



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2022) 2437 final

- English translation of the French version which is authentic -

Brussels, 7 December 2022

TEXTE EN

MINUTES

of the 2437th meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 16 November 2022

(morning)

PV(2022) 2437 final

- English translation of the French version which is authentic -

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Single sitting: Wednesday 16 November 2022 (morning)

The sitting opened at 9.05 with Ms VESTAGER in the chair.

Present:

Ms VESTAGER	Executive Vice-President
Mr DOMBROVSKIS	Executive Vice-President
Mr ŠEFČOVIČ	Vice-President
Ms JOUROVÁ	Vice-President
Ms ŠUICA	Vice-President
Mr HAHN	Member
Ms GABRIEL	Member
Mr SCHMIT	Member
Mr WOJCIECHOWSKI	Member
Mr BRETON	Member
Ms FERREIRA	Member
Ms KYRIAKIDES	Member
Mr REYNDERS	Member
Ms DALLI	Member
Ms JOHANSSON	Member
Mr LENARČIČ	Member
Ms VÁLEAN	Member
Ms URPILAINEN	Member
Ms McGUINNESS	Member

Items 6.4 to 10

Absent:

Ms von der LEYEN	President
Mr TIMMERMANS	Executive Vice-President
Mr BORRELL i FONTELLES	High Representative / Vice-President
Mr SCHINAS	Vice-President

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Mr GENTILONI	Member
Mr VÁRHELYI	Member
Ms SIMSON	Member
Mr SINKEVIČIUS	Member

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

Mr COLOMBANI	A member of Mr TIMMERMANS's staff
Mr VILLARINO	Chef de cabinet to Mr BORRELL
Ms SPANOU	Chef de cabinet to Mr SCHINAS
Mr BUTI	Chef de cabinet to Mr GENTILONI
Mr HORVÁTH	Expert in Mr VÁRHELYI's office
Mr KADARIK	Deputy Chef de cabinet to Ms SIMSON
Mr ŠATŪNAS	Chef de cabinet to Mr SINKEVIČIUS

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	
Ms HILI	Adviser in the PRESIDENT's office	Item 8
Mr MUELLER	Chef de cabinet to Mr HAHN	Item 7
Mr VALERO	Secretariat-General	
Ms ALLOUIS-LE LOSTEC	Head of Unit in the Secretariat-General	

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

1. AGENDAS

(OJ(2022) 2437/FINAL; SEC(2022) 2437/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) 2437)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 14 November 2022.

3. APPROVAL OF THE MINUTES

(PV(2022) 2433; PV(2022) 2434)

The Commission approved the minutes of its 2433rd and 2434th meetings of 12 and 18 October 2022, and held over approval of the minutes of its 2435th and 2436th meetings of 22/26 October and 9 November 2022 for a later date.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2022) 204)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 11 November 2022 (RCC(2022) 204).

The Commission approved the lines proposed for the following points:

- **European green bonds (Regulation) – TANG report – 2021/0191 (COD)**

Line set out in SI(2022) 403.

- **Amendment of Regulation (EU) 2015/760 as regards the scope of eligible assets and investments, the portfolio composition and diversification requirements, the borrowing of cash and other fund rules and as regards requirements pertaining to the authorisation, investment policies and operating conditions of European long-term investment funds (Regulation) – HOOGEVEEN report – 2021/0377 (COD)**

Line set out in SI(2022) 385.

- **Amendment of Regulation (EU) No 549/2013 and repeal of 11 legal acts in the field of national accounts (Regulation) – TINAGLI report – 2021/0407 (COD)**

Line set out in SI(2022) 404.

- **Protection of the Union and its Member States from economic coercion by third countries (Regulation) – LANGE report – 2021/0406 (COD)**

Line set out in SI(2022) 406.

- **Machinery products (Regulation) – ŠTEFANEC report – 2021/0105 (COD)**

Line set out in SI(2022) 407/2.

- **‘Fit for 55’ – Amendment of Directive (EU) 2018/2001 of the European Parliament and of the Council, Regulation (EU) 2018/1999 of the European Parliament and of the Council and Directive 98/70/EC of the European Parliament and of the Council as regards the promotion of energy from renewable sources, and repeal of Council Directive (EU) 2015/652 (Directive) – PIEPER report – 2021/0218 (COD)**

Line set out in SI(2022) 409/2.

- **‘Fit for 55’ – Energy Efficiency (Directive – recast) – FUGLSANG report – 2021/0203 (COD)**

Line set out in SI(2022) 416/2.

