EUROPEAN COMMISSION

SECRETARIAT-GENERAL

**PV(2021) 2401 final**

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

Brussels, 26 January 2022

# TEXTE EN

**<u>MINUTES</u>**

**of the 2401st meeting of the Commission**

**held in Strasbourg**

**(Winston Churchill building)**

**on Tuesday 14 December 2021**

**(afternoon)**

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## **<u>Single sitting</u>: Tuesday 14 December 2021 (afternoon)**

The sitting opened at 13.06 with Ms von der LEYEN, President, in the chair.

<u>Present</u>:

| | | |
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| Ms von der LEYEN | President | |
| Mr TIMMERMANS | Executive Vice-President | |
| Ms VESTAGER | Executive Vice-President | |
| Mr DOMBROVSKIS | Executive Vice-President | |
| Mr BORRELL i FONTELLES | High Representative / Vice-President | Items 1 to 10/14 |
| Mr ŠEFČOVIČ | Vice-President | |
| Mr SCHINAS | Vice-President | Items 1 to 15 (in part) |
| Mr HAHN | Member | |
| Ms GABRIEL | Member | |
| Mr SCHMIT | Member | |
| Mr GENTILONI | Member | |
| Mr WOJCIECHOWSKI | Member | Items 1 to 16/19 (in part) |
| Mr BRETON | Member | Items 1 to 20/21 (in part) |
| Ms FERREIRA | Member | |
| Ms KYRIAKIDES | Member | |
| Mr REYNDERS | Member | |
| Ms DALLI | Member | |
| Ms JOHANSSON | Member | Items 1 to 15 (in part) |
| Mr LENARČIČ | Member | |
| Ms VĂLEAN | Member | |
| Mr VÁRHELYI | Member | |
| Ms URPILAINEN | Member | Items 1 to 10/14, and 22 |
| Ms SIMSON | Member | Items 1 to 16/19 (in part) |
| Ms McGUINNESS | Member | |

Absent:

| | |
|---|---|
| Ms JOUROVÁ | Vice-President |
| Ms ŠUICA | Vice-President |
| Mr VÁRHELYI | Member |
| Mr SINKEVIČIUS | Member |

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

| | |
|---|---|
| Mr HULICIUS | A member of Ms JOUROVÁ's staff |
| Mr BELET | Expert in Ms ŠUICA's Office |
| Ms PETSCH | A member of Mr VÁRHELYI's staff |
| Ms CUJO | Expert in Mr SINKEVIČIUS's Office |

The following also sat in:

| | | |
|---|---|---|
| Mr SEIBERT | Chef de cabinet to the PRESIDENT | |
| Mr CALLEJA CRESPO | Director-General, Legal Service | |
| Ms AHRENKILDE HANSEN | Director-General, DG Communication | |
| Mr MAMER | Head of the Spokesperson's Service and Chief Spokesperson of the Commission | |
| Ms PETKOVA | Director of Coordination and Administration in the PRESIDENT's Office | |
| Mr VANDENBERGHE | Adviser in the PRESIDENT's Office | Items 10/14 to 16/19 |
| Ms HILI | Adviser in the PRESIDENT's Office | Items 1 to 8/9 |
| Ms BUKA | Secretariat-General | |

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

**1. AGENDAS**
**(OJ(2021) 2401/FINAL; SEC(2021) 2401/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) 2401)**

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 13 December 2021.

**3. APPROVAL OF THE MINUTES**

The Commission held over approval of the minutes of its 2397th, 2398th, 2399th and 2400th meetings of 17 and 23 November and 1 and 8 December 2021 for a later date.

**4. INTERINSTITUTIONAL RELATIONS**
**(RCC(2021) 224)**

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held by videoconference on Friday 10 December 2021 (RCC(2021) 224).

The Commission approved the lines proposed for the following points:

– **Establishment of the European Union Single Window Environment for Customs and amendment of Regulation (EU) No 952/2013 (Regulation) – ŠTEFANEC report – 2020/0306 (COD)**

Line set out in SI(2021) 381.

– **General Union Environment Action Programme to 2030 (Decision) – O'SULLIVAN report – 2020/0300 (COD)**

Line set out in SI(2021) 379.

– **Access of third-country goods and services to the Union's internal market in public procurement and procedures supporting negotiations on access of Union goods and services to the public procurement markets of third countries (Regulation) – CASPARY report – 2012/0060(COD)**

Line set out in SI(2021) 385.

– **Amendment of Regulation (EU, Euratom) No 609/2014 in order to enhance predictability for Member States and to clarify procedures for dispute resolution when making available the traditional, VAT and GNI based own resources (Council Regulation) – FERNANDES & HAYER report – 2021/0161 (NLE)**

Line set out in SP(2021) 758.

– **Pilot regime on distributed ledger technology market infrastructures (Regulation) – VAN OVERTVELDT report – 2020/0267 (COD)**

Line set out in SI(2021) 382.

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

Line set out in SI(2021) 389.

– **2022 fishing opportunities – TACs and quotas for stocks shared with the United Kingdom – Result of the consultations held pursuant to Article 498 of the European Union and United Kingdom Trade and Cooperation**

**Agreement for setting the total allowable catch and functional measures for 2022**

Line set out in SI(2021) 395.

– **Oral question O-000074/2021 – MeToo and harassment, the consequences for the EU institutions**

Line set out in SP(2021) 727/2.

– **Resolutions of the European Parliament under Article 225 of the Treaty on the Functioning of the European Union (TFEU) – Combating Gender-based Violence: Cyber Violence – VOZEMBERG-VRIONIDI & SPUREK report – 2020/2035 (INL)**

Line set out in SP(2021) 767.

– **Clause on anti-money laundering, countering terrorism financing, tax avoidance, tax fraud or tax evasion for Financial Framework Partnership Agreements, contribution agreements for financial instruments and guarantee agreements with entities implementing Union funds in indirect management: the European Bank for Reconstruction and Development**

Line set out in SPI(2021) 66 and /2.

– **European Union and United Kingdom Trade and Cooperation Agreement – Endorsement of the list of individuals to be proposed by the European Union to serve as chairpersons and members of an arbitration tribunal**

Line set out in SI(2021) 394/2.

The Commission approved the line proposed for the following point and took note of the related compromise text:

– **European Year of Youth 2022 (Decision) – VERHEYEN report – 2021/0328 (COD)**

Line set out in SP(2021) 770 and compromise text annexed thereto.

The Commission took note of the following points:

– **Communication from the Commission on the EU Strategy to tackle Organised Crime (2021-2025) – COM(2021) 170**

Information set out in SI(2021) 383.

– **Joint Declaration on legislative priorities for 2022**

Information set out in SPI(2021) 65.

## 5. COORDINATION OF EXTERNAL ACTION (RCC(2021) 50)

The Commission took note of the operational conclusions in RCC(2021) 50 of the meeting of the Group for External Coordination (EXCO) held on Wednesday 8 December 2021.

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

### *6.1. WRITTEN PROCEDURES APPROVED (SEC(2021) 412 ET SEQ.)*

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 6 and 12 December 2021.

### *6.2. EMPOWERMENT (SEC(2021) 413 ET SEQ.)*

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 6 and 12 December 2021.

### *6.3. DELEGATION / SUBDELEGATION OF POWERS (SEC(2021) 414 ET SEQ.)*

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 6 and 12 December 2021 archived in D*e*cide.

