



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2022) 2410 final

- English translation of the French version which is authentic -

Brussels, 27 April 2022

TEXTE EN

MINUTES

of the 2410th meeting of the Commission

held in Strasbourg

(Winston Churchill building)

on Tuesday 8 March 2022

(afternoon)

PV(2022) 2410 final

- English translation of the French version which is authentic -

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9. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT

AND OF THE COUNCIL ON COMBATING VIOLENCE AGAINST

WOMEN AND DOMESTIC VIOLENCE (COM(2022) 105 AND /2;

SWD(2022) 60; SWD(2022) 61; SWD(2022) 62; SWD(2022) 63;

SEC(2022) 150; RCC(2022) 88)30

Single sitting: Tuesday 8 March 2022 (afternoon)

The sitting opened at 13.05 with Ms von der LEYEN, President, in the chair.

Present:

Ms von der LEYEN	President	
Mr TIMMERMANS	Executive Vice-President	Items 1 to 7
Ms VESTAGER	Executive Vice-President	
Mr DOMBROVSKIS	Executive Vice-President	Items 1 to 9 (in part)
Mr BORRELL i FONTELLES	High Representative / Vice-President	Items 7 to 9
Mr ŠEFČOVIČ	Vice-President	
Ms JOUROVÁ	Vice-President	
Ms ŠUICA	Vice-President	
Mr SCHINAS	Vice-President	Items 1 to 8
Mr HAHN	Member	Items 1 to 8 (in part)
Ms GABRIEL	Member	Items 7 (in part) to 9
Mr SCHMIT	Member	
Mr GENTILONI	Member	Items 1 to 8 (in part)
Mr WOJCIECHOWSKI	Member	
Mr BRETON	Member	Items 1 to 8 (in part)
Ms FERREIRA	Member	
Ms KYRIAKIDES	Member	
Mr REYNDERS	Member	Items 1 to 9 (in part)
Ms DALLI	Member	
Ms JOHANSSON	Member	Items 1 to 8 (in part)
Mr LENARČIČ	Member	Items 1 to 9 (in part)
Ms VÁLEAN	Member	
Mr VÁRHELYI	Member	Items 1 to 8 (in part)
Ms URPILAINEN	Member	Items 1 to 8 (in part)
Ms SIMSON	Member	Items 1 to 7
Mr SINKEVIČIUS	Member	Items 1 to 8 (in part)
Ms McGUINNESS	Member	

The following also sat in:

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 FLOSDORFF	Executive Adviser in the PRESIDENT's Office
Mr VALERO	Secretariat-General

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

1. AGENDAS

(OJ(2022) 2410/FINAL; SEC(2022) 2410/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(2022) 2410)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 7 March 2022.

3. APPROVAL OF THE MINUTES

(PV(2022) 2405; PV(2022) 2405, 2ND PART AND /2; PV(2022) 2406)

The Commission approved the minutes of its 2405th and 2406th meetings of 2 and 8 February 2022, and held over approval of the minutes of its 2407th, 2408th and 2409th meetings of 15 and 23/24 February and of 2 March 2022 for a later date.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2022) 78)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held by videoconference on Thursday 3 March 2022 (RCC(2022) 78).

The Commission approved the lines proposed for the following points:

- **Amendment of Regulation (EU) No 575/2013 and Directive 2014/59/EU as regards the prudential treatment of global systemically important**

institution groups with a multiple point of entry resolution strategy and a methodology for the indirect subscription of instruments eligible for meeting the minimum requirement for own funds and eligible liabilities (Regulation) – FERNÁNDEZ report – 2021/0343 (COD)

Line set out in SI(2022) 57/2.

- **Establishing a carbon border adjustment mechanism (Regulation) – CHAHIM report – 2021/0214 (COD)**

Line set out in SI(2022) 58.

- **Ensuring a global minimum level of taxation for multinational groups in the Union (Council Directive) – LALUCQ report – 2021/0433 (CNS)**

Line set out in SI(2022) 59.

- **Oral question O-000002/2022 – Implementation of the 2021-2027 cohesion policy**

Line set out in SP(2022) 114/2.

- **Oral question O-000007/2022 – Rising energy prices and market manipulation on the gas market**

Line set out in SP(2022) 132.

- **Resolutions of the European Parliament under Article 225 of the Treaty on the Functioning of the European Union (TFEU) – Citizenship and residence by investment schemes – IN'T VELD report – 2021/2026 (INL)**

Line set out in SP(2022) 115.

- **Resolutions of the European Parliament under Article 225 of the Treaty on the Functioning of the European Union (TFEU) – Commission recommendations on a fair and simpler taxation supporting the recovery**

strategy (European Parliament report following up the Commission's July 2020 Action Plan and its 25 initiatives in the area of VAT, business and individual taxation) – NIEDERMAYER report – 2020/2254 (INL)

Line set out in SP(2022) 133.