- **Establishment of a collaboration platform to support the functioning of Joint Investigation Teams and amendment of Regulation (EU) 2018/1726 (Regulation) – AZMANI report – 2021/0391 (COD)**

Line set out in SI(2022) 410.

- **Establishment of the Union Secure Connectivity Programme 2023-2027 (Regulation) – GRUDLER report – 2022/0039 (COD)**

Line set out in SI(2022) 411.

- **Amendment of Regulation (EU) 2021/241 as regards REPowerEU chapters in recovery and resilience plans and amendment of Regulation (EU) 2021/1060, Regulation (EU) 2021/2115, Directive 2003/87/EC and Decision (EU) 2015/1814 (Regulation) – MUREŞAN, GARDIAZABAL RUBIAL & PÎSLARU report – 2022/0164 (COD)**

Line set out in SI(2022) 414/3.

- **Non-recognition of Russian travel documents issued in occupied foreign regions (Decision) – LÓPEZ AGUILAR report – 2022/0274 (COD)**

Line set out in SI(2022) 397.

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

- **Commission replies to the non-legislative resolutions adopted by the European Parliament at its part-session of September 2022**

Line set out in SP(2022) 642/3.

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

- **Follow-up to opinions of the European Economic and Social Committee – Plenary session of June 2022**

Line set out in SC(2022) 35.

The Commission took note of the following points:

- **Improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures (Directive) – REGNER & WOLTERS report – 2012/0299 (COD)**

Compromise text in SP(2022) 626, further to note COM(2022) 534, which the Commission had already approved on 18 October 2022.

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

Compromise text in SP(2022) 627, further to note SI(2022) 270, which the Commission had already approved on 13 July 2022.

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

Compromise text in SP(2022) 628, further to note SI(2022) 286, which the Commission had already approved on 20 July 2022.

- **Amendment of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013, as regards restrictions to the access to Union waters (Regulation) – KARLESKIND report – 2021/0176 (COD)**

Compromise text in SP(2022) 629, further to note SI(2022) 338, which the Commission had already approved on 12 October 2022.

- **Amendment of Regulation (EU) No 1025/2012 as regards the decisions of European standardisation organisations concerning European standards and European standardisation deliverables (Regulation) – HAHN report – 2022/0021 (COD)**

Compromise text in SP(2022) 630, further to note SI(2022) 349, which the Commission had already approved on 26 October 2022.

- **Harmonised rules on artificial intelligence (Artificial Intelligence Act) and amendment of certain Union legislative acts (Regulation) – BENIFEI & TUDORACHE report – 2021/0106 (COD)**

Information set out in SI(2022) 405.

- **Amendment of Regulation (EU) No 910/2014 as regards establishing a framework for a European Digital Identity (Regulation) – JERKOVIĆ report – 2021/0136 (COD)**

Information set out in SI(2022) 417/2.

- **Geographical indication protection for craft and industrial products and amendment of Regulations (EU) 2017/1001 and (EU) 2019/1753 of the European Parliament and of the Council and Council Decision (EU) 2019/1754 (Regulation) – WALSMANN report – 2022/0115 (COD)**

Information set out in SI(2022) 418.

- **Results of the European Parliament's November I 2022 part-session**

Information set out in SP(2022) 639.

**5. COORDINATION OF EXTERNAL ACTION
(RCC(2022) 41)**

The Commission took note of the operational conclusions in RCC(2022) 41 of the meeting of the Group for External Coordination (EXCO) held on Wednesday 9 November 2022.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

**6.1. WRITTEN PROCEDURES APPROVED
(SEC(2022) 382 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 7 and 13 November 2022.

**6.2. EMPOWERMENT
(SEC(2022) 383 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 7 and 13 November 2022.

**6.3. DELEGATION / SUBDELEGATION OF POWERS
(SEC(2022) 384 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedures between 7 and 13 November 2022 archived in Decide.

**6.4. SIGNIFICANT WRITTEN PROCEDURES
(SEC(2022) 385)**

The Commission took note of the significant written procedures for which the time limit expired between 14 and 18 November 2022.

Ms VESTAGER invited Mr HAHN to present to the College two significant written procedures on public sector interoperability policy.

