



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2023) 2443 final

- English translation of the French version which is authentic -

Strasbourg, 14 February 2023

TEXTE EN

MINUTES

of the 2443rd meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 25 January 2023

(morning)

PV(2023) 2443 final

- English translation of the French version which is authentic -

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Single sitting: Wednesday 25 January 2023 (morning)

The sitting opened at 9.09 with Ms von der LEYEN, President, in the chair.

Present:

Ms von der LEYEN	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	Items 8/9 (in part) and 10
Mr HAHN	Member	
Ms GABRIEL	Member	
Mr SCHMIT	Member	
Mr GENTILONI	Member	
Mr WOJCIECHOWSKI	Member	
Ms FERREIRA	Member	
Mr REYNDERS	Member	
Ms JOHANSSON	Member	
Mr LENARČIČ	Member	
Ms VÁLEAN	Member	Items 8/9 and 10
Mr VÁRHELYI	Member	
Ms SIMSON	Member	
Mr SINKEVIČIUS	Member	
Ms McGUINNESS	Member	

Absent:

Mr TIMMERMANS	Executive Vice-President
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Ms VESTAGER	Executive Vice-President
Mr BRETON	Member
Ms KYRIAKIDES	Member
Ms DALLI	Member
Ms URPILAINEN	Member

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

Mr COLOMBANI	Member of Mr TIMMERMANS's cabinet	
Ms SOEWARTA	Head of Cabinet to Ms VESTAGER	
Ms CAUDET	Deputy Head of Cabinet to Mr BRETON	
Mr ROSSIDES	Head of Cabinet to Ms KYRIAKIDES	
Mr VELLA	Head of Cabinet to Ms DALLI	
Mr LAHTI	Head of Cabinet to Ms URPILAINEN	Items 8/9 and 10

The following also sat in:

Mr SEIBERT	Head of Cabinet to the PRESIDENT
Mr CALLEJA CRESPO	Director-General, Legal Service
Ms AHRENKILDE HANSEN	Director-General, DG Communication
Mr MAMER	Head of the Spokesperson's Service and Chief Spokesperson of the Commission
Ms PETKOVA	Director of Coordination and Administration in the PRESIDENT's cabinet
Ms CABRAL	Adviser in the PRESIDENT's cabinet
Ms HILI	Adviser in the PRESIDENT's cabinet
Ms ALLOUIS-LE LOSTEC	Head of Unit in the Secretariat-General
Mr VALERO	Secretariat-General

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

1. AGENDAS

(OJ(2023) 2443/FINAL; SEC(2023) 2443/FINAL)

The Commission took note of that day's agenda and of the tentative agendas for forthcoming meetings.

2. WEEKLY MEETING OF HEADS OF CABINET

(RCC(2023) 2443)

The Commission considered the Secretary-General's report on the weekly meeting of Heads of Cabinet held on Monday 23 January 2023.

3. APPROVAL OF THE MINUTES

The Commission held over approval of the minutes of its 2439th, 2440th, 2441st, and 2442nd meetings of 30 November, 7 and 13 December 2022, and 17 January 2023 for a later date.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2023) 3)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held by videoconference on Friday 20 January 2023 (RCC(2023) 3).

The Commission approved the lines proposed for the following points:

- **‘Fit for 55’ – EU Emissions Trading System:**
 - **Amendment of Directive 2003/87/EC establishing a system for**

greenhouse gas emission allowance trading within the Union, Decision (EU) 2015/1814 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading scheme, and Regulation (EU) 2015/757 (Directive) – LIESE report – 2021/0211 (COD)

- **Amendment of Decision (EU) 2015/1814 as regards the amount of allowances to be placed in the market stability reserve for the Union greenhouse gas emission trading scheme until 2030 (Decision) – ENGERER report – 2021/0202 (COD)**

Line set out in SI(2023) 7.

- **‘Fit for 55’ – Establishment of a Social Climate Fund (Regulation) – CASA & DE LANGE report – 2021/0206 (COD)**

Line set out in SI(2023) 8.

