS(2021) 37 for the post of Principal Adviser in charge of 'Asset and Debt Management' in DG Budget.

This decision would take effect immediately.

7.10. DG COMMUNICATION – TERMINATION OF THE SELECTION PROCEDURE AND PUBLICATION OF A VACANCY NOTICE FOR A DIRECTOR/HEAD OF REPRESENTATION POST AT GRADE AD14/15 (PERS(2021) 38)

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

– to terminate, with immediate effect, the selection procedure for the post of Director/Head of the Commission Representation in Paris, France, without making an appointment;

– to authorise a new internal publication, under Article 29(1)(a)(i) and (iii) of the Staff Regulations, of the vacancy notice in PERS(2021) 38 for the post of Director/Head of the Commission Representation in Paris, France.

These decisions would take effect immediately.

7.11. DG HUMAN RESOURCES AND SECURITY – RELEASE OF CERTAIN PARTS OF THE COMMISSION DOCUMENT 'REPORT FROM THE COMMISSION TO THE COUNCIL: ASSESSMENT OF THE LEVEL OF COOPERATION OF THIRD COUNTRIES ON READMISSIONS IN 2019' (COM(2021) 55 FINAL), AS PART OF THE EXCEPTIONAL AD HOC RELEASE PROCEDURE

The Commission took note of the information in point 8 of PERS(2021) 35 and, on a proposal from Mr HAHN, in agreement with the PRESIDENT, decided to release to the European Court of Auditors certain selected parts of the 'Report from the Commission to the Council: Assessment of the level of cooperation of third countries on readmissions in 2019' (COM(2021) 55 final), as part of the exceptional ad hoc release procedure provided for by Article 57 of Commission Decision 2015/444 on the security rules for protecting EU classified information.

This decision would take effect immediately.

7.12. DG COMMUNICATION – APPOINTMENT OF THE HEAD OF THE EUROPEAN COMMISSION'S REGIONAL OFFICE IN BARCELONA

The Commission took note of the decision taken by the Appointing Authority to appoint Mr Manuel SZAPIRO to the post of Head of the Commission's Regional Office in Barcelona.

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

8. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE ECONOMIC AND SOCIAL COMMITTEE, AND THE COMMITTEE OF THE REGIONS ON THE EU STRATEGY TO TACKLE ORGANISED CRIME (2021-2025) (COM(2021) 170 TO /3; SWD(2021) 74 AND /2; RCC(2021) 95)

9. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, AND THE COMMITTEE OF THE REGIONS ON THE EU STRATEGY ON COMBATTING TRAFFICKING IN HUMAN BEINGS (2021-2025) (COM(2021) 171 AND /2; RCC(2021) 95)

The PRESIDENT asked Mr SCHINAS and Ms JOHANSSON to present to the College the two communications submitted for its approval, proposing strategies to combat organised crime and trafficking in human beings, respectively.

Mr SCHINAS presented the **strategy to tackle organised crime**, which covered a large-scale phenomenon that was present in all the Member States and posed a major threat to citizens, businesses, public institutions and the EU economy. Organised crime groups active in Europe were involved in a variety of criminal

activities dominated by drugs trafficking, organised property crime, fraud, migrant smuggling and trafficking in human beings. The proposed strategy came two days after the publication on 12 April of the 2021 Europol report on the EU Serious and Organised Crime Threat Assessment (EU SOCTA).

He highlighted the main characteristics of crime, underlining firstly the considerable profits it generated: in 2019, the revenue from the main criminal markets amounted to EUR 139 billion, or 1% of the EU's gross domestic product. Secondly, crime had no borders. Lastly, it used increasingly sophisticated technologies to grow. Hence today's proposal for a coherent EU-wide strategy for the next five years, within the framework of the Security Union.

This new strategy, the first since 2005, would pursue action on four fronts: (i) strengthening cooperation between law enforcement bodies and the judiciary in the Member States, (ii) combating priority criminal structures and forms of crime, (iii) eliminating the profits generated by crime, and (iv) responding by means of measures adapted to technological development. To this end, the Commission was proposing tools and measures aimed at disrupting the business models and structures of criminal organisations transnationally, both online and offline.