- **Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a strengthened public sector interoperability policy – Linking public services, supporting public policies and delivering public benefits – Towards an ‘Interoperable Europe’ (COM(2022) 710 – PE/2022/8004)**
- **Proposal for a Regulation of the European Parliament and of the Council laying down measures for a high level of public sector interoperability across the Union (Interoperable Europe Act) (COM(2022) 720 – PE/2022/8005)**

Mr HAHN explained that it was proposed to the Commission to adopt on 18 November, via written procedure, a Communication and a proposal for a Regulation laying down measures for a high level of public sector interoperability across the Union (the ‘Interoperable Europe Act’).

These two initiatives aimed to boost the effectiveness and transparency of cooperation between Member States in the field of interoperability, following 20 years of voluntary cooperation.

Mr HAHN noted that the Communication set out the context and benefits of the interoperability policy, and also its links to other policies, in particular in the framework of digital-ready policy-making, which had to take interoperability needs into account from the point of design.

He added that the proposal for a Regulation intended to establish structured cooperation on public sector interoperability between

Member States and the Commission. In particular, the initiative included interoperability assessments, joint experimentation of technologies for the public sector (*GovTech*), identification of common interoperability tools and IT specifications, and the sharing of these solutions across administrations, including with the Commission.

Mr HAHN considered this proposal for a Regulation as the second act of the Commission's internal digital strategy, with which the Commission had committed to developing a flexible digital architecture and to making the EU's policy initiatives digital-ready in order to harness their full potential.

He added that, thanks to this proposal, this objective was being extended to the Commission's partners in the Member States, in order to support a continent-wide digital transformation driven by the public sector and built on European values.

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

- the general support for this proposal, which was described as very significant and as supplementing the Commission's previous measures in the field of interoperability;
- the importance of continuing to develop interoperable solutions based on the Commission's ARACHNE system model for data mining and data enrichment, for the purpose of identifying conflicts of interest in the field of cohesion policy funding.

Mr HAHN concluded by explaining that this last point was one of the main reasons for the update of the financial regulations currently being negotiated by the co-legislators.

The Commission took note of this information.

7. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2022) 386 AND /2)

ADMINISTRATIVE MATTERS

(PERS(2022) 79 AND /2)

7.1. DG NEIGHBOURHOOD AND ENLARGEMENT NEGOTIATIONS – TERMINATION OF THE SELECTION PROCEDURE FOR THE POST OF DIRECTOR-GENERAL AT GRADE AD15/16, AND TRANSFER OF AN AD16 OFFICIAL UNDER ARTICLE 7 OF THE STAFF REGULATIONS

(PERS(2021) 55)

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

- to terminate the internal, interinstitutional and external selection procedure (COM/2021/2261 and COM/2021/10405) for the post of Director-General of DG Neighbourhood and Enlargement Negotiations, without making an appointment;
- to transfer in the interest of the service, under Article 7 of the Staff Regulations, Mr Gert-Jan KOOPMAN, an AD16 official and currently Director-General of DG Budget.

These decisions would take effect on 16 January 2023.

7.2. DG BUDGET – INTERNAL PUBLICATION AT GRADE AD15/16 OF THE VACANCY NOTICE FOR THE POST OF DIRECTOR-GENERAL (PERS(2022) 81)

On a proposal from Mr HAHN, in agreement with the PRESIDENT, the Commission decided to authorise the publication, under Article 29(1)(a)(i) and (iii) of the Staff Regulations, of the vacancy notice in PERS(2022) 81 for the post of Director-General of DG Budget.

This decision would take effect immediately.

7.3. SECRETARIAT-GENERAL / REGULATORY SCRUTINY BOARD (RSB) – TERMINATION OF THE SELECTION PROCEDURE FOR A POST OF PRINCIPAL ADVISER / MEMBER OF THE REGULATORY SCRUTINY BOARD AT GRADE AD14/15

On a proposal from Mr HAHN, in agreement with the PRESIDENT, the Commission decided to terminate the internal selection procedure COM/2022/773 for the post of Principal Adviser/Member of the Regulatory Scrutiny Board (RSB), without making an appointment.

This decision would take effect immediately.

7.4. SECRETARIAT-GENERAL / REGULATORY SCRUTINY BOARD (RSB) – TRANSFER OF AN AD14 OFFICIAL UNDER ARTICLE 7 OF THE STAFF REGULATIONS

On a proposal from Mr HAHN, in agreement with the PRESIDENT and after consulting Mr ŠEFČOVIČ and Ms McGUINNESS, the Commission decided to transfer in the interest of the service, under Article 7 of the Staff Regulations, Ms Elisabetta SIRACUSA, an AD14 official and currently Principal Adviser at DG Financial Stability, Financial Services and Capital Markets Union to the post of Principal Adviser/Member of the Regulatory Scrutiny Board (RSB) at the Secretariat-General.

