



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2022) 2426 final

- English translation of the French version which is authentic -

Brussels, 7 September 2022

TEXTE EN

MINUTES

of the 2426th meeting of the Commission

held in Luxembourg

(City Hall)

on Wednesday 13 July 2022

(morning)

—

PV(2022) 2426 final

- English translation of the French version which is authentic -

EN

TABLE OF CONTENTS

Attendance list	4-5
1. AGENDAS (OJ(2022) 2426/FINAL; SEC(2022) 2426/FINAL)	7
2. WEEKLY MEETING OF CHEFS DE CABINET (RCC(2022) 2426)	7
3. APPROVAL OF THE MINUTES	7
4. INTERINSTITUTIONAL RELATIONS (RCC(2022) 152)	7
5. COORDINATION OF EXTERNAL ACTION (RCC(2022) 29 AND /2).....	9
6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS.....	10
6.1. WRITTEN PROCEDURES APPROVED (SEC(2022) 277 ET SEQ.).....	10
6.2. EMPOWERMENT (SEC(2022) 278 ET SEQ.)	10
6.3. DELEGATION / SUBDELEGATION OF POWERS (SEC(2022) 279 ET SEQ.)	10
6.4. SIGNIFICANT WRITTEN PROCEDURES (SEC(2022) 280 AND /2)	10
7. ADMINISTRATIVE AND BUDGETARY MATTERS (SEC(2022) 281).....	11
7.1. DG MARITIME AFFAIRS AND FISHERIES – TRANSFER OF AN AD15 OFFICIAL UNDER ARTICLE 7 OF THE STAFF REGULATIONS	11
7.2. DG COMMUNICATION – APPOINTMENT OF HEAD OF THE EUROPEAN COMMISSION REPRESENTATION IN FINLAND (PERS(2022) 47).....	11
7.3. DG HUMAN RESOURCES AND SECURITY – APPOINTMENT OF AN EXTERNAL MEMBER OF THE AUDIT PROGRESS COMMITTEE (PERS(2022) 45).....	12
7.4. DG HUMAN RESOURCES AND SECURITY – APPROVAL OF A LIST OF CANDIDATES FOR THE POST OF HEAD OF THE EUROPEAN UNION DELEGATION TO QATAR (AT GRADE AD9/14) (PERS(2022) 46)	12

8.	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – 2022 RULE OF LAW REPORT – THE RULE OF LAW SITUATION IN THE EUROPEAN UNION (COM(2022) 500 AND /2; SWD(2022) 501 TO /3 TO SWD(2022) 527 TO /3; RCC(2022) 154).....	13
9.	OTHER BUSINESS.....	25
	<i>EVOLUTION OF THE SITUATION RELATING TO THE COVID-19 PANDEMIC.....</i>	<i>25</i>

Single sitting: Wednesday 13 July 2022 (morning)

The sitting opened at 11.03 with Ms von der LEYEN, President, in the chair.

Present:

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

Absent:

Mr TIMMERMANS	Executive Vice-President
Mr WOJCIECHOWSKI	Member
Ms VĂLEAN	Member
Mr SINKEVIČIUS	Member

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

Mr AGOTHA	Expert in Mr TIMMERMANS's Office
Mr GOLUBIEWSKI	Chef de cabinet to Mr WOJCIECHOWSKI
Mr FABREGAS MARTINEZ	Member of Ms VĂLEAN's staff
Mr ŠATŪNAS	Chef de cabinet to Mr SINKEVIČIUS

The following also sat in:

Ms RISO	Deputy Chef de cabinet to the PRESIDENT
Mr CALLEJA CRESPO	Director-General, Legal Service
Ms AHRENKILDE HANSEN	Director-General, DG Communication
Ms SPINANT	Deputy Chief Spokesperson of the Commission
Ms PETKOVA	Director of Coordination and Administration in the PRESIDENT's Office
Ms HILI	Adviser in the PRESIDENT's Office
Ms ALLOUIS-LE LOSTEC	Head of Unit in the Secretariat-General

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

The PRESIDENT opened the meeting by reminding the College that, one year ago, serious flooding had devastated parts of north-west Europe and that the loss of life was heart-breaking.