As regards cooperation between law enforcement bodies and the judiciary in the Member States, the aim was to facilitate information exchanges using existing tools, such as the Schengen Information System, to improve European cooperation frameworks, such as the European Multidisciplinary Platform against Criminal Threats (EMPACT), and to do the same within the framework of international bodies, such as Interpol.

By focusing on the most serious organised crime structures and criminal activities, the strategy aimed to improve intelligence and investigation activities significantly in certain areas such as cybercrime, environmental crime, counterfeiting and trade in cultural goods.

The strategy then aimed to eliminate the profits of organised crime and prevent it from infiltrating the legal economy and society, in particular by reinforcing anti-money laundering rules and revising EU legislation on confiscation and asset recovery.

The strategy also aimed to ensure that law enforcement bodies and the judiciary were adapted to the digital age. In this context, Mr SCHINAS noted that this raised issues in respect of the retention of electronic communications data for the purpose of investigations and prosecutions, and therefore the respect of fundamental rights, as well as the issue of lawful access to encrypted information, which should not undermine the effectiveness of encryption in the protection of privacy and security of communications. The Commission had to discuss these sensitive issues relating to the balance between security and freedom, and was preparing to consult the Member States.

He ended his presentation by noting that, in parallel with the presentation of the two strategies in question, a recommendation for a Council decision authorising the opening of negotiations for a cooperation agreement between the Union and the International Criminal Police Organisation (O.I.P.C.-INTERPOL) would be adopted by written procedure that day.

To illustrate the extent of the threat posed by organised crime to Europe's economy and society, Ms JOHANSSON referred to two recent investigations in the EncroChat and Sky ECC cases. These had led to more than 1 800 arrests, the seizure of 28 tonnes of narcotic drugs and the opening of hundreds of additional investigations against high-risk organised crime groups. The investigations had demonstrated how deeply embedded organised crime was in society and in certain institutions, its transnational nature, and how it operated online and offline in all crime markets, using increasingly sophisticated networks, not to mention the increasing numbers of acts of violence related to organised crime.

She drew attention to the fact that criminal networks were organised like businesses, with an ecosystem of suppliers and service providers, and relied on the ability to launder large amounts of illicit profits through real-economy structures. These networks systematically used advanced technologies, including encryption, to communicate and operate; they were extremely agile and adaptable, as Member States had observed in the context of the COVID-19 pandemic, during which a cumulative offer of more than one billion doses of fake vaccines had come to light.

Ms JOHANSSON briefly referred to the four strands of the strategy to combat organised crime, in particular making law enforcement bodies and the judiciary fit for a digital age, and noted that access to digital leads and evidence was an integral part of all investigations. The lack of data retention was a problem raised repeatedly by the Member States. The Commission was examining possible solutions and planned to consult the Member States on this topic before the end of June in order to determine a way forward. In response to requests from Member States for proposals for legal access to encrypted information and evidence, the Commission had to assess what was technically possible now and in the future and examine ways to ensure that law enforcement bodies and the judiciary could keep up with the daily use of encryption by criminals hiding their communications and transactions.

She then presented the **Communication proposing a strategy on combatting trafficking in human beings**, a particularly serious form of organised crime that was taking place all over the world, including in the European Union. She conveyed particularly shocking statistics showing that around half the victims of trafficking in human beings in the EU were EU nationals, almost three-quarters of whom were women and girls, primarily victims of sexual exploitation; a quarter of them were children – girls and boys – who were victims not only of sexual exploitation, but also of forced labour, forced begging, forced criminality or even forced marriages. In addition, 75% of these children were EU nationals, as were more than 70% of convicted traffickers in the EU, most of whom were men.

She stressed that trafficking in human beings was a complex phenomenon, in which traffickers exploited victims' vulnerability and business, employers and users were ready to benefit from the services of victims, who suffered short- and long-term harm during and after exploitation.

This was why the Commission was proposing a comprehensive response based on effective legislation, actions and operational support, and dedicated funding.

First and foremost, the Commission would help Member States to implement the anti-trafficking directive, but would also take infringement measures where needed. It would evaluate whether the directive was fit for purpose and propose to revise it if it was not.