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

**7.5. DG INTERNATIONAL PARTNERSHIPS – EXTENSION OF THE
SECONDMENT OF AN AD15 OFFICIAL IN THE INTEREST OF THE
SERVICE, UNDER ARTICLES 37 AND 38 OF THE STAFF
REGULATIONS**

On a proposal from Mr HAHN, in agreement with the PRESIDENT and after consulting Ms URPILAINEN, the Commission decided to further extend the secondment in the interest of the service, under Articles 37 and 38 of the Staff Regulations, of Mr Anders HENRIKSSON, an AD15 official and currently Principal Adviser at DG International Partnerships, to the Danish Ministry of Foreign Affairs for an additional 13 months.

This decision would take effect immediately.

**7.6. DG EMPLOYMENT, SOCIAL AFFAIRS AND INCLUSION –
ADOPTION OF A LIST OF CANDIDATES FOR THE POST OF
DIRECTOR OF THE EUROPEAN TRAINING FOUNDATION (ETF) IN
TURIN AT GRADE AD14
(PERS(2022) 80 TO /3)**

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

- to approve the list of three candidates, presented in alphabetical order, set out in point 4 of PERS(2022) 79, for the post of Director of the European Training Foundation (ETF) in Turin, and to consider this list as the Commission proposal;
- to ask Mr SCHMIT, the Member of the Commission responsible, to communicate this decision to the Governing Board of the European Training Foundation.

These decisions would take effect immediately.

7.7. EUROPEAN UNION BUDGET FOR 2023

Mr HAHN informed the College of the agreement reached on Monday 14 November between the European Parliament and the Council on the EU budget for 2023, shortly before expiry of the legal deadline for concluding the negotiations.

The European Parliament's requests for an increase in the budget and the Council's requests for a reduction had finally converged around the Commission's initial proposal. The EU budget for 2023 would thus comprise EUR 186.6 billion in commitment appropriations and EUR 168.6 billion in payment appropriations. In particular, there were targeted increases for the Neighbourhood, Development and International Cooperation Instrument (NDICI), the Asylum, Migration and Integration Fund, the Integrated Border Management Fund, military mobility and the Connecting Europe Facility.

Mr HAHN mentioned in particular two stumbling blocks encountered during the negotiations. The first concerned the application of the 'gentlemen's agreement' between the European Parliament and the Council, whereby both institutions undertook to accept the respective budgetary proposals without discussion, and the need to revise that agreement in the future. The second concerned the salary increase for staff of the European institutions, covering two years and resulting from strict application of the method agreed between Member States in 2013, which was below the current rate of inflation.

Mr HAHN added that the co-legislators had also agreed to carry out an assessment of the state of cybersecurity in all the European institutions, and to distribute a limited number of additional posts in this field in accordance with the actual needs identified.

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

- the success that this agreement on the budget between the co-legislators within the legal deadlines represented;
- the limited increase of EUR 150 million in the humanitarian aid budget, taking into account the increasing funding needs estimated for the following year, which would involve drawing on the Solidarity and Emergency Aid Reserve.

In response to these concerns, Mr HAHN noted that the flexibility of the reserve would be maintained, enabling the Commission to react according to circumstances, and that this reserve was fully available for the following year. Amending budgets could also be adopted if necessary.

The Commission took note of this information.

8. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL – MAKING SCHENGEN STRONGER WITH THE FULL PARTICIPATION OF BULGARIA, ROMANIA AND CROATIA IN THE AREA WITHOUT INTERNAL BORDER CONTROLS (COM(2022) 636 TO /3; RCC(2022) 215)

Ms VESTAGER invited Ms JOHANSSON to present the Communication from the Commission on the enlargement of the Schengen area without internal border controls to Bulgaria, Romania and Croatia.

Ms JOHANSSON emphasised that Croatia's implementation of the Schengen *acquis* had received a positive evaluation in 2019, and that the Council had confirmed, in December 2021, that Croatia had fulfilled the conditions required to join the area without internal border controls. The evaluation process, undertaken between 2016 and 2020, had included a follow-up visit in 2020 to check how the external border management measures were being implemented.

Ms JOHANSSON highlighted the considerable efforts made by Croatia to ensure that border controls were carried out with respect for fundamental rights. In particular, in June 2021, Croatia had become the first Member State to set up an independent mechanism for monitoring allegations of fundamental rights violations at the border. This mechanism directly involved the Croatian stakeholders concerned and was guided by an independent advisory board chaired by European Commission representatives.