### *6.4. SIGNIFICANT WRITTEN PROCEDURES (SEC(2021) 415 AND /2)*

The Commission took note of the significant written procedures for which the time limit expired between 13 and 17 December 2021, and of the finalisation written procedures.

## 7. ADMINISTRATIVE AND BUDGETARY MATTERS (SEC(2021) 411 AND /2)

**ADMINISTRATIVE MATTERS**
**(PERS(2021) 119)**

### *7.1. DG TAXATION AND CUSTOMS UNION – APPOINTMENT OF AN AD14/15 PRINCIPAL ADVISER POST (PERS(2021) 83 TO /4)*

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Principal Adviser for Strategy and

Economic Analysis Coordination in DG Taxation and Customs Union (PERS(2021) 83 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 15 and 25 November 2021 (PERS(2021) 83/3 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 GENTILONI, it then decided to appoint Mr Claes BENGTSSON to the post.

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

### *7.2. DG HUMAN RESOURCES AND SECURITY – AMENDMENT OF THE ORGANISATION CHART (SEC(2021) 438)*

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

– to change the name of the post of Deputy Director-General to Deputy Director-General in charge of Operations; the Deputy Director-General would therefore have a direct reporting line and would supervise the Directorates 'Recruitment and Mobility' (HR.B), 'Careers and Staff Development' (HR.C), 'Workplace and Wellbeing' (HR.D) and 'HR for Specific Sites and Services' (HR.E);

– to abolish the post of Principal Adviser for Security (HR.DS.PA03);

– to create a direct reporting line between the Hors Classe Adviser for Executive Staff and the Unit 'Executive Staff' (HR.02);

– to approve the new organisation chart set out in SEC(2021) 438.

After the restructuring, the total number of Directorates in DG Human Resources and Security would remain unchanged and the number of units would increase from 37 to 38.

These decisions would take effect on 16 February 2022.

### *7.3. DG BUDGET – FINAL ALLOCATION OF HUMAN RESOURCES AND DECENTRALISED ADMINISTRATIVE APPROPRIATIONS FOR 2022 (SEC(2021) 439 AND /2)*

Mr HAHN returned to the Communication on the final allocation of human resources and decentralised administrative appropriations for 2022. He explained that the institution must reflect the Commission's new priorities, such as the setting-up of HERA. The reserve comprised 106 posts to be allocated to the Directorates-General that dealt with key political priorities or had been entrusted with new tasks. Following this exercise, some Directorates-General would be allocated new resources, while others would keep the same number of staff or would have to contribute to the reinforcements. He noted that in this third group, the number of vacant posts was greater than the contribution, which should lessen its impact. He stressed that the Directorates-General under his authority would be leading by example since their contribution amounted to 62 posts.

He added that the human resources reinforcements should be considered as redeployments.

Moreover, he recommended using a task force-based approach in order to respond to evolving priorities.

Finally, he referred to the launch of a project, carried out together with the Joint Research Centre, on the use of artificial intelligence in all aspects of the Commission's work in order to lighten staff's workload. He observed that some Directorates-General were very committed to this project, but not all of them, and he wanted everyone to play their part in improving efficiency.

The PRESIDENT confirmed how difficult the exercise was in the current context of limited resources and referred to its interinstitutional dimension.

The Commission approved the Communication in SEC(2021) 439/2.

This decision would take effect on 1 January 2022.

**8. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EU) 2016/399 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON A UNION CODE ON THE RULES GOVERNING THE MOVEMENT OF PERSONS ACROSS BORDERS**
**(COM(2021) 891 TO /3; SWD(2021) 462 AND /2; SWD(2021) 463 AND /2; SEC(2021) 440; RCC(2021) 242)**

**9. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ADDRESSING SITUATIONS OF INSTRUMENTALISATION IN THE FIELD OF MIGRATION AND ASYLUM**
**(COM(2021) 890 AND /2; RCC(2021) 242)**

The PRESIDENT opened the discussion on the two proposals for Regulations tabled that day on, respectively, the Union Code on the rules governing the movement of persons across borders (the ‘Schengen Borders Code’) and the means of addressing situations of instrumentalisation in the area of migration and asylum.

She began by pointing out that the Schengen area was a symbolic achievement for European integration and one of its undeniable successes. However, this area without internal borders had been undermined in recent years due to unresolved migration management issues in the EU.

She stressed that the proposal on the Schengen Borders Code had to be seen in the light of the new Pact on Migration and Asylum proposed by the Commission, which was still before the co-legislators. She hoped that progress would be made in the adoption of this comprehensive tool, which was essential for integrated management of the various aspects of migration policy, under the forthcoming French Presidency of the Council of the European Union in the first half of 2022.

Mr SCHINAS confirmed that the Schengen area was a powerful and valuable symbol of the EU, as it reflected the character and values of European integration. This area had indeed faced serious challenges in recent years, with the wave of migration in 2015 and 2016, which had seen an influx of one million Syrian refugees into the EU, the wave of terrorist attacks in the following years and the COVID-19 pandemic since 2020.

At the time these events occurred, the Schengen Member States had succumbed to the temptation to re-establish their internal borders, even though these measures did not solve the problems, thereby calling into question a historic achievement.

The Commission therefore proposed preserving the Schengen area in stages, with the strategy for a stronger and more resilient Schengen area of June 2021, the Evaluation Mechanism and, that day, the reform of the Schengen Borders Code.

Mr SCHINAS stressed the sensitivity of the reforms to the rules on the Schengen area, which raised mixed expectations, but said he was convinced of the balance of that day’s proposal.

He highlighted three important points. First, this proposal drew lessons from the management of the pandemic and established them in EU law. As regards the regulation of non-essential travel and the application of entry restrictions at external borders, the Commission intended to propose a binding Council Decision to prevent

Member States from acting in an uncoordinated fashion. He also pointed out that 19 Member States had re-introduced controls at their internal borders as a result of the COVID-19 pandemic and that six Member States had not yet lifted them. The Commission therefore proposed to streamline the conditions under which Member States could re-establish these controls, which were measures of last resort; to propose alternatives to these internal border controls, such as police checks carried out in cooperation with neighbouring states; and to set strict deadlines for the expiry and possible extension of these measures. He stressed that there was no provision in the Schengen area legislation on secondary movements. Pending the adoption of the Pact on Asylum and Migration, the Commission suggested the best possible measures in the current situation, through police cooperation.

With regard to the instrumentalisation of migrants, he referred to the ad hoc measures adopted by the Commission on 23 November to help Latvia, Lithuania and Poland, which were victims of manoeuvres orchestrated by Belarus. That day's proposal for a Regulation defined for the first time the concept of instrumentalisation of migrants and established in EU law the measures implemented in the case of the three Member States concerned to deal with any exceptional situation of the same nature which might subsequently affect any Member State. Mr SCHINAS stressed the geopolitical scope of this proposal and also emphasised that it involved the European Council in triggering the measures envisaged.

Concluding his presentation, he said that that day's proposals were important and balanced, but would not replace the lasting and comprehensive solutions proposed by the Commission in the Pact on Migration and Asylum. He welcomed the fact that some Member States which had hitherto been reluctant seemed to increasingly consider the management of the various aspects of EU migration and border management as a common task for all Member States. He hoped that the incoming French Presidency of the Council would play a leading role in this debate.