- **Application of a generalised scheme of tariff preferences and repeal of Regulation (EU) N° 978/2012 of the European Parliament and of the Council (Regulation) – HAUTALA report – 2021/0297 (COD)**

Line set out in SI(2023) 10.

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-sessions of September 2022, October II 2022, and November I and II 2022**

Line set out in SP(2023) 29/2.

The Commission took note of the following point:

– **Results of the European Parliament’s January I 2023 part-session**

Information set out in SP(2023) 6.

**5. COORDINATION OF EXTERNAL ACTION
(RCC(2023) 7)**

The Commission took note of the operational conclusions in RCC(2023) 7 of the meeting of the Group for External Coordination (EXCO) held on Wednesday 18 January 2023.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

**6.1. WRITTEN PROCEDURES APPROVED
(SEC(2023) 70 ET SEQ.)**

The Commission took note of the Secretariat-General’s memoranda recording decisions adopted between 16 and 22 January 2023.

**6.2. EMPOWERMENT
(SEC(2023) 71 ET SEQ.)**

The Commission took note of the Secretariat-General’s memoranda recording decisions adopted between 16 and 22 January 2023.

**6.3. DELEGATION / SUBDELEGATION OF POWERS
(SEC(2023) 72 ET SEQ.)**

The Commission took note of the Secretariat-General’s memoranda recording decisions adopted under the delegation and subdelegation procedures between 16 and 22 January 2023 archived in Decide.

6.4. SIGNIFICANT WRITTEN PROCEDURES

(SEC(2023) 73 AND /2)

The Commission took note of the significant written procedures for which the time limit expired between 23 and 27 January 2023 and of a finalisation written procedure.

6.5. GRANTING OF AN EMPOWERMENT RELATING TO APPROVAL AND SENDING OF THE FINAL ACCOUNTS FOR THE 11TH EUROPEAN DEVELOPMENT FUND TO THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COURT OF AUDITORS

(C(2023) 666)

The Commission decided to grant an empowerment to the Member of the Commission with responsibility for the budget, to adopt, on behalf of the Commission and under its responsibility, the final accounts for the 11th European Development Fund, and send them to the European Parliament, the Council and the Court of Auditors, subject to the conditions laid down in Articles 2 to 6 of the Decision.

The Commission adopted the decision in C(2023) 666.

7. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2023) 74)

ADMINISTRATIVE MATTERS

(PERS(2023) 4)

7.1. LEGAL SERVICE – APPOINTMENT OF A PRINCIPAL LEGAL ADVISER AT GRADE AD14/15

(PERS(2023) 5)

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Principal Legal Adviser responsible for the ‘TRADE Team (Trade Policy and WTO)’ in the Legal Service (PERS(2023) 5).

It took note of the opinions of the Consultative Committee on Appointments of 27 October and 1 December 2022 (PERS(2023) 5/2 and /3).

The Commission proceeded to compare the applicants’ qualifications for the post. On a proposal from Mr HAHN, in agreement with the PRESIDENT, it then decided to appoint Mr Mikko HUTTUNEN to the post.

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

7.2. DG ENERGY – LIST OF CANDIDATES FOR THE POST OF DIRECTOR OF THE EUROPEAN JOINT UNDERTAKING FOR ITER AND THE DEVELOPMENT OF FUSION ENERGY (FUSION FOR ENERGY – F4E), AT GRADE AD14 (PERS(2023) 6 TO /3)

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

- to approve the list of two candidates presented in alphabetical order, set out in point 2 of PERS(2023) 4, for the post of Director of the European Joint Undertaking for ITER and the Development of Fusion Energy (Fusion for Energy – F4E) in Barcelona, and to consider this shortlist as the proposal of the Commission;
- to ask Ms SIMSON, the Member of the Commission with responsibility for energy, to communicate this decision and the list of candidates to the Governing Board of the European Joint Undertaking for ITER and the Development of Fusion Energy (Fusion for Energy – F4E).