- **Conference on the future of Europe – Commission participation at the Conference plenary of 11 and 12 March 2022**

Lines set out in SPI(2022) 16/2 and SPI(2022) 17/2.

The Commission approved the line set out for the following point, for transmission to the European Parliament:

- **Commission replies to the non-legislative resolutions adopted by Parliament at its part-session of December 2021 (Part II)**

Line set out in SP(2022) 123.

The Commission took note of the following points:

- **Objection pursuant to Article 111(3) of Parliament's Rules of Procedures to the Commission Delegated Regulation of 19 November 2021 amending Regulation (EU) No 347/2013 of the European Parliament and of the Council as regards the Union list of projects of common interest (C(2021) 8409) – 2021/2991 (DEA)**

Information set out in SP(2022) 129.

- **Amendment of Annexes IV and V to Regulation (EU) 2019/1021 of the European Parliament and of the Council on persistent organic pollutants (Regulation) – HOJSÍK report – 2021/0340 (COD)**

Information set out in SI(2022) 61.

– **COVID-19**

- **Amendment of Regulation (EU) 2021/953 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) to facilitate free movement during the COVID-19 pandemic (Regulation) – 2022/0031 (COD)**
- **Amendment of Regulation (EU) 2021/954 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) with regard to third-country nationals legally staying or residing in the territories of Member States during the COVID-19 pandemic (Regulation) – 2022/0030 (COD)**

Information set out in SI(2022) 64.

– **Results of the Extraordinary Plenary session of Parliament of 1 March 2022**

Information set out in SP(2022) 124.

**5. COORDINATION OF EXTERNAL ACTION
(RCC(2022) 12)**

The Commission took note of the operational conclusions in RCC(2022) 12 of the meeting of the Group for External Coordination (EXCO) held on Wednesday 2 March 2022.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

6.1. WRITTEN PROCEDURES APPROVED

(SEC(2022) 117 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 28 February and 6 March 2022.

6.2. EMPOWERMENT

(SEC(2022) 118 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 28 February and 6 March 2022.

6.3. DELEGATION / SUBDELEGATION OF POWERS

(SEC(2022) 119 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedures between 28 February and 6 March 2022, as archived in Decide.

6.4. SIGNIFICANT WRITTEN PROCEDURES

(SEC(2022) 120)

The Commission took note of the significant written procedures for which the time limit expired between 7 and 11 March 2022.

7. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – REPowerEU – JOINT EUROPEAN ACTION FOR MORE AFFORDABLE, SECURE AND SUSTAINABLE

ENERGY**(COM(2022) 108 TO /3; RCC(2022) 83)**

The PRESIDENT introduced the College's discussion of the Communication entitled 'REPowerEU: Joint European Action for more affordable, secure and sustainable energy'.

She placed this initiative in the context of the EU's response to Russia's invasion of Ukraine. The Communication followed the three packages of sanctions against Russia which had already been adopted and implemented and were having a significant impact on its economy. She mentioned for example the substantial increase in interest rates, the sharp devaluation of the rouble, the closure of the Moscow stock exchange and the departure of more than 200 European companies from the Russian market. The Commission was preparing further sanctions, in coordination with the EU's partners and allies, which would be introduced soon, in the light of developments on the ground in Ukraine.

She made the link between the REPowerEU initiative and the very substantial support the EU was also proposing that day to help people fleeing the war in Ukraine and the Member States receiving them (see item 8 of these minutes).

The EU was still very dependent on Russia for its supply of fossil fuels, in particular gas, of which approximately 40% was imported from Russia. The purchase of oil, gas and coal from Russia gave that country a steady stream of revenue, some of which was reinvested in its military apparatus.

She noted that the shockwaves caused by the war in Ukraine had had a strong unifying effect on the 27 Member States and exposed the need for the EU to move away from its energy dependence on Russia as swiftly as possible. The EU leaders were now ready to take that step and would discuss the issue at their informal summit in Versailles on 10 and 11 March.

The PRESIDENT explained that this Communication would feed into those discussions by presenting an outline plan to make Europe independent of Russian fossil fuels well before 2030. To achieve this, it proposed short-term measures to mitigate the impact of higher electricity and energy prices in general, to diversify the EU's sources of gas supplies, to support European companies that were very vulnerable to higher prices and to ensure sufficient gas storage for next winter.

The Communication also presented a longer-term perspective by looking at the EU's structural dependence on Russian fossil fuels and the composition of the energy market. It suggested speeding up the EU's transition to renewable energy and hydrogen, while boosting its energy efficiency, in order to take control of its energy system more rapidly.

In the PRESIDENT's view, the Communication signalled a profound change of approach and laid the basis for reshaping the EU energy market.

Mr TIMMERMANS said that Russia's attack on Ukraine, on 24 February 2022, had marked a turning-point for the EU, since this brutal conflict was caused by a neighbour that was also a major energy exporter. Moreover, the current war ruled out once and for all the possibility of lower energy prices in the near future and was increasing the volatility of gas and petrol prices. He added that Russia could use its fossil fuels as a political weapon. It was against this background that the EU was determined to end its dependence on Russian energy sources.

