



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2020) 2333 final

- *English language version of the French text which is authentic* -

Brussels, 29 April 2020

TEXTE EN

MINUTES

of the 2333rd meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 8 April 2020

(morning)

PV(2020) 2333 final

- *English language version of the French text which is authentic* -

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TABLE OF CONTENTS

Attendance list

4-6

1. AGENDAS, AND LIST OF ITEMS RELATING TO THE COVID-19 CRISIS SCHEDULED FOR ADOPTION BY THE COMMISSION (OJ(2020) 2333/FINAL; SEC(2020) 2333/FINAL; SEC(2020) 1019/2)	7
2. WEEKLY MEETING OF CHEFS DE CABINET (RCC(2020) 2333)	7
3. APPROVAL OF THE MINUTES OF THE 2326 TH , 2328 TH , 2329 TH , 2330 TH , 2331 ST AND 2332 ND MEETINGS OF THE COMMISSION (19 FEBRUARY, 4, 10, 18 AND 25 MARCH, AND 1 APRIL 2020) (PV(2020) 2326; PV(2020) 2326, 2 ND PART; PV(2020) 2328; PV(2020) 2329; PV(2020) 2329, 2 ND PART)	7
4. INTERINSTITUTIONAL RELATIONS (RCC(2020) 50)	8
4.1. RELATIONS WITH PARLIAMENT	8
4.2. RESPONSE TO THE COVID-19 PANDEMIC	8
4.3. OTHER BUSINESS	9
5. COORDINATION OF EXTERNAL ACTION (RCC(2020) 53)	9
6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS	10
6.1. WRITTEN PROCEDURES APPROVED (SEC(2020) 130 ET SEQ.)	10
6.2. EMPOWERMENT (SEC(2020) 131 ET SEQ.)	10
6.3. DELEGATION / SUBDELEGATION OF POWERS (SEC(2020) 132 ET SEQ.)	10
6.4. SIGNIFICANT WRITTEN PROCEDURES (SEC(2020) 133 AND /2)	10

6.5. GRANTING OF AN EMPOWERMENT RELATING TO THE CONCLUSION OF ADMINISTRATIVE ARRANGEMENTS BETWEEN THE EUROPEAN COMMISSION AND THE DATA PROVIDER ORGANISATIONS OF THE EUROPEAN RADIOLOGICAL DATA EXCHANGE PLATFORM (C(2020) 2065).....	11
7. OTHER BUSINESS.....	11
7.1. PRELIMINARY REMARKS BY THE PRESIDENT.....	11
7.2. EUROGROUP MEETING (BRUSSELS, 7 TO 9 APRIL 2020)	12
8. ADMINISTRATIVE AND BUDGETARY MATTERS (SEC(2020) 134 AND /2).....	14
8.1. COMMISSION DECISIONS ON POST TERM-OF-OFFICE ACTIVITIES OF TWO FORMER MEMBERS OF THE COMMISSION (C(2020) 9009; C(2020) 9010; C(2020) 9011; C(2020) 9012)	16
8.2. JOINT RESEARCH CENTRE – APPOINTMENT OF AD16 DIRECTOR-GENERAL	16
8.3. DG TAXATION AND CUSTOMS UNION – INTERNAL PUBLICATION OF THE VACANCY NOTICE FOR AN AD15/16 DIRECTOR-GENERAL (PERS(2020) 34).....	16
8.4. DG BUDGET – COMPLEMENTARY ALLOCATION OF HUMAN RESOURCES FOR 2020 (SEC(2020) 161)	17
9. POLICY DEBATE ON THE EUROPEAN ROADMAP TOWARDS EXITING FROM THE COVID-19 PANDEMIC (SEC(2020) 159 AND /2; INFO(2020) 15/2; INFO(2020) 16/2)	17
10. ORIENTATION DEBATE ON EUROPE’S RECOVERY PLAN – REPAIR AND RESTORE EUROPEAN COMPETITIVENESS (SEC(2020) 160; INFO(2020) 15/2; INFO(2020) 16/2).....	17
11. OTHER BUSINESS (CONTINUED).....	30
FIGHT AGAINST THE COVID-19 PANDEMIC AND RESPECT FOR THE RULE OF LAW (INFO(2020) 18)	30

The sitting opened at 9.02 with Ms von der LEYEN, President, in the chair.

Ms von der LEYEN President

Mr TIMMERMANS	Executive Vice-President
Ms VESTAGER	Executive Vice-President
Mr DOMBROVSKIS	Executive Vice-President
Mr BORRELL i FONTELLES	High Representative / Vice-President
Mr ŠEFČOVIČ	Vice-President
Ms JOUROVÁ	Vice-President
Ms ŠUICA	Vice-President
Mr SCHINAS	Vice-President
Mr HAHN	Member
Mr HOGAN	Member
Ms GABRIEL	Member
Mr GENTILONI	Member
Mr WOJCIECHOWSKI	Member
Mr BRETON	Member
Ms FERREIRA	Member
Ms KYRIAKIDES	Member
Mr REYNDEERS	Member
Ms DALLI	Member
Ms JOHANSSON	Member
Mr LENARČIČ	Member
Ms VÁLEAN	Member
Mr VÁRHELYI	Member
Ms URPILAINEN	Member
Ms SIMSON	Member
Mr SINKEVIČIUS	Member

Absent:

Mr SCHMIT

Member

[illegible]

Mr SEIBERT	Chef de cabinet to the PRESIDENT
Mr MAMER	Head of the Spokesperson's Service and Chief Spokesperson of the Commission
Ms RISO	Deputy Chef de cabinet to the PRESIDENT
Mr FLOSDORFF	Executive Adviser in the PRESIDENT's Office
Mr VANDENBERGHE	Adviser in the PRESIDENT's Office
Ms HILI	Adviser in the PRESIDENT's Office
Mr VALERO LADRÓN	Secretariat-General
Ms SPINANT	Commission Spokesperson's Service