These decisions would take effect immediately.

7.3. DG INFORMATICS – AMENDMENT OF THE ORGANISATION CHART AND INTERNAL AND INTERINSTITUTIONAL PUBLICATION, AT GRADE AD14/15, AND EXTERNAL PUBLICATION, AT GRADE AD14, OF A DIRECTOR POST (PERS(2023) 7)

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

- to create a post of Principal Adviser reporting directly to the Director-General of DG Informatics;
- to transfer in the interest of the service, under Article 7 of the Staff Regulations, Mr Thomas GAGEIK, currently Director of the ‘Digital Business Solutions’ Directorate (DIGIT.B), to the newly created post;
- to authorise, with immediate effect, the internal, interinstitutional and external publication, under Article 29(1)(a)(i) and (iii), Article 29(1)(b) and Article 29(2) of the Staff Regulations, of the vacancy notice set out in PERS(2023) 7 for the post of Director of the ‘Digital Transformation’ Directorate (DIGIT.A) in DG Informatics;
- to approve the new organisation chart set out in SEC(2023) 55.

Following the restructuring, the total number of directorates and units in DG Informatics would remain unchanged.

Unless indicated otherwise, these decisions would take effect on 16 February 2023.

7.4. DG NEIGHBOURHOOD AND ENLARGEMENT NEGOTIATIONS – AMENDMENT OF THE ORGANISATION CHART AND INTERNAL

***PUBLICATION OF THE VACANCY NOTICE OF A DIRECTOR POST
AT GRADE AD14/15
(PERS(2023) 8)***

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

- to transform the Support Group for Ukraine into an operational Directorate – the ‘Ukraine Service’ Directorate (NEAR.E) – reporting to the Director-General of DG Neighbourhood and Enlargement Negotiations. The new structure would make it possible to boost activities for Ukraine, focusing on three priorities: (i) coordinating donors, including for short-term aid, (ii) preparing the economic reconstruction of Ukraine, including its financing, and (iii) ensuring consistency with the aim of acceding to the European Union in the framework of existing processes;
- to repeal the administrative decisions on human resources, budget and operating procedures of the Support Group for Ukraine adopted by the College on 9 April 2014 (PV(2014) 2082), with the exception of the provisions concerning staff currently seconded to the Support Group for Ukraine, which would remain valid for a transitional period of six months at most. The Directorate would first be staffed with human resources from the Support Group for Ukraine at 1 January 2023, including 30 temporary allocations (20 AD + 10 AST) granted as part of the 2014 complementary allocation (doc. V *bis*). Commission staff employed in the operational sections of the Support Group for Ukraine in DG Neighbourhood and Enlargement Negotiations in the EU delegation in Ukraine would be attached to the newly created Directorate;
- to authorise the internal publication, with immediate effect, of the vacancy notice in PERS(2023) 8 for the post of Director of the ‘Ukraine Service’

Directorate (NEAR.E), under Article 29(1)(a)(i) and (iii) of the Staff Regulations;

- to create a ‘Secretariat of the Donor Coordination Platform’ Task Force (NEAR.TF) led by a Head of Unit and reporting to the Director-General, which could benefit from the services of seconded experts of all the donors concerned, and also Ukrainian experts. In order to allow for quick and appropriate staffing, the Member of the Commission with responsibility for human resources may derogate, where necessary, from any provision in Commission Decision C(2008) 6866 laying down rules on the secondment to the Commission of national experts and national experts in professional training, in particular as regards eligibility requirements for seconded national experts and the duration of the secondment;
- to create three units attached to the ‘Ukraine Service’ Directorate (NEAR.E):
 - NEAR.E.1 ‘Inter-institutional, Coordination of Relief and Reconstruction’,
 - NEAR.E.2 ‘Economic and Sectoral Policies’,
 - NEAR.E.3 ‘Fundamentals, Rule of law, Anti-Fraud and Financial Management’;
- to approve the new organisation chart set out in SEC(2023) 56.