Ms JOHANSSON said that that day's two proposals were in line with the Commission's initiatives in the context of the governance of the Schengen area, in particular the Evaluation Mechanism, the strategy for a stronger and more resilient Schengen area, the establishment of an annual report on the state of the Schengen area and of a scoreboard, and the police cooperation measures presented on 8 December 2021. She emphasised that the guiding principle of these various initiatives was to strengthen the responsibility of all towards the Schengen area as a whole. She reminded the meeting that in March 2020 the Council had agreed that no individual decision could be taken on the reintroduction of internal border controls without consulting the other Member States.

To date, six Schengen Member States had had such checks in place for several years, whereas such a measure was initially limited to a period of six months. With the proposed reform of the Schengen Borders Code, Member States would have to demonstrate why extensions of these exceptional measures were necessary and the Commission would be required to deliver an opinion after 18 months. It was also proposed that the Member States concerned should consider these internal border controls as measures of last resort and look at alternative provisions, such as the use of Passenger Name Record data or police cooperation to handle illegal entries of irregular migrants who had not lodged asylum applications.

She highlighted the difficult issue of secondary movements, which was pressing in some Member States, pointing out that the future Pact for Migration and Asylum was the best comprehensive tool to deal with it.

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

- as regards the instrumentalisation of migrants, a reminder that the crisis with Belarus was not a migration crisis, but a political one;

- the rejection of instrumentalisation manoeuvres and the conclusions drawn from these by the Union to defend its principles and values;

- the College's support for that day's proposals and the need to make it clear that they provided all the necessary guarantees of respect for the highest standards with regard to fundamental rights, in accordance with EU law and values;

- however, doubts as to the appropriateness of widespread use of the exceptional arrangements recently made for three Member States in the context of the political crisis caused by Belarus; the fear that general application of these arrangements would give the Member States new discretionary powers, whereas Article 78(3) of the Treaty on the Functioning of the European Union (TFEU) and the future Pact on Migration and Asylum already provided sufficient flexibility to deal with exceptional situations;

- the wish for a humane approach to be taken towards the migrants concerned and the suggestion that a term other than 'instrumentalisation' be used to refer to practices against them;

- the advisability of recognising as victims these migrants, who were exploited by traffickers and used for purposes of political destabilisation;

- a call not to deny these migrants the right to seek to improve their living conditions; a reminder of the fact that they were entitled to lodge asylum applications at the EU's borders;

- the principle that pushback was a violation of fundamental rights and should be sanctioned as such should evidence be provided of such practices;

- the sensitivity of the issue of secondary movements and the difficulty of managing it;

- the importance of highlighting the external dimension of that day's proposals.

Ms JOHANSSON underlined the complexity of the debate on migration, with some Member States seeing it as a threat while others called for legal migration. She reported that 15 Member States had recently received 60 000 refugees as legal migrants, including 40 000 Afghans.

She also pointed out that in the proposed reform of the Schengen Borders Code, Member States were still under an obligation to maintain crossing points at the EU's external borders where migrants should be able to lodge asylum applications.

She added that Member States could not decide of their own accord to trigger the mechanism related to the instrumentalisation of migrants, since they had to ask the Commission to submit a proposal for a Council Decision to that effect.

Finally, she assured the meeting that the proposal on the instrumentalisation of migrants did not depart in any way from the principle of *non-refoulement*, which was enshrined in the Treaty and was an international obligation of the EU, or from respect for fundamental rights.

Mr SCHINAS said that he advocated straight talking by explaining that the phenomenon of instrumentalisation in Belarus would probably be repeated elsewhere. He felt that the response proposed by the Commission was commensurate with the threat and that it was robust because it was based on the force of law. He added that several attempts to reform the Schengen area in recent years had failed. This was why the Commission was presenting that day a pragmatic proposal calling on the Member States to unite in full respect of fundamental rights and human dignity.

The PRESIDENT confirmed that the term 'instrumentalise' had already been discussed, but emphasised that whatever term was used, the facts confirmed that instrumentalisation consisted of exploiting the hopes of the people concerned and cheating them by using them to place the EU in a difficult position.

She closed the discussion by stressing that the EU's legal framework protected everyone arriving on its territory.

Following these presentations, the Commission:

– adopted the proposal for a Regulation in COM(2021) 891/3 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) 462/2, SWD(2021) 463/2 and SEC(2021) 440, the contents of which were noted;

– adopted the proposal for a Regulation in COM(2021) 890/2 for transmission to Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the national parliaments.

**10. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL – SUSTAINABLE CARBON CYCLES (COM(2021) 800 AND /2; SWD(2021) 450; SWD(2021) 451; RCC(2021) 235; RCC(2021) 239)**

**11. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON METHANE EMISSIONS REDUCTION IN THE ENERGY SECTOR AND AMENDING REGULATION (EU) 2019/942 (COM(2021) 805 AND /2; SWD(2021) 459; SWD(2021) 460; SEC(2021) 432; RCC(2021) 235; RCC(2021) 239)**

**12. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE INTERNAL MARKETS FOR RENEWABLE AND NATURAL GASES AND FOR HYDROGEN (RECAST) (COM(2021) 804 TO /3; SWD(2021) 455; SWD(2021) 456; SWD(2021) 457; SWD(2021) 458; SEC(2021) 431; RCC(2021) 235; RCC(2021) 239)**

**13. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON COMMON RULES FOR THE INTERNAL MARKETS IN RENEWABLE AND NATURAL GASES AND IN HYDROGEN**

**(RECAST)**
**(COM(2021) 803 TO /3; SWD(2021) 455; SWD(2021) 456; SWD(2021) 457; SWD(2021) 458; SEC(2021) 431; RCC(2021) 235; RCC(2021) 239)**

**14. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE ENERGY PERFORMANCE OF BUILDINGS (RECAST)**
**(COM(2021) 802 TO /3; SWD(2021) 453 AND /2; SWD(2021) 454; SEC(2021) 430; RCC(2021) 235; RCC(2021) 239)**

Mr TIMMERMANS presented the package of proposals submitted to the Commission that day with a view to boosting the renovation of buildings, restoring carbon cycles, reducing methane emissions and preparing the European gas market for the renewable gases of the future.

He began by introducing the Directive on the energy performance of buildings, which was an important part of the ‘Fit for 55’ package, since buildings accounted for 40% of energy use and 36% of greenhouse gas emissions.

Buildings required renovation in order to reduce their energy use and greenhouse gas emissions, but the building sector was too slow to adapt to this task and too many Europeans were unable to pay their energy bills because they lived in badly insulated homes with outdated energy systems.

The need to intensify efforts to renovate buildings was even more urgent in view of the disproportionate impact of rising energy prices on vulnerable households. A building in the lowest energy category consumed 10 times more than one in the top category, and people living in the worst-performing buildings – who tended not to be well off – were therefore paying a great deal more than they would if their homes were better insulated.

Mr TIMMERMANS said that notable aspects of the proposed legislative reform included building renovation passports to keep track of improvements made, energy performance certificates that would be required for all buildings put up for sale, and minimum energy performance standards that would apply to all buildings with a ‘G’ energy rating. He pointed out that buildings in that category, which accounted for around 15% of buildings in each Member State, would need to achieve at least an ‘F’ rating by 2030 and an ‘E’ rating by 2033. For public buildings, the deadlines were 2027 and 2030, respectively.

In view of the debate sparked by these targets and their implications, he acknowledged that achieving the goal would be no easy task, but that, unlike renovations carried out on a regular basis, energy renovation paid for itself in the long run and led to lower bills and cleaner air.

In his view, the question was thus how owners could be given practical help to overcome the initial investment hurdle. At EU level, the funding available could cover more than a quarter of the cost of modernising these buildings. Additional measures would follow, including the new State aid guidelines, which would support Member States’ efforts in this area.

In his view, the proposal struck the right balance between ensuring decisive action at EU level and giving Member States’ the room needed to implement tailored national policies. He therefore maintained that, by taking this approach, the Commission’s proposal, once implemented, would provide real solutions and help to end energy poverty and the subsidising of energy consumption, which supported the most vulnerable but did not provide a long-term solution to problems.

Mr TIMMERMANS then turned to that day’s other proposals, which sought on the one hand to prepare the European gas system for a more sustainable future and, on the other hand, to reduce methane emissions from the energy sector.

He explained that electricity alone could not deliver all the energy that EU citizens would need in the future. Moreover, he noted that heavy industry and long-haul transport, to give just two examples, would need gas-based energy and that renewable gases and other low-carbon gases would increasingly replace fossil gas.

He thus referred to the question of hydrogen, which was central to the Commission's proposed efforts, the aim being to have 40 GW of electrolyser capacity in the EU by 2030.

To deliver these volumes to end-users in the most effective and low-cost manner, the EU needed competitive markets and infrastructure to connect production and consumption.

Today's proposal therefore laid the groundwork for a European hydrogen market based on a common set of rules that would help ensure fair competition, facilitate hydrogen trading within the EU and with its international partners, provide greater energy security and ensure investment in the requisite infrastructure.

Fossil gas would continue to play a role during the transition period and would need to be almost entirely replaced by renewable and low-carbon gases over the coming decades. The recommendation was thus to refrain from entering into long-term supply contracts for fossil gas beyond 2050.

The proposal also took account of the current situation on the gas markets by strengthening EU gas storage policy and introducing the concept of strategic gas reserves and voluntary joint purchasing.

With regard to the proposal to cut methane emissions in the energy sector, Mr TIMMERMANS said that, at the UN Climate Change Conference in Glasgow (COP26), over 100 countries had signed up to the Global Methane Pledge to reduce methane emissions by 30% by 2030. He welcomed the fact that the European Union was presenting the first legislative proposal that would begin this transition, ensure better monitoring of emissions, prohibit venting and flaring, and make it mandatory to detect and repair leaks.

In order to tackle methane emissions embedded in imports, the EU would adopt a two-step approach. The first step would be to ask importers to provide information on how methane emissions were measured, reported and mitigated, and the second step would then be to introduce stricter requirements for fuel imports in around 2025.

Of all the methane-emitting sectors of the economy, the energy sector had the greatest potential to deliver large-scale reductions quickly. Furthermore, emissions from waste would be reduced thanks to environmental legislation, the new agricultural policy and the Farm to Fork strategy, which contained a number of initiatives to reduce emissions from the agricultural sector.

He then referred to the Communication on sustainable carbon cycles. In his view, achieving climate neutrality in 2050 in the EU would first and foremost require a significant reduction in carbon emissions, but sustainable solutions for removing and recycling carbon would also be needed.

He noted that the EU's commitment to climate neutrality was based on a balance between emissions and removals and that it was not possible to eliminate all emissions completely. The economy would still need carbon, but it would no longer be able to rely on fossil sources.

Carbon removals also created new business opportunities, particularly for farmers, foresters and other land managers, who would have a new source of income in exchange for rolling out carbon farming practices and for storing carbon in the soil, in trees and in wetlands and peatlands; all of these practices were also beneficial for nature.

Mr TIMMERMANS concluded his introduction by stating that a European certification scheme would be established in 2022 to ensure that carbon removals were credible and that they had a positive impact on the climate, nature and the incomes of farmers and foresters.

Mr WOJCIECHOWSKI gave more detailed information on the important Communication on sustainable carbon cycles, the key component of which was carbon farming. The Communication introduced a new business model that would reward farmers and foresters for adopting management practices that would accelerate the EU's transition towards carbon neutrality.

Agriculture and forestry management could provide readily available nature-based solutions for sequestering carbon in the soil and biomass, storing it effectively and reducing the amount released into the atmosphere.

He stressed that carbon farming would be a three times winning strategy, given that, first, it would provide an additional source of income for farmers and foresters; second, it would enhance resilience by keeping more essential organic matter in the soil and by facilitating the ecosystem services required for food production; and, third, it would allow farmers and foresters to make a significant and quantifiable contribution to decarbonising the EU economy.

Mr WOJCIECHOWSKI pointed out that the overall aim of carbon farming was to help halt and then reverse the decline of carbon sinks, in order to meet the target of 310 million tonnes of carbon set for the land sector in the Commission's recent proposal on land use, land use change and forestry (LULUCF).

In the longer term, carbon farming would become an essential component of the net-zero emissions climate framework, but its potential would have to be correctly framed and implemented. He added that, as it was the first experience on this scale, several challenges would have to be overcome before the rewards could be reaped.

He considered that the Common Agricultural Policy (CAP) would help kick-start this new approach and that, in this respect, the new CAP offered the flexibility and the right political instruments to encourage the large-scale development of carbon sequestration systems.

In addition to the agri-environmental and climate measures to be supported by rural development funding, Mr WOJCIECHOWSKI mentioned the new eco-programmes, which would be particularly suitable. He gave several examples of eco-programmes that could be envisaged for improving carbon sequestration, such as agroforestry, conservation tillage, rewetting wetlands and peatlands, and paludiculture – the practice of sustainable crop production on wetlands and peatlands.

He noted that eco-programmes could also encourage the extensive use of permanent grasslands, winter soil cover and catch crops, and the conservation and maintenance of landscape features.

He also pointed out that, at that very moment, the Member States were finalising their CAP strategic plans and that the Commission had urged them to include carbon farming practices in these plans.

In parallel, in order to ensure that economic operators received fair remuneration for their efforts, a robust carbon market would have to be developed. The proposal for a Regulation on the certification of carbon removals, to be presented by the Commission shortly, was the first step on this path.

Mr WOJCIECHOWSKI concluded his presentation by emphasising the expectations of the general public and farmers regarding carbon farming. In his view, the Communication was proposing a sufficiently ambitious strategy to meet these expectations and to fully involve farmers and forest managers in the EU's climate transition.

Ms SIMSON then presented the proposals under her responsibility, which, like the other proposals that day, continued the work started in July 2021 to translate the aims of the European Green Deal into European law, in this case in the field of energy.

She began with the proposals on the hydrogen and decarbonised gas markets, pointing out that the gas sector was now a key part of the European energy system and that it would have to evolve if it wanted to meet the challenges of decarbonisation and seize the opportunities afforded by the clean energy transition.

She noted that gaseous fuels would continue to play an important role in

Europe's future energy mix, but that fossil gas would have to be replaced by renewable and low-carbon gases – from biomethane to hydrogen and synthetic gases. To do this, it would be necessary to define the framework conditions, so that renewable gases could gain competitiveness and a hydrogen market could emerge. At the same time, it was currently difficult to regulate the hydrogen market as it still needed to develop.