Part of the response to this geopolitical situation could already be found in the European Green Deal. Full implementation of the Commission's legislative proposals to achieve its target of cutting greenhouse gas emissions by 55% between now and 2030 ('Fit for 55') would already reduce the EU's annual fossil fuels consumption by 30%, equivalent to 100 billion cubic metres, by 2030. Through the measures proposed in REPowerEU, the EU could gradually reduce fossil fuels use by at least 155 billion cubic metres, equivalent to the volume imported from Russia

in 2021. Nearly two-thirds of that reduction could be achieved within a year, ending the EU's overdependence on a single supplier.

Mr TIMMERMANS noted that the aim of REPowerEU was precisely to present a roadmap to make the EU less reliant on energy supplies from Russia. He took the opportunity to welcome the successful action taken by Ms SIMSON to increase the volumes of gas and LNG (liquid natural gas) supplied by producer countries that were partners of the EU and to develop LNG capacities within the EU.

He stressed that REPowerEU would also enable the EU to overhaul its energy infrastructure at a time when it had to make more use of biomethane and boost its production of renewable hydrogen, while speeding up the diversification of its energy mix.

He reiterated that the EU's energy system was overdependent on gas, a sector that had, moreover, become too unstable. To make the European energy market more resilient, it was very important to invest in more energy-efficient buildings, to install heat pumps instead of using gas boilers and to strengthen networks.

At the same time, it was essential to take the deployment of renewable energy to a new level by accelerating projects in this field over the next 10 years, which would mean simplifying permit applications. The length of administrative procedures for obtaining permits was one of the main obstacles to investment in renewable energy and related infrastructure. He announced that the Commission would send the Member States a recommendation on this subject in the months ahead.

Mr TIMMERMANS ended his introduction by stressing the fact that dependence on Russian fossil fuels was not just a matter of energy policy but also a matter of security. The REPowerEU initiative, which sought among other things to plug existing gaps in the EU's energy infrastructure, would help achieve the aim of strengthening the resilience of European industry. At the Versailles summit and the European Council meeting to be held in March, EU leaders should give the

Commission a mandate to take forward the proposals set out in that day's Communication.

Ms SIMSON stressed that the war in Ukraine had shown that the Russian government wielded energy as a geopolitical weapon. The combination of low flows of Russian gas supplies and a historically low level of storage had prevented a tight gas market from being rebalanced, contributing to the surge in energy prices.

Russia's attack on Ukraine was sending shockwaves across Europe's whole energy system, sparking substantial price increases. Market operators were anticipating a disruption of energy supply from Russia, with some already pulling out of the Russian market, and it was difficult to guarantee payments for energy products because of the financial sanctions. The US had decided to apply sanctions on imports of Russian oil and there were calls to halt all gas and oil imports from Russia to cut off funding for its war in Ukraine.

She expected the tensions with Russia and the uncertainty over supplies to last months or even years. This was now a moment of truth for the EU's energy system and energy security, especially since, despite the efforts made in recent years, the share of Russian gas in the EU's energy mix had risen.

Ms SIMSON therefore felt that it was essential for the EU to change the direction of its energy policy. The EU needed to diversify its fossil fuel supply away from Russia to other producers, speed up its transition to clean energy and redouble its efforts to be energy efficient.

This was precisely the subject of that day's Communication, which was both political and operational in nature and which proposed, first, actions to manage the immediate emergency of the next three to nine months and prepare for the winter of 2022/2023, and second, more long-term actions to phase out reliance on Russian fossil fuels by 2030.

In the short term, the Member States expected the Commission to give a clear indication of what could be done by the end of the year to address the energy price shock and any disruptions there might be to the security of supply.

25 Member States had already taken measures to support households vulnerable to energy poverty or to cushion the impact of increasing energy bills. These measures had already cost EUR 23 billion but were not enough. That was why the Communication gave Member States the option of regulating retail prices, by clarifying the flexibility margins offered by Article 5 of the Electricity Directive, and detailed how they could support companies, farmers and market operators through State aid.

The Communication also set out how Member States could finance such extraordinary measures, for example by introducing temporary tax measures on windfall profits in the renewables sector. The Commission consequently provided guidance for Member States on how to do so without removing incentives for investing in additional renewable production.

The Commission would moreover rapidly examine options to optimise the functioning of the electricity market, with the help of the Agency for the Cooperation of Energy Regulators (ACER).

Another key element to consider in the short term was storage. Even in the event of total disruption of gas flows from Russia, the EU had enough gas to last until the last weeks of winter. But it needed to urgently rebuild stocks in preparation for the following winter. The EU had entered this heating season with storage levels 22% lower than the historical average, and Gazprom-owned storage sites, accounting for 10% of total storage in the EU, had been deliberately kept at a very low level.