One year on, the European Union still stood in full solidarity with flood victims in Europe and around the world, and would continue to make available any resources and expertise that local authorities might need.

She highlighted the extent of the damage and noted that the floods of summer 2021 had affected thousands of families in Belgium, Germany, Luxembourg and the Netherlands. For example, in Belgium, one of the Commission's host countries, some 24 000 buildings had been damaged.

She also noted that Europe had been very quick to show its solidarity with the victims, giving people who had lost their homes or businesses reason to remain hopeful, and that it had lent its support in various forms when asked to do so.

At the same time, the Commission continued its efforts worldwide to tackle climate change which, as scientists had confirmed, was responsible for the increased frequency of events that were once considered to be rare occurrences.

She concluded by saying that her thoughts that day were with the victims of all these terrible natural disasters, as well as their families and friends. She asked those present to hold a minute of silence in memory of the victims.

The Commission took note of this information.

* * *

1. AGENDAS

(OJ(2022) 2426/FINAL; SEC(2022) 2426/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) 2426)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Tuesday 12 July 2022.

3. APPROVAL OF THE MINUTES

The Commission held over approval of the minutes of its 2420th, 2421st, 2422nd, 2423rd, 2424th and 2425th meetings of 1, 7, 13/17, 22 and 29 June, and of 5 July 2022 for a later date

4. INTERINSTITUTIONAL RELATIONS

(RCC(2022) 152)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 8 July 2022 (RCC(2022) 152).

The Commission approved the lines proposed for the following points:

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

Line set out in SI(2022) 270.

- **2030 Policy Programme ‘Path to the Digital Decade’ (Decision) – DLABAJOVÁ report – 2021/0293 (COD)**

Line set out in SI(2022) 271.

- **‘Fit for 55’ – Establishment of a carbon border adjustment mechanism (Regulation) – CHAHIM report – 2021/0214 (COD)**

Line set out in SI(2022) 272/2.

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

Line set out in SI(2022) 273.

- **Foreign subsidies distorting the internal market (Regulation) – HANSEN report – 2021/0114 (COD)**

Line set out in SI(2022) 274.

- **Specific and temporary measures, in view of Russia’s invasion of Ukraine, concerning driver documents issued by Ukraine in accordance with its legislation (Regulation) – MARINESCU report – 2022/0204 (COD)**

Line set out in SI(2022) 277.

- **Regulatory procedure with scrutiny – Commission position on the draft Regulation amending Annex II to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for acetamiprid in or on certain products**

Line set out in SPI(2022) 42.

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

- **Commission replies to the non-legislative resolutions adopted by Parliament at its part-session of May II 2022 (Part I)**

Line set out in SP(2022) 440/3.

- **Commission replies to the legislative resolutions (and list of non-legislative resolutions without formal reply) adopted by Parliament at its June II 2022 part-session**

Line set out in SP(2022) 447.

The Commission took note of the following points:

- **Application of a generalised scheme of tariff preferences and repeal of Regulation (EU) No 978/2012 of the European Parliament and of the Council (Regulation) – HAUTALA report – 2021/0297 (COD)**

Information set out in SI(2022) 276.

- **Results of Parliament's July 2022 part-session**

Information set out in SP(2022) 409/2.

- **Meetings of the European Parliament Committee Chairs, the Czech Presidency and Commission Representatives (Brussels, 28 and 29 June 2022)**

Information set out in SPI(2022) 43.

5. COORDINATION OF EXTERNAL ACTION (RCC(2022) 29 AND /2)

The Commission took note of the operational conclusions in RCC(2022) 29/2 of the meeting of the Group for External Coordination (EXCO) held on Wednesday

6 July 2022.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

6.1. WRITTEN PROCEDURES APPROVED

(SEC(2022) 277 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 4 and 10 July 2022.

6.2. EMPOWERMENT

(SEC(2022) 278 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 4 and 10 July 2022.

6.3. DELEGATION / SUBDELEGATION OF POWERS

(SEC(2022) 279 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedures between 4 and 10 July 2022 archived in Decide.