Mr ROMERO REQUENA	Director-General, Legal Service	
Ms AHRENKILDE HANSEN	Director-General, DG Communication	
Mr LEARDINI	Deputy Secretary-General	
Ms GAUER	Deputy Secretary-General	Items 8 to 11
Ms PETKOVA	Director of Coordination and Administration in the PRESIDENT's Office	
Ms VILA NUÑEZ	Policy Coordinator in the PRESIDENT's Office	
Ms ALLOUIS-LE LOSTEC	Secretariat-General	
Ms STANCIULESCU	Secretariat-General	

PV(2020) 2333 final

**1. AGENDAS, AND LIST OF ITEMS RELATING TO THE COVID-19 CRISIS
SCHEDULED FOR ADOPTION BY THE COMMISSION
(OJ(2020) 2333/FINAL; SEC(2020) 2333/FINAL; SEC(2020) 1019/2)**

The Commission took note of that day's agenda and of the tentative agendas for forthcoming meetings, and of the list of items relating to the COVID-19 crisis scheduled for adoption.

**2. WEEKLY MEETING OF CHEFS DE CABINET
(RCC(2020) 2333)**

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 6 April 2020 by videoconference and teleconference.

**3. APPROVAL OF THE MINUTES OF THE 2326TH, 2328TH, 2329TH, 2330TH,
2331ST AND 2332ND MEETINGS OF THE COMMISSION (19 FEBRUARY, 4,
10, 18 AND 25 MARCH, AND 1 APRIL 2020)
(PV(2020) 2326; PV(2020) 2326, 2ND PART; PV(2020) 2328; PV(2020) 2329;
PV(2020) 2329, 2ND PART)**

The Commission approved the minutes of its 2326th, 2328th and 2329th meetings and decided to hold over approval of the minutes of its 2330th, 2331st and 2332nd meetings for a later meeting.

4. INTERINSTITUTIONAL RELATIONS (RCC(2020) 50)

The Commission took note of the summary of conclusions of the virtual meeting of the Interinstitutional Relations Group (IRG) held during the week of 30 March to 3 April 2020 (RCC(2020) 50).

It paid particular attention to the following points.

4.1. RELATIONS WITH PARLIAMENT

i) Action taken on the non-legislative resolutions adopted by Parliament at its February 2020 part-session

The Commission approved, for transmission to Parliament, document SP(2020) 136 on the action taken on the non-legislative resolutions adopted by Parliament at its February 2020 part-session.

ii) Action taken on the non-legislative resolutions adopted by Parliament at its January II 2020 part-session

The Commission approved, for transmission to Parliament, document SP(2020) 138 on the action taken on the non-legislative resolutions adopted by Parliament at its January II 2020 part-session.

4.2. RESPONSE TO THE COVID-19 PANDEMIC

iii) Amendment of Regulation (EU) 2017/745 on medical devices as regards the dates of application of certain of its provisions (Regulation) – 2020/0060 (COD)

The Commission approved the line set out in SI(2020) 120/2.

- iv) Amendment of Regulation (EU) 1379/2013 and Regulation (EU) 508/2014 as regards specific measures to mitigate the impact of the COVID-19 outbreak in the fishery and aquaculture sector (Regulation) – 2020/0059 (COD)**

The Commission approved the line set out in SI(2020) 121.

- v) European Research & Innovation Action Plan ‘ERAvsCorona’ – First urgent work streams**

The Commission approved the line set out in SI(2020) 119.

- vi) Eight-week period available for national Parliaments to issue a reasoned opinion on compliance of a draft legislative act with the principle of subsidiarity – Request to extend/suspend the period**

The Commission approved the line set out in SNP(2020) 5.

4.3. OTHER BUSINESS

- vii) Active Monitoring and Forecast of the 2019 Budget Implementation**

The Commission took note of the information in SPI(2020) 11/2.

5. COORDINATION OF EXTERNAL ACTION (RCC(2020) 53)

The Commission took note of the operational conclusions in RCC(2020) 53 of the meeting of the Group for External Coordination (EXCO) held by videoconference and teleconference on Wednesday 1 April 2020.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

6.1. WRITTEN PROCEDURES APPROVED

(SEC(2020) 130 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 30 March and 4 April 2020.

6.2. EMPOWERMENT

(SEC(2020) 131 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 30 March and 3 April 2020.

6.3. DELEGATION / SUBDELEGATION OF POWERS

(SEC(2020) 132 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 30 March and 3 April 2020 archived in Decide.

6.4. SIGNIFICANT WRITTEN PROCEDURES

(SEC(2020) 133 AND /2)

The Commission took note of the significant written procedures for which the time limit expired between 6 and 17 April 2020 and of the finalisation written procedure initiated following the weekly meeting of Chefs de cabinet on Monday 6 April 2020.

6.5. GRANTING OF AN EMPOWERMENT RELATING TO THE CONCLUSION OF ADMINISTRATIVE ARRANGEMENTS BETWEEN THE EUROPEAN COMMISSION AND THE DATA PROVIDER ORGANISATIONS OF THE EUROPEAN RADIOLOGICAL DATA EXCHANGE PLATFORM
(C(2020) 2065)

The Commission adopted the decision in C(2020) 2065. Specifically it decided to empower the Member of the Commission in charge of energy, in agreement with the PRESIDENT, to conclude, on its behalf and under its responsibility, and subject to the conditions set out in Articles 2 to 6 of the Decision, administrative arrangements between the European Commission and the organisations providing data of the European Radiological Data Exchange Platform.