Given that hydrogen represented less than 2% of the EU's energy mix, Ms SIMSON pointed out that there were few operators active in this market segment and that there was no cross-border infrastructure, no rules on network access and no agreed European standards on the quality of the hydrogen flowing in the pipelines.

The two gas proposals – both the Regulation and the Directive – therefore laid down the guiding principles for regulating the legal and physical infrastructure of a European hydrogen market, namely rules on tariff setting, access to networks, storage and terminals, network ownership, financing of repurposed or new network infrastructure, and hydrogen quality standards.

Ms SIMSON explained that the Commission had chosen to set out a clear, pro-competition framework that would allow both traditional gas players and newcomers to enter this nascent market, and that the rules would become more strict after 2030, when the market would be mature. This step-by-step approach would give investors certainty as regards the regulatory environment to come, while giving market players space to explore different commercial and industrial solutions.

She stressed that the aim was to establish a liquid, competitive and open market on a European scale to deliver the EU's target of producing up to 10 million tonnes of green hydrogen by 2030.

The Commission would also set rules for the certification of low-carbon hydrogen, based on a life cycle of emissions and a mass balance methodology, in order to provide a complete certification system for both renewable and low-carbon hydrogen by the end of 2021.

She pointed out that the part of the reform dedicated to renewable gases tackled another major challenge: defining the conditions for better access and lower production costs for an industry with vast scale-up opportunities. To do this, the Commission was proposing to introduce a range of tariff discounts for these gases and to remove bottlenecks that prevented access to the transmission network. This would help create a larger wholesale market for those gases currently confined to local markets and push down prices.

She also highlighted two interesting aspects concerning the current high gas prices.

First, she noted that the Commission was introducing a new set of consumer protection rules, inspired by the 2019 electricity market reform, to lay down similar rules in gas legislation, which would allow consumers to choose renewable gases and put them in a better position in the event of future price volatility.

Second, she highlighted how it was proposed to deal with the issue of gas supply and storage security. The regulation of storage was currently fragmented across the EU and a strategic approach was lacking. While there were solidarity procedures in place in the event of an emergency, there was no real practical application, especially since, of the forty solidarity agreements that should have been signed by the Member States, only two had actually been signed.

The Commission was therefore proposing to amend the current Regulation on security of supply to make solidarity in the event of an emergency more operational, include storage considerations in the regional risk assessment, and address cybersecurity risks. She explained that the Commission was also proposing an appropriate framework that would allow transmission network operators to make joint purchases of gas stocks in emergencies. This proposal brought a high degree of solidarity and integration to the system.

Ms SIMSON then went on to discuss the proposal for a regulation to reduce methane emissions. In October 2020, the European Union had been the first to adopt a strategy to reduce methane emissions in all sectors. The EU had supported the creation of an International Methane Emissions Observatory and had taken diplomatic action to put methane emissions on the agenda of the G20 and G7 discussions. The PRESIDENT, in cooperation with the President of the United States, had spearheaded the international initiative, the Global Methane Pledge, which aimed to reduce methane emissions by 30% by 2030 in relation to 2020 levels. A total of 108 countries had signed up to the Pledge at COP26.

Ms SIMSON stated that the Commission was therefore proposing that the EU adopt the first and most advanced framework for reducing methane emissions in the oil, gas and coal sectors, where emission-reducing technologies could be introduced cost effectively and the gains could be the quickest and the largest.

The Commission was also introducing rules on monitoring, reporting and verification, as well as obligations on leak detection and repair in the EU. Venting and flaring practices, which were very damaging for the climate, were banned, except in exceptional circumstances.

She thought the most sensitive point was how to tackle methane emissions outside the EU, as these were three to seven times higher than European emissions.

A two-step approach was proposed. First, a transparency mechanism would be introduced that would provide visibility on the methane emission intensity and practices of each operator exporting to the EU, to allow informed choices on the markets. Second, the Commission would commit to study, by 2025 or earlier if possible, whether more stringent requirements, such as import thresholds or methane intensity targets, should be imposed on third-country exporters.

To those who would like the European Union to move already in this direction, Ms SIMSON replied that first of all it was necessary to have robust data, develop an adequate methodology, assess the trade and economic impacts of such a decision, and consult our energy partners.

Overall, these measures provided a robust and balanced framework which would help reduce methane emissions in the EU by 80% and keep up the current global momentum.

Finally, Ms SIMSON spoke about the proposal on the energy performance of buildings, which aimed to turn the European building stock into a zero emission stock by 2050. To achieve that goal, the Commission proposed to upgrade some existing tools, such as the definition of zero emission buildings, energy performance certificates and building renovation passports. It also proposed to establish rules on smart buildings and e-mobility, while phasing out fossil fuel heating systems by 2040.

She believed a key part of this strategy was the introduction of mandatory energy performance standards for the worst performing buildings. For all other categories of buildings, however, Member States would be free to decide whether they wished to use this instrument, and the timing and thresholds set for other renovation obligations.

She was aware of the sensitivity surrounding this issue. Housing was a national competence, and the quality and composition of building stock were very different from one Member State to another.

The Commission was therefore keeping its ambition while respecting the Member States' different starting points. The proposal therefore focused only on the worst performing buildings, where, without incentives, no action would be taken, to the detriment of the most vulnerable households.

She saw the strategy as a combination of both regulation and incentives; Member States would have to play their part as regards compliance with the rules on technical assistance, financial incentives and advisory services.

Ms SIMSON concluded by noting that Member States could have resources under the European recovery plan, EU Invest or State aid. Renovation had ultimately proved to be the best way of creating local jobs, increasing property values and reducing energy bills. She trusted that the measures proposed that day would provide the missing links for managing the EU's transition to a greener and more competitive energy system by 2030.

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

– the importance to act within the framework of the Treaty, which made Member States responsible for their own energy mix, while all having the same goals;

– the case for supporting the most vulnerable households in the climate transition through a social fund for that purpose;

– the urgent need to create a European hydrogen market and then to decarbonise it;

– the special attention to be paid to the cross-border connection of hydrogen and renewable energy supply networks;

– the usefulness of concerted action by all EU Member States in order to develop hydrogen production and distribution infrastructure, although some still seemed reluctant to go down this road;

– the need to rapidly develop the technologies, skills and workforce necessary to implement the EU building renovation strategy, in order to ensure its credibility;

– the very generous renovation support programmes implemented in some Member States, which were still struggling to achieve their objectives due to labour shortages and administrative red tape;

– the importance of addressing the issue of introducing sequestration systems into the carbon cycle in agriculture;

- in the short term, the need to prepare for a significant increase in energy prices, which for some justified the use of nuclear energy and the implementation of appropriate aid to alleviate energy poverty within the EU, but also in developing countries;

- the considerable delay in electrification in developing countries and their growing dependence in terms of energy supply and, more recently, access to certain raw materials;

- the fact that higher energy prices meant higher food prices, often affecting the same vulnerable groups of the population;

- the call to counter the notion that action against climate change was the main cause of the increase in energy poverty.

Ms SIMSON explained that with a view to the creation of a European hydrogen market, the aim was to define clear market rules before Member States introduced their own at national level. She also pointed out that this legislative work would enable the EU to inspire its international partners in the field of certification.