6.4. SIGNIFICANT WRITTEN PROCEDURES

(SEC(2022) 280 AND /2)

The Commission took note of the significant written procedures for which the time limit expired between 11 and 15 July 2022 and of the finalisation written procedure initiated following the weekly meeting of Chefs de cabinet on Tuesday 12 July 2022.

7. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2022) 281)

ADMINISTRATIVE MATTERS
(PERS(2022) 44)

**7.1. DG MARITIME AFFAIRS AND FISHERIES – TRANSFER OF AN
AD15 OFFICIAL UNDER ARTICLE 7 OF THE STAFF REGULATIONS**

On a proposal from Mr HAHN, in agreement with the PRESIDENT, and after consulting Mr SINKEVIČIUS, the Commission decided to transfer in the interest of the service, under Article 7 of the Staff Regulations, Ms Delilah AL KHUDHAIRY, an AD 15 official and currently Director of the ‘Competences (Brussels)’ Directorate in the Joint Research Centre, to the post of Director of the ‘Maritime Policy and Blue Economy’ Directorate in DG Maritime Affairs and Fisheries.

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

**7.2. DG COMMUNICATION – APPOINTMENT OF THE HEAD OF THE
EUROPEAN COMMISSION REPRESENTATION IN FINLAND**
(PERS(2022) 47)

The Commission took note of the information in point 2 of PERS(2022) 44 and, on a proposal from Mr HAHN, in agreement with the PRESIDENT, decided to derogate from Article 3 of Commission Decision C(2008) 3983 of 31 July 2008 establishing rules on the rotation of officials in Representations, and to appoint Ms Jaana Maria BLASSAR to the post of Head of the European Commission Representation in Finland, for an initial period of three years, which could be extended, in accordance with Article 2 of the Commission Decision.

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

7.3. DG HUMAN RESOURCES AND SECURITY – APPOINTMENT OF AN EXTERNAL MEMBER OF THE AUDIT PROGRESS COMMITTEE (PERS(2022) 45)

The Commission took note of the information in point 3 of PERS(2022) 44 and, on a proposal from Mr HAHN, in agreement with the PRESIDENT, decided:

- to appoint Mr Ray PORTELLI as an external member of the Audit Progress Committee;
- to appoint Mr Ray PORTELLI as a special adviser to Mr HAHN until 31 March 2023, as set out in PERS(2022) 45;
- by way of derogation from point 6, second paragraph, of Commission Decision C(2007) 6655 on the rules on special advisers to the Commission, to authorise Mr HAHN, the Member of the Commission responsible, to amend the contract of Mr Ray PORTELLI in the event of urgent and duly justified needs, subject to the availability of sufficient budgetary appropriations;
- to authorise the Director-General of DG Human Resources and Security to implement this decision by signing the contract on behalf of the authority empowered to conclude contracts of employment.

These decisions would take effect immediately.

7.4. DG HUMAN RESOURCES AND SECURITY – APPROVAL OF A LIST OF CANDIDATES FOR THE POST OF HEAD OF THE EUROPEAN UNION DELEGATION TO QATAR (AT GRADE AD9/14) (PERS(2022) 46)

On a proposal from Mr HAHN, in agreement with the PRESIDENT, the Commission decided to approve the list of candidates for the post of Head of

the European Union Delegation to Qatar (at grade AD9/14) set out in PERS(2022) 46.

The competent authority of the European External Action Service (EEAS) would make the final appointment on the basis of this list.

This decision would take effect immediately.

**8. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – 2022 RULE OF LAW REPORT – THE RULE OF LAW SITUATION IN THE EUROPEAN UNION
(COM(2022) 500 AND /2; SWD(2022) 501 TO /3 TO SWD(2022) 527 TO /3; RCC(2022) 154)**

As a preamble, the PRESIDENT referred to the historic nature of the College's meeting that day, which was taking place in Luxembourg City Hall's municipal council chamber – the exact place where, 70 years earlier, on 10 August 1952, the High Authority of the European Coal and Steel Community (ECSC), the predecessor to the European Commission, had met for the first time.

She recalled the promise made by Europe's founding fathers at that time to make war between the Member States not merely unthinkable but materially impossible by pooling coal and steel production. She deplored the fact that war had not, however, been totally eradicated from the European continent, given the current situation on the EU's borders in Ukraine.

