



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2021) 2400 final

- English translation of the French version which is authentic -

Strasbourg, 18 January 2022

TEXTE EN

MINUTES

of the 2400th meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 8 December 2021

(morning)

PV(2021) 2400 final

- English translation of the French version which is authentic -

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Single sitting: Wednesday 8 December 2021 (morning)

The sitting opened at 9.12 with Ms von der LEYEN, President, in the chair.

Present:

Ms von der LEYEN	President
Mr TIMMERMANS	Executive Vice-President
Mr DOMBROVSKIS	Executive Vice-President
Mr BORRELL i FONTELLES	High Representative / Vice-President
Mr ŠEFČOVIČ	Vice-President
Ms JOUROVÁ	Vice-President
Ms ŠUICA	Vice-President
Mr SCHINAS	Vice-President
Mr HAHN	Member
Ms GABRIEL	Member
Mr SCHMIT	Member
Mr GENTILONI	Member
Mr WOJCIECHOWSKI	Member
Mr BRETON	Member
Ms FERREIRA	Member
Mr REYNDERS	Member
Ms DALLI	Member
Ms JOHANSSON	Member
Mr LENARČIČ	Member
Ms VÁLEAN	Member
Mr VÁRHELYI	Member
Ms URPILAINEN	Member
Ms SIMSON	Member
Mr SINKEVIČIUS	Member
Ms McGUINNESS	Member

Absent:

Ms VESTAGER	Executive Vice-President
Ms KYRIAKIDES	Member

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

Ms CANENBLEY	Deputy Chef de cabinet to Ms VESTAGER
Mr ROSSIDES	Chef de Cabinet to Ms KYRIAKIDES

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 HAUGAARD	Adviser in the PRESIDENT's Office	Items 13 and 14
Mr ANDRESEN GUIMARAES	Adviser in the PRESIDENT's Office	Item 19.2
Ms CABRAL	Adviser in the PRESIDENT's Office	
Ms HILI	Adviser in the PRESIDENT's Office	Items 16 to 18
Ms SPINANT	Deputy Chief Spokesperson of the Commission	
Mr VALERO	Secretariat-General	
Ms ALLOUIS-LE LOSTEC	Head of Unit in the Secretariat-General	

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

1. AGENDAS

(OJ(2021) 2400/FINAL; SEC(2021) 2400/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) 2400)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 6 December 2021.

3. APPROVAL OF THE MINUTES

The Commission held over approval of the minutes of its 2397th, 2398th and 2399th meetings of 17 and 23 November and 1 December 2021 for a later date.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2021) 219)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held by videoconference on Friday 3 December 2021 (RCC(2021) 219).

The Commission approved the lines proposed for the following points:

- **Computerised system for communication in cross-border civil and criminal proceedings (e-CODEX system) and amendment of Regulation (EU) 2018/1726 (Regulation) – RADEV & MELO report – 2020/0345 (COD)**

Line set out in SI(2021) 361/3.

- **Roaming on public mobile communications networks within the Union (Regulation – recast) – WINZIG report – 2021/0045 (COD)**

Line set out in SI(2021) 366/2.

- **Fixing for 2022 of the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and for Union fishing vessels in certain non-Union waters (Council Regulation) – 2021/0345 (NLE)**

Line set out in SI(2021) 363.

- **Fixing for 2022 of the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas (Council Regulation) – 2021/0292 (NLE)**

Line set out in SI(2021) 373.

- **European data governance (Data Governance Act) (Regulation) – NIEBLER report – 2020/0340 (COD)**

Line set out in SI(2021) 375.

- **Amendment of Regulation (EC) No 851/2004 establishing a European Centre for Disease Prevention and Control (Regulation) – KOPCIŃSKA report – 2020/0320 (COD)**

Line set out in SI(2021) 376/2.

- **Oral question O-000072/2021 – Barriers to the free movement of goods**

Line set out in SP(2021) 757.

- **Resolutions of the European Parliament under Article 225 of the Treaty on the Functioning of the European Union (TFEU) – Identifying gender-based violence as a new area of crime listed in Article 83(1) of the Treaty on the Functioning of the European Union – BJÖRK & RIBA I GINER report – 2021/2035 (INL)**

Line set out in SP(2021) 759.

The Commission took note of the following points:

- **Amendment of Directive 2011/24/EU relating to health technology assessment (Regulation) – WÖLKEN report – 2018/0018 (COD)**

Compromise text in SP(2021) 754, further to note COM(2021) 696, which the Commission had already approved on 17 November 2021.

- **Amendment of Council Framework Decision 2002/465/JHA on joint investigation teams – Alignment with EU rules on the protection of personal data (Directive) – LENAERS report – 2021/0008 (COD)**

Compromise text in SP(2021) 755, further to note SI(2021) 337, which the Commission had already approved on 23 November 2021.

- **Amendment of Directive 2014/41/EU, as regards its alignment with EU rules on the protection of personal data (Directive) – KALJURAND report – 2021/0009 (COD)**

Compromise text in SP(2021) 756, further to note SI(2021) 337, which the Commission had already approved on 23 November 2021.

- **Amendment of Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (Directive) – ZAMBELLI report – 2020/0262 (COD)**

Information set out in SI(2021) 362.

- **Resilience of critical entities (Directive) – ŠIMEČKA report – 2020/0365 (COD)**

Information set out in SI(2021) 364.

- **Information accompanying transfers of funds and certain crypto-assets (Regulation – recast) – KANKO report – 2021/0241 (COD)**

Information set out in SI(2021) 369.

- **Non-paper on the follow-up on energy prices in view of the European Council of 16 December 2021**

Information set out in SI(2021) 368/3.

- **Framework for interoperability between EU information systems (borders and visa) and amendment of Council Decision 2004/512/EC, Regulation (EC) No 767/2008, Council Decision 2008/633/JHA, Regulation (EU) 2016/399 and Regulation (EU) 2017/2226 (Regulation) – 2017/0351 (COD)**

- **Framework for interoperability between EU information systems (police and judicial cooperation, asylum and migration) (Regulation) – 2017/0352 (COD)**

Information set out in SI(2021) 367.

- **Committee of the Regions Joint Action Plan – ‘Joining forces for a strong recovery and a just transition’**

Information set out in SR(2021) 29.

**5. COORDINATION OF EXTERNAL ACTION
(RCC(2021) 49)**

The Commission took note of the operational conclusions in RCC(2021) 49 of the meeting of the Group for External Coordination (EXCO) held on Wednesday 1 December 2021.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

**6.1. WRITTEN PROCEDURES APPROVED
(SEC(2021) 406 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 29 November and 5 December 2021.

**6.2. EMPOWERMENT
(SEC(2021) 407 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 29 November and 5 December 2021.

**6.3. DELEGATION / SUBDELEGATION OF POWERS
(SEC(2021) 408 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 29 November and 5 December 2021 archived in Decide.