As regards the renovation of buildings, she reiterated that subsidiarity applied. However, the allocation of part of the funds under the Recovery and Resilience Facility to the renovation of buildings should make it possible to coordinate Member States' action in this area. She added that since the cost of renovation was most often borne by owners, targeted incentives would have to be considered to encourage large-scale building renovation.

Mr TIMMERMANS thought that the lack of skilled labour was the main obstacle to achieving the EU's building renovation objectives. He said it would take one to two years to acquire the necessary skills, provided the necessary measures were implemented.

He also pointed out that owners would benefit directly from the renovation of their buildings, since an improvement in energy performance meant a significant increase in the value of property. He also said that poor air quality resulted in 400 000 deaths every year, and that reducing this mortality was another expected benefit of the renovation of buildings at EU level.

In conclusion, he was optimistic about the development of the hydrogen market, which offered promising prospects and was one of the cornerstones of the EU's strategy to combat climate change.

The PRESIDENT concluded the discussion by thanking Mr TIMMERMANS, Mr WOJCIECHOWSKI and Ms SIMSON warmly for their excellent work. She said it was important to mitigate the social cost of the green transition by setting up the Social Climate Fund.

Following these presentations, the Commission, on a proposal from the PRESIDENT, confirmed that the Communication, the two proposals for Regulations and the two proposals for Directives, currently set out respectively in documents COM(2021) 800/2, COM(2021) 805/2, COM(2021) 804/3, COM(2021) 803/3 and COM(2021) 802/3, would be adopted by finalisation written procedure, the deadline for which was set at 10.00 on Wednesday 15 December 2021 (PE/2021/9592, PE/2021/9621, PE/2021/9612, PE/2021/9613 and PE/2021/9689).

## 15. PROPOSAL FOR A COUNCIL RECOMMENDATION ON ENSURING A FAIR TRANSITION TOWARDS CLIMATE NEUTRALITY (COM(2021) 801 A /3; SWD(2021) 452; RCC(2021) 235; RCC(2021) 236)

Mr DOMBROVSKIS presented the proposal for a Recommendation on ensuring a fair transition towards climate neutrality, stressing that this was a crucial element of the 'Fit for 55' package which the Commission had adopted in July 2021. It complemented the Social Climate Fund by providing guidance on how best to address the social and labour aspects of the transition. The goal was to help Member States exploit the benefits of this transition, while fairly spreading the costs of tackling and adapting to climate change, since ensuring a fair sharing of costs and benefits was indispensable for maintaining support among European citizens.

The Recommendation invited Member States to prepare coherent policy packages based on three key principles. First, the measures should be targeted, focusing on the most affected and/or the most vulnerable cohorts. Second, they should be coordinated, ensuring complementarity and coherence at both national and EU level, in coordination with social partners and local and regional authorities. Third, they should be evidence-based, including for measuring the distributional impacts of the green transition.

Mr DOMBROVSKIS pointed out that the Recommendation paid particular attention to preserving the incentives for the transition, avoiding excessive reliance on the limited resources of the public sector, and avoiding a heavy administrative burden.

The Recommendation focused on four main areas of action: (i) effective, active support to employment and self-employment, (ii) education, training and lifelong learning to facilitate job transitions and build the human capital required for the transition, (iii) tax and benefit systems, with the advice to adapt them, where necessary, in view of the challenges arising from the transition, and lastly (iv) access to essential services.

The Commission's Recommendation built on existing policy frameworks and therefore proposed few new actions. What it did was to bring together the different aspects to be taken into account into a coherent framework.

Concluding his presentation, Mr DOMBROVSKIS said that, as regards monitoring and governance, the European Semester would be the appropriate framework for exchanging analysis and follow-up, while ensuring coherence with the governance of the integrated National Energy and Climate Plans (NECPs).

Mr SCHMIT said that the profound transformational change the Union was engaging in with its green transition had not only a technological impact, but also political, social and financial implications. From a social point of view, the stakes were high in terms of employment and the impact on household incomes, especially the lowest incomes.

He stressed that this transition should be successful, but would not be linear nor automatic.

He explained that even if hundreds of thousands of jobs were created, it would be necessary to provide support, especially to manage re-training needs. He referred to the instruments the EU had at its disposal to do this, for example micro-credentials, which would be a means of training workers quickly.

From a political point of view, he believed it was important to send a strong message from a Union which had a clear perception of the challenges that lay ahead and was collectively ready to face them.

He also spoke of the possibility of offering investment models in the energy renovation of housing to enable low-income households to invest, for example, in heating systems with EU financial support.

To sum up, he considered that, with this Recommendation, the Commission was proposing a toolbox that would allow Member States to support society in the coming transformation.

He concluded by expressing the wish that the Social Climate Fund would be set up very soon.

Following this presentation, the Commission approved the proposal for a Recommendation in COM(2021) 801/3 for transmission to the Council and, for information, to the European Parliament, the European Economic and Social Committee, the Committee of the Regions and the national parliaments.

**16. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – THE NEW EU URBAN MOBILITY FRAMEWORK**
**(COM(2021) 811 AND /2; SWD(2021) 470; RCC(2021) 233; RCC(2021) 238)**

**17. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL – ACTION PLAN TO BOOST LONG-DISTANCE AND CROSS-BORDER PASSENGER RAIL**
**(COM(2021) 810 AND /2; RCC(2021) 233; RCC(2021) 238)**

**18. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON UNION GUIDELINES FOR THE DEVELOPMENT OF THE TRANS-EUROPEAN TRANSPORT NETWORK, AMENDING REGULATION (EU) 2021/1153 AND REGULATION (EU) NO 913/2010 AND REPEALING REGULATION (EU) 1315/2013**
**(COM(2021) 812 TO /3; SWD(2021) 471; SWD(2021) 472; SWD(2021) 473; SEC(2021) 435; RCC(2021) 233; RCC(2021) 238)**

**19. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING DIRECTIVE 2010/40/EU ON THE FRAMEWORK FOR THE DEPLOYMENT OF INTELLIGENT TRANSPORT SYSTEMS IN THE FIELD OF ROAD TRANSPORT AND FOR INTERFACES WITH OTHER MODES OF TRANSPORT**
**(COM(2021) 813 AND /2; SWD(2021) 474; SWD(2021) 475; SEC(2021) 436; RCC(2021) 233; RCC(2021) 238)**

The PRESIDENT invited Mr TIMMERMANS and Ms VĂLEAN to present the package of initiatives to encourage efficient and green mobility, with four proposals designed to adapt the transport sector to the high ambitions of the European Green Deal and the digital transition. She said that the Commission had adopted a package of measures on smart and sustainable transport and mobility about a year previously.

Mr TIMMERMANS confirmed that the time had come for the Commission to present very concrete proposals.

He said that the aim of these proposals was to speed up travel times by international rail, build competitive rail networks across Europe and convince Member States to reduce value added tax on rail, all of which initiatives were very much awaited by citizens. The revision of the Trans-European Transport Network (TEN-T) contributed to those objectives.

With the right impetus, local transport and rail could become a real choice for consumers.

Ms VĂLEAN said that with that day's proposals, the Commission wanted to deepen European integration and the Single Market by offering faster and greener transport connectivity. Strengthening infrastructure, including across borders, would increase access for European citizens and businesses to places, goods and work. The idea was to make travel in the EU more efficient – and safer – for drivers, passengers and businesses alike.