7. OTHER BUSINESS

7.1. PRELIMINARY REMARKS BY THE PRESIDENT

The PRESIDENT opened the Commission meeting by mentioning the leaks that had taken place in recent days in the media on the subject of internal exchanges of views at the Commission.

She urged everyone to ensure the strictest discipline in external communication. She added that in this extraordinary tense and serious period, in which the Commission was fully mobilised, night and day – with a dedication which deserved respect and for which she once again warmly thanked the Commission’s departments –, to propose solutions that could help the Member States overcome the COVID-19 pandemic, and persuade them to adopt a coordinated approach based on solidarity, it had never been so essential to maintain a safe space for debate between the Members of the College to exchange ideas and positions.

7.2. EUROGROUP MEETING (BRUSSELS, 7 TO 9 APRIL 2020)

At the PRESIDENT's invitation, Mr DOMBROVSKIS reported to the College on the discussions held by videoconference from 7 April until the early morning of 8 April in the Eurogroup, meeting in inclusive format, in order to define a joint response to the economic crisis triggered by the COVID-19 pandemic. After 16 hours of talks, the Eurogroup had suspended the discussions, which would resume on Thursday 9 April on the outstanding points. Although the debates had not been conclusive, there had nevertheless been positive progress on (i) the reactivation of immediate assistance within the Union through the Emergency Support Instrument, (ii) the room for manoeuvre granted in the use of EU funds, and (iii) the establishment of the European instrument for temporary Support to mitigate Unemployment Risks in an Emergency (SURE), three initiatives proposed by the Commission in the context of the COVID-19 pandemic that had received the support of the Member States.

He also noted that the Member States now accepted that the Union's next Multiannual Financial Framework for 2021-2027 was central to the EU's economic recovery strategy, on the basis of a proposal adapted to the needs created by the pandemic that the Commission would shortly be presenting.

He explained that among the subjects on which no agreement had been reached, the use of the European Stability Mechanism (ESM) had brought Member States that did not wish to make it subject to conditions into conflict with others that defended the opposite position. In his view, a compromise would have to be reached on this matter, since conditionality would necessarily be linked to management of the crisis caused by the pandemic rather than to traditional macroeconomic criteria. As a general point, he stressed that it would be illogical not to use the European Stability Mechanism, since it made it possible to obtain immediate credit facilities guaranteed by the Member States. He pointed out that it had to be possible to

draw on this mechanism rapidly if needed and recommended that the Commission encourage agreement between the Member States, irrespective of the intergovernmental nature of the instrument.

Mr DOMBROVSKIS also referred to the creation of a European economic recovery fund. This too was opposed by a group of Member States, giving rise to positions which were still irreconcilable at this stage. The question of how this fund tied in with the Multiannual Financial Framework had been raised, but the main elements of an agreement on this issue had not yet been decided on.

In conclusion, he expressed mixed feelings given the current state of the discussions. On the one hand, they had enabled significant progress to be made on paving the way for the adoption of the initiatives presented by the Commission, as well as on more sensitive subjects; on the other, they had revealed a lack of political will and a lack of awareness on the part of certain Member States of the urgent need to mitigate the effects of the pandemic. However, he considered that an overall agreement was still possible before the conclusion of the Eurogroup meeting and that the Member States would make the necessary concessions to allow the Union to provide an adequate response to the crisis.

Mr GENTILONI said that with regard to the European instrument for temporary Support to mitigate Unemployment Risks in an Emergency (SURE), the last question to be resolved was about extending its application to support not just employment but health systems as well. The resolution of this question should form the basis of a compromise that could ultimately lead to an agreement.

He also noted on this issue the reluctance of a number of Member States to provide liquidity guarantees, to accept what they regarded as an intrusion into their health systems or to share certain expenses, doubtless anticipating difficult debates in their national parliaments.

As regards the more sensitive and complex dossiers on which no agreement had been reached, he confirmed that the compromise text presented by the presidency of the Eurogroup on the use of the European Stability Mechanism (ESM) had been supported by a large majority of Member States, but still encountered strong opposition from a minority, as did the creation of a European economic recovery fund.

Mr GENTILONI observed that the Member States were increasingly looking inwards and focusing on their national interests in the particular context of the pandemic, often as a response to developments in their internal political debates. Although he considered this development very worrying, he stressed that it gave the Commission the opportunity to fulfil its natural role as initiator and coordinator, a role the Union had such need of today.

The PRESIDENT concluded by pointing out the benefits for the Commission of the diversity of opinions and analyses within it, a diversity which often enabled it to achieve a fair balance when drawing up its proposals while taking account of a wide variety of aspects. She reiterated the urgent need to adjust and adopt the Multiannual Financial Framework for 2021-2027 so as to provide the Union with all the necessary tools to fight against the COVID-19 pandemic and its effects on society and the economy, and, in the longer term, to implement its political priorities during its term of office.

The Commission took note of this information.

8. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2020) 134 AND /2)

ADMINISTRATIVE MATTERS

(PERS(2020) 33)

At the PRESIDENT's invitation, Mr HAHN presented three additional proposals for administrative decisions which were tabled directly to the College for approval.

He explained that, first, it was proposed to transfer in the interest of the service, under Article 7 of the Staff Regulations, Mr Stephen QUEST, currently Director-General of DG Taxation and Customs Union, to the post of Director-General of the Joint Research Centre (JRC), with effect from 1 May 2020.

He highlighted the great skills, outstanding career and recognised expertise of Mr Stephen QUEST, which would be valuable assets in his new post.

Mr GENTILONI took the opportunity to praise the excellent work that Mr Stephen QUEST had carried out as the head of DG Taxation and Customs Union, and the very fruitful collaboration they had established since the start of the Commission's term of office. He expressed his gratitude and appreciation to him.

Mr HAHN added that it was also proposed, as a result of this transfer, to authorise the internal publication at grade AD15/16, under Article 29(1)(a)(i) and (iii) of the Staff Regulations, of the vacancy notice for the post of Director-General of DG Taxation and Customs Union, with immediate effect.

Lastly, Mr HAHN referred to the proposal for a decision approving the communication concerning the complementary allocation of human resources for 2020, with immediate effect. He explained that the Commission normally adapted its human resources twice a year to meet the needs of the Directorates-General. That day's proposal was the result of the extraordinary situation brought about by the COVID-19 pandemic and its aim was to temporarily reinforce, with the allocation of 46 posts, the human resources of the Directorates-General that were on the front line in implementing the Commission's response to this exceptional situation. A further adaptation of human resources would take place in a few weeks' time, once the Commission's work programme for 2020 had been adjusted to take account of the tasks to be carried out to mitigate the consequences of the current crisis.

**8.1. COMMISSION DECISIONS ON POST TERM-OF-OFFICE ACTIVITIES
OF TWO FORMER MEMBERS OF THE COMMISSION
(C(2020) 9009; C(2020) 9010; C(2020) 9011; C(2020) 9012)**

The Commission adopted the Decisions set out in C(2020) 9009, C(2020) 9010, C(2020) 9011 and C(2020) 9012.

The Commission specifically decided that the professional activities envisaged by Mr Jean-Claude JUNCKER and Ms Federica MOGHERINI after leaving office as Members of the Commission were compatible with Article 245(2) of the Treaty on the Functioning of the European Union (TFEU) and with the Code of Conduct for Commissioners, subject to certain specific conditions and obligations.

**8.2. JOINT RESEARCH CENTRE – APPOINTMENT OF AD16
DIRECTOR-GENERAL**

On a proposal from Mr HAHN, in agreement with the PRESIDENT, and after consulting Ms GABRIEL and Mr GENTILONI, the Commission decided to transfer in the interest of the service, under Article 7 of the Staff Regulations, Mr Stephen QUEST, currently Director-General of DG Taxation and Customs Union, to the post of Director-General of the Joint Research Centre (JRC).

This decision would take effect on 1 May 2020.

**8.3. DG TAXATION AND CUSTOMS UNION – INTERNAL PUBLICATION
OF THE VACANCY NOTICE FOR AN AD15/16 DIRECTOR-GENERAL
(PERS(2020) 34)**

On a proposal from Mr HAHN, in agreement with the PRESIDENT, and after consulting Mr GENTILONI, 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(2020) 34 for the post of Director-General of DG Taxation and Customs Union.

This decision would take effect immediately.

8.4. DG BUDGET – COMPLEMENTARY ALLOCATION OF HUMAN RESOURCES FOR 2020

(SEC(2020) 161)

The Commission adopted the communication in SEC(2020) 161.

9. POLICY DEBATE ON THE EUROPEAN ROADMAP TOWARDS EXITING FROM THE COVID-19 PANDEMIC

(SEC(2020) 159 AND /2; INFO(2020) 15/2; INFO(2020) 16/2)

10. ORIENTATION DEBATE ON EUROPE'S RECOVERY PLAN – REPAIR AND RESTORE EUROPEAN COMPETITIVENESS

(SEC(2020) 160; INFO(2020) 15/2; INFO(2020) 16/2)

The PRESIDENT opened the two policy debates, focusing, on the one hand, on the European roadmap for exiting the COVID-19 pandemic, based on the background note in SEC(2020) 159/2 and, on the other hand, on the plan to repair and restore European competitiveness, based on the background note in SEC(2020) 160.

With regard to the **European roadmap for exiting the COVID-19 pandemic**, she explained that the main aim was to give Member States guidance to help them once they began preparations to progressively lift the lockdowns and emergency measures they had put in place, by proposing a coordinated strategy based on clear scientific criteria. Although she had announced that the document would be adopted that day, after having spoken to the Heads of State or government of the Member States that were most affected by this major health crisis, she had decided to postpone the adoption by a few days so as not to hinder those governments' hard-fought battles to save lives, even though pressure was mounting to begin lifting some of the restrictions imposed as part of the state of emergency.

As regards the **plan to repair and restore European competitiveness**, the main challenge in the months following the progressive exit from the pandemic would concern macroeconomic aspects as well as the 2021-2027 Multiannual Financial Framework, for which the Commission would soon submit a new proposal to the Parliament and the Council to take account of the consequences of the health crisis caused by COVID-19. Furthermore, this recovery strategy would be structured around the EU's priorities, namely the European Green Deal, digitisation and doubtless also the issue of resilience in order to learn from the pandemic.

Before inviting the members of the College to share their thoughts on these two extremely important matters, she firstly gave the floor to Mr TIMMERMANS, for environment and climate issues, to Ms VESTAGER, for digital issues, and to Mr DOMBROVSKIS, for macroeconomic and budgetary aspects. The contributions from the thematic working groups will be included in the input that the European Council had requested from the Commission on 26 March. She ended the introduction by highlighting that these two major initiatives were a way for the Commission to show leadership, but that the aim was also to bring the Member States and EU institutions on board in order to ensure that the initiatives were implemented in a coordinated manner.

Mr TIMMERMANS was convinced that this leadership should first and foremost focus on a pandemic exit strategy, which the Member States would be more likely to adhere to if it matched their priorities. As regards the economic recovery strategy, he hoped that the Commission would seize the unique opportunity created by the current circumstances to encourage the Member States to take convergent measures and coordinate their efforts so as to prevent at all costs the risk of a return to the 'pre-crisis world' and instead to take a brave and ambitious leap forward towards a new world, one which took better care of the climate and the environment, was more energy efficient and more committed to a circular economy.

He felt that the Member States would assess the Commission's recovery proposals in terms of the benefits they could bring them in the short term to support growth and jobs. The Commission could help them by proposing measures guided by the

sustainable development principles – respect for the environment and the climate, energy savings and the circular economy – and by resilience.

Ms VESTAGER felt that it was also necessary to consider the Commission's proposed response to the crisis in terms of confidence in the future over the longer term. With regard to the European roadmap for exiting the COVID-19 pandemic, she argued that the required coordination should not be taken to mean harmonisation. The idea was to work in stages, based on scientific criteria, and, as had been said, for each Member State to move forward at its own pace. She pointed out that the Commission's role in the process would be to gather and share the requisite data, and, on that point, she suggested that the Member States be given access to the advanced modelling of effective and less effective measures.

Regarding the lessons to learn from the current pandemic, teleworking and distance learning were tools that could become part of the economic recovery strategy.

Regarding the updated Multiannual Financial Framework proposal for 2021 to 2027 soon to be presented by the Commission, she hoped that the overall amount would be large enough to contribute to an economic recovery focusing on the EU's strategic priorities, highlighting the fact that it was a tool for ensuring solidarity for all the Member States and was subject to democratic scrutiny. Furthermore, as regards the Commission's revised work programme that would soon be presented to take account of the fight against the COVID-19 pandemic, Ms VESTAGER recommended starting the roll-out of the programme with those measures that were most needed and most eagerly awaited, issuing a reminder that there would be a long battle ahead.

She also confirmed that the European Green Deal and digital priorities would need to be at the heart of the recovery strategy so as to avoid rebuilding things as they had been. In terms of digital issues, the initial priorities would be to re-establish the functioning of the internal market, both physical and digital, and then to develop strategic digital capabilities in the EU, for example in the areas of high-performance computing, artificial intelligence and data spaces, to allow digitisation to flourish in

Europe. She also suggested seizing the opportunity to develop teaching and human capital in the digital field, thereby equipping national administrations, hospitals, etc., with tools. Lastly, she stressed the need for a large-scale digital investment strategy to complement the Member States' strategies and to allow many sectors of the economy to benefit from this untapped potential.

Mr DOMBROVSKIS referred to the massive investment that would be needed for the EU's economy to recover, based on sound macroeconomic analysis. He fully supported the priority of focusing on sustainable development, with the European Green Deal and digitisation, and considered that the European Semester was doubtless the best means of achieving this aim. He also called on the EU as a whole to learn from the crisis, particularly by developing its resilience and ensuring that, for growth and jobs, the European economy was more inclusive than ever and working for its citizens. He recommended ensuring that the policy messages during the recovery period emphasised the creation of new jobs and the protection of incomes. Lastly, he highlighted the central role of a Multiannual Financial Framework with sufficient resources to support an ambitious recovery. He also favoured measures to stimulate private investment, by unlocking certain aspects of EU legislation, stepping up work related to the Banking Union and the Capital Markets Union, and by launching a strategy on sustainable and digital finance.

Before launching into the policy debates themselves, the PRESIDENT also invited Mr ŠEFČOVIČ to give a brief progress report on the update to the Commission's work programme for 2020, which had become necessary owing to the raft of measures to be taken in the short and medium term to address the pandemic.

Mr ŠEFČOVIČ explained that, to contribute fully to the health crisis exit strategy and the economic competitiveness recovery strategy, he had submitted to Parliament and the Council, on behalf of the Commission, a revised preliminary draft work programme for 2020 focusing on those initiatives that were best placed to stem the unprecedented crisis being experienced in the EU, with a view to it being adopted by the College at the end of April. He pointed to the work under way to establish a

resilience index that would enable the Commission to better identify the aspects that should be addressed by its future proposals in that field.

A detailed and wide-ranging discussion followed, in the course of which the Commission raised the following main points:

The European roadmap for exiting the COVID-19 pandemic

- the initial observation, from an epidemiological point of view, of the first relatively encouraging signs in certain Member States in terms of the number of new COVID-19 cases, the number of deaths and the number of people recovering; in other Member States, sadly, the continued increase in the number of new cases and deaths;
- in any event, a reminder of the need for caution when interpreting these figures and acting on them, especially given that not all Member States had reached the peak of the epidemic;
- against this mixed background, the importance of continuing to work tirelessly, day after day, to devise and propose immediate crisis-management measures while at the same time reflecting on how to exit the crisis;
- among the immediate responses to the crisis, the relevance of the Commission's recommendation to extend for a further 30 days the temporary ban on non-essential travel to the EU which had been put in place on 16 March 2020 as part of the measures to combat the COVID-19 pandemic;
- in terms of the exit strategy, the expression of the Commissioners' overwhelming support for the proposed European roadmap for exiting the COVID-19 pandemic, which they saw as an excellent contribution to the mission, which the EU leaders had entrusted to the PRESIDENT and the President of the European Council on 26 March 2020, for them to work on a coordinated strategy for exiting the crisis in consultation with the other institutions;