**6.4. SIGNIFICANT WRITTEN PROCEDURES
(SEC(2021) 409 AND /2)**

The Commission took note of the significant written procedures for which the time limit expired between 6 and 10 December 2021, and of the finalisation written procedures.

**6.5. GRANTING OF A DELEGATION OF POWERS RELATING TO THE APPROVAL OF THE FUNDING OF INDIRECT ACTIONS IN THE HORIZON EUROPE PROGRAMME
(C(2021) 9089)**

With a view to adopting, on behalf of the Commission and under its responsibility, certain decisions on the approval of the funding of indirect actions in the Horizon Europe Programme, the Commission decided to grant a delegation of powers:

- to the Director-General of DG Research and Innovation and to the Director-General of DG Education, Youth, Sport and Culture, for implementing the budget of this programme delegated to the executive agencies or implemented directly by themselves;
- to the Directors-General of DG Agriculture and Rural Development, DG Communication Networks, Content and Technology, DG Defence Industry and Space, DG Energy, DG Internal Market, Industry, Entrepreneurship and SMEs, DG Migration and Home Affairs, and DG Mobility and Transport, within the limits of their respective competences for implementing the budget of the Horizon Europe Programme.

These powers were subject to the conditions laid down in Articles 3 and 6 of the Decision.

The Commission adopted the Decision in C(2021) 9089.

6.6. GRANTING OF A DELEGATION OF POWERS RELATING TO THE REVIEW OF LEGALITY OF ACTS ADOPTED BY EXECUTIVE AGENCIES IN THE HORIZON EUROPE PROGRAMME (C(2021) 9092)

The Commission decided to grant a delegation of powers to the Director-General of DG Research and Innovation and to the Director-General of DG Education, Youth, Sport and Culture, to adopt, on behalf of the Commission and under its responsibility, certain measures relating to the review of legality of acts adopted by executive agencies in the framework of the Horizon Europe programme, subject to the conditions laid down in Articles 2 to 5 of the Decision.

The Commission adopted the Decision in C(2021) 9092.

6.7. GRANTING OF AN AD HOC EMPOWERMENT TO ADOPT PROTECTIVE MEASURES IN THE EVENT OF THE COUNCIL'S FAILURE TO FIX FISHING OPPORTUNITIES FOR CERTAIN FISH STOCKS AND GROUPS OF FISH STOCKS (C(2021) 9221)

The Commission decided to empower Mr SINKEVIČIUS, the Member of the Commission in charge of the Environment, Oceans and Fisheries, to adopt, in agreement with the PRESIDENT, on behalf of the Commission and under its responsibility, the necessary protective measures in the event of the Council's failure to act when fixing the fishing opportunities for certain fish stocks and groups of fish stocks, as set out in this Decision.

The Commission adopted the Decision in C(2021) 9221.

7. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2021) 410)

ADMINISTRATIVE MATTERS
(PERS(2021) 114)

**7.1. DG INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND
SMEs – APPOINTMENT OF AN AD14/15 DIRECTOR**
(PERS(2021) 115 TO /3)

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director of the ‘Investment’ Directorate in DG Internal Market, Industry, Entrepreneurship and SMEs (PERS(2021) 115).

It took note of the opinions of the Consultative Committee on Appointments of 3 October and 11 November 2021 (PERS(2021) 115/2 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 Mr BRETON, it then decided to appoint Ms Merete CLAUSEN to the post.

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

**7.2. DG INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND
SMEs – APPOINTMENT OF AN AD14/15 DIRECTOR**
(PERS(2021) 116 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 ‘Network and Governance’ Directorate in DG Internal Market, Industry, Entrepreneurship and SMEs (PERS(2021) 116).

It took note of the opinions of the Consultative Committee on Appointments of 3 October and 11 November 2021 (PERS(2021) 116/2 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 Mr BRETON, it then decided to appoint Mr Jakub BORATYNSKI to the post.

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

**7.3. JOINT RESEARCH CENTRE – INTERNAL AND INTERINSTITUTIONAL PUBLICATION, AT GRADE AD14/15, AND EXTERNAL PUBLICATION, AT GRADE AD14, OF THE VACANCY NOTICE FOR A DIRECTOR POST
(PERS(2021) 117)**

On a proposal from Mr HAHN, in agreement with the PRESIDENT and Ms GABRIEL, 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) 117 for the post of Director of the 'Nuclear Safety and Security (Karlsruhe)' Directorate at the Joint Research Centre.

This decision would take effect immediately.

**7.4. EUROPEAN ANTI-FRAUD OFFICE – TERMINATION OF THE SELECTION PROCEDURE FOR AN AD15/16 DEPUTY DIRECTOR-GENERAL
(PERS(2021) 50)**

On a proposal from Mr HAHN, in agreement with the PRESIDENT, the Commission decided to terminate the internal selection procedure COM/2020/1348 for the post of Deputy Director-General in charge of

‘Operations and Investigations’ at the European Anti-Fraud Office, without making an appointment.

This decision would take effect immediately.

7.5. EUROPEAN ANTI-FRAUD OFFICE – INTERNAL PUBLICATION OF THE VACANCY NOTICE FOR AN AD15/16 DEPUTY DIRECTOR-GENERAL

(PERS(2021) 118)

The Commission took note of the information in point 5 of PERS(2021) 114 and, on a proposal from Mr HAHN, in agreement with the PRESIDENT, decided:

- to approve the vacancy notice for the post of Deputy Director-General of the European Anti-Fraud Office under Article 29(1)(a)(i) and (iii), as annexed to document PERS(2021) 118, and to confirm that the Director-General of the European Anti-Fraud Office was authorised to decide on its publication;
- to carry out the selection procedure in accordance with the Compilation Document on Senior Officials Policy (SEC(2004) 1352);
- to convene the Consultative Committee on Appointments in the composition set out in Article 3(2) of its Rules of Procedure (C(2007) 380), extended to include the following representatives:
 - one observer designated by the European Parliament;
 - one observer designated by the Council of the European Union;
 - one observer designated by the Supervisory Committee of the European Anti-Fraud Office;
- to authorise Mr HAHN, the Member of the Commission responsible, to interview all the candidates deemed to be suitable for the post, before

taking a final decision on the appointment;

- to confirm that the final decision on the appointment was taken in accordance with the Commission Decision of 4 June 2013 (C(2013) 3288) on the exercise of powers conferred by the Staff Regulations on the appointing authority and by the Conditions of Employment of Other Servants on the authority empowered to conclude contracts of employment.

These decisions would take effect immediately.

7.6. DG HUMAN RESOURCES AND SECURITY – LAUNCH OF THE ANNUAL APPRAISAL EXERCISE FOR SENIOR MANAGEMENT OFFICIALS

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

- to authorise the launch of the appraisal exercise for senior management officials for the period from 1 January to 31 December 2021 in line with the rules applied during the previous exercise;
- to authorise a derogation from the last sentence of the rules on postponement by authorising a second postponement of the appraisal report for 2019.