She considered that the EU's mission now, as then, was to work towards building a democratic Europe whose values served as a beacon throughout the world, protecting and cultivating the rule of law. She noted that the report presented that day was set against the backdrop of the Russian invasion of Ukraine, further

highlighting the importance of respecting democratic values, human rights and the rule of law.

She welcomed the high quality of the report and the recommendations that now went with it, and stressed that the inclusion of these recommendations had triggered a virtuous process of healthy competition between Member States.

Ms JOUROVÁ pointed out that this third edition of the report on the rule of law was set against a very specific geopolitical context, where shared European values and the rule of law were under attack. The EU therefore had to increase its efforts to protect and promote the rule of law at home, not only to safeguard European democracy and freedoms, but also to remain credible abroad. Accordingly, when the EU called on candidate countries to carry out extensive reforms to ensure respect for the rule of law, it had to lead by example and be beyond reproach in this regard.

She stated that the report had created an ongoing rule-of-law debate and culture in both the EU and the Member States. The conclusions of the report were being used by the Member States to identify emerging concerns and best practice and to better guide their reform efforts. She added that the 2022 report was the first to contain specific recommendations addressed to each Member State, which were intended to advance ongoing or planned reforms and identify the areas where improvements were needed.

Ms JOUROVÁ considered that, as a result of this annual preventive exercise, the rule-of-law debate had moved from the expert table to the political table and more generally to society as a whole. In this respect, thanks to the Conference on the Future of Europe, the Commission had realised that citizens were interested in this debate and wanted greater engagement.

She pointed out that the exercise continued to build on a very sound methodology and on an inclusive process in which the Member States were very much involved. She explained that the Commission would continue to look at four key areas for the rule of law in its broadest sense: justice systems, anti-corruption frameworks, media

pluralism and media freedom, and other institutional issues related to checks and balances.

With regard to the recommendations – the main innovation in that year’s report and the natural evolution of the exercise – the Commission had drafted them in close cooperation with the Member States while at the same time maintaining its independence when it came to the assessment. She welcomed the fact that the objective of reconciling the principles of equal treatment, proportionality and specificity had been met, and noted that the emphasis had also been on achieving coherence and consistency with other instruments, such as the Recovery and Resilience Facility, the European Semester or budget conditionality. The following year’s report would include an assessment of how the Member States had followed up on these recommendations.

In Ms JOUROVÁ’s opinion, the recommendations did not change the preventive nature of the instrument; the Commission’s intention was still to support reforms and help identify gaps and issues at a sufficiently early stage.

She then made reference to some trends in that year’s exercise in the four key areas covered by the report.

As regards justice systems, she noted that many Member States had undertaken significant reforms to strengthen the independence of their judiciaries, in particular concerning the composition and powers of councils for the judiciary, to improve procedures for appointing judges and to strengthen the independence of prosecution services. Member States had also introduced measures to improve the efficiency and quality of their justice systems, such as digitalisation and facilitating access to justice. At the same time, structural concerns remained regarding judicial independence in some Member States.

With regard to the fight against corruption, she stated that more and more Member States were adopting and implementing comprehensive anti-corruption strategies, although the length and complexity of judicial investigations into corruption still

posed a challenge in a number of Member States.

On the question of media, she stressed that, for the first time, the report had also looked at public service media, recognising their particular role for society and democracy and the importance of safeguards for preserving their independence. This approach was set against the backdrop of the Commission's own regulatory initiatives in this area, such as the 2021 Recommendation on ensuring the protection, safety and empowerment of journalists and other media professionals, the 2022 proposal for a Directive on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings, and the future proposal on media freedom that Ms JOUROVÁ was working on with Mr BRETON.

Lastly, she mentioned checks and balances and the impact of the growing use of spyware, the lessons learned from dealing with the COVID pandemic and the space made available for civil society to operate.

Ms JOUROVÁ concluded her presentation by noting that, on the whole, the results of this assessment exercise were to be welcomed, given the progress achieved and developments noted over the three previous years. She offered her warm thanks to the members of the College and the Commission departments for their constructive engagement in this exercise.