Unless indicated otherwise, these decisions would take effect on 1 February 2023.

7.5. OFFICE FOR INFRASTRUCTURE AND LOGISTICS IN LUXEMBOURG – DEPUTISING FOR THE DIRECTOR

On a proposal from Mr HAHN, in agreement with the PRESIDENT, the Commission decided that Mr Marc BECQUET, Director of the Office for Infrastructure and Logistics in Brussels, would deputise for the Director of the Office for Infrastructure and Logistics in Luxembourg, in accordance with Article 27 of the Rules of Procedure of the Commission, while the post remained vacant.

This decision would take effect on 1 February 2023.

**7.6. OFFICE FOR INFRASTRUCTURE AND LOGISTICS IN LUXEMBOURG – TERMINATION OF THE SELECTION PROCEDURE FOR A DIRECTOR POST AT GRADE AD14/15
(PERS(2022) 27)**

On a proposal from Mr HAHN, in agreement with the PRESIDENT, the Commission decided to terminate the internal, interinstitutional and external selection procedure (COM/2022/1481 and COM/2022/10413) for the post of Director of the Office for Infrastructure and Logistics in Luxembourg, without making an appointment.

This decision would take effect immediately.

7.7. DG HUMAN RESOURCES AND SECURITY – APPROVAL OF A LIST OF CANDIDATES FOR THE POSTS OF HEAD OF THE EUROPEAN UNION DELEGATION TO BELARUS AND TO KUWAIT, AND ALSO OF DEPUTY HEAD OF THE EUROPEAN UNION DELEGATION TO

KOSOVO¹, AT GRADE AD9/14
(PERS(2023) 9)

On a proposal from Mr HAHN, in agreement with the PRESIDENT, the Commission decided to approve the lists of candidates for the posts of Head of the European Union Delegation to Belarus and to Kuwait, and also for the post of Deputy Head of the European Union Delegation to Kosovo¹ (at grade AD9/14) set out in PERS(2023) 9.

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

This decision would take effect immediately.

**7.8. DG HUMAN RESOURCES AND SECURITY – APPROVAL OF A LIST
OF CANDIDATES FOR THE POST OF CHARGE D’AFFAIRES TO
NICARAGUA (AT GRADE AD9/14)**
(PERS(2023) 10)

On a proposal from Mr HAHN, in agreement with the PRESIDENT, the Commission decided to approve the list of candidates for the post of *Chargé d’Affaires* to Nicaragua (at grade AD9/14) set out in PERS(2023) 10.

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.

¹ This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

**8. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – STRENGTHENING SOCIAL DIALOGUE IN THE EUROPEAN UNION – HARNESSING ITS FULL POTENTIAL FOR MANAGING FAIR TRANSITIONS
(COM(2023) 40 TO /3; RCC(2023) 56)**

**9. PROPOSAL FOR A COUNCIL RECOMMENDATION ON STRENGTHENING SOCIAL DIALOGUE IN THE EUROPEAN UNION
(COM(2023) 38 AND /2; RCC(2023) 56)**

The PRESIDENT asked Mr DOMBROVSKIS to present the elements of the package relating to social dialogue in the European Union proposed that day for adoption by the College.

Mr DOMBROVSKIS began by stressing that, with this package, the Commission was demonstrating once again its steadfast support for social dialogue.

The financial crisis and the pandemic had revealed that the economies of countries with strong social dialogue frameworks and broad collective bargaining coverage were often more competitive and more resilient. However, trade union membership and the share of workers covered by collective agreements at national level had been on a downward trend in many Member States.

Mr DOMBROVSKIS noted that, in some Member States, the social partners lacked resources, were not sufficiently involved in policy-making or faced obstacles to concluding collective agreements.

He stressed the importance of promoting the role of the social partners and strengthening social dialogue to support the European economic and social model. By working together constructively, employers and workers could generate productivity gains that would serve to cement future economic and social prosperity

and lead to lasting improvements in wages and working conditions.