Ms SIMSON welcomed the significant step being taken by the Commission with that day's Communication and the proposal to move towards a genuine EU gas storage policy. The Commission would soon present a legislative proposal to set out

a new framework for storage and security of gas supply in the EU. Member States would be required to have an obligatory minimum storage fill level of 90% by 1 October. The Commission would also propose a certification of storage facilities owned by third countries to make sure that if there were security risks, the owning companies were unbundled or remedies were taken.

The Commission would moreover propose financial incentives to encourage operators to fill storage facilities despite high prices. It was studying ways to support Member States who wished to collectively purchase gas supplies for refilling storage or ensuring a strategic reserve.

In conclusion, in the event of supply disruptions in the coming days, the Commission would need to act as operational coordinator for Member States' requests and to seek additional supply from the EU's international partners. Ms SIMSON's services were in the process of setting up a platform to do that work.

The second key message of that day's Communication was that the EU had to and could phase out dependency on Russian fossil fuels by the end of that decade.

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

- the importance for the EU of standing firm in the current geopolitical climate and showing unity, which would help to strengthen its credibility;
- the historic nature of the EU's response since the outbreak of hostilities in Ukraine, with the rapid adoption of severe sanctions against Russia;
- the long-term consequences of Russia's war in Ukraine for EU policy and the central position of energy in this regard;
- the usefulness of a debate among EU leaders on the adoption of new sanctions against Russia and the value of keeping up strong pressure on Russia in an

attempt to bring an end to the fighting in Ukraine and to contain the Russian threat to the security of its neighbourhood;

- the College’s full support for the practical measures proposed to reduce the EU’s energy dependence on Russia, while calling for an analysis of the EU’s potential vulnerabilities during the transition;
- the need to preserve the unity of the 27 Member States in managing this politically complex and strategic dossier;
- the fact that conditions were now right for the Member States to be ready to enter a new phase in energy policy, henceforward regarding energy as a matter of common security that required solidarity;
- the value of rapidly finding solutions to address structural deficiencies in the 27 national energy markets and the setting of energy prices, and to enable Member States to share the burden of the price hikes that would continue as a consequence of the war in Ukraine;
- the need to build more energy infrastructure in the EU following a thorough assessment of the missing links in terms of interconnectors;
- a call to take account of the need for urgent measures to support households and mitigate the impact on them of the marked surge in energy prices;
- the possibility of a new temporary crisis framework for State aid to allow Member States to grant aid to companies facing high energy costs and price volatility; at the same time, the need to bear in mind that not all Member States had the same budgetary resources to provide such State aid;
- a call to immediately prepare the EU’s energy security for the following winter by exploring all possible avenues, including greater use of nuclear power or of unutilised stocks in certain EU regions;

- support for the idea of making it compulsory in the EU to fill underground gas storage facilities to at least 90% of their capacity by 1 October each year; the value of envisaging a price equalisation mechanism over time to this effect;
- whether practical solutions were needed so that Member States located close to liquid natural gas terminals did not build up stocks for their sole requirements;
- the importance, in the context of joint EU action for more affordable, secure and sustainable energy, of forming international partnerships, ramping up energy-efficiency measures, promoting the circular economy, stimulating the recycling of raw materials and supporting EU industry;
- the call to ensure that the diversification of energy suppliers and sources did not hamper the achievement of the European Green Deal and did not otherwise create new dependencies;
- the role that some countries in the EU's southern and eastern neighbourhood could play in this diversification and the medium-term contracts that could be concluded with them to increase deliveries;
- the requests for clarification on (i) the means of achieving the energy savings that would have to contribute to the proposed two-thirds reduction in European gas purchases from Russia by the end of the year, (ii) the advisability in the current situation of the decisions taken by some Member States to close their nuclear power plants, and (iii) the possibilities to impose temporary tax measures on windfall profits to finance emergency measures and to make a legal distinction between Russian gas and gas imported from other countries in the light of World Trade Organisation rules;
- the reminder of the considerable investment to be made both in renewable energy and energy efficiency in buildings and mention of the possibility of reallocating unused funding from the Technical Support Instrument (TSI) and cohesion funds to help Member States move in this direction;

- the need to speed up the launch of renewable projects by rapidly simplifying and shortening the procedures for granting permits for the corresponding facilities;
- the advisability of further developing the measures that could be taken to support the raw materials and photovoltaic sectors at European level; questions about the appropriateness of the planned scale for the deployment of heat pumps;
- the usefulness of reviewing the organisation of the electricity market in order to improve its functioning and prevent possible disruptions of supply;
- mention of the ongoing reflections on the possibility of breaking the link established in the EU in other circumstances between gas prices and electricity prices;
- similarly, the reflections concerning a temporary State aid framework for companies included in the EU Emissions Trading Scheme (ETS);
- the need for predictability on the part of EU energy companies and a call to ensure the stability of the messages sent;
- the reference to the transformation of the EU's economic landscape brought about by the war in Ukraine with a risk of stagflation at the very time when the EU was starting to recover from the COVID-19 pandemic;
- the fact that inflation was exacerbated by the sharp rise in the price of gas and oil but also of seeds and fertilisers, of which Ukraine and Russia were major producers, and that this trend was expected to continue; the vulnerability of agri-food production not only in the EU but also in some African and Middle Eastern countries, in the event of a shortage of seeds and fertilisers or an uncontrolled increase in their prices;
- hence, the wish that farmers affected by these phenomena should be included among the beneficiaries of the temporary State aid framework envisaged; the

quid pro quo mentioned of a change in practices, for example lower consumption of fertilisers and reduction of food waste; mention of the work under way to meet the needs of the agricultural sector in the current crisis;