Overall, the proposed strategy was structured around four priority areas.

The first was to reduce the demand that fostered human trafficking. As long as there was demand, people would be trafficked, especially in high-risk sectors and environments. The sexual exploitation market alone, for example, brought profits of around EUR 14 billion. It was therefore proposed to assess the possible criminalisation of the knowing use of services from victims of trafficking in the EU; to enhance cooperation with labour authorities, businesses and employers; and to conduct information and awareness-raising campaigns.

Second, the criminal model had to be broken in order to stop the exploitation of victims. Human traffickers were professional, well-structured, and often used lawful businesses to exploit their victims. The low numbers of prosecutions and convictions made human trafficking a low-risk and high-income crime. In order to reverse trafficking into a high-risk low-income crime, the strategy proposed systematic financial investigations as part of the trafficking investigations and increasing seizures and confiscation of assets; strengthening the capacity of the criminal justice system through training and simulation exercises; and increasing the detection of traffickers' illegal content online in dialogue and cooperation with tech and internet companies.

Third, the idea behind the strategy was to protect victims at an early stage and to support their empowerment in the longer term, particularly women and children, who should not be trafficked in any way and should be helped to rebuild their lives through legal services and access to education and employment.

Fourth and lastly, Ms JOHANSSON referred to the international dimension of the strategy, in particular through the upcoming action plan on combating migrant smuggling and through cooperation with third countries of origin and transit.

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

– the College's full support for the proposed two strategies, which represented a significant step forward in reaction capacity through measures designed to address new threats and better-equipped law enforcement and justice services, including on the technological front;

– the timeliness of a new strategy to tackle organised crime in the light of the changes in this area since 2005, the date of the last strategy;

– the alarming nature of the figures quoted by Mr SCHINAS and Ms JOHANSSON, which, moreover, almost certainly reflected only part of the reality of crime and trafficking;

– the importance of supporting and protecting victims (who were most often vulnerable children and women), tackling the roots of poverty and inequality, and contributing to the resilience of families both in and beyond the EU, through European funding that could be mobilised;

– the need to ensure that victims of organised crime or human trafficking could effectively go to court to obtain justice;

– the importance of addressing the demand for services from victims of human trafficking, particularly prostitution;

– the need for increased efforts in order to significantly improve implementation of the legislation in force, particularly in the area of anti-money laundering and seizures, and to push forward legislation in the process of adoption, for example on digital evidence;

– the crucial importance of monitoring financial flows and, to this end, strengthening EU law enforcement, as envisaged in the upcoming reform of the fight against money laundering;

– highlighting of the information provided by Europol, which indicated that organised crime groups were preparing to find loopholes in order to benefit from financing under the EU Recovery Plan; hence the need to support European structures for combatting various forms of crime, in particular Europol and the European Public Prosecutor;

– on the issue of data retention, the case for a debate with the Member States in order to seek the right balance between privacy and security, within the limits of EU legislation and the decisions of the European Court of Justice, and the need to take the external dimension of this issue into account;

– the consistency of the EU's action to tackle organised crime, corruption, terrorism and human trafficking through these programmes and through its funding for countries in its neighbourhood.

The PRESIDENT thanked Mr SCHINAS and Ms JOHANSSON for their excellent work.

Following these presentations, the Commission:

– approved the communication in COM(2021) 170/3 for transmission to Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions and, for information, the European Data Protection

Supervisor and the national parliaments, together with the staff working document distributed as SWD(2021) 74/2, the contents of which were noted;

– approved the Communication in COM(2021) 171/2 for transmission to Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions and, for information, the European Data Protection Supervisor and the national parliaments.

10. OTHER BUSINESS

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

At the invitation of the PRESIDENT, Mr DOMBROVSKIS reported to the College on the outcome of the eighth meeting of the Steering Board of the Recovery and Resilience Facility held on 29 March. Two items were on the agenda, namely outreach to the Member States and the state of play of the draft national recovery and resilience plans.

Mr DOMBROVSKIS firstly explained that a new round of meetings had been held with a further nine Member States. The meetings were a useful way of bringing ministers' attention to those areas where further work was still needed. They had been immediately followed up by meetings at technical level.