Mr DOMBROVSKIS added that cooperation between employers and employees was essential to preserve the competitiveness of European companies and equip workers with the skills needed for the success of the green and digital transitions.

The package presented that day consisted of two parts: a proposal for a Council Recommendation setting out how EU Member States could further strengthen the role of social partners at national level, and a Communication on consolidating and promoting social dialogue at EU level.

Mr DOMBROVSKIS concluded his presentation by stressing that the social partners had been closely involved in the preparation of these two initiatives.

Mr SCHMIT noted that the texts presented covered a large number of issues relating to social dialogue, including collective bargaining. He highlighted the Commission's commitment to encourage Member States to further develop and strengthen social dialogue in order to make European economies and societies more resilient, especially in the context of the current and future crises and transitions.

He felt that the success of the European Year of Skills would depend heavily on the active involvement of the social partners, as strong social support would promote the development of new skills and the necessary transitions in the labour market. Innovation and the competitiveness of the European economy were important challenges that had to be addressed not only at the macroeconomic level, but also at the level of individual companies.

Mr SCHMIT pointed out that it was not for the Commission to impose a single model, but rather to recognise the diversity of models in place in the Member States, all of which were part of the social market economy of which the EU could be proud.

He concluded that the Member States would have at their disposal funding from the European Social Fund to further develop social dialogue at national level.

A brief discussion followed, in which the Commission referred mainly to the diversity of forms of social dialogue in the Member States, including the Scandinavian model, and the importance of taking account of this diversity in policy formulation and implementation.

The PRESIDENT highlighted the positive elements of the Scandinavian model. She considered it essential for the social partners, trade unions and employers' organisations to engage in dialogue in order to guarantee social fairness and democracy at work.

Lastly, she referred to the significant fall in trade union membership in some Member States and considered that, beyond national differences, the Commission's initiatives should cover all situations, including those where workers were not represented by trade unions.

Following these presentations, the Commission:

- approved the Communication in COM(2023) 40/3 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;
- adopted the proposal for a Council Recommendation set out in COM(2023) 38/2 for transmission to the Council and, for information, to the European Parliament and the national parliaments.

10. OTHER BUSINESS

10.1. LATEST DEVELOPMENTS IN EXTERNAL RELATIONS

Mr BORRELL briefed the Members of the College on the latest developments in EU external relations.

The Foreign Affairs Council, which had met on 23 January, had discussed Russia's war of aggression against Ukraine. Ukrainian Foreign Minister Dmytro KOULEBA briefly addressed EU Ministers via a video link to update them on the latest developments on the ground and on Ukraine's current priorities. Mr BORRELL reported that the Ministers had assured him that the EU's collective effort would continue for as long as was necessary. The Council had referred in this context to the EU-Ukraine summit due to take place on 3 February, which would be the first such summit since the start of Russia's war in Ukraine at which the latter was a candidate country for EU membership.

Mr BORRELL said that the Ministers had discussed the EU's continued military support for Ukraine, and that the Council had reached a political agreement on the seventh tranche of military aid, amounting to an additional EUR 500 million, and on additional assistance of EUR 45 million for Ukrainian forces trained by the EU Military Assistance Mission. Total military support provided under the European Peace Facility was thus EUR 3.6 billion.

In addition to this EU support for Ukraine, Member States had made individual contributions, particularly in the form of military equipment. During the Foreign Affairs Council, some Member States had presented the decisions taken at the meeting of NATO's Ukraine Defence Contact Group held at the American air base in Ramstein, Germany, on 20 January. On that occasion, the US Administration had announced further military aid of USD 2.5 billion, while the German government had announced additional aid of EUR 1 billion. During the meeting, some Member States also declared that they would deliver military equipment to Ukraine, for instance air defence systems and artillery; the future delivery of tanks was discussed at length.

According to Mr BORRELL, all the assistance provided to Ukraine considerably strengthened its defence capabilities and should enable the

country to contain the Russian invasion. It was important to consider strengthening the capabilities of Ukrainian military aviation in anticipation of the forthcoming intensification of air operations by Russia.

Generally speaking, since the start of the Russian invasion, the EU had supplied aid to Ukraine worth EUR 49 billion, the most aid provided so far.

The ten-point peace plan presented by Ukraine was due to be discussed at the United Nations meeting on 24 February that would mark the anniversary of the start of the invasion; the plan might lead to the adoption of a recommendation.

Referring to the effectiveness of the sanctions adopted against Russia, Mr BORRELL pointed out that the price of Russian oil from the Urals was currently less than USD 40 per barrel, while the price of North Sea Brent oil was around USD 80. Russia now sold its oil at a discount, mainly to India and China, and the loss of revenue was directly affecting the country's budget balance. A tenth package of sanctions was being prepared and should be agreed at the next European Council meeting.

On other topics discussed during the Foreign Affairs Council, Mr BORRELL said that, over lunch, EU Ministers had held an informal exchange of views with Palestinian Prime Minister Mohammad SHTAYYEH on the state of bilateral relations and ways to further strengthen them through efforts at ministerial level. Prime Minister SHTAYYEH had also briefed the EU Ministers on the situation and on the tensions on the ground.

The Foreign Affairs Council had then exchanged views on the Sahel and West African coastal countries, confirming that this region remained a priority for the EU despite the worsening political and security situation.

Mr BORRELL reported that the Council had also condemned the executions and brutal crackdown on demonstrations in Iran, and had expressed on-going

support for the right of Iranians to demonstrate to defend their fundamental rights. The Council then added 18 individuals and 19 entities to the list of those subject to restrictive measures under the existing Iran human rights sanctions regime. This list included high-ranking members of the Islamic Revolutionary Guard Corps and important political and media figures.

Mr BORRELL ended by saying that Ministers had taken time to discuss the unfavourable developments in Afghanistan, where further restrictions had been enforced on Afghan women and girls. The Council was currently assessing the implications of these developments, for instance the use of existing or additional mechanisms to hold the Taliban accountable for their human rights violations.

The Commission took note of this information.

10.2. PREPARATION OF THE SPECIAL EUROPEAN COUNCIL (BRUSSELS, 9 AND 10 FEBRUARY 2023)

The PRESIDENT discussed the preparation of the Special European Council on 9 and 10 February 2023, which would focus on two main subjects: migration and competitiveness.

With regard to migration, she first noted the difficult discussions that had taken place at the most recent European Council meeting on the enlargement of the Schengen Area. These discussions had resulted in an agreement on Croatia's accession but not that of Bulgaria or Romania, and had led to the decision to hold a wider debate on the question of migration.

The PRESIDENT intended to structure the discussions of the Heads of State or Government around two issues: first, the legislative proposals under review by the co-legislators as part of the New Pact on Migration and Asylum, which needed the necessary push to be adopted, and second, the operational

measures that could be implemented quickly alongside the legislative procedures under way.

She would send a letter to the EU Heads of State or Government before the European Council meeting informing them of the operational measures proposed in four possible policy areas: (i) strengthening the EU's external borders, (ii) improving and speeding up border procedures, (iii) managing returns more effectively, in cooperation with partner countries, and (iv) strengthening solidarity in relation to implementation of the Dublin Regulation.

In the first policy area, the measures put forward would be aimed at strengthening the EU's external borders through the European Border and Coast Guard Agency (Frontex), financing the necessary equipment and stepping up surveillance at external borders.

As regards the second policy area (border procedures), the existing rules had to be implemented more effectively and more quickly, and it was important to better identify which people were likely to be eligible for asylum among those arriving into the EU. In this connection, the PRESIDENT stressed the importance of registering arrivals at the EU's borders and of continuing the work to draft a more precise definition of the concept of a safe third country. She also highlighted the role of Frontex, supported by Europol, and noted the EU's current lack of harmonised border procedures.