The Commission therefore proposed to introduce higher standards for the trans-European transport network, boost high-speed rail, embed multimodality, and introduce a new north-south corridor in eastern Europe. With its revised Intelligent Transport Systems Directive, the EU was paving the way for digital technologies and data sharing in transport.

She added that the cities linked by EU infrastructure were the economic powerhouses of Europe, but they must also be pleasant places to live and work in. The Commission was therefore recommending a specific framework for sustainable, safe, accessible, inclusive, smart, resilient and emission-free urban mobility.

Ms VĂLEAN presented the proposal for a new TEN-T Regulation, which pursued high ambitions, namely to complete the EU core network and strengthen the standards of the network.

The initiative proposed in particular (i) to make 160 km/h the new norm of the main passenger lines of the network and 100 km/h for rail freight, (ii) to phase out the old national signalling systems while introducing new technical standards to harmonise the EU’s rail network across borders, reduce the costs for business and create a functional single rail market, (iii) to promote short sea shipping and inland waterways to reduce congestion in land transport, (iv) to better integrate different transport modes, connecting the EU’s main airports with long-distance and high-speed rail where needed, while also improving rail and hinterland connections with ports, (v) to deploy alternative fuelling infrastructure along the EU’s roads and in its ports and airports to make zero emissions mobility a reality in the EU, and (vi) to support urban transport.

While respecting fully the subsidiarity principle and the role of local authorities, the aim was to better integrate long-distance transport flows with last-mile connections and with local and regional networks.

Ms VĂLEAN said that such an ambition would not be easily implemented and would come with costs. According to the Commission’s impact assessment, implementation of all the measures would require investment estimated at around EUR 247.5 billion by 2050, or EUR 16 billion a year.

Nevertheless, the benefits would be evident: fewer polluting emissions, fewer transport externalities and a better functioning of the Single Market. They would translate into a EUR 57 billion increase in GDP in 2030, EUR 229 billion in 2040 and EUR 467 billion in 2050.

She added that the proposal came with maps and a project pipeline of potential rail projects, in particular high-speed rail. The maps proposed in particular the consolidation of the already significant high-speed networks in the western part of the EU and their current extension starting in the Baltic States or Greece; the expansion of the network to the north, with ambitious plans for high-speed deployment in Finland, Sweden and Poland; a new line linking Berlin to Vienna through Prague and Brno in central Europe and a new connection from the heart of Europe to the Black Sea, through Budapest and Bucharest.

Ms VĂLEAN added that it was also planned to reorganise and simplify the existing instruments in terms of transport corridors and governance. Thus, the connectivity of continental Europe with Ireland would be reinforced, the EU's commitment to the candidate countries of the Western Balkans would be demonstrated by presenting a new corridor linking them to central Europe down to Bulgaria and Greece, and a long-standing demand to improve north-south connections in eastern Europe would be met by proposing a new corridor connecting the Baltic Sea, the Black Sea and the Adriatic Sea.

With regard to the revised Intelligent Transport Systems (ITS) Directive, Ms VĂLEAN stressed above all that smart mobility was essential in making the EU’s mobility more sustainable. It was not enough to transform road transport into a driver of zero emission mobility. More efficient travel should be prioritised through the choice of routes, the means of avoiding traffic or low-emission zones. Intelligent transport systems would increase digital services for road transport and its interfaces with other modes of transport.

The purpose of the framework Directive, which dated from 2010, was to establish common specifications and a common framework for intelligent transport systems to function. Since then, there had been many changes in the sector, which had also seen the emergence of new mobility services.

She said that that day’s initiative therefore sought to strengthen the common approach to multimodal digital mobility services, including information, booking and payment services, which were designated a priority area. The legislative revision also aimed at stimulating the faster deployment of these new smart services. The authorities of the Member States would therefore be mandated to collect and make available in digital format a set of data such as road data – for example on speed limits, traffic circulation plans or data on roadworks – which was not currently the case.

The Commission also proposed that Member States should ensure that a minimum of safety-related traffic information was available to drivers free of charge on all EU motorways by the end of 2026, which would contribute to bringing fatalities and injuries close to zero by 2050.

Ms VĂLEAN then gave a brief overview of the action plan to boost long-distance and cross-border passenger rail transport.

Although there was a consensus that rail should play a key role in the future sustainable transport mix, it needed to become more attractive in order to become the first choice or at least be considered for part of the journey.

The action plan therefore focused on measures to boost long-distance cross-border passenger services through a roadmap. The plan also sought to tackle the main challenges ahead through ten actions regarding the legal framework, infrastructure, rolling stock, operations, cost effectiveness, ticketing, access to rail, affordability, level playing field, workforce and skills.

Finally, Ms VĂLEAN presented the new urban mobility framework, given that cities were often at the forefront of mobility trends and best practices and constituted innovation hubs for future mobility. At the same time, they were the location of major social and economic activities that produced negative effects such as pollution, congestion and noise.

To address those challenges, the Commission was working to create a framework, with the TEN-T Regulation as a key legislative tool, to incentivise and support cities in better planning of sustainable urban mobility. In this Regulation, the Commission encouraged cities with more than 100 000 inhabitants to adopt a ‘sustainable urban mobility plan'. She said that the Commission would also adopt a Recommendation on this point in 2022.

The PRESIDENT wound up the discussion by thanking Mr TIMMERMANS and Ms VĂLEAN for their presentations.

Following these presentations, the Commission:

- approved the Communication in COM(2021) 811/2 for transmission to Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, and, for information, to the national parliaments, together with the staff working document distributed as SWD(2021) 470, the contents of which were noted;

- approved the Communication in COM(2021) 810/2 for transmission to Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, and, for information, to the national parliaments;

- adopted the proposal for a Regulation in COM(2021) 812/3 for transmission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the national parliaments, together with the staff working document, the impact assessment, the summary thereof and the opinion of the Regulatory Scrutiny Board in SWD(2021) 471, SWD(2021) 472, SWD(2021) 473 and SEC(2021) 435, the contents of which were noted;

- adopted the proposal for a Regulation in COM(2021) 813/2 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) 474, SWD(2021) 475 and SEC(2021) 436, the contents of which were noted.

**20. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL ON STEPPING UP THE FIGHT AGAINST ENVIRONMENTAL CRIME**
**(COM(2021) 814 AND /2; RCC(2021) 237)**

**21. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE PROTECTION OF THE ENVIRONMENT THROUGH CRIMINAL LAW AND REPLACING DIRECTIVE 2008/99/EC**
**(COM(2021) 851 AND /3; SWD(2021) 465; SWD(2021) 466; SEC(2021) 428; RCC(2021) 237)**

The PRESIDENT opened the discussion on the Communication on stepping up the fight against environmental crime and the related proposal for a Directive, stressing that this form of crime was rapidly increasing, which justified an initiative by the Commission.

Mr REYNDERS confirmed that environmental crime was the fourth largest criminal activity in the world.

He explained that that day’s proposal consisted of a revision of the 2008 Directive on the protection of the environment through criminal law, which was based on Article 83(2) of the Treaty on the Functioning of the European Union.