These decisions would take effect immediately.

**7.7. SECRETARIAT-GENERAL – COMMISSION DECISION ON POST TERM-OF-OFFICE ACTIVITY OF A FORMER MEMBER OF THE COMMISSION
(C(2021) 9019)**

The Commission adopted the Decision set out in C(2021) 9019.

The Commission decided that the professional activity envisaged by Mr Jean-Claude JUNCKER after leaving office as President of the Commission was compatible with Article 245(2) of the Treaty on the Functioning of the European Union and with the Code of Conduct for Commissioners, subject to certain specific conditions and obligations.

This decision would take effect immediately.

7.8. DG HUMAN RESOURCES AND SECURITY – LAUNCH OF THE 15TH PROMOTION EXERCISE FOR SENIOR MANAGEMENT OFFICIALS

The Commission took note of the decision of Mr HAHN, in agreement with the PRESIDENT, on the 15th promotion exercise, adopted in accordance with the provisions of the Commission Decision of 10 May 2007 on the system of promotion of senior management officials (SEC(2007) 605). Under that Decision, the 15th promotion exercise would be carried out on the basis of the following criteria: the promotion rate would be up to a maximum of 15% of eligible officials in senior management posts; the exercise would concern posts of Director or equivalent (at grade AD14 and AD15) and the posts of Director-General or equivalent (at grade AD15 and AD16), subject to the availability of sufficient budgetary appropriations; the eligibility conditions would have to be met at the latest by 1 January 2022, the date on which the promotions would come into effect.

8. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, AND THE COMMITTEE OF THE REGIONS – BETTER WORKING CONDITIONS FOR A STRONGER SOCIAL EUROPE: HARNESSING THE FULL BENEFITS OF DIGITALISATION FOR THE

FUTURE OF WORK

(COM(2021) 761 AND /2; RCC(2021) 227)

9. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON IMPROVING WORKING CONDITIONS IN THE CONTEXT OF PLATFORM WORK

(COM(2021) 762 AND /2; SWD(2021) 395; SWD(2021) 396; SWD(2021) 397; SEC(2021) 581; RCC(2021) 227)

The PRESIDENT thanked Mr DOMBROVSKIS and Mr SCHMIT for their outstanding contribution to improving working conditions on digital platforms, which had been at the heart of the current Commission's concerns since the start of its term of office. She noted that this sector of the economy was not sufficiently regulated and that the social protection rights of workers classified, sometimes wrongly, as self-employed were not guaranteed.

She welcomed the fact that that day's proposal laid down clear rules for major platforms, without compromising the development of start-ups in the sector. In the social market economy, workers must have guaranteed rights and, from this point of view, the proposal fully recognised the possibility for workers to meet in trade unions to defend their working conditions.

She pointed out that the richness of the social market economy lay in collective bargaining and dialogue between businesses and trade unions, which made the European economy strong and competitive.

Mr DOMBROVSKIS noted that the digital platform economy was growing in importance in the European Union, with revenues that had increased almost fivefold in the last five years and more than 28 million people currently working in this sector, a figure which could reach 43 million by 2025.

He explained that the Commission's proposal had three main objectives, namely (i) improving the working conditions of workers on these platforms, who could

frequently be subject to a misclassification of their status, (ii) upholding the integrity of labour market institutions and protecting the funding of European social protection systems, and (iii) improving legal certainty and providing more stable conditions for the platform economy to develop across the EU.

The proposal included a Communication setting out the state of play and the reasoning followed, a proposal for a Directive on improving the conditions of platform work and draft guidelines specifying how to apply European competition rules to collective agreements for solo self-employed workers. He stressed the importance of this package, particularly from a social, economic and digital point of view.

He commented in particular on certain aspects of the proposal for a Directive. The main provision, set out in Article 4, introduced a rebuttable presumption of employment status based on the fulfilment of at least two criteria, which should ensure that persons working through digital platforms were granted legal employment status where it corresponded to their actual work arrangements. Platforms would then have the right to contest this classification, in accordance with national rules in force.

Mr DOMBROVSKIS said that after the adoption of this Directive there would most probably be an adjustment period for digital labour platforms, but he was confident that this adjustment would give way to continued growth of the platform economy in Europe, as the demand for digital services did exist.

In the absence of Ms VESTAGER that day, he also referred to two other important aspects relating to digital activity and competition. Firstly, the proposal for a Directive would increase transparency in the use of algorithms by platforms, ensuring human monitoring and giving workers, both employed and self-employed, the right to contest automated decisions.

Secondly, the Commission would also launch that day a public consultation on draft guidelines on applying EU competition law to collective agreements for solo self-

employed workers, i.e. people who worked entirely on their own and did not employ others. These guidelines aimed to ensure that EU competition law did not hinder solo self-employed workers' efforts to collectively improve their working conditions, in cases where they were in a weak position.

Mr SCHMIT felt that, when a new work model emerged and new rules were laid down, entrepreneurs had to adapt, and that by definition this adaptation to change allowed businesses to remain in the market.

The Commission's proposal reflected the current situation on the labour market and had already generally received a favourable response from certain businesses in the sector.

Mr SCHMIT stated that, according to experience, platforms could be managed successfully if their employees had a proper social status. The key issue was whether platform workers were genuinely self-employed, without, however, calling into question the status of self-employed persons as such. The classification of workers in the sector was precisely the subject of the Commission's proposal, which also provided for the implications as regards the right to social protection of the persons concerned.

He also referred to the issue of algorithms, which the platforms were based on, and explained that the Commission wanted to achieve greater transparency and better consideration of the relationship between these algorithms and the human beings working on this basis.

Finally, he considered that, in the light of the cases pending before the courts of the Member States, the adaptation proposed by the Commission provided the legal certainty necessary for the proper development of platform work by providing flexibility and social protection for those who should benefit from it.

Mr SCHMIT concluded by noting that the Member States would not be able to avoid discussions at national level on the status of workers classified as

self-employed and their social protection. His initial contacts with the Ministers for Social Affairs of some Member States suggested that the Commission's proposal would be welcomed.

During the discussion which followed, the Commission raised the following points:

- the quality, balance and social scope of the proposal, which reflected the reality of the European platform economy and its evolution;
- the importance of maintaining the fluidity and flexibility of the labour market while ensuring the protection of workers' social rights, in particular the right to form trade unions;
- the need to place on businesses the burden of proof that their workers were correctly classified;
- the need for action at European level, which alone prevented unfair competition between Member States;
- a reminder of the systematic work done to regulate the digital space, with the recently adopted Data Governance Act, the Digital Single Act and Digital Markets Act, which would be adopted shortly, and that day's proposal on platform work;
- the relevance of the proposal's provisions on algorithms, which were harmonised with those of the Artificial Intelligence Act, the Digital Single Act and the Digital Markets Act, and the need for the Commission to have specialists able to conduct audits in order to verify that Member States were properly implementing the existing rules.