She noted that the Croatian government had recently decided to implement all the recommendations made by the advisory board and to continue operating the monitoring mechanism on the basis of automatic renewal every 18 months, pending the adoption of the European Pact on Migration and Asylum in which the Commission proposed a similar mechanism.

She then pointed out that Bulgaria and Romania had successfully completed their respective evaluation procedures in 2011. The Council had recognised that the Schengen evaluation processes had been completed but had not taken any decision to end internal border controls for over 11 years. Given that the relevant legislation had undergone many changes since 2011, and with a view to reinforcing mutual trust, Bulgaria and Romania had invited a team of experts – on a voluntary basis and under the Commission’s coordination – to examine how the most recent developments regarding the Schengen *acquis* had been implemented.

Ms JOHANSSON highlighted the excellent results of this voluntary fact-finding mission, which had taken place in October 2022 involving experts from 17 Member States and representatives of the relevant EU agencies. As a result of this mission, it had been possible to confirm that Bulgaria and Romania had not only continued to implement the new rules and new tools, but that the two countries had also substantially strengthened the overall Schengen architecture in all aspects, even recording performances above the average of current Schengen area Member States.

She noted that another mission was currently under way to check visa procedures in these countries' consulates in third countries and to answer the most recent questions raised by the Member States.

Lastly, Ms JOHANSSON emphasised the important work carried out by the Commission over several years to enable these three countries to become fully integrated into the Schengen area. She explained that the proposed Communication sent a strong message encouraging a positive decision at the next Justice and Home Affairs Council, which would take place on 8 December under the Czech Presidency.

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

- full support for the proposal for Bulgaria, Romania and Croatia to join the Schengen area, which was the largest area of free movement in the world and represented one of the most symbolic achievements of European integration;
- the Communication's strong message on the equality of all EU citizens;
- the objective criteria that formed the basis of the evaluation underpinning the Communication;
- the vital importance of the Schengen area for the EU's unity, security and prosperity, with tangible advantages not only for citizens but also for the economy, as a result of the elimination of delays at internal borders;
- the need for an overarching approach from the Council towards this historic decision on the three countries' accession to the Schengen area, rather than one based on the individual inclusion of these Member States.

Following these presentations, the Commission approved the Communication in COM(2022) 636/3 for transmission to the European Parliament and the Council and, for information, to the national parliaments.

9. OTHER BUSINESS

9.1. *WORLD POPULATION*

Ms ŠUICA said that, according to the United Nations, the world's population had reached the eight-billion mark on Tuesday 15 November. She stressed that this important landmark was an incentive to reflect on the sustainable use of natural resources, and mentioned the importance of some ongoing initiatives in this context, such as the Conference on Climate Change in Egypt (COP27).

Population growth was a result not only of birth rates but also of an ageing population, with life expectancy rising considerably in Europe and the rest of the world. Ms ŠUICA concluded by underlining the importance of integrating demographic considerations into European policy-making.

Ms VESTAGER emphasised that the figure of eight billion was indeed an important milestone and that it should pave the way for reflections by the Commission on how best to integrate the demographic factor into its policies.

The Commission took note of this information.

9.2. *LATEST DEVELOPMENTS IN RUSSIA'S WAR OF AGGRESSION AGAINST UKRAINE*

Ms VESTAGER referred to the explosion that same day in the eastern part of Poland, near the border with Ukraine, at a time when Russian missiles were attacking Ukrainian cities and civilian infrastructure. The causes of this explosion still needed to be clarified, and an investigation was currently in progress in Poland. It would be for the North Atlantic Treaty Organization (NATO) to determine what steps would be appropriate depending on the outcome of the investigation.

The Commission took note of this information.

**9.3. MEETING BETWEEN THE EUROPEAN COMMISSION AND THE
AFRICAN UNION COMMISSION (BRUSSELS, 28 NOVEMBER 2022)**

Ms URPILAINEN reminded the meeting that the College had travelled to Addis Ababa, Ethiopia, at the very start of its term of office to meet the African Union Commission. The COVID-19 pandemic and the resulting health restrictions had prevented the subsequent organisation of a joint meeting of the European Commission and the African Union Commission in Brussels. A meeting of the two Colleges of Commissioners would finally take place on 28 November, and would be preceded by an event with civil society and youth representatives.

The Commission took note of this information.

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The Commission's other discussions on certain agenda items are recorded in the special minutes.

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The meeting closed at 9.55.