



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2020) 2350 final

- English translation of the French version which is authentic -

Brussels, 14 October 2020

TEXTE EN

MINUTES

**of the 2350th meeting of the Commission
held in Brussels
(Berlaymont)
on Wednesday 23 September 2020
(morning)**

PV(2020) 2350 final

- English translation of the French version which is authentic -

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Single sitting: Wednesday 23 September 2020 (morning)

The sitting opened at 9.08 with Ms von der LEYEN, President, in the chair.

Present:

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	
Ms GABRIEL	Member	Items 1 to 17
Mr SCHMIT	Member	
Mr GENTILONI	Member	
Mr WOJCIECHOWSKI	Member	
Mr BRETON	Member	
Ms FERREIRA	Member	
Ms KYRIAKIDES	Member	
Mr REYNDERS	Member	
Ms DALLI	Member	
Ms JOHANSSON	Member	
Mr LENARČIČ	Member	
Ms VÁLEAN	Member	
Mr VÁRHELYI	Member	
Ms URPILAINEN	Member	
Ms SIMSON	Member	
Mr SINKEVIČIUS	Member	

The following also sat in:

Mr SEIBERT	Chef de 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	
Mr LEARDINI	Deputy Secretary-General	
Ms PETKOVA	Director of Coordