



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2023) 2449 final

- English translation of the French version which is authentic -

Strasbourg, 18 April 2023

TEXTE EN

MINUTES

of the 2449th meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 8 March 2023

(morning)

PV(2023) 2449 final

- English translation of the French version which is authentic -

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Single sitting: Wednesday 8 March 2023 (morning)

The sitting opened at 9.11 with Mr TIMMERMANS in the chair.

Present:

Mr TIMMERMANS	Executive Vice-President	
Ms VESTAGER	Executive Vice-President	
Mr DOMBROVSKIS	Executive Vice-President	
Mr ŠEFČOVIČ	Vice-President	Items 1 to 8 (in part) and 9 (in part)
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 WOJCIECHOWSKI	Member	
Ms FERREIRA	Member	
Ms KYRIAKIDES	Member	
Mr REYNDERS	Member	Items 7 to 9
Ms JOHANSSON	Member	
Ms SIMSON	Member	
Mr SINKEVIČIUS	Member	
Ms McGUINNESS	Member	

Absent:

Ms von der LEYEN	President
Mr BORRELL i FONTELLES	High Representative / Vice-President
Mr BRETON	Member

Ms DALLI	Member
Mr LENARČIČ	Member
Ms VĂLEAN	Member
Mr VÁRHELYI	Member
Ms URPILAINEN	Member

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

Mr VILLARINO	Head of Cabinet to Mr BORRELL	
Mr MOUTARLIER	Head of Cabinet to Mr BRETON	
Mr KERR	A member of Ms DALLI's cabinet	
Ms SIMKIĆ	Head of Cabinet to Mr LENARČIČ	
Mr FABREGAS-MARTINEZ	A member of Ms VĂLEAN's cabinet	
Ms TEEDUMÄE	Deputy Head of Cabinet to Mr VÁRHELYI	
Mr LAHTI	Head of Cabinet to Ms URPILAINEN	Items 8 and 9

The following also sat in:

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 cabinet	
Ms HILI	Adviser in the PRESIDENT's cabinet	Point 8
Ms ALLOUIS-LE LOSTEC	Head of Unit in the Secretariat-General	
Ms BUKA	Secretariat-General	

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

1. AGENDAS

(OJ(2023) 2449/FINAL; SEC(2023) 2449/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) 2449)

The Commission considered the Secretary-General's report on the weekly meeting of Heads of Cabinet held on Monday 6 March 2023.

3. APPROVAL OF THE MINUTES

The Commission held over approval of the minutes of its 2444th, 2445th, 2446th, 2447th and 2448th meetings of 1, 8, 14 and 22 February and 1 March 2023 for a later date.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2023) 72)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held by videoconference on Thursday 2 March 2023 (RCC(2023) 72).

The Commission approved the lines proposed for the following points:

- **‘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(2023) 42/2.

- **Amendment of Council Regulation (EC) No 1224/2009, and amendment of Council Regulations (EC) No 768/2005, (EC) No 1967/2006, (EC) No 1005/2008, and Regulation (EU) No 2016/1139 of the European Parliament and of the Council as regards fisheries control (Regulation) – AGUILERA report – 2018/0193 (COD)**

Line set out in SI(2023) 43.

- **European Year of Skills 2023 (Decision) – FOURLAS report – 2022/0326 (COD)**

Line set out in SI(2023) 47.

- **European single access point:**
 - **Establishment of a European single access point (ESAP) providing centralised access to publicly available information of relevance to financial services, capital markets and sustainability (Regulation) – SILVA PEREIRA report – 2021/0378 (COD)**
 - **Amendment of certain Directives as regards the establishment and functioning of the European single access point (Directive) – SILVA PEREIRA report – 2021/0379 (COD)**

- **Amendment of certain Regulations as regards the establishment and functioning of the European single access point (Regulation) – SILVA PEREIRA report – 2021/0380 (COD)**

Line set out in SI(2023) 45.

- **Establishment of a framework of measures for strengthening Europe’s semiconductor ecosystem (Chips Act) (Regulation) – NICA report – 2022/0032 (COD)**

Line set out in SI(2023) 46.

- **Objection pursuant to Rule 112(2) and (3) of the European Parliament’s Rules of Procedure to a draft Commission Implementing Decision authorising the placing on the market of products containing, consisting of or produced from genetically modified oilseed rape MON 94100 (MON-94100-2) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council – 2023/2537 (RSP)**

Line set out in SP(2023) 125.

- **Major Interpellation for written answer G-001001/2023 – Commissioner Schinas and Qatar**

Line set out in SP(2023) 123.

The Commission took note of the following points:

- **‘Fit for 55’ – Amendment of Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement (Regulation) – POLFJÄRD report – 2021/0200 (COD)**

Compromise text in SP(2023) 114, further to note SI(2022) 440, which the Commission had already approved on 30 November 2022.

- **‘Fit for 55’ – Amendment of Regulations (EU) 2018/841 as regards the scope, simplifying the compliance rules, setting out the targets of the Member States for 2030 and committing to the collective achievement of climate neutrality by 2035 in the land use, forestry and agriculture sector, and (EU) 2018/1999 as regards improvement in monitoring, reporting, tracking of progress and review (Regulation) – NIINISTÖ report – 2021/0201 (COD)**

Compromise text in SP(2023) 115, further to note SI(2022) 441, which the Commission had already approved on 30 November 2022.

- **Information exchange between law enforcement authorities of Member States, and repeal of Council Framework Decision 2006/960/JHA (Directive) – DÜPONT report – 2021/0411 (COD)**

Compromise text in SP(2023) 116, further to note SI(2022) 500, which the Commission had already approved on 13 December 2022.

- **Amendment of Directive 2003/25/EC as regards the inclusion of improved stability requirements and its alignment with stability requirements defined by the International Maritime Organisation (Directive) – ZĪLE report – 2022/0036 (COD)**

Compromise text in SP(2023) 117, further to note SI(2022) 507/2, which the Commission had already approved on 13 December 2022.

- **‘Fit for 55’ – Energy performance of buildings (recast – Directive) – CUFFE report – 2021/0426 (COD)**

Information set out in SP(2023) 118/2.

- **Harmonised rules on fair access to and use of data (Data Act) (Regulation) – DEL CASTILLO VERA report – 2022/0047 (COD)**

Information set out in SP(2023) 119/2.

- **Amendment of Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) and Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (Directive) – KANEV report – 2022/0104 (COD)**

Information set out in SI(2023) 44/2.

5. COORDINATION OF EXTERNAL ACTION (RCC(2023) 13)

The Commission took note of the operational conclusions in RCC(2023) 13 of the meeting of the Group for External Coordination (EXCO) held on Wednesday 1 March 2023.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

6.1. WRITTEN PROCEDURES APPROVED (SEC(2023) 107 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 27 February and 5 March 2023.

6.2. EMPOWERMENT (SEC(2023) 108 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 27 February and 5 March 2023.

6.3. DELEGATION / SUBDELEGATION OF POWERS
(SEC(2023) 109 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedures between 27 February and 5 March 2023 archived in Decide.

6.4. SIGNIFICANT WRITTEN PROCEDURES
(SEC(2023) 110 AND /2)

The Commission took note of the significant written procedures for which the time limit expired between 6 and 10 March 2023 and of a finalisation written procedure.

**7. JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL ON THE UPDATE OF THE EU MARITIME SECURITY
STRATEGY AND ITS ACTION PLAN 'AN ENHANCED EU MARITIME
SECURITY STRATEGY FOR EVOLVING MARITIME THREATS'**
(JOIN(2023) 8 TO /3; RCC(2023) 75)

Mr TIMMERMANS introduced the Joint Communication presented that day to the College, stressing the importance of maritime security for the European Union, particularly in the face of new and increasingly serious threats.

Mr SINKEVIČIUS began by referring to the UN Treaty agreed upon recently to protect the high seas. He stressed the historic nature of that agreement, as it was the culmination of 15 years of preparation, and more than four years of negotiations. The new Treaty would cover two-thirds of the oceans, namely all areas beyond the exclusive economic zones of coastal States that did not belong to any national jurisdiction, constituting half the area of the planet.

He then stressed the strategic importance of oceans: 80% of global trade was

seaborne, approximately two-thirds of the world's oil and gas supply was either extracted at sea or transported by sea, and lastly up to 99% of global data flows were transmitted through undersea cables.

Mr SINKEVIČIUS said that the European Union could only unlock the full potential of oceans if oceans were safe and secure. The strategy presented for adoption that day was therefore vital for the Union and its Member States. He recalled that the legal framework for addressing security challenges at sea had been in place since 2014, when the first Maritime Security Strategy had been adopted. That strategy had stimulated closer cooperation between civilian and military authorities, promoted rules-based governance at sea and boosted international cooperation. The Communication being discussed, presented jointly with Mr BORRELL, was an update of that 2014 Strategy and contained a number of new and enhanced measures to reflect the many geopolitical changes that had taken place since 2014.

The EU Threat Analysis showed that the European Union was facing an increase in challenges, including in the maritime domain. Indeed, strategic competition for power and resources was increasing, threats were becoming increasingly complex and some countries were seeking to re-define the core tenets of the multilateral order, including through violations of national sovereignty and borders. Russia's military aggression against Ukraine had also brought war back to Europe and created negative spill-over effects, not just on the EU economy, on European citizens and businesses but also in terms of maritime security.

The updated strategy proposed for adoption identified these new and evolving threats, for example in terms of increasing geopolitical competition, climate change and degradation of the marine environment, or hybrid and cyber-attacks. The strategy also recognised more long-standing threats such as piracy, armed robbery at sea, smuggling of migrants and trafficking of human beings, arms and narcotics, and terrorism.

Mr SINKEVIČIUS explained that the Joint Communication and associated Action Plan specified several integrated actions that would tackle these challenges and defend the EU's interests. In order to do so, the EU would step up its action under six strategic objectives.

The first strategic objective related to stepping up activities at sea, by organising an annual European naval exercise, reinforcing existing EU naval operations and developing further coastguard operations in sea basins around the EU.

The second objective emphasised the need for cooperation between the EU and its partners. The strategy proposed deepening EU-NATO cooperation, enhancing partnerships with like-minded countries and organisations, and promoting dialogue and best practice through the coastguard function forums, especially in the Mediterranean.

The third objective would involve the EU leading in maritime situational awareness. The Common Information Sharing Environment (CISE) and the naval information exchange platform would therefore be strengthened, integrating cyber-resilient, space-based capabilities, and coastal and off-shore patrol vessel surveillance would be reinforced.

The fourth strategic objective was designed to ensure better management of risks and threats, including regular live maritime exercises with civilian and military bodies, aiming to monitor and protect critical maritime infrastructure and ships from physical and cyber threats and combating mines and unexploded ordnance at sea.

The fifth objective focused on the enhancement of Europe's capabilities, by stepping up work on projects such as the European Patrol Corvette or unmanned systems and improving anti-submarine capabilities.

Lastly, the sixth strategic objective related to improving education and training, by boosting hybrid and cyber security qualifications, particularly in the civilian arena, and by organising training open to EU and non-EU partners.

Mr SINKEVIČIUS then referred to a number of new areas on which the strategy focused and which were particularly relevant in the light of ongoing discussions around increasing the EU's strategic autonomy and resilience. Climate change and maritime pollution were expected to have substantial, long-lasting adverse impacts on maritime security. They also acted as risk multipliers, by increasing instability and inequality, aggravating transnational crime, piracy and tensions over marine resources.

He also mentioned the 2022 attacks on the Nord Stream 1 and Nord Stream 2 pipelines in the Baltic Sea, the presence of unauthorised unmanned vehicles around offshore installations in the North Sea and the recurrent hybrid and cyber-attacks targeting maritime infrastructure. The attacks had made it clear that the European Union and its Member States needed to protect critical maritime infrastructure more effectively, for example by developing and using innovative technologies.

Lastly, he recalled that thousands of tonnes of unexploded ordnance and chemical weapons originating from the First and Second World Wars littered the seas around the EU, particularly the Baltic, the North Sea and some parts of the Mediterranean. They constituted an immense threat to the marine environment and to fisheries but also a hazard to other blue economy sectors, such as the deployment of offshore wind farms. The strategy proposed for adoption would enable the development of a coherent framework to tackle these munitions, conventional weapons and chemical weapons at sea, the objective being to monitor and remove them with innovative technologies and with minimal environmental impact. In that context, he referred to a pilot project for the Baltic Sea, to identify the best technology to safely eliminate arms and munitions, that could be expanded to other areas, for example the North Sea.

Mr SINKEVIČIUS considered, more generally, that the proposed strategy would enable the European Union to better protect its fundamental interests in the maritime domain. It provided an excellent framework for protecting citizens, the blue economy, maritime infrastructure as well as natural resources and the marine

environment. It would also make it possible to uphold international law, to react promptly and effectively to threats and to ensure specialised training and education to counter such threats. He concluded by thanking the Members of the Commission for the excellent cooperation in the preparation of the strategy and its action plan.

During the brief discussion that followed, the Commission mentioned in particular a number of recent examples in the area of maritime security, particularly in terms of the smuggling of migrants, criminal organisations with significant amounts of money at their disposal in order to evade controls at sea, and drug trafficking, with the constant arrival of high volumes of drugs, by container, in a number of major European ports accompanied by increasing corruption in the landing areas concerned.

Mr TIMMERMANS concluded by recalling the evolving nature of the practices of organised crime and drug traffickers, which were constantly and rapidly adapting to the increased checks in departure areas in Latin America and upon arrival on European soil. He therefore called for the continuation of ongoing efforts on all fronts.

Following these presentations, the Commission agreed, on a proposal from Mr TIMMERMANS, that the Joint Communication in JOIN(2022) 8/3 would be formally adopted by the finalisation written procedure, the deadline for which was set at 10.00 on Friday 10 March 2023 (PE/2023/1394).

**8. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL – TEMPORARY PROTECTION FOR THOSE FLEEING RUSSIA’S WAR OF AGGRESSION AGAINST UKRAINE: ONE YEAR ON
(COM(2023) 140 TO /3; RCC(2023) 76)**

Mr TIMMERMANS asked Mr SCHINAS, Ms ŠUICA and Ms JOHANSSON to present to the College the Communication taking stock of temporary protection for people fleeing Russia's war of aggression against Ukraine one year after activation.

Mr SCHINAS said that the EU could be proud of the way in which it had managed, as of 4 March 2022 – less than 10 days after the start of the war – to activate the Temporary Protection Directive, on a unanimous vote by the Member States meeting in the Justice and Home Affairs Council, and thus to grant unconditional and immediate access to the EU to Ukrainians fleeing the war. The Directive had been adopted in 2001 in the context of the war in the former Yugoslavia and in preparation for a possible mass exodus of refugees from the Western Balkans. In the end it had taken 20 years for the EU's temporary protection to be activated, in a different but equally tragic context.

The aim of the Communication was not only to assess how the Temporary Protection Directive had been implemented, but also to draw lessons from the experience gained and to identify priority areas where further work was needed. These areas included in particular special protection for children, access to education and vocational training, and access to health care, employment and housing.

Over 1.3 million Ukrainian children had arrived in the EU, but approximately 700 000 of them were not enrolled in the education systems of Member States. Access to healthcare was a crucial aspect of the protection offered by the EU, in particular with regard to the vaccination of children. Special attention should be paid to the mental health of a population traumatised by war; a strategy would shortly be presented to the College to address every aspect of the issue of mental health.

Mr SCHINAS also pointed out that the Commission had made efforts to facilitate the mutual recognition of qualifications for employment purposes. Finally, he noted that initiatives to host refugees in private homes had been quickly and

spontaneously implemented in most Member States, thanks to the generosity and solidarity of EU citizens. In this regard, he underlined the importance of the ‘safe homes’ guidance which was helping Member States, regional and local authorities, and civil society to organise private accommodation measures.

Mr SCHINAS drew two main conclusions from the experience of implementing the Temporary Protection Directive. First, the EU would always be a haven for asylum-seekers and people fleeing war, in accordance with its fundamental principles and values. Second, it was clear from experience that a specific instrument was necessary, in addition to the Pact on Migration and Asylum proposed in 2020, to deal with crises resulting in an influx of refugees into the EU.

Ms ŠUIČA then took the floor to stress how important it was for the EU to continue welcoming all refugees seeking protection. The personal and collective history of Europeans was marked by migration, which went some way to explaining the generosity of Member States and European citizens in welcoming Ukrainians fleeing war. A coordinated approach was nevertheless needed to address the current challenges.

In this context, she emphasised that nobody was more affected by war than children. She indicated that there were three categories of children in the current context of the war in Ukraine: those who had fled the war and found refuge in the EU, those who had remained in Ukraine and, lastly, those who had been forcibly abducted by Russia and were currently residing there against their will.

Ms ŠUIČA pointed out that the war in Ukraine had had a significant impact on the mental health and well-being of children who had found refuge in the EU, and that they were thus at risk of depression, anxiety and post-traumatic stress. It was important for children to return to school so that a structure and sense of normality could be restored as soon as possible.

Many of the children still exposed to the dangers of the war in Ukraine had been placed in institutions. Placing children in orphanages should be halted where

possible, if alternatives existed. A change in the Ukrainian legal framework was necessary to achieve this, and this should be taken into account with a view to Ukraine's accession to the EU. Ms ŠUICA added that she would soon travel to Poland where she would visit approximately 500 Ukrainian children taking part in a pilot project to deinstitutionalise children, organised in cooperation with the Polish authorities and UNICEF.

There was no precise figure available for the children removed from their families and taken to Russia, however it was estimated that between 11 000 and 16 000 children had been abducted. The Commission would shortly be presenting an initiative to address this issue in order to permit their repatriation and family reunification as soon as possible.

Ms JOHANSSON reminded the meeting that the Commission's decision to propose the activation of the EU Temporary Protection Directive a year before had been regarded as bold and unprecedented. It was clear from the Communication that the Directive had indeed made it possible to adopt a comprehensive approach to addressing the mass exodus of Ukrainian refugees. Everyone had thus been able to contribute to the support received by the Ukrainian refugees: citizens by opening their homes, teachers in schools, employers and, of course, the Member States and the Commission.

The EU had played a key role in coordinating these efforts through the Ukraine Solidarity Platform set up by the Commission immediately after the Directive had been activated, and through EU agencies, which had provided operational support to Member States when implementing the Directive.

The EU's temporary protection had not been activated in 2015 or 2016 following the influx of two million refugees from Syria, although it probably should have been. Ms JOHANSSON underlined the extent of the temporary protection granted in the context of Russia's war of aggression against Ukraine: of the 16 million Ukrainians who entered the EU at the beginning of the war, 11 million of whom

have since returned to Ukraine, almost 4 million were granted temporary protection. While Poland and Germany were the Member States which had hosted the highest number of Ukrainian refugees in absolute terms, Estonia, the Czech Republic and Lithuania had received the highest number of refugees in proportion to their population.

Ms JOHANSSON ended by saying that the EU had played its part fully and that, even though many challenges remained, its citizens could be proud of the solidarity shown to Ukrainian refugees. She reported that, while the number of Ukrainian refugees had remained stable throughout the winter, it had risen recently, with 20 000 arrivals per week in the last fifteen days.

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

- the importance of continuing the efforts made by the EU and the Member States to give young people full access to education, whether at European level under Erasmus+ or at national and regional levels;
- the need to increase the number of Ukrainian children enrolled in schools in the EU, given that less than half of the children of Ukrainian refugees were currently enrolled;
- in this context, the value of working closely and in a more transparent manner with the Ukrainian authorities in order to identify children who were following online schooling provided by the education system in their country of origin;
- the need to ensure the mutual recognition of qualifications that refugees had gained in Ukraine before the invasion, but also those obtained whilst in education provided by institutions in host countries;
- the importance of guaranteeing that Ukrainian refugees had access to healthcare and social services, and of proactively addressing the challenges posed in

particular by the low vaccination rate among children and the deep trauma affecting refugees' mental health;

- the crucial role played by EU cohesion policy funds in hosting refugees, often covering all of the costs incurred, and a large part of which had been used to support local authorities and non-governmental organisations that were active on the ground;
- the fact that the assistance provided relative to the number of inhabitants of each host country was a relevant and useful indicator to measure the efforts made by each Member State;
- the need to continue to communicate actively regarding EU measures to support Ukraine in order to counter Russian propaganda and the narrative whereby Russia was a victim of the conflict and inflation was caused by sanctions against it;
- in this connection, the particular attention to be paid to the Member States with the highest number of Ukrainian refugees, which were a prime target for Russian disinformation campaigns;
- the importance of highlighting the many examples of solidarity and profound humanity shown by the EU citizens who had opened their homes to Ukrainian refugees and had welcomed them into their families.

Mr TIMMERMANS concluded the discussion by stressing the importance of focusing on the most vulnerable groups. It was essential for Ukrainian children to preserve their national identity, culture, language and sense of belonging to a great nation. He also highlighted the significant physical and psychological distress experienced by Ukrainian women, who were often deeply traumatised by the violence they had suffered. In this connection, the Member States' health systems needed to be made aware of these issues in order to provide appropriate solutions and services.

He too paid tribute to EU citizens for opening their hearts and homes to Ukrainian refugees. Ukrainian refugees would always be welcome in the EU, which today offered them a future in their host countries, looking ahead to a future in a peaceful country that was moving towards becoming part of the European family.

Following these presentations, the Commission approved the Communication in COM(2023) 140/3 for transmission to the European Parliament and the Council and, for information, to the national parliaments.

9. OTHER BUSINESS

9.1. COMMISSION DECISION ON THE REQUEST FOR REGISTRATION OF A EUROPEAN CITIZENS' INITIATIVE ENTITLED 'EFFECTIVE IMPLEMENTATION OF THE CONCEPT OF JUDICIAL PRECEDENT IN ALL EU COUNTRIES' ***(C(2023) 1602)***

Ms JOUROVÁ presented the proposal for a Decision being tabled for approval by the College concerning the preliminary assessment of the request to register the European citizens' initiative entitled, in the authentic language (English), 'Effective implementation of the concept of judicial precedent in all EU countries'.

The aim of the citizens' initiative was to incorporate the concept of judicial precedent into the national law of the EU Member States, creating a mechanism in each Member State to ensure that final judicial decisions were binding on all courts.

Ms JOUROVÁ stressed that the Regulation on the European Citizens' Initiative allowed organisers to invite the Commission to propose a legal act solely for the purpose of implementing the Treaties. In view of the outcome of the preliminary assessment, she concluded that the proposed initiative

manifestly fell outside the scope of the Commission's powers and therefore did not fulfil the necessary registration requirements.

The Commission's decision would be sent to the organisers in the form of a letter inviting them to consider revising their proposal. They would then have two months to revise the initiative, maintain it in its current form or withdraw it. On the basis of the organisers' response, the Commission would be able to decide whether to register the initiative in its entirety or partially, or refuse registration.

Following this presentation, the Commission confirmed that the citizens' initiative 'Effective implementation of the concept of judicial precedent in all EU countries' did not, at that time, fulfil the necessary registration requirements. It therefore decided, in accordance with C(2023) 1602, to inform the organisers of its assessment and the underlying reasons, pursuant to Article 6(4) of Regulation (EU) 2019/788, and authorised Ms JOUROVÁ to sign the reply on behalf of the College, and to send it to the organisers.

9.2. REVISION OF THE TEMPORARY CRISIS AND TRANSITION FRAMEWORK FOR STATE AID MEASURES TO SUPPORT THE ECONOMY FOLLOWING THE AGGRESSION AGAINST UKRAINE BY RUSSIA

Mr TIMMERMANS asked Ms VESTAGER to take stock of progress in the revision of the temporary crisis framework for State aid.

Ms VESTAGER pointed out that the aim of the revision was to transform the crisis framework put in place in March 2022 to deal with the consequences of the Russian war of aggression against Ukraine into a framework for the green transition that could enable Europe to respond to both the energy crisis and the US Inflation Reduction Act. While the EU had already introduced a comprehensive set of general measures to support the green transition, the purpose of the new framework was to speed up the roll-out of green industry

in Europe by fostering support measures in key sectors for the transition to a net-zero economy, in line with the recently adopted Green Deal Industrial Plan.

The proposed framework was the result of a broad process of consultation with Member States and other stakeholders, which had been submitting their contributions since December. The framework allowed substantial support for green industries, while leaving the choice of national funding priorities to Member States. At the same time, the framework set red lines, i.e. not undermining the single market or cohesion.

Ms VESTAGER noted that the proposed changes concerned support in three main areas, namely renewables, decarbonisation and production of green technologies. Member States had expressed very broad support for the proposed changes in the first two areas. However, views on production of green technologies differed, with some Member States calling for more flexibility and others stressing the need for caution in terms of duration and the proportionality of aid. There were also differences of opinion on the sectoral coverage of the measures concerned and their impact on cohesion.

As regards the duration of the framework, Ms VESTAGER explained that the crisis measures for energy would expire at the end of 2023. The new measures designed to help speed up the green transition would expire at the end of 2025. While decisions to grant State aid had to be taken by the end of 2025, it would still be possible to disburse funds beyond that date, which would prolong the benefits of certain measures such as tax credits.

The new framework also offered advantages in terms of flexibility and cohesion. It provided for adjustment of aid intensity according to the location of investment and the size of the beneficiary. Small and medium-sized enterprises and companies investing in disadvantaged regions would be

eligible for more support, to ensure that cohesion objectives were duly taken into account.

Lastly, Ms VESTAGER highlighted the transparency of the proposed framework, which she had discussed with Janet YELLEN, US Secretary of the Treasury. A dialogue between the EU and the US on the transparency of subsidies was needed to reduce the risk of a subsidy race among European business leaders.

The framework would be finalised in the coming days and was expected to be adopted by the Commission by written procedure. It would then be for the Member States to decide to what extent they would make use of the possibilities offered by the new framework.

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

- the risk of future European industrial policy being overly focused on more developed regions, hence the need to introduce a requirement for shared investment between developed and less developed regions, including in different Member States;
- the question of assessing the real impact of the new framework to ensure that investment in the green economy was actually accelerated while safeguarding the integrity of the single market;
- the importance of the new framework not leading to a subsidy race to keep up with the subsidies granted under the US Inflation Reduction Act, thereby creating further market distortion;
- business leaders' assessment of tax relief under the US law and, in that context, the question of equivalence of EU tax credits;

- the potential role of funds under the Recovery and Resilience Facility, the use of which could be adjusted by Member States in the REPowerEU chapters of their national plans, and the possible use of some EUR 220 billion of loans still available in the facility's budget.

In response to the questions and comments from the Members of the College, Ms VESTAGER pointed out that the purpose of the new framework was to give Member States more leeway to promote the green transition, stressing that more than 90% of aid was granted by Member States without prior notification of the Commission. The block exemption would give Member States more options than before to decide themselves on the aid to be committed within the ceilings set. This would be particularly relevant to Important Projects of Common European Interest (IPCEIs), many of which would no longer have to be evaluated by the Commission.

As regards a more flexible cohesion policy, Ms VESTAGER urged caution, given that it was easier for larger companies to relocate their operations and request subsidies from the Member States concerned. Special attention also had to be paid to classifying assisted areas in each Member State to make them more attractive to companies able to relocate their investments to those areas.

Lastly, it was not only the size of subsidies that was important, but also the speed at which funds were granted. However, this also meant taking more risks. While the EU and its Member States already had extensive experience in the gradual development of strategies, greater tolerance of risk was now needed to boost European competitiveness.

Mr TIMMERMANS concluded the item by thanking Ms VESTAGER and the departments concerned for their work.

The Commission took note of this information.

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The meeting closed at 10.41.