- the absolute need to coordinate exiting the pandemic at EU level, which highlighted the clear need for ‘more Europe’ in some areas, starting with health, and the role the Commission could play as a political driving force to this end;
- the merits of using scientific criteria as a basis for points of reference common to all the Member States for assessing, in accordance with their respective situations, whether or not to start a gradual lifting of the lockdown measures, and for providing them with a decision-making tool to determine or plot a course between the gradual easing of curbs on freedoms, which would also allow a genuine economic recovery, on the one hand, and, on the other, the risk of an upsurge in new cases of infection;
- in any event, the call for the utmost caution in the methods for lifting the lockdown measures, with an invitation to refer to the publications of the European Centre for Disease Prevention and Control, in particular the guidelines published that day in the context of a widespread transmission of COVID-19;
- a reminder that the lockdown measures could only be eased (i) if this were done gradually and applied first and foremost to sectors with the greatest economic weight, which could create a welcome economic multiplier effect, and (ii) if accompanied by effective support measures;
- with regard to those support measures, a mention, **firstly**, of the vital need to have available increased screening capabilities and enough personal protective equipment; in this respect, an invitation to consult the European Centre for Disease Prevention and Control’s technical report, published that day, which examined the usefulness of wearing face masks;
- **secondly**, a reminder of the importance of supporting and encouraging research and innovation in the development of vaccines, treatments and medicines, which were the only viable solutions in the long term to overcome the pandemic;
- **thirdly**, in order to effectively manage the exit from the crisis, the relevance of warning and tracing applications, which, combined with adequate screening

strategies, could be particularly useful in providing information on the extent to which the virus was circulating, in limiting the spread of the disease and in breaking transmission chains, in order to assess the effectiveness of physical distancing and lockdown measures and inform strategies for easing the lockdown measures;

- hence the importance of the Commission’s recommendation, for adoption that day, advocating a common EU toolbox for the use of technologies and data in the fight against COVID-19 and for exiting the crisis, in particular mobile applications and the use of anonymised mobility data;
- the announcement of guidelines in addition to that recommendation in order to ensure that the applications in question were used uniformly while respecting both privacy and personal data protection, and of the fact that these guidelines were about to be submitted to the European Data Protection Board and could be approved by written procedure the following week;
- a mention of the ongoing development of the platform to host the data of telecom operators that would be used to model the pandemic’s spatial dynamics and assess the impact of physical distancing measures on travel, all of which were key to containing the effects of the virus, estimating the needs in terms of personal protective equipment and intensive care units, and supporting the exit strategy;
- furthermore, the close attention to be paid to communication, however sensitive, at all levels, particularly with the Member States, at the risk of failing to deliver enhanced coordination in exiting the crisis at EU level in the absence of sufficient trust;
- support for the PRESIDENT’s decision to postpone the publication of the roadmap by a few days in order to avoid any unnecessary controversy as to whether to keep the lockdown measures in place, which would be particularly unwelcome in the Member States facing major difficulties in managing the

emergency, and in which people's acceptance of these measures should not be undermined under any circumstances; nevertheless, a call not to delay this publication for too long in order to preserve its added value of coordination at EU level, bearing in mind that three Member States were preparing to start lifting their lockdown measures;

- a reminder of the purpose of the roadmap, which was neither an invitation nor a deterrent with regard to the lifting of the lockdown measures, but merely a common analytical grid, based on scientific and transparent criteria, aimed at helping the Member States to take the decisions under their control and create the conditions in the Union for a coordinated exit, vital for preventing a further wave of infections, while still maintaining the proper functioning of the single market;
- a sense of bitterness that the Member States at times criticised the Commission for a lack of foresight and being too slow to respond, yet at other times discouraged it from promoting the coordination which everyone had nevertheless been calling for;
- the value of encouraging communication between the Member States by urging them to inform one another of their decisions to gradually ease the lockdown measures and share with one another their feedback and good practices;
- in terms of immediate responses to the crisis outside the EU, mention of the joint communication on the EU's global response to the pandemic, adopted the previous day, aimed at providing support to the EU's third-country partners affected by COVID-19, in regions of the world where the disease could become a geostrategic issue, by securing significant financial assistance in order to strengthen their health structures and mitigate the economic consequences of the health crisis;
- the timeliness and relevance of this joint communication, which was a tangible expression of the EU's solidarity with its partners, would help to combat the

disease worldwide and make it possible to prevent a further wave of infections, including in Europe, something which was in everyone's interest;

The European economic recovery strategy

- the importance of the economic recovery plan that the Union was going to implement, the scope and ambition of which would make it the main legacy of the current Commission's term of office;
- the new world that would emerge from the COVID-19 pandemic, and the impossibility of going back to the way things were, to be seen as an opportunity to accompany the acceleration of the major transformations currently taking place with a holistic approach that would translate the Union's political priorities into realities and leave plenty of room for the European way of life;
- the relevance of the objective of economic and social resilience that would now have to be pursued in the same way as the EU's other major political priorities;
- the confirmation, against the backdrop of the crisis triggered by the pandemic, of the Union's long-term objectives in the areas of the green and digital transition, the development of a circular economy and strengthening the single market;
- the opportunity arising from the current crisis insofar as it was accelerating certain fundamental trends at global level, in particular the digital transition and the need to reduce the impact of human activity on the climate and the environment;
- the categorical imperative of economic recovery that would be inclusive and defined by mutual agreement with the Member States, social partners, organisations representing civil society and all other stakeholders;
- the particular attention to be paid to the most vulnerable regions and groups of people so that they would be fully taken into account in the recovery process and

so that no-one would be left behind in the transition to a digital and climate-neutral economy;