The PRESIDENT thanked Mr DOMBROVSKIS and Mr SCHMIT for presenting this very important proposal.

Following these presentations, the Commission, on a proposal from

the PRESIDENT, confirmed that the Communication and the proposal for a Directive currently set out in COM(2021) 761/2 and COM(2021) 762/2 would be formally approved by finalisation written procedure, the deadline for which was set at 9.00 on Thursday 9 December 2021 (PE/2021/9221 and PE/2021/9225).

10. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, AND THE COMMITTEE OF THE REGIONS – BUILDING AN ECONOMY THAT WORKS FOR PEOPLE – AN ACTION PLAN FOR THE SOCIAL ECONOMY

(COM(2021) 778 TO /3; SWD(2021) 373; RCC(2021) 228)

The PRESIDENT asked Mr DOMBROVSKIS and Mr SCHMIT to present the action plan for the social economy.

Mr DOMBROVSKIS pointed out that the social economy could play an important role in the EU's recovery efforts. The size of the sector in terms of employment varied between 0.6% and 9.9% among the Member States, showing the untapped potential. The remit of the social economy was quite broad, covering cooperatives, mutual benefit societies, associations, charities, foundations and social enterprises.

The goal of the action plan was therefore to remove obstacles to the growth of social economy organisations and to increase the visibility and coordination of European and national action in this regard.

The action plan adopted a multi-faceted approach, with a wide range of measures. He highlighted two in particular: (i) the creation of a social economy gateway to be launched in 2023 as an entry point for social economy actors, to simplify their access to existing support and enhance their awareness of the EU's action in this field, and (ii) the intention to propose, also in 2023, a Council Recommendation on social economy framework conditions. The recommendation would explore what

Member States could do in practice to stimulate the social economy, for example through employment policies, public procurement, taxation, research, skills development and training.

Lastly, Mr DOMBROVSKIS noted that the Commission was also launching a transition pathway for the proximity and social economy industrial ecosystem as part of the new industrial strategy for Europe, in order to work more closely with public authorities and stakeholders for a strengthened sector in the context of the green and digital transitions.

Mr SCHMIT stressed the importance of the social economy ecosystem, which comprised 2.8 million organisations across the EU and 14 million workers. The actors in the sector were very diverse and their activities complied with criteria such as social benefit, environmental considerations, reinvestment of profits and participatory governance.

The common feature of all social economy actors was that they worked primarily for people and for the well-being of society as a whole. This was why the action plan for the social economy incorporated the work carried out in the EU on the human rights and environmental due diligence of companies. The values and aims of social enterprises could inspire and have a positive impact on the actions of traditional companies.

Mr SCHMIT concluded his remarks by announcing that a major conference entitled ‘The social economy, the future of Europe’ would be organised on 17 and 18 February in Strasbourg by the French Presidency of the Council of the EU and the Commission, in cooperation with other institutions. This would be an opportunity for the Commission to present its action plan to actors in the sector, particularly in the context of the debates on the green and digital transitions.

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

- the importance of providing a framework for and improving the visibility of social economy entities, as they filled certain gaps in society and the market, especially in less developed regions in Europe and in the rest of the world;
- in this context, the role of cohesion policy, which awarded funding to many social economy actors and thus contributed to a more balanced development of the sector across the EU;
- the Commission's thinking on the transition pathway of the proximity and social economy to enable this ecosystem to provide modern and socially useful skills and jobs;
- recognition of the role that local groups, such as cooperatives and farmers' associations, could play in enhancing social trust and economic prosperity, especially in rural areas;
- the action plan's contribution to social cohesion and civic participation, in particular through the Erasmus for Young Entrepreneurs mobility scheme and the social innovation fund under the Horizon Europe programme;
- the need to ensure that all economic operators complied with general competition and public procurement rules, while providing for special measures for companies recruiting disadvantaged workers.

The PRESIDENT highlighted the balance struck by the action plan between single market rules and the creation of an environment that helped the disadvantaged contribute to the economy and society. This balance did not undermine competition and was the best way to value everyone and preserve social cohesion.

Following these presentations, the Commission, on a proposal from the PRESIDENT, confirmed that the Communication in COM(2021) 778/3 would be formally adopted by finalisation written procedure, the deadline for which was set at 9.00 on Thursday 9 December 2021 (PE/2021/9097).

11. PROPOSAL FOR A COUNCIL RECOMMENDATION ON A EUROPEAN APPROACH TO MICRO-CREDENTIALS FOR LIFELONG LEARNING AND EMPLOYABILITY

(COM(2021) 770 AND /2; SWD(2021) 367; RCC(2021) 225)

12. PROPOSAL FOR A COUNCIL RECOMMENDATION ON INDIVIDUAL LEARNING ACCOUNTS

(COM(2021) 773 AND /2; SWD(2021) 368; SWD(2021) 369; SWD(2021) 370; SEC(2021) 417; RCC(2021) 225)

The PRESIDENT opened the discussion on the learning and employability initiatives proposed that day, in the form of two proposals for Council Recommendations, one on a European approach to micro-credentials and the other on the creation of individual learning accounts. These proposals were a practical follow-up to the conclusions of the Porto Social Summit of May 2021.

Mr SCHINAS said that these two proposals were indeed very timely in the present climate, but also innovative, tangible and simple to explain.

He pointed out that micro-credentials represented an emerging market and reflected the growing need for more personalised learning. While training was traditionally managed in the context of relations between employers and workers, today's proposal set up a different structure that allowed people to have their training and skills recognised in a timely manner.

As regards the creation of individual learning accounts, Mr SCHINAS noted that the proposal for a Recommendation concerned all adults in the EU, irrespective of their employment status or way of life. It provided for the establishment of an individual electronic portfolio in which each person could receive training entitlements to develop their skills.

This proposal would be supported by existing EU resources and funds, counting also on the financial resources to be deployed by the Member States and businesses. His only regret was that it had not been possible to make the entitlements in the electronic portfolio portable throughout the EU, not least because of the diversity of national training systems.

Ms GABRIEL said that the European approach to micro-credentials was the result of more than a year of consultations and work with all stakeholders and that it came at an opportune time to meet society's constantly evolving demands in terms of training requirements. She explained that, in order to ensure a fair digital and green transition, it was essential to give everyone access to continuing learning and training. Micro-credentials could contribute to this, as they were flexible, modular and adaptable to the individual needs of people wishing to acquire new knowledge, skills and competences.

She pointed out that micro-credentials did not replace traditional qualifications, but complemented them in a flexible and affordable way for as many people as possible. She said that there were currently a number of obstacles to fully exploiting the opportunities offered by these micro-credentials; their value was not always recognised and, as a result, limited use was made of them. The Commission was therefore proposing a European approach to overcoming these obstacles to the full recognition of the skills of the 110 million European citizens who used micro-credentials every year. She explained that this approach was aimed at ensuring the trustworthiness, quality and transparency of micro-credentials through a common definition, standard elements and key principles for designing and delivering micro-credentials.