Mr REYNDERS said that, since 2020, the Commission had developed a sound methodology for preparation of the annual Rule of Law Report and had deepened its expertise over the years. The report, presented at a time when the geopolitical context was a reminder that the rule of law was essential, was the result of a collegial and inclusive process, involving the Member States at every stage of its preparation.

The report would have a real impact on the ground by serving as a basis for a real dialogue on the rule of law in the Member States, in the Council, with the European Parliament, the national parliaments and civil society.

He said that for the current edition the methodology had been updated in two main respects, namely (i) the inclusion of recommendations and (ii) the clarification of the use and assessment of sources, and he added that the update had been discussed with the Member States in the network of national contact points.

Mr REYNDERS first referred to the recommendations, specifying the objective, their links with other tools and the follow-up that would be carried out.

With regard to the objective of the recommendations, he recalled that the PRESIDENT had announced in 2021, in her State of the Union address, that the 2022 report would include, for the first time, concrete recommendations addressed to all Member States. Those recommendations were an evolution, not a revolution, and they naturally flowed from the country chapters, in line with the preventive nature of the report.

Briefly describing the main principles on which the recommendations were based, he noted in particular that: (i) all Member States were subject to country-specific recommendations, in full respect of the principles of equal treatment and proportionality, (ii) there was some variation in the number of recommendations to reflect the different types of challenges, but this remained within a limited range of between four and eight per Member State, (iii) the recommendations would be integrated into the report, both in the country chapter and as an annex to the Communication, (iv) these recommendations were based on an in-depth assessment reflected in the national chapters, applying objective criteria, (v) they were based on EU law or European and international standards, (vi) they could, but did not have to, cover all four pillars of the report, (vii) they could address three different types of situations by encouraging Member States to continue positive reform efforts, guiding them to act or improve in areas where improvements or follow-up were needed, and asking them, where serious concerns existed, to take steps to remedy those concerns, and finally (viii) the recommendations were drafted in a way that was sufficiently specific to allow Member States to give a concrete follow-up while taking into account the national competences and legal systems.

Mr REYNDEERS also stressed the need to ensure that the recommendations were consistent with other relevant instruments, such as infringement procedures, the European Semester, the national recovery and resilience plans (RRP), the Conditionality Regulation, the cooperation and verification mechanism and others. He noted that the recommendations were drafted in such a way as to avoid duplication, notably with the milestones under the RRP or the issues addressed in ongoing infringement procedures, and added that the same applied where a recommendation was already in place under the cooperation and verification mechanism for Bulgaria and Romania.

He pointed out, however, that the recommendations could address issues that were related to, but not fully covered by these tools, and that there were some cases where an overlap could be useful, for example as regards the issues raised in the ongoing proceedings under Article 7 of the Treaty on European Union.

He added that the recommendations were, where appropriate, introduced by an introductory phrase recalling the Commission's existing positions and other obligations under instruments of the rule of law toolbox. The recommendations had a preventive objective and were one tool among others in that toolbox. The Commission also had more reactive tools to address the most serious concerns.

He said that the next edition of the report would assess the implementation of the recommendations and that the Commission stood ready to assist Member States in their efforts in this regard.

Secondly, Mr REYNDEERS addressed the question of sources, pointing out that their use and evaluation had been updated, with a systematic double-checking of their factual correctness, comprehensiveness, quality, reliability and relevance. He added that the information received from stakeholders had been verified and cross-checked, including in the light of input received from the Member States and produced by international organisations.

Still on the methodology, he highlighted a targeted update of the scope of the report,

which in the current year included for the first time developments related to safeguards for the independence of public service media and against interference with the media, for example in the area of editorial independence, and related to the implementation of judgments of the European Court of Human Rights.

Mr REYNDERS then referred to the key findings of the 2022 Rule of Law Report.

He started with the first pillar on judicial systems, pointing out that Ms JOHANSSON would present the pillar on the anti-corruption framework and Mr BRETON the pillar on media pluralism and freedom. This first pillar on national justice systems examined developments, both positive and negative, related to three key parameters, namely the independence, quality and efficiency of those systems.