- the importance of addressing EU citizens to inform them of the challenges and the advantages of the ongoing transformations so that they could help to shape them and so that everyone could find their place;
- in this context, the case for seeing the next conference on the future of Europe as a discussion forum to allow European citizens to contribute to shaping their common future on the basis of shared fundamental values;
- the acknowledgment of the suffering and the concerns about the future caused by the COVID-19 pandemic among citizens, who expected from the Union empathy, protection and the expression of real European solidarity transcending national self-interest;
- the advantage of planning the economic recovery sector by sector, based on detailed impact assessments and taking account of the specific characteristics of each production ecosystem;
- the importance of providing rapid support for the sectors most affected by the current crisis to ensure their viability, in particular in transport, by re-establishing the free movement of people and goods, which was essential to the functioning of the single market, tourism, which many small and medium enterprises relied on, and agriculture, which was a vital sector for food supplies;
- the recommendation to make maximum use of the tools available to the Union to support the sectors concerned, such as the Connecting Europe Facility, which had proven its worth and would make it possible to develop big infrastructure projects in the digital and transport sectors, whilst at the same time creating employment and contributing to sustainable growth;

- the significant contribution that the Union's trade policy could make to the economic recovery plan given that international trade accounted for at least 35% of the Union's gross domestic product and employed 36 million people;
- recognition of the fact that, even if the Union's self-sufficiency should be encouraged in certain areas, it could not be encouraged in others, meaning that Europe would continue to depend to a certain extent on imports from other regions of the world;
- hence the importance for the Union of continuing to defend an international system based on a set of rules and to encourage multilateralism, while taking full advantage of the free-trade agreements already signed with its international partners;
- similarly, the importance for the Union of being able to combat all unfair practices and restrictions of competition while remaining open to the world and continuing to encourage a sustainable trade policy consistent with its values;
- the mention of the central role of consumers in the growth recovery strategy since their expenditure accounted for at least 60% of the Union's gross domestic product and was an essential driver of the economic recovery;
- the fundamental role of the research and innovation policy in the implementation of a recovery strategy structured around the Union's long-term political priorities, which were forward-looking and based on technological development, the acquisition of knowledge and a structural transformation of the economy and of society;
- the value of leaving the beaten track and defining new, ambitious and appropriate tools able to cope with an economic crisis of a scale that made it worth envisaging, in a form still to be determined, sharing a common debt owing to the impact of the pandemic on the economies of all the Member States by showing the solidarity that united them in a joint project;

- the need to consider the specific nature of each Member State when drawing up a common recovery plan;
- a reminder of the symmetrical nature of the shock caused by the COVID-19 pandemic but its asymmetrical impact on the Member States, which highlighted the need for a plan adapted to each individual Member State within a coherent overall plan at Union level;
- the Commission's mission, which was to give the Union the momentum, the guidelines and the necessary expertise for the implementation of a long-term economic recovery strategy that was coherent, inclusive and based on the values of the Union;
- the stamina the Union's institutions, the Member States and citizens would have to show to overcome an unprecedented crisis that would inevitably have profound long-term consequences;
- the full support of the College for the idea that the next Multiannual Financial Framework, which must be adopted as quickly as possible, should be the driving force of the economic recovery strategy and should be given the commensurate resources for the challenges ahead and the ambitions of the Union;
- the danger for Europe of falling back on national self-interest, as no Member State was able to face alone a crisis that required concerted joint action at Union level.

The PRESIDENT thanked the College for supporting the **European roadmap for exiting the COVID-19 pandemic**, highlighting once again that this phase would take place over several weeks, or even months, on the basis of scientific criteria and transparent general principles. Returning to some of the points raised during the discussion, she confirmed that the implementation of this exit from the health crisis would mean respecting the different stages of management of the pandemic in the Member States and that coordination would not mean harmonisation. She also noted that the Member States that were preparing to lift certain restrictions, were doing so

in close contact with the Commission or by following its recommendations very closely. She added that it was also important to respect the Member States hardest hit by the pandemic, in particular Italy, Spain and France, which might need a little longer to start their exit from the health crisis.

In the case of the **recovery plan to repair and restore European competitiveness**, she stressed that the time horizon extended over several years. She completely agreed with the point raised during the discussion that, once economic recovery started, it would be a mistake to revert to old economic models. On the contrary, it would be advisable to take a leap forward into the future by heading down the road of a green and digital European economy, which only confirmed that the Commission's political priorities were the right ones. The EU would also need to use resilience to remedy its dependence on global supply chains in the recovery plan, which would mean bringing its sources of supply closer to home and diversifying them. Finally, in the context of the European Green Deal, she highlighted the extent to which the current crisis showed the need to press ahead with the circular economy, which combined three major advantages in terms of climate protection, resource use and EU independence.

To succeed in this overall policy, the Multiannual Financial Framework was the most powerful tool available to the Union and also had the advantage of being a vehicle of absolute solidarity. She was therefore determined to do whatever it took to secure the support of the Member States for the updated proposal the Commission would soon table. There was a need for a strong focus at the start of the Multiannual Financial Framework on support measures to respond to the COVID-19 crisis. An instrument might also be set up this year which, once incorporated into the next Multiannual Financial Framework, would scale up the principle underlying the SURE instrument in support of Member States' short-time working arrangements and would enable the Commission, thanks to Member State guarantees, to leverage funding that could be invested in the regions most in need of it. More generally, it was very much in Member States' interests for the growing divergence in economic performance between their national economies to be

reduced and to benefit from both a level playing field and a strong internal market. She hoped, thanks to the Commission's leadership and its proposals, to persuade the Member States that this was the right way forward, in a united Europe.

The PRESIDENT concluded the dual policy debate by again thanking the Members of the Commission for the exceptional contribution they had made in recent weeks to managing the COVID-19 pandemic and its short and medium-term consequences, and asking them to pass on to the institution's 33,000 officials, in its cabinets and departments, her sincerest appreciation for their remarkable dedication to the smooth running of the European project.