Ms GABRIEL hoped that, thanks to the European approach, the EU would achieve three objectives, namely: (i) to create more opportunities to acquire knowledge, skills and competences, (ii) to help providers of micro-credentials to increase the scalability and variety of learning on offer, and (iii) to promote inclusion and equal opportunities. The aim was to establish a framework to ensure the recognition of

micro-credentials and their transferability in the education and training sectors, within the labour market and between EU countries. Finally, micro-credentials were a tool with great potential to support the transformation of the European economy in the twin digital and green transition without leaving anyone behind.

Mr SCHMIT saw micro-credentials as an important tool for promoting skills in the labour market. In the building renovation and digital sectors, for example, skills were lacking, and it was therefore necessary to train people who might have previously worked in another field. Micro-credentials could therefore be useful to meet the rapidly changing needs of the labour market and to support the European economy in its transitions. They enabled workers to enhance their skills, and businesses to ensure that they had access to the skills they needed.

On the creation of individual learning accounts, he explained that the idea was to give people the taste and the opportunity for learning. With an individual account, every adult would have access to the necessary means to follow a training course. This was a right for everyone, including disadvantaged and vulnerable people, and an instrument that would allow the Union to reach the target of at least 60% of adults participating in training activities each year by 2030.

Mr SCHMIT confirmed that the proposal to set up individual learning accounts had to be accompanied by appropriate funding, as this initiative corresponded perfectly to the new needs of the labour market and the right to training that the Union intended to promote. On the European side, it would be supported by the European Social Fund Plus (ESF+) and by other instruments that would allow Member States to implement this measure.

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

- the concept of lifelong learning, which was linked not only to employment, but also to training and social and personal development;

- the current fragmentation of vocational training standards, which prevented mutual recognition of qualifications, including between Member States and sometimes between regions of the same Member State;
- the current structural changes in the financial services sector, which meant both an increased need for digital skills and a need for everyone to receive a financial education, in order to be able to invest their savings in the best way;
- the importance of the two proposals not only for the labour market but also for personal lives, given the ageing population and the need to support the ability to train and work over a longer period of time;
- foresight studies showing that, in order to meet labour market needs, lifelong learning would be an integral part of the career path of younger generations.

The PRESIDENT wound up the debate by welcoming the fact that the Commission was presenting that day these very important proposals for the future of European society.

Following these presentations, the Commission, on a proposal from the PRESIDENT, confirmed that the proposals for Recommendations in COM(2021) 770/2 and COM(2021) 773/2 would be formally adopted by finalisation written procedure, the deadline for which was set at 9.00 on Friday 10 December 2021 (PE/2021/8994 and PE/2021/9059).

13. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL ON MEASURES WITHIN THE COMMISSION'S POWERS WHICH THE COMMISSION CAN ADOPT WHEN IT DETERMINES, PURSUANT TO THE REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE PROTECTION OF THE UNION AND ITS MEMBER STATES FROM

**ECONOMIC COERCION BY THIRD COUNTRIES, THAT THE UNION
TAKES RESPONSE MEASURES TO COUNTERACT A THIRD-COUNTRY
MEASURE OF ECONOMIC COERCION
(COM(2021) 774 AND /2; RCC(2021) 230)**

**14. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL ON THE PROTECTION OF THE UNION AND ITS
MEMBER STATES FROM ECONOMIC COERCION BY THIRD
COUNTRIES
(COM(2021) 775 TO /3; SWD(2021) 371; SWD(2021) 372; SEC(2021) 418;
RCC(2021) 230)**

At the PRESIDENT's request, Mr DOMBROVSKIS presented to the College the Communication and the proposal for a Regulation on the protection of the Union and its Member States from economic coercion by third countries.

This package of measures, which included a proposal for a new instrument to provide protection against coercion, represented an important step forward for the EU's trade policy and delivered on a promise made by the Commission when the new EU trade strategy was launched in February 2021. He highlighted the ambition of this new approach, which would enable the Union to be more assertive in defending its rights and interests.

He considered this new tool necessary in view of the increasingly hostile international geopolitical situation and the increasing weaponisation of trade for other purposes. In recent years, the EU and its Member States had been the targets of acts of economic coercion which had revealed how poorly equipped they were to protect themselves. The aim was therefore to improve the ability of the EU and its Member States to defend their interests.

This instrument was fully in line with international law and was intended to deter any attempt at economic coercion against the EU and its Member States, in accordance with the wishes expressed by businesses during the consultations held as

part of the preparation of this initiative. He explained that ideally, the EU would not have to make use of this instrument, given its deterrence effect. However, this would largely depend on the credibility and effectiveness of the tool.

Rather than listing actions qualifying as coercive, the proposal for a Regulation defined what was an act of economic coercion exercised by third countries. An act of economic coercion was an action which, through measures relating to trade or investment, aimed to compel the EU or a Member State to adopt or abstain from adopting a particular measure or decision.

As regards the details of how the proposed instrument would operate, he explained that the Regulation provided for the cumulation of two main conditions to trigger an examination procedure. The first trigger must be a threat or an actual action to interfere in the sovereign choices of the EU or a Member State. This could take the form of formal or explicit coercion, or it could be disguised or informal coercion. As examples of the latter kind of coercion, he cited the imposition of excessive or discriminatory sanitary and phytosanitary measures, the abuse of trade defence instruments, or the selective stepping up of border checks on goods from a particular country.

The second trigger occurred when the third country adopted measures affecting trade and investment in order to intimidate the EU or its Member States. Hence the usefulness of an instrument coming under the common commercial policy, which ensured it could be implemented swiftly and effectively. Each case of economic coercion would be examined individually.

If the Commission's assessment concluded that there had been a case of coercion, the College would have to adopt a formal Decision. A dialogue would be immediately engaged with the third country concerned so as to make every effort to find a solution through negotiation, possibly with the help of mediation or a court decision, the aim being that this consultation would have the effect of rapidly putting an end to the coercive measure and de-escalating tensions.

The Commission also intended to cooperate with other third countries concerned about the proliferation of cases of economic coercion, as it had done at the G7.

Mr DOMBROVSKIS stressed that the Commission would only start drawing up a list of countermeasures if dialogue and international cooperation did not produce any results. He added that the design of these countermeasures would require close consultation with the parties concerned and would have to be balanced, proportionate and in line with international law.

At the Commission, decision-making would follow the usual channels of the common commercial policy and would therefore require the adoption of implementing acts.

Among the countermeasures that could be envisaged, he mentioned the traditional trade instruments linked to the imposition of customs duties and the suspension of trade preferences. However, the Commission could also consider restrictions on trade in services, public procurement, intellectual property or access to EU funding.

He considered that this new instrument should help the EU to meet the geopolitical challenges of the next twenty years and said that there had been broad consensus on it among the stakeholders consulted.

He also pointed out that the European Parliament supported this instrument and was looking forward with interest to starting the legislative work. He stressed that it was the responsibility of the Council to ensure that the proposal remained balanced throughout the legislative procedure.