With regard to the third policy area (migrant returns), she considered that improvements were possible. It was important to take in people in need of protection, but those who were not eligible for asylum should be returned to their country of origin. Another objective was the Member States' mutual recognition of return decisions. A 'whole-of-government' approach was required, alongside closer cooperation with the countries of origin to facilitate the readmission of their citizens.

Lastly, in relation to the fourth policy area (the voluntary solidarity mechanism and secondary movements), she underlined that it would be important for the Heads of State or Government to support the implementation of the Dublin roadmap, approved by the Council in December 2022, in order to improve procedures and communication between the Member States.

In conclusion, the PRESIDENT said that there was a case for holding a structured debate on migration, given the considerable pressure resulting not only from the 4 million Ukrainian refugees received by the Member States due to the Russian war of aggression against Ukraine, but also from the 330 000 irregular migrants who had arrived that year, a 60% increase on the previous year.

With regard to the second main subject to be discussed at the summit – competitiveness – a communication would be presented to the College at its next meeting on 1 February. This communication would also cover the EU's response to the US Inflation Reduction Act.

The PRESIDENT then invited Mr SCHINAS and Ms JOHANSSON to give their perspectives on the question of migration.

Mr SCHINAS agreed on the need for a targeted EU leaders' debate on this issue. He wanted the Heads of State or Government to send a clear message on the need to adopt all the legislative proposals of the New Pact on Migration and Asylum before the 2024 European elections, otherwise there was a risk that the EU's perceived failure to tackle migration would be weaponised by the populist narrative.

As regards the non-legislative aspect – the operational measures mentioned by the PRESIDENT – he highlighted the Commission's current success in coordinating and managing crises, noting however that there was room for improvement at Member State level. For example, of almost 340 000 return

decisions issued by the Member States, only 40 000 had led to readmission applications in the countries of origin. While the Commission had been able to quickly negotiate readmission agreements with the countries of origin, it was now down to the Member States to do the same to improve the illegal migrant return rate.

With regard to the external dimension of migration, Mr SCHINAS emphasised the importance of a more comprehensive approach, as Team Europe, incorporating migration into other issues of direct relevance to foreign relations. In this connection, he referred to the forthcoming trilogue on the Generalised System of Preferences, which, in his view, could be linked to third countries meeting certain conditions concerning migration.

He also underlined the importance of applying border procedures uniformly, which was a key part of the New Pact on Migration and Asylum. This issue, along with discussions on a pilot project at the Bulgarian-Turkish border, could contribute to helping Romania and Bulgaria join the Schengen Area.

Lastly, Mr SCHINAS pointed out that the European Council meeting would also provide an opportunity to address a number of issues facing Europe and its Member States. Certain difficult topics, such as a call for EU funding to build border fences and walls, or the creation of reception centres in third countries, could also be discussed at the meeting.

Ms JOHANSSON stressed that much had already been achieved by the EU on migration, while acknowledging that important challenges remained.

More specifically, she referred to the divisions between Member States during the 2015 migration crisis, noting that the EU had since invested a great deal of time and energy in finding solutions. She added that the Commission had had to deal with numerous crises during its current term of office, particularly in the context of the more than 40 000 people who had arrived in the Greek

islands, often by way of Turkey, the instrumentalisation of migrants by Belarus and the mass arrival of Ukrainian refugees.

As regards legislation, she highlighted the good progress achieved under the New Pact on Migration and Asylum since its adoption by the Commission in September 2020. In this context, she stressed that further efforts were needed to finalise the legislative process before the end of the current Commission's term of office.

Ms JOHANSSON confirmed that 330 000 people had arrived irregularly in Europe in 2022, which represented a considerable increase compared to the previous year. She also highlighted the sharp increase in the number of asylum applications registered to almost one million in 2022, compared to 600 000 in 2021. Although the vast majority of those people were not eligible for international protection under the applicable rules, they nonetheless put considerable pressure on the asylum system, which slowed down the processing of applications to the detriment of those in real need of protection.