The Commission took note of the contributions to the debates and their results, as well as of the background notes and information notes distributed as SEC(2020) 159/2, SEC(2020) 160, INFO(2020) 15/2 and INFO(2020) 16/2.

11. OTHER BUSINESS (CONTINUED)

FIGHT AGAINST THE COVID-19 PANDEMIC AND RESPECT FOR THE RULE OF LAW (INFO(2020) 18)

The PRESIDENT invited Ms JOUROVÁ and Mr REYNDEERS to give an overview of the state of emergency measures put in place by the Member States.

Ms JOUROVÁ reminded the meeting that, as announced by the PRESIDENT in her statement of 31 March 2020, the Commission was continually mapping the state of emergency measures announced in the Member States to combat the COVID-19 pandemic, as well as the special powers granted to their governments for that purpose. She pointed out that the exercise provided the Commission, as guardian of the Treaties, with a tool to objectively analyse the current exceptional situation in the EU and how it was evolving.

After pointing out that, by its nature, it was an ongoing exercise to take account in particular of developments in the Member States, she set out the first findings of this monitoring activity.

The picture varied greatly, as was to be expected from the diversity of constitutional structures in the EU. While the vast majority of Member States had declared a state of emergency or granted special powers to their governments in order to combat the COVID-19 pandemic effectively, there were differences, especially in the duration of those measures, although in most cases this was predetermined, in the level of parliamentary or judicial scrutiny and even in the nature and extent of the restrictions on certain fundamental rights.

While the diverse situations observed had to be respected, Ms JOUROVÁ stressed that certain fundamental principles were sacrosanct in a democracy, even under the current exceptional circumstances. This was particularly the case for democratic scrutiny and the independence of the media.

She therefore stressed that particular vigilance was called for since measures taken under these exceptional circumstances could undermine the rule of law, especially where the state of emergency or special powers would continue for some time or did not have a predetermined end date. In this regard, the guidelines issued to governments on 7 April by the Council of Europe with regard to respecting human rights, democracy and the rule of law in the context of the current health crisis were useful. She also suggested that the impact of such emergency arrangements on the rule of law be examined in the Commission's annual report on the rule of law in the Member States.

There was also a need to ensure that the restrictions on fundamental rights in these exceptional circumstances remained strictly necessary and proportional to the need to combat COVID-19.

Finally, it was for the Commission to ensure that the measures taken in these specific circumstances did not lead to the suspension of national rules transposing or implementing EU rules.

Mr REYNDERS warmly thanked the Secretariat-General, the Legal Service and the Directorate-General for Justice and Consumers for the considerable efforts made to draw up and update the map, as well as for this first detailed analysis.

He pointed out that 22 Member States had declared a state of emergency or granted special powers to their governments, and only four had done so without a predetermined time limit.

With regard to the numerous misgivings expressed about the arrangements for the implementation of the state of emergency in Hungary, the analysis carried out showed the need to monitor, first, the lack of parliamentary scrutiny, second, the introduction of new criminal offences penalising the dissemination of disinformation relating to COVID-19, third, the risks of disproportionate restrictions on fundamental rights and, fourth, the government's ability to suspend the application of texts transposing or implementing EU legislation.

Another useful reference, in addition to the information provided by the Council of Europe, was the report due to be published that day by the European Union Agency for Fundamental Rights on the protection of human rights and public health in the fight against COVID-19.

Mr REYNDERS also reported serious concerns about the Polish presidential elections possibly being held as planned on 10 May 2020 during the state of emergency.

As regards the ongoing dispute concerning the new disciplinary regime for Polish judges, Mr REYNDERS reported that the Court of Justice of the European Union had that morning ordered Poland to suspend immediately, as an interim measure pending the judgment on the substance of the infringement case, the application of the provisions constituting the basis of the jurisdiction of the Disciplinary Chamber

of the Polish Supreme Court to take decisions both at first instance and on appeal in disciplinary cases concerning judges, on the grounds that a lack of independence and impartiality on the part of that Chamber could cause serious and irreparable harm to the Union's legal order.

The Commission then held a brief discussion, the main subject of which was the validity of the concerns raised by the state of emergency in Hungary. One Member of the Commission pointed out that the Hungarian parliament was still sitting, that the Hungarian Constitutional Court scrutinised the proportionality of measures taken under the emergency arrangements, that other Member States had declared a state of emergency or conferred special powers on their government with no time limit, and that other governments had the power to suspend application of certain laws during the state of emergency.

Mr REYNDEERS informed the College that he had begun a dialogue with the Hungarian authorities.

He also pointed out that the map that had been drawn up and regularly updated was an objective tool for analysing the situation in each of the Member States, which should enable the Commission to fully play the role entrusted to it by the Member States in the Treaties. Moreover, he stressed that the Ministers of Justice had welcomed the existence of this tool at their informal meeting by videoconference on 6 April 2020.

The PRESIDENT stressed that, as guardian of the Treaties, the Commission's role was to ensure that the states of emergency declared in the Member States or the special powers conferred on their governments remained temporary, were strictly in line with the principle of proportionality and were subject to democratic scrutiny during their application.

As a means to this end, she emphasised the constructive virtues of an open and transparent dialogue that paid due respect to the arguments put forward by the parties concerned in support of their views.

In conclusion the PRESIDENT said that, while it was well recognised that the Member States could not carry on business as usual during this period, it was nevertheless unacceptable for the Union's fundamental values to be sacrificed to the efforts to combat the pandemic.

She also stressed that respect for the Union's values, starting with the rule of law, formed an integral part of the strategies for exiting the pandemic and restoring Europe's competitiveness which had been the subject of that day's discussions.

The Commission took note of this information and of the note distributed as INFO(2020) 18.

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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 12.09.