- the desire of the Member States to see part of the funding provided under NextGenerationEU redirected towards the measures they would be called upon to take to cushion the rise in energy prices for households, to support the companies most exposed to this increase and to deal with possible disruptions in supply chains;
- the possibility of adapting the rules of the Recovery and Resilience Facility and the Structural Funds to cover, if necessary, the construction of liquid natural gas terminals in the EU;
- in parallel to the expenditure brought about by the decision to reduce the EU's dependence on Russian fossil fuels, the considerable investment involved in implementing the European Green Deal and the development of a common defence, which needed to be accelerated, and the hope that the EU Heads of State or Government would make clear their commitment to addressing these challenges through national and European instruments;
- the reminder of the fact that the threats to energy supply and the management of a massive exodus of Ukrainian population to the EU were external shocks with internal effects that varied from one Member State to another;
- on the external side, the usefulness of exploring ways of strengthening the independence of the Western Balkans and Moldova from the supply of Russian gas, with the support of international financial institutions, the European Investment Bank (EIB) and the European Bank for Reconstruction and Development (EBRD), and through EU projects in cooperation with its neighbourhood partners, in particular as regards the interconnection of electricity networks;

- similarly, the call to urgently support Moldova's energy capacities;
- the announcement of an imminent sanctions package against Belarus.

The PRESIDENT briefly referred to certain issues raised during the discussion, in a general context in which the EU and its Member States had to manage at the same time an energy crisis, a migration crisis and perhaps soon an agri-food crisis.

She confirmed that the Commission would soon have to address the issue of the price of seeds, of which Ukraine provided 30% of EU imports.

As regards the practical arrangements for financing the measures referred to in that day's Communication at European level, she explained that this issue would be dealt with in the light of the EU leaders' discussion that week in Versailles and of a full mapping of needs in the Member States and in terms of cross-border investment.

Ms SIMSON warned against the idea of calling into question the acceleration of the European Green Deal and the transition to renewable energy in order to overcome the current consequences of the EU's dependence on Russian gas. She pointed out that in the long term, the very question of gas consumption would arise in view of the small number of producers other than Russia that were able to offer additional supplies.

She also announced that the EU could help Ukraine and the Western Balkans partners if they received reduced deliveries from Russia by diverting gas and LNG flows from certain Member States.

Mr TIMMERMANS said that that day's Communication would make it possible to achieve the EU's objective of reducing its Russian gas imports by two thirds by the end of the year.

With regard to electricity prices, he said that it was not possible to produce cheap electricity when gas and oil prices were very high. It was therefore necessary to

consider what measures could be taken at EU level to address this issue. As regards how a possible price cap would be financed, he stressed the importance of looking at the organisation of the market.

Referring to the hypothesis of a cessation of Russian hydrocarbon supplies and the need to inform investors about the future of certain alternative fossil fuels, he said that beyond the war in Ukraine, the climate crisis had to be urgently addressed. If the EU could take some emergency measures, they should not be binding, and European investments must remain focused on renewable energy as a priority.

Mr TIMMERMANS concluded by saying that the strength of the EU's energy policy lay in the unity of the Member States.

The PRESIDENT closed the exchange of views by commending the considerable work done by Mr TIMMERMANS and Ms SIMSON and their staff in order to present that day's Communication, of which she emphasised the political significance and importance for the future of the EU.

Following these presentations, the Commission approved the Communication in COM(2022) 108/3 for transmission to the European Parliament, the European Council, the Council, the European Economic and Social Committee, and the Committee of the Regions and, for information, to the national parliaments.

**8. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – EUROPEAN SOLIDARITY WITH REFUGEES AND THOSE FLEEING WAR IN UKRAINE
(COM(2022) 107 TO /3; RCC(2022) 89)**

The PRESIDENT introduced the College's discussion on the measures proposed in the context of European solidarity with refugees and people fleeing the war in Ukraine.

She referred to the very significant support given by the European Union both to those fleeing the war in Ukraine and to the EU countries hosting them.

The EU had mobilised EUR 500 million from its budget to address the tragic humanitarian consequences of the war, both inside and outside Ukraine. Of this amount, EUR 90 million in humanitarian aid (EUR 85 million for Ukraine and EUR 5 million for Moldova) had already been provided to supply food, water, healthcare and shelter, and help cover the basic needs of the most vulnerable. Thanks to the launch of the largest operation ever carried out under the EU Civil Protection Mechanism, millions of items had already reached people in need in Ukraine, including vehicles, medical kits, tents, blankets and sleeping bags, while additional assistance was being sent to the neighbouring countries to assist all those fleeing the war.