Each national chapter contained a paragraph on the perception of independence, describing both the most recent data and the longer-term trend. Mr REYNDERS highlighted some key findings and trends in the Member States, including the fact that almost all of them continued to be engaged in justice reforms. There was therefore a positive trend, with important reform efforts in a number of Member States that strengthened the key safeguards of judicial independence.

He also welcomed the fact that in several Member States the concerns flagged in previous editions of the Rule of Law Report had often been taken up in the context of the recovery and resilience plans, which he considered, overall, to be a good illustration of the practical and very concrete impact of the report.

However, at the same time judicial independence remained a matter of concern and he regretted that in some Member States structural or systemic concerns had not been properly addressed.

Turning to the fourth pillar of the report, that of checks and balances, he said that this chapter of the report examined the process of preparing, enacting and reviewing laws, the role of independent authorities in safeguarding the rule of law, the existence of an enabling framework for civil society and the role of constitutional

courts in the system of checks and balances, as well as a follow-up on the lessons learned from the COVID-19 pandemic and the recourse to emergency powers more broadly.

Mr REYNDERS also noted that, for the first time, the fourth pillar also included systematic reporting on the implementation of the judgments of the European Court of Human Rights for all Member States, as well as on the use of spyware.

Finally, he added that the report showed that in the majority of Member States the space for civil society continued to be considered open, although in some Member States civil society organisations faced challenges and sometimes systematic restrictions, such as burdensome registration procedures, difficulties in accessing funding or inadequate protection against attacks and threats.

He therefore felt that the report would receive a lot of support inside and outside the institutions, even if it could not meet all expectations. Lastly, he wondered about the possibility of applying the same method for the candidate countries, or even for the EU institutions themselves.

Mr REYNDERS concluded his presentation by warmly thanking the other Members of the Commission involved in the exercise for their commitment and their work, adding that this was a genuinely collective effort which, under the direction of the PRESIDENT's office, had involved 12 Commission Directorates-General, five offices of Commissioners and all the Commission's representations in the Member States.

Mr BRETON pointed out that the European Union was one of the largest democracies in the world, and that it was always 'on the go' in order to uphold the main democratic principles in a constantly changing context; this was particularly the case in the media sector, where freedom had to be preserved no matter what the circumstances.

His departments had scrutinised developments in the media pluralism situation in

each Member State, enabling a number of areas to be identified in which action was needed in order to continue to ensure press freedom effectively.

In the first place, it was essential to ensure correct and effective implementation of the existing directives, holding not only to the letter but also the spirit of these texts, in particular with regard to the independence of regulators.

Second, Mr BRETON expressed concern about attacks on journalists, which had already been the subject of specific Commission initiatives in the past, and regarding which recommendations had now been made to certain Member States.

Finally, he noted that on some of the points analysed in the report, the EU did not have effective tools at European level to ensure the proper functioning of the single market with regard to the media. In this context, he referred to transparency on media ownership, conflicts of interest and uncontrolled mergers, the governance and independence of public service media, and transparency in the distribution of funds for institutional advertising.

In conclusion, Mr BRETON noted that all the shortcomings identified in the report and in the assessments relating to each Member State would require specific action, and that it was in this context that the Commission was working on preparing a legislative initiative on media freedom specifically intended to remedy them.

Ms JOHANSSON noted that the quality of the Rule of Law Report was improving from year to year, and that, logically, that year's report was therefore the best that had ever been produced by the Commission departments.

The fight against corruption was essential to guarantee the rule of law and for citizens and businesses to trust public institutions; this required a comprehensive approach implementing prevention and enforcement measures.

The EU Member States were amongst the best-performing countries in the world in the field of the fight against corruption. Compared to the previous year, ten Member States had improved their performance, seven had the same score, and ten had seen

their performance decline. EU citizens and businesses considered corruption to be a serious problem; 68% of citizens and 63% of businesses perceived corruption to be widespread in their country, with significant variations from one Member State to another.

Although improvements had been made, primarily on the preventive side of the fight against corruption, much remained to be done in the area of enforcement. In this regard, she regretted that little progress had been made concerning strengthening the enforcement component, and noted that there had even been a worrying weakening in some Member States.

For this reason, one category of recommendations related specifically to measures to be implemented in the area of anti-corruption enforcement, in particular when it came to protecting the EU's financial interests.