In conclusion, Mr DOMBROVSKIS said that by adopting this tool, the EU was sending a firm message that it would refuse to accept interference in its sovereignty or that of its Member States, or intimidation tactics that could jeopardise its policies.

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

- the usefulness of the proposal for a Regulation, which would make available to the EU an instrument enabling it to effectively counter any act of economic coercion and establish a genuine balance of power with the third countries concerned, while providing for a deterrence element in the event of a threat of coercion;
- the strength of the Union, which, through this instrument, was giving itself the means to act by means of concrete measures going well beyond mere declarations;
- support for the use of Article 207 of the Treaty on the Functioning of the European Union (TFEU) as the legal basis for the proposal for a Regulation, which ensured an efficient and rapid process for adopting countermeasures to prevent attempts at economic coercion by third countries;
- the importance for the Regulation, based on Article 207 TFEU, to be subject to the decision-making procedures applicable under the common commercial policy as an exclusive competence of the Union;
- for some, a reference to the much broader framework of the EU's Common Foreign and Security Policy (CFSP), under which the proposed instrument should come for the sake of consistency; similarly, in order to use this instrument, the need for coordination between the Commission and the Council through the High Representative for the Common Foreign and Security Policy, this being precisely his role.

The PRESIDENT wound up the discussion by thanking Mr DOMBROVSKIS for presenting this important initiative, which would give the Union new means of defending its interests robustly in a complex global context.

Following this presentation, the Commission:

- approved the Communication in COM(2021) 774/2 for transmission to Parliament and the Council and, for information, to the national parliaments;
- adopted the proposal for a Regulation in COM(2021) 775/3 for transmission to Parliament and the Council, and, for information, to the national parliaments, together with the impact assessment, the summary thereof and the opinion of the Regulatory Scrutiny Board in SWD(2021) 371, SWD(2021) 372 and SEC(2021) 418, the contents of which were noted.

**15. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL – A MORE INCLUSIVE AND PROTECTIVE EUROPE – EXTENDING THE LIST OF EU CRIMES TO HATE SPEECH AND HATE CRIME
(COM(2021) 777 AND /2; RCC(2021) 226)**

The PRESIDENT asked Ms JOUROVÁ, Mr REYNDERS and Ms DALLI to present the Communication ‘A more inclusive and protective Europe: extending the list of EU crimes to hate speech and hate crime’ and the related proposal for a Council Decision.

Ms JOUROVÁ highlighted that the initiative was a response to the alarming spike in online and offline hate speech and hate crime in Europe in recent years. The economic and social crisis, migratory pressure and the COVID-19 pandemic had contributed to the unprecedented increase in these phenomena, as had improved access to online communication and information, including social networks.

At present hate speech and hate crimes were criminalised at EU level only by the Framework Decision on combating racism and xenophobia, which covered the grounds of race, colour, religion, descent and national or ethnic origin. The Commission proposed to add the grounds of gender, sexual orientation, age and disability.

The Treaties currently did not provide a legal basis for criminalising hate speech and hate crime at EU level. Article 83(1) of the Treaty on the Functioning of the European Union (TFEU) set out an exhaustive list of areas of crime where the European Parliament and the Council could establish minimum rules for defining serious criminal offences with a cross-border dimension and sanctions applicable in all EU Member States. These included areas such as terrorism and trafficking in human beings, sexual exploitation of women and children, money laundering and corruption.

Under the same Article, the Council was empowered, based on developments in crime, to identify other areas provided that they fulfilled specific criteria, in particular seriousness and cross-border dimension.

Ms JOUROVÁ pointed out that the Commission had analysed hate speech and hate crime in the light of those criteria and presented the results of its assessment in the Communication. On the basis of the robust evidence it had gathered, the Commission proposed a Council Decision to extend the list of criminal offences at EU level to hate speech and hate crime.

The Council's adoption of the Decision was a first step in creating the necessary legal basis for the adoption, as a second step, of a common legal framework to combat hate speech and hate crime throughout the EU. The specific content of the common legal framework would be the subject of further debate, provided the Council adopted the Decision on extending the list of offences at European level, which its forthcoming French Presidency seemed to want to encourage. The Decision would need the unanimous approval of the Member States.

In conclusion, she explained that if approved, it would take another 2 or 3 years to have the desired instrument in place, whereas radicalisation in society was already very alarming and posed a real security problem for the EU. Member States reacted very differently to hate speech and hate crime, such as anti-Semitic speech, and action needed to be taken as quickly as possible.

Mr REYNDERS stressed the aim of that day's proposal, which was to extend to all grounds – including gender, sexual orientation, age and disability – the classification of hate speech and hate crime in the EU as a serious, cross-border criminal offence. Progress was sought on this file from a legal perspective, while EU Justice and Home Affairs ministers had already held several discussions on the matter.

He also referred to the European Parliament resolution under Article 225 of the Treaty on the Functioning of the European Union, which called on the Commission to table a proposal for a Council Decision to include gender-related violence in the areas of crime at EU level. He welcomed that day's proposal as part of the Commission's response to the resolution (see point 19.3 of these minutes).

Ms DALLI confirmed that the rise of the online world and the COVID-19 pandemic had accentuated expressions of hatred against minorities and women. If this phenomenon remained unchecked, the price of doing nothing could be very high, especially for the individuals and groups concerned. That was why the Commission was taking a firm stance on the issue.

Extending the list of EU crimes to hate speech and hate crime would strengthen and complement recent policy and legislative initiatives for a Union of Equality.

The initiative would also be complemented by the upcoming proposal on combating violence against women and domestic violence.

The negotiations ahead with the Member States were expected to be difficult, but she hoped that the statistical data that the Fundamental Rights Agency had gathered over the years would convince them that this step was necessary.

The PRESIDENT wound up the discussion by thanking Ms JOUROVÁ, Mr REYNDERS and Ms DALLI for their excellent work.

Following these presentations, the Commission, on a proposal from the PRESIDENT, confirmed that the Communication in COM(2021) 777/2 would

be formally adopted by finalisation written procedure, the deadline for which was set at 10.00 on Thursday 9 December 2021 (PE/2021/9098).

16. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON AUTOMATED DATA EXCHANGE FOR POLICE COOPERATION ('PRÜM II'), AMENDING COUNCIL DECISIONS 2008/615/JHA AND 2008/616/JHA AND REGULATIONS (EU) 2018/1726, 2019/817 AND 2019/818 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

(COM(2021) 784 AND /2; SWD(2021) 378; SWD(2021) 379; SEC(2021) 421; RCC(2021) 231)

17. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON INFORMATION EXCHANGE BETWEEN LAW ENFORCEMENT AUTHORITIES OF MEMBER STATES, REPEALING COUNCIL FRAMEWORK DECISION 2006/960/JHA

(COM(2021) 782; SWD(2021) 374; SWD(2021) 377; SEC(2021) 420; RCC(2021) 231)

18. PROPOSAL FOR A COUNCIL RECOMMENDATION ON OPERATIONAL POLICE COOPERATION

(COM(2021) 780 AND /2; SWD(2021) 375; RCC(2021) 231)

The PRESIDENT asked Mr SCHINAS and Ms JOHANSSON to present the package of initiatives being tabled regarding the Security Union.