She invited Mr SCHINAS and Ms JOHANSSON to present the Communication on European solidarity with refugees and people fleeing war in Ukraine.

Mr SCHINAS reported on a recent visit to the EU's borders with Ukraine and spoke of extremely moving scenes of how people fleeing Ukraine were received by national officials, civil society and ordinary citizens. He underlined the extraordinary groundswell of generosity shown by EU citizens and Member States in the face of such a massive wave of migration.

Given that the influx of refugees was expected to grow in the coming days and weeks, he felt that the EU should continue to focus its action on humanitarian aid and the reception of refugees, while preparing to offer longer-term protection. This would include preventing the risk of human trafficking so that the most vulnerable refugees were not put in danger. In particular, it was important to ensure that

children received the same level of education as that of the Member State in which they were received. The future of a generation was at stake.

He pointed out that the activation of the Temporary Protection Directive was an unequivocal and concrete reflection of the EU's support for people fleeing the war in Ukraine. He also pointed out that this measure concerned all Member States, since refugees would be able to move freely within the EU and many of them would have to move from one place to another.

Ms JOHANSSON reported that in less than two weeks, 1.8 million people fleeing the war in Ukraine had been received in the EU. This number was as high as that of the total migrants arriving in the EU in 2015, the date of the last major wave of migration the EU had faced.

More than one million refugees had been hosted in Poland and almost 500 000 in Romania, in a remarkable spirit of solidarity. She welcomed the fact that this spirit was shared by all Europeans and EU Member States.

However, she warned that if this influx of refugees continued in the coming weeks, the situation of frontline Member States risked becoming gradually unsustainable, and they would therefore need financial and operational support.

She also pointed out that, over time, refugees entering the EU were increasingly destitute and did not have relatives or friends ready to accommodate them, as had been the case for the first arrivals. Reception centres still had capacity but could quickly become overwhelmed. Additional funding would therefore be needed, given the challenge of hosting a number of refugees which could reach 8 million according to estimates by the UN High Commissioner for Refugees.

It was important for refugees to have rapid access to a bank account and children, who accounted for almost half of the refugees, to education. In order to do this, the EU had to help the Member States and neighbouring countries directly concerned to

swiftly mobilise Ukrainian teachers in order to reintegrate children in schools and, as far as possible, in a situation of relative normality.

She also pointed out that while the easing of reception procedures speeded up assistance to people fleeing the war in Ukraine, the waiving of registration requirements could have the indirect effect of making unaccompanied minors more vulnerable, since they could quickly be exposed to the risk of human trafficking, especially since most of them had no passports and some were orphans.

Ms JOHANSSON referred, too, to the critical situation in Moldova, which was also facing an influx of refugees. The country was struggling to control its border with Ukraine and provide adequate protection for children and adolescents threatened by criminal networks.

She therefore proposed increasing EU support to guarantee a safe border crossing to Moldova, while at the same time preventing risks of human trafficking and risks to personal safety. She announced that the EU would step up Frontex's cooperation with Moldova under the existing working arrangement and would launch negotiations on an agreement to allow the deployment of border guards with executive functions in the territory of Moldova. The Commission would present a proposal to this effect later in the week.

Ms JOHANSSON welcomed the fact that the proposal to activate the Temporary Protection Directive, presented by the Commission in record time and adopted unanimously by the Council, had made it possible to offer immediate protection and rights to Ukrainians fleeing their country, to Belarusian refugees present in Ukraine, and to their family members whose country of origin was Ukraine and other permanent residents in the country.

It was the first time that this Directive, adopted in 2001 in the context of the war in the former Yugoslavia, had been activated, and it was proving to be remarkably effective, although the Member States were still expressing concerns about certain concrete measures to be taken to guarantee the necessary protection, namely access

to the labour market, education, healthcare and social protection. The Commission would soon propose guidelines on these measures.

While welcoming the strong show of solidarity in the EU and its Member States towards refugees fleeing the war in Ukraine, Ms JOHANSSON feared that their reception would become increasingly difficult over time. This justified the massive financial support provided by the EU.

Mr LENARČIČ explained that while the situation at the borders remained critical, since the number of refugees would exceed two million in the next few days, the plight of internally displaced persons in Ukraine was even more dramatic, especially as the local authorities were unable to meet the challenge of assisting them in the current circumstances.

Millions of people were still stranded in Ukrainian towns and cities surrounded by the Russian army or in combat zones and were living in extremely difficult conditions, without any assistance, given Russia's failure to comply with humanitarian law.

He welcomed the fact that the EU had been able to meet the funding needs in this initial phase, but stressed the importance of having access to people in need of humanitarian aid in Ukraine and of supporting non-governmental organisations on the ground.