In the coming weeks, the members of the Steering Board would meet the remainder of the Member States and, if necessary, would carry out a second round of outreach work.

As regards the state of play of the draft recovery and resilience plans, he noted that significant improvements had been made. However, in most cases a lot of work was still needed to ensure that the plans complied with the

requirements laid down by law, which related mainly to the balance between reforms and investments, the definition of milestones and targets, costing, audits and controls, and observance of the 'do no significant harm' principle.

The next meeting of the Steering Board would be held on 20 April.

Mr DOMBROVSKIS considered that a significant number of Member States should be in a position to submit their national recovery and resilience plans in the next two weeks, but that others might submit their plans after 30 April, which was not a firm deadline. He emphasised the quality of the national plans and said that many Member States still needed to work on their plans to guarantee that the green and digital transition objectives would be met.

Once the complete plans had been received, the Commission would have two months to assess them, with around three weeks to carry out the actual assessment work and draft the assessment documents, and five weeks to carry out inter-service consultation and ensure collegiate decision-making.

Lastly, Mr DOMBROVSKIS said that the proposals for Council Implementing Decisions on each national recovery and resilience plan could then be submitted for adoption. The cabinets would be kept properly informed and consulted as the plans were received.

Mr HAHN noted that the monthly absorption rate for EU funds in the Member States was limited, which could be justification for certain Member States to submit their national plans after the end of April.

The Commission took note of this information.

10.2. COMMISSION DECISION TO REFER AN INFRINGEMENT OF EU LAW TO THE COURT OF JUSTICE OF THE EUROPEAN UNION CONCERNING THE DISCIPLINARY REGIME FOR JUDGES IN POLAND

The Commission referred to the decision that it had adopted on 31 March by urgent written procedure (PE/2021/2369) to refer to the Court of Justice of the European Union an infringement of EU law under the law of 20 December 2019 on the disciplinary regime for judges in Poland, which entered into force on 14 February 2020.

10.3. EU-UK RELATIONS

At the invitation of the PRESIDENT, Mr ŠEFČOVIČ briefed the College on the latest developments in relations with the United Kingdom, the ratification of the EU-UK Trade and Cooperation Agreement and the situation in Northern Ireland.

With regard to relations with the United Kingdom, Mr ŠEFČOVIČ said that the Commission had sent a letter of formal notice on 15 March asking the United Kingdom for clarifications regarding non-compliance with the provisions of the Protocol on Ireland/Northern Ireland since 1 January 2021. On 3 March, the UK government had publicly announced its intention to unilaterally postpone full application of the Protocol with regard to the movement of goods and pet travel between Great Britain and Northern Ireland.

In parallel to the launch of this procedure, talks were ongoing between the parties to find pragmatic solutions that would facilitate implementation of the Protocol. He said that the UK authorities were taking part in the talks in a constructive manner. Progress had thus been made on a great many points, although some more political issues had not yet been resolved, particularly those relating to health and plant-health checks and the implementation of an IT system to track the movement of goods going from Great Britain to Northern Ireland. He hoped that his informal meeting on 15 April with David Frost, the UK Co-Chair of the EU-UK Joint Committee in charge of implementing the Withdrawal Agreement, would be fruitful.

With regard to the Trade and Cooperation Agreement, Mr ŠEFČOVIČ said that he had been in contact with the European Parliament regarding the matter of including the vote on consent with regard to the agreement in question on the agenda of the next plenary session. He was following discussions on that matter very closely.

Lastly, on the situation in Northern Ireland, he had proposed using awareness-raising activities to reach out to civil society and the business community in a bid to help ease the current tensions linked to the implementation of the Protocol.

The PRESIDENT thanked Mr ŠEFČOVIČ for the excellent work he was doing on a day-to-day basis to maintain a constructive relationship between the EU and the United Kingdom.

In the course of the brief discussion that followed, the Commission referred in particular to the fact that the problems currently being experienced in Northern Ireland posed a risk to the peace process.

Mr ŠEFČOVIČ concluded the discussion by stating his intention to issue constant reminders of the role played by the EU in the peace process on the island of Ireland.

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 10.53.