Mr SCHINAS explained that there were three parts to the package.

The first part was the third annual progress report on the implementation of the EU Security Union, which was being adopted that day by written procedure. The report covered among other things the creation of a cyber unit at EU level and the resilience of critical infrastructure, while also highlighting external aspects of the

Security Union, in particular cooperation with the United States. The report gave an account of the many recent successes achieved by law enforcement authorities in the EU.

The second part of the package, on police cooperation in the EU, sought to close existing gaps by proposing a Directive on information sharing between law enforcement authorities and a Recommendation on closer police cooperation, which was linked to the Schengen Borders Code to be presented by the Commission on 14 December.

The third part of the package, the ‘Prüm II’ proposal, concerned the automated exchange of data for police cooperation. This was an innovative proposal as it added two new areas of cooperation – facial recognition and police records. It was backed up by strong data protection safeguards.

Ms JOHANSSON described these proposals in more detail.

As regards the code on police cooperation, she noted that in an area without internal border controls, police officers had to be able to cooperate effectively and systematically across the EU. Without such cooperation, criminals would continue to operate across Member States and take advantage of the different national jurisdictions.

According to the latest data, almost 70% of criminal networks were active in more than three Member States, and around 65% of the criminal networks active in the EU were composed of members of different nationalities. Over 80% of these networks were involved in major types of cross-border crime, such as trade in drugs, trafficking in human beings and migrant smuggling.

Ms JOHANSSON added that the recent tragic events in the Channel had highlighted once more the need for strong police cooperation in the EU. As a result of this tragedy, France, Belgium, Germany and the Netherlands had decided to step up their operational police cooperation to counter migrant smuggling.

Effective police cooperation required operational cooperation and information sharing; both these factors were covered by that day's proposals.

She pointed out that the joint operations that took place within the EU or elsewhere in Europe were often conducted on an ad hoc basis at present. The proposal for the Recommendation on operational police cooperation being tabled that day sought to remove the current obstacles by setting common standards to enable police officers to cooperate effectively with their colleagues in other Member States. For example, it was proposed to set up an EU coordination platform through which Member States could exchange information on their needs and priority areas for conducting joint operations, which would be chosen on the basis of a risk assessment and with the aim of addressing real needs. This would make tackling cross-border crime, in particular migrant smuggling, much more effective.

The Recommendation also encouraged Member States to train police officers to give them the necessary skills and knowledge to cooperate in practice.

Ms JOHANSSON then presented the Directive on information sharing, pointing out that access to information among Member States was essential to investigate cross-border crime. It was important to close current gaps which created security risks.

She said that the proposal for a Directive included rules that would ensure equivalent access to information for police across the EU. This meant that if the police in one Member State asked for information from another Member State, the latter had to provide such information within a short time frame. The exceptions to this rule would be duly limited.

Under the proposal, Europol, as the EU's anti-crime hub, would also receive any such information exchanged between Member States, and SIENA – its information system for securely exchanging operational and strategic crime-related information – would be used systematically for that purpose.

Lastly, Ms JOHANSSON explained that Prüm II was a unique mechanism allowing law enforcement authorities to compare, on a case-by-case basis, data such as DNA and fingerprints against criminal databases throughout the EU. This was crucial, as links between local crime and organised crime operations were not always obvious.

She noted that, while the current system of exchange was considered highly valuable, there were also major shortcomings, including in its architecture. The proposal would considerably simplify the system, which in future would require only one connection between Member States, rather than dozens as was presently the case. The Prüm system would be connected to the European Search Portal and Member States would be able to run their inquiries in Europol's databases.

The proposal also added two categories of data that were needed in criminal investigations – facial recognition and criminal records – while ensuring that in the event of a positive hit confirming the existence of the same biometric information in another Member State's database, the follow-up information would be provided within 24 hours.

Ms JOHANSSON ended her presentation by saying that these improvements would make Prüm much more effective, closing existing loopholes in information exchange across the EU.

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

- the broad support of the College for this package of initiatives, which was a major and timely contribution to the fight against organised crime in the EU;
- regret that cross-border police cooperation often happened only on an ad hoc basis;
- the boost that better coordination between police forces would provide to the fight against crime;

- the importance of combating not only trafficking in human beings but also financial crime, in line with the wishes of EU citizens.

The PRESIDENT wound up the discussion by thanking Mr SCHINAS and Ms JOHANSSON for these notable advances.

Following these presentations, the Commission:

- adopted the proposal for a Regulation in COM(2021) 784/2 for transmission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the national parliaments, together with the impact assessment, the summary thereof and the opinion of the Regulatory Scrutiny Board in SWD(2021) 378, SWD(2021) 379 and SEC(2021) 421;
- adopted the proposal for a Directive in COM(2021) 782 for transmission to the European Parliament, the Council and the national parliaments, and, for information, to the European Economic and Social Committee and the Committee of the Regions, together with the impact assessment, the summary thereof and the opinion of the Regulatory Scrutiny Board in SWD(2021) 374, SWD(2021) 377 and SEC(2021) 420;
- adopted the proposal for a Recommendation in COM(2021) 780/2 for transmission to the Council, the European Parliament and the national parliaments, and, for information, to the European Economic and Social Committee and the Committee of the Regions, together with the staff working document in SWD(2021) 375.

19. OTHER BUSINESS

19.1. LATEST DEVELOPMENTS CONCERNING THE COVID-19 PANDEMIC

The PRESIDENT gave a brief overview of the management of the COVID-19 epidemic in the EU and worldwide.

She first of all cited some figures which she considered particularly eloquent. The EU had provided one billion doses to its citizens and exported around 1.4 billion doses to around 150 third countries. Moreover, the EU was the top donor of vaccines, with 350 million doses delivered through the COVAX global mechanism. There was a bottleneck in the delivery of donations to recipient countries through COVAX, and it was important to find a solution.

The PRESIDENT then talked about what was currently known about the new Omicron variant of the coronavirus in terms of its transferability, its severity and the affected age groups. According to still very preliminary information related to 12 individuals, booster shots led to a significant increase in antibodies and hence protection against the Omicron variant, albeit less protection than against the Delta variant. Work was under way to adapt the immune response of vaccines, and it was essential for the Commission to prepare the ground for an emergency authorisation process for those adaptations to allow their rapid deployment when the time came, given that they could go into production in only a few days.

The EU was in a much better situation than it had been a year ago, but it was important to remain vigilant and continue to administer booster shots, which still offered the most effective protection available against the virus and its variants.

The Commission took note of this information.