So far, the Union Civil Protection Mechanism had fulfilled its role well and the mobilisation of Member States and third countries had made it possible to provide an extraordinary amount of humanitarian equipment. With the activation of the medical reserve mechanism, the EU was now undertaking in Ukraine its largest ever humanitarian aid operation.

However, Mr LENARČIČ feared that the consequences of the war would affect the most fragile Member States, since the EU was not yet sufficiently equipped to cope

with a crisis on such a scale and the budgetary margins were necessarily limited, particularly in the field of humanitarian aid.

In conclusion, he hoped that the possibility of prosecuting Russia for war crimes would be discussed at the summit of EU Heads of State or Government in Versailles on 10 and 11 March.

Mr VÁRHELYI noted that, with the invasion of Ukraine by Russia, war had returned to Europe. In these dark times it was essential for the EU to help Ukraine and also its neighbours, in particular Moldova, a country which was already one of the poorest in Europe and which he had recently visited to assess the scale of the needs on the ground.

He drew particular attention to the need to ensure immediate protection for children fleeing Ukraine, to provide them with access to school, food and housing as soon as possible, and to grant their mothers access to work. He welcomed the rapid redeployment of EU funds to respond to this unprecedented humanitarian crisis. Given the scale and urgency of the needs, however, he recommended that fiscal rules be implemented as flexibly as possible.

He referred in particular to Moldova's difficulties in protecting its border with Ukraine and said that he had announced EU aid to the Moldovan authorities to train their border guards and provide the necessary equipment for border control.

Mr VÁRHELYI concluded by referring to the requests of Ukraine, Georgia and Moldova to open the procedures for their accession to the EU. He explained that it was difficult to envisage easing the procedure without calling into question the EU's enlargement policy as a whole and the ongoing negotiations with the Western Balkan partners.

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

- the absolute priority to be given to minors, who were often the most vulnerable refugees and constituted a significant proportion of those hosted in the EU and the countries neighbouring Ukraine, as well as to the elderly or those at risk of marginalisation;
- the importance of preventing the risks of trafficking in children and adolescents, in particular;
- the specific assistance to be provided to third-country nationals resident in Ukraine so that they could be repatriated to their countries of origin, as well as to Russian students present in the EU;
- the health situation of people fleeing the war in Ukraine and the importance of providing emergency medical assistance, in particular in reception centres, and of providing for the transfer of sick and injured persons within the EU if hospitals in the Member States and third countries bordering Ukraine were overwhelmed;
- the advisability of putting in place the necessary measures in the event of a COVID-19 wave in this Ukrainian population, only one-third of which was vaccinated while no testing capacity had yet been put in place; the importance of preventing the spread of other diseases such as polio, tuberculosis or HIV;
- the desirability of ensuring the financial inclusion of refugees by giving them access to a bank account and thus enabling them to make payments in accordance with the EU Payment Accounts Directive;
- the importance of taking into account the consequences of the war in Ukraine on growth and employment in the EU, since pressure on the labour market could increase rapidly;

- the value of considering measures in the EU to combat poverty, which could increase in the difficult economic context that could result from the war in Ukraine and the sanctions against the Russian regime;
- for some, the need to consider greater flexibility in the use of the Recovery and Resilience Facility for Member States bordering Ukraine, given the considerable resources needed for the reception of refugees;
- the possibility of adopting further sanctions against Russia and Belarus, such as the suspension of the Most Favoured Nation duty rate, with accompanying support to mitigate the impact of such measures on the EU economy and society;
- the risk mentioned by some of a spill-over of the current conflict beyond Ukraine;
- the preventive measures to be considered in the event of a nuclear incident by strengthening the EU's response capacity, with the assistance of the European Health Emergency Preparedness and Response Authority (HERA);
- the importance of working closely with the co-legislators to ensure the swift adoption of the Commission's proposal to extend the implementation period for the funds made available to Member States under the home affairs funds for the period 2014-2020, which would release around EUR 420 million in additional support, and also of the proposal entitled 'Cohesion's Action for Refugees in Europe' (CARE), which would provide greater flexibility to finance a wide range of measures for people fleeing Ukraine, under the European Regional Development Fund (ERDF), the European Social Fund (ESF) and the Fund for European Aid to the Most Deprived (FEAD).

The PRESIDENT concluded the Commission's discussion by thanking the Members of the Commission for their commitment and the valuable initiatives they

had taken in their respective areas of responsibility. She called on them not to let up in their efforts and to translate each of their proposals into concrete actions.

As regards enlargement policy, she reiterated her belief that Ukraine had a place in the European family, but felt that the issue of accession, which involved a long and complex process, should be raised only after the humanitarian emergency had passed.

In order to address the tragic consequences of Russia's military invasion of Ukraine, she felt that European solidarity in action should focus on assistance to the population through direct humanitarian aid, emergency assistance in the context of civil protection, border support and a clear legal status enabling those fleeing the war to benefit from immediate protection in the EU.