In general, she was pleased to see the importance given by the Member States to the Rule of Law Report, which ever more frequently encouraged them to accelerate their reforms, demonstrating the usefulness and effectiveness of that report.

Ms JOHANSSON concluded her presentation by remarking that although overall positive trends could be seen in many Member States, it was clear that challenges remained and that the recommendations would be a first concrete step towards systematically addressing them.

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

- the importance of the annual Rule of Law Report exercise, which made it possible to properly assess the situation on the ground, to stimulate discussions, and to find solutions as and when necessary;
- with regard to sources, the importance of working on the basis of comparable, politically neutral and transparent data;

- the need to establish priorities and to target what was considered important at a given moment;
- the observation that, on the European Parliament's side, there was a real awareness of the complexity and sensitivity of the subject and, therefore, the need to work with the major political groups on a rule of law doctrine;
- the importance of properly assessing the level and dynamics of foreign investment in the European Union, as this was a good indicator for measuring in practical terms the quality of the rule of law and its implementation in each Member State;
- in this context, the need also for thorough knowledge of the foreign shareholders and other investors in the European Union;
- a reminder of the importance of civil society and in particular, in the context of the Union of Equality, of non-governmental organisations and national structures for the protection of human rights;
- in the context of the fight against corruption, a mention of the issue of cryptocurrencies;
- the need, for the future, to look into 'sub-national phenomena', which were particularly significant in some countries;
- a reminder of the powers of the Commission, which were well defined in the Treaties and which had to be respected; in this context, some questions about the assessment of the implementation by the Member States of the judgments of the European Court of Human Rights, which did not come under the Treaties on European Union or European law;
- finally, the observation that candidate countries were subject to an annual assessment, in which the rule of law situation was addressed, amongst other things.

Mr REYNDERS responded to the various comments and recognised the need to hold an in-depth discussion with the European Parliament on the report and the follow-up thereto, in particular with the leaders of the main political groups.

He reminded the meeting that Article 6 of the Treaty on the Functioning of the European Union recognised the rights, freedoms and principles set out in the Charter of Fundamental Rights, and gave it the same legal value as the Treaties. Article 6 also stipulated that the EU should accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms; attention should therefore be paid to it in the context of the Rule of Law Report. The Commission would hold discussions with all the Member States and, if real concerns arose the Court of Justice of the European Union had competence to deal with them.

Mr REYNDERS recognised the importance of civil society, over and above non-governmental organisations and associations, and the need for the Commission to take proper account of the situation on the ground.

He welcomed once again the positive developments noted in the report, and pointed out that where dialogue was no longer possible, other tools were available including but not limited to infringement proceedings and procedures relating to the EU budget.

Ms JOUROVÁ noted that this had been a difficult exercise, particularly as regards the fourth chapter on checks and balances, and considered it important for the European Union, and first and foremost the Commission, to ensure respect for the competence of all parties, while it was the responsibility of the Member States to implement the necessary reforms.

The PRESIDENT concluded the discussion by stressing that the report and the discussions it provoked went to the heart of democracy itself. Furthermore, this was a Commission report, and it was therefore normal and healthy that a debate should also take place in other institutions, in particular in the European Parliament.

Following these presentations, the Commission approved the Communication in COM(2022) 500/2 for transmission to the European 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 documents distributed as SWD(2022) 501/3 to SWD(2022) 527/3, the contents of which were noted.

9. OTHER BUSINESS

EVOLUTION OF THE SITUATION RELATING TO THE COVID-19 PANDEMIC

Ms KYRIAKIDES spoke briefly on some recent developments relating to the COVID-19 pandemic. In particular, since the previous week, an increase in cases of infection had been reported in several Member States, along with an increase in hospitalisations and deaths.

The European Centre for Disease Prevention and Control (ECDC) and the European Medicines Agency (EMA) had on 11 July recommended that Member States consider administering a second booster dose of the COVID-19 vaccine to people over 60 years of age and to those with medical conditions putting them at greater risk of serious illness.

The ECDC would communicate its recommendations in the coming days to the Member States regarding action to be taken in future, in particular for the autumn.

The Commission took note of this information.

*

* *

The meeting closed at 12.26.