She also noted that, of the more than 300 000 return decisions made by Member States, readmission applications were sent to countries of origin in only 16% of cases. While a growing number of countries of origin were willing to readmit their citizens, many practical problems remained. She concluded by welcoming the recent creation of a dedicated Returns Division within Frontex, which sent an important signal to people in certain third countries. She observed that another problem to be solved related to people applying for asylum in one Member State, before moving to another Member State where they submitted a new application.

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

- the recognition of the importance of migration in bilateral relations with third countries;

- the need to ensure that people who were ineligible for international protection were effectively readmitted to their country of origin;
- at the same time, the case for a systemic solution as regards people who could not be returned home, as well as the need to put in place legal migration pathways, particularly for the many young and skilled workers from neighbouring third countries;
- the suggestion to explore the possibility, proposed by some Member States, of processing asylum applications outside the EU;
- issues related to potential asylum seekers who had no identification documents upon arrival in the EU;
- the need for an objective and robust needs assessment before deciding whether to finance a pilot project at the Bulgarian-Turkish border;
- the idea that irregular migration not only represented a challenge for Europe but also posed a major security risk for countries of origin;
- for some, the importance of ensuring that only coast guards were authorised to carry out search and rescue missions at sea and, in this context, the need to ensure that non-governmental organisations followed the rules applicable to the fight against smugglers and criminal networks;
- for some, the exemplary nature of the pilot project implemented in Bosnia and Herzegovina, which had enabled the readmission of almost 700 people to the country and the arrest of 200 smugglers.

In response to the various points raised, Mr SCHINAS considered that the first objective of the European summit should be the swift adoption of the legislative proposals under the New Pact on Migration and Asylum, which would allow implementation of a holistic approach to migration, rooted in

EU law and subject to the jurisdiction of the Court of Justice of the European Union.

Ms JOHANSSON, in turn, emphasised the importance of avoiding a major change of direction at the summit. On the contrary, she felt that it was important to continue negotiations on the proposals submitted to the co-legislators under the Pact and to begin implementing them as soon as possible.

In reply to some questions raised during the debate, she stressed that only asylum applications, and not the number of applicants, could be counted, because some applicants filed applications in several Member States to increase their chances of success.

As regards the problem of people arriving in the EU without identity documents, she pointed out that current asylum application procedures required that applicants be identified. She added that the asylum recognition rate was around 40%, or 55% including applications on humanitarian grounds.

The Commission took note of this information.

10.3. RELATIONS WITH THE UNITED KINGDOM

At the PRESIDENT's request, Mr ŠEFČOVIČ reported on the state of relations with the United Kingdom, welcoming the constructive attitude and the quality of the high-level bilateral exchanges with the UK government. In particular, he welcomed the progress made on access to databases on trade flows between Great Britain and Northern Ireland, as well as on an exploratory study of possible joint solutions to remaining problems.

He highlighted the work of the Commission departments on certain technical issues, such as temporary infrastructure for sanitary and phytosanitary border controls. Finally, he considered that the stalled negotiations on the Northern

Ireland Protocol Bill at the House of Lords stage would enable calmer cooperation on longer-term solutions.

The Commission took note of this information.

10.4. VISIT BY THE COLLEGE TO UKRAINE (KYIV, 2 FEBRUARY 2023)

The PRESIDENT discussed preparations for the College's visit to Ukraine on 2 February. She referred to the working session between the cabinets held on the previous Friday to identify the results expected on the various points of discussion with the Ukrainian government. She praised the robustness and quality of the files being prepared, which reflected the scale of the work carried out between the Commission and the Ukrainian government.

The PRESIDENT also gave an update on certain practical aspects of the organisation of the trip to Kyiv and invited all Members of the College to sign the European flag outside the room. During the visit, the flag would be symbolically exchanged with a Ukrainian flag signed by the members of the country's government.

The Commission took note of this information.

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The meeting closed at 10.30.