Following these presentations, the Commission approved the Communication in COM(2022) 107/3 for transmission to the European Parliament, the European Council, the Council, the European Economic and Social Committee, and the Committee of the Regions and, for information, to the national parliaments.

9. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE

(COM(2022) 105 AND /2; SWD(2022) 60; SWD(2022) 61; SWD(2022) 62; SWD(2022) 63; SEC(2022) 150; RCC(2022) 88)

The PRESIDENT asked Ms JOUROVÁ and Ms DALLI to present the proposal for a Directive on combating violence against women and domestic violence, which was being submitted to the College for approval that day.

Ms JOUROVÁ began by reminding the meeting that 8 March was International Women's Day, but that it was also a day of profound sadness for all the women in Ukraine who were experiencing the horrors of war. She stressed that millions of

them were fleeing without taking anything with them, fearing for the lives of the children they had with them and for the lives of their husbands, brothers and fathers that they had left behind to defend their country. She added that, for those women who had remained in Ukraine, cases of rape had already been reported as being used as a weapon of war.

She then presented the proposal for a Directive, which she considered to be an important piece of legislation for the defence of EU values in that it sought to prevent and combat violence against women and domestic violence.

She noted with regret that this kind of violence remained common in the EU, that the situation had deteriorated further during the COVID-19 pandemic and that there was an increase in cyberviolence, including non-consensual sharing of intimate images, cyberstalking and cyber harassment and online incitement to hatred or violence. Despite the measures already taken by the Commission, for example the targeted action undertaken in 2017, the European Year dedicated to ending violence against women, she noted that the funding, coordination work and awareness-raising had not been sufficient.

She explained that the proposal that day referred to the 2014 Council of Europe Convention on preventing and combating violence against women and domestic violence, known as the ‘Istanbul Convention’, but that not all Member States were parties to this instrument and that, since its adoption, the reality had changed, meaning that it did not cover certain types of crime, in particular cybercrimes.

She added that all EU Member States had adopted national laws on violence against women, but that they differed from one Member State to another, leading to a situation where there was no uniform protection within the EU. This is why, that day, the Commission was presenting a proposal for an EU-level criminal law instrument, based on the existing legal bases in the Treaties.

For example, the Directive proposed that day would criminalise rape on the basis of lack of consent, female genital mutilation, and incitement to hatred online, and it

would follow a minimum harmonisation approach, including sanctions, leaving Member States some flexibility for implementation.

She added that the proposal also addressed issues relating to the rights and protection of victims in judicial proceedings as well as appropriate specialised support, including through referral centres for victims of rape, which would help overcome an important obstacle to combating violence against women effectively, namely the issue of underreporting.

Finally, Ms JOUROVÁ said that the proposal also dealt with prevention and coordination in order to train and raise awareness among national law enforcement forces, and concluded by stating that the Directive would be a modern and comprehensive legal instrument.

Ms DALLI in turn stressed that while the Istanbul Convention remained an important reference, the EU had to legislate, given the increase in the number of cases of violence against women and domestic violence, which had been observed in particular during the lockdowns related to the recent pandemic.

She stated that measures needed to be taken in the Member States, in particular to improve the level of reporting of such violence, since, although there was a lot of data available, there was evidence that crimes were reported more seldom when the offender was a person close to the victim. She also underlined the importance of taking into account the situation of children not only when violence was committed but also in the procedures put in place to address it.

She stressed that the proposal being presented was comprehensive, establishing common minimum standards and complying with all applicable international standards by adapting them to the current difficult circumstances. This update concerned, for example, the definition of rape, the definition of online violence and online hate speech as criminal offences, and the removal of illegal online content, thanks to the provisions of the Digital Services Act proposed by the Commission in 2020.

Ms DALLI concluded her presentation by drawing attention to the fact that the proposal also envisaged developing prevention, facilitating victims' access to justice, better protecting them, and improving their situation at the workplace and their representation in legal proceedings. The proposal also aimed to provide targeted support to women with specific needs or who were at risk, such as women with disabilities, affected by homelessness or fleeing armed conflict, under the 2012 Directive establishing minimum standards on the rights, support and protection of victims of crime.

A brief discussion followed, during which the Commission referred to the specific characteristics of the proposal, which were considered comprehensive, courageous and timely, and to the relevance of the provisions of Article 33(3) thereof, which called on the Member States to give priority, as far as possible, to the placement of children with a non-violent parent in the event of temporary rehousing for reasons of domestic violence.

Following these presentations, the Commission adopted the proposal for a Directive in COM(2022) 105/2, for transmission to the European Parliament, the Council, the European Economic and Social Committee, the European Data Protection Supervisor and the national parliaments, together with the staff working documents, the impact assessment, the summary thereof and the opinion of the Regulatory Scrutiny Board in SWD(2022) 60, SWD(2022) 61, SWD(2022) 62, SWD(2022) 63 and SEC(2022) 150, the contents of which were noted.

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The meeting closed at 16.36.