19.2. LATEST DEVELOPMENTS IN EXTERNAL RELATIONS

The PRESIDENT invited Mr BORRELL to report on the latest developments in external relations.

Mr BORRELL first of all reported on the heightened tensions due to the build-up of Russian troops and military equipment on the Russian-Ukrainian border. This Russian show of force was a threat to the territorial integrity and security of Ukraine and was of great concern to the international community. He called on the EU to exercise utmost vigilance. He said that several attempts had been made at the political and diplomatic level to defuse the tensions in recent days. The situation on the Ukrainian border had been discussed at the meeting of the Foreign Ministers of the member countries of the North Atlantic Treaty Organization (NATO) held in Riga from 30 November to 1 December. The US Secretary of State, Antony BLINKEN, and the Russian Minister for Foreign Affairs, Sergey LAVROV, had met in Stockholm on 2 December on the sidelines of a meeting of the Organization for Security and Cooperation in Europe (OSCE). Finally, the US President, Joe BIDEN, had held a telephone call with the Russian President, Vladimir PUTIN, on 7 December.

He said that at EU level, the Foreign Affairs Council would not raise the issue of possible heavier sanctions against Russia on Monday 13 December because now was the time for diplomatic efforts to avoid a military escalation. It had been agreed with the United States to coordinate the timetable for the adoption of new sanctions on both sides of the Atlantic.

Mr BORRELL then briefly mentioned the fourth meeting of the Stabilisation and Association Council between the EU and Kosovo*, held in Brussels on 7 December 2021. He underlined the ambition of the current government with regard to Kosovo's European path, although it was reluctant to engage constructively in the EU-facilitated dialogue with a view to an agreement on

* This designation is without prejudice to positions on status and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

the normalisation of relations with Serbia. A new meeting could be scheduled before the end of the current year.

He also explained the political crisis and the difficulties that Bosnia-Herzegovina was currently experiencing in its efforts to reform its electoral system in line with the recommendations of the Venice Commission and the Group of States against Corruption of the Council of Europe (GRECO).

With regard to Iran, he said that discussions on Iran's nuclear programme had resumed under the auspices of the International Atomic Energy Agency (IAEA) in Vienna but had stalled, and the country was progressing rapidly in its uranium enrichment programme. The situation was very complex and close cooperation should be maintained between the stakeholders within the framework of the IAEA.

Mr BORRELL also mentioned the launch of the dialogue on security and defence between the EU and the USA, which would take place outside NATO.

On the subject of Mali, he reported that the Commission was about to adopt the multiannual indicative programme for Mali for the period 2021 to 2027 under the Neighbourhood, Development and International Cooperation Instrument – Global Europe. However, for the time being, the current destabilisation within the country and the presence of the Russian Wagner Group, as in other African countries, constituted obstacles to concrete EU support on the ground.

He also said that Pakistan would shortly be holding a conference of Foreign Ministers of the member countries of the Organisation of Islamic Cooperation in Kabul, Afghanistan, with the aim of strengthening their joint mobilisation to avoid a humanitarian and economic crisis in Afghanistan. Representatives of the United States, China and Russia would be participating as well as an

observer from the European Union in the person of its Special Representative in Afghanistan.

Mr BORRELL then spoke of the temporary clouding of the EU's relations with South Africa, which regretted not having been informed in advance of the urgent travel restrictions that the EU had imposed as soon as the South Africans authorities had informed it of the appearance of the new Omicron variant.

He finally referred to the need for the Commission to update the Union's list of non-cooperative jurisdictions in the fight against money laundering and the financing of terrorism.

On the subject of the immediate introduction of restrictions on travel from South Africa after the announcement of the identification of the new Omicron variant, the PRESIDENT said that the United States and the United Kingdom had taken the same emergency measures as the EU. The lifting of those restrictions should now be examined.

On this point, Ms JOHANSSON said that the Commission had already proposed to the Integrated Political Crisis Response arrangements (IPCR) to require PCR tests instead of continuing to implement restrictions on travel from South Africa.

The Commission took note of this information.

**19.3. COMMISSION RESPONSE TO A EUROPEAN PARLIAMENT
RESOLUTION PURSUANT TO ARTICLE 225 OF THE TREATY ON
THE FUNCTIONING OF THE EUROPEAN UNION
(SP(2021) 759)**

Ms JOUROVÁ presented to the College the European Parliament resolution under Article 225 of the Treaty on the Functioning of the European Union (TFEU) asking the Commission to present a proposal for a Council Decision

to include gender-based violence as a new area of cross-border crime at EU level.

The Commission fully shared Parliament's commitment to combating gender-based violence, both online and offline. It had therefore proposed in 2016 that the EU should accede to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

However, there was still deadlock in the Council on accession to the Convention and not even the recent opinion of the Court of Justice of the European Union would enable the political obstacles to accession to be removed.

Based on her consultations with stakeholders, she concluded that an EU initiative on preventing and protecting victims of gender-based violence should not seek to replicate the same provisions as those of the Convention, at the risk of facing the same pitfalls.

This was why the Commission services were currently working on a proposal for a Directive on violence against women and domestic violence. This Directive would focus on prevention, protection, support and access to justice, and would make certain forms of violence against women and domestic violence criminal offences under EU law, based on areas of particularly serious crime with a cross-border dimension. This initiative would be submitted to the College for adoption in the first quarter of 2022.

The Commission was also presenting an initiative that day to propose a Council Decision to extend the list of serious crimes with a cross-border dimension to include hate speech and hate crime (see item 15 of these minutes).

She concluded that these initiatives would to a very large extent allow the

Commission to achieve the objectives pursued by Parliament in its resolution.

Ms DALLI explained that the need to combat gender-based violence, violence against women and domestic violence by means of a specific legislative proposal was a long-standing request from Parliament and that the Commission, which supported it, intended to draw up a proposal in this regard.

The ratification process of the Istanbul Convention had indeed been deadlocked for some time and the Council could not establish a precise timetable for ratification at this stage.

The request to extend the list of ‘eurocrimes’ to include gender-based violence as proposed by Parliament could face the same obstacles as the Istanbul Convention, which would similarly delay the practical measures needed to protect women in Europe.

Moreover, the overwhelming majority of acts of violence against women and domestic violence were already recognised as criminal offences under national law. The proposal for a Directive would therefore address the harmonisation of existing national legislation through the establishment of minimum EU standards.

The existing legal bases in EU criminal law would focus on the targeted criminalisation of specific conduct, such as online forms of violence. This would fill the main gaps in the current legislation and ensure that serious forms of violence against women were sanctioned across the EU.

In conclusion, it was important to first make gender-based violence a new crime in EU law. Extending the list of crimes at EU level to include gender-based hate speech and hate crime would provide additional grounds on which they could be sanctioned.

The Commission took note of this information and approved the draft reply

annexed to SP(2021) 759, which Mr ŠEFČOVIČ was asked to notify, on its behalf, to the President of Parliament, Mr David SASSOLI.

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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 12.16.