This proposal established a clear link between the Directive’s criminal law provisions and EU environmental law, and additional environmental offences were incorporated to take account of developments in the fight against environmental crime. Examples of such offences included the illegal abstraction of surface water or groundwater, the illegal trade in timber, illegal ship recycling and the illegal trade in fluorinated greenhouse gases.

These offences required a breach of environmental legislation as a constituent element, and serious offences would be punishable by criminal penalties. He added that the annexes to the current Directive, which listed 70 pieces of environmental legislation, would be deleted as they were outdated and would be replaced by a general but dynamic reference to the applicable sectoral legislation.

Mr REYNDERS also noted that the proposal clarified certain legal terms used to define environmental offences, such as substantial damage and significant deterioration, on the basis of criteria to be taken into account by the Member States when assessing such damage or deterioration.

The legal basis of the Directive allowed the EU to establish minimum rules on the types and levels of penalty for both natural and legal persons. The proposal thus set out minimum and maximum levels for imprisonment of natural persons and for fines imposed on legal persons. Such fines would need to take into account the financial situation of legal persons and the illegal profits expected or generated by the infringement. In this context, the proposal also provided for a set of aggravating circumstances and accompanying penalties. These aggravating circumstances would include the death of a person or serious injury, irreversible or lasting damage to the ecosystem and previous offences. He added that, in order to encourage offenders to cooperate with law enforcement authorities, the proposal also provided for extenuating circumstances.

Finally, Mr REYNDERS also pointed out that the fact that the current Directive had not met expectations was mainly due to its insufficient implementation by the Member States. This was why the proposal envisaged a set of target measures to address this issue, such as training for police, prosecutors and criminal judges, effective investigation tools, and coordination and cooperation between national authorities.

He concluded by stressing that the Directive would strengthen the Commission’s ability to monitor its implementation on the ground. It introduced new obligations for Member States to collect statistical data on proceedings related to environmental crime, which would allow the Commission to accurately assess the effectiveness of the Directive.

Following these presentations, the Commission, on a proposal from the PRESIDENT, confirmed that the Communication and the proposal for a Directive set out in COM(2021) 814/2 and COM(2021) 851/3 respectively would be formally approved by finalisation written procedure, the deadline for which was set at 9.00 on Wednesday 15 December 2021 (PE/2021/9619 and PE/2021/9628).

## 22. OTHER BUSINESS

### *22.1. COMMISSION IMPLEMENTING DECISION ON THE REQUEST FOR REGISTRATION OF THE EUROPEAN CITIZENS' INITIATIVE ENTITLED 'EVE INITIATIVE FOR THE ESTABLISHMENT OF THE RIGHT TO DECIDE' PURSUANT TO REGULATION (EU) 2019/788 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL (C(2021)9040)*

### *22.2. COMMISSION IMPLEMENTING DECISION ON THE REQUEST FOR REGISTRATION OF THE EUROPEAN CITIZENS' INITIATIVE ENTITLED 'GREEN VAT – AN EU GREEN VAT TO STIMULATE SUSTAINABLE AND ECO-FRIENDLY PRODUCTS AND SERVICES' PURSUANT TO REGULATION (EU) 2019/788 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL (C(2021)9041)*

In Ms JOUROVÁ's absence, Mr ŠEFČOVIČ presented two draft Decisions submitted to the College for its approval concerning the registration of two European citizens' initiatives entitled respectively '*Iniciativa EVE para la creación del derecho de decisión*' (EVE initiative for the establishment of the right to decide), in the authentic language (Spanish), and 'Green VAT – An

EU Green VAT to stimulate sustainable and eco-friendly products and services', in the authentic language (English).

He pointed out that the College's task that day was to decide only on the registration of the initiatives and not at that stage to analyse their substance or political expediency.

He explained that the conditions for registering European citizens' initiatives were set out in Article 6(3) of Regulation (EU) 2019/788 of 17 April 2019 on the European citizens' initiative, which had repealed and replaced Regulation (EU) No 211/2011 with effect from 1 January 2020. One of those conditions was the requirement that no part of the citizens' initiative should manifestly fall outside the framework of the Commission's powers to submit a proposal for an EU legal act for the purpose of implementing the Treaties.

With reference to the European citizens' initiative '*Iniciativa EVE para la creación del derecho de decisión*', Mr ŠEFČOVIČ explained that the organisers had submitted their request in September 2021 and, after initial assessment of the request, which found that it required clarification, the Commission had asked the organisers to amend their request and to resubmit it, which they had done.

He noted, however, that the revised request remained unclear as to the measures that it sought from the Commission. The initiative called on the Commission to submit a proposal for the introduction of a new fundamental right which would establish a system of direct democracy at the level of the EU's institutions, where citizens could decide, in a cohesive way, on common or public matters, thus jointly exercising the sovereignty of the people. The Commission observed that the only clear request – the creation of a new fundamental right – would require an amendment of the Treaties. However, the ECI instrument did not allow for proposals to revise the Treaties.

Consequently, Mr ŠEFČOVIČ observed that the proposed citizens' initiative did not meet the requirements of Article 6(3)(c) of Regulation (EU) 2019/788 and its registration must be refused.

The Commission therefore confirmed that the citizens' initiative ‘*Iniciativa EVE para la creación del derecho de decisión*’ did not fulfil the requisite conditions for registration. It decided, in accordance with document C(2021) 9040, to refuse to register the initiative pursuant to Article 6(4) of Regulation (EU) 2019/788.

The Commission authorised Ms JOUROVÁ to sign the Decision on its behalf, to notify it, in the authentic language (Spanish), to the group of organisers of the initiative, and to publish it, for information, in the Official Journal of the European Union.

The Commission also agreed to transmit the Decision, for information, to the European Parliament, the European Council, the European Economic and Social Committee, the Committee of the Regions and the national parliaments.

With regard to the citizens' initiative ‘Green VAT – An EU Green VAT to stimulate sustainable and eco-friendly products and services’, the organisers called on the Commission to propose a legal act with the aim of reducing the VAT rate for green products and services and of initiating tax reductions for ecological, sustainably produced and environmentally friendly products in Europe in order to support climate and environmental protection.

Mr ŠEFČOVIČ noted that the request made by the promoters of this citizens' initiative fell within the Commission’s powers to propose legal acts for the purpose of implementing the Treaties under Article 113 of the Treaty on the Functioning of the European Union.

The Commission therefore confirmed that the initiative 'Green VAT – An EU Green VAT to stimulate sustainable and eco-friendly products and services' fulfilled the requisite conditions for registration. It decided, in accordance with document C(2021) 9041, to notify the group of organisers of this.

The Commission authorised Ms JOUROVÁ to sign the reply on its behalf in the authentic language (English), to send it to the group of organisers of the initiative, and to publish it, for information, in the Official Journal of the European Union.

The Commission also agreed to transmit its Decision, for information, to the European Parliament, the European Council, the European Economic and Social Committee, the Committee of the Regions and the national parliaments.

Mr ŠEFČOVIČ underlined that if, within a period of twelve months, the proposals gathered the minimum support required, in other words at least one million statements of support from citizens of at least a quarter of the Member States, the Commission would then analyse the substance of the proposals.

In accordance with the new Regulation (EU) 2019/788, proposed initiatives registered now benefited from more user-friendly arrangements for organisers to collect statements of support and easier access for European citizens. The Commission would have a period of six months to submit its reasoned decision whether or not to take any action.

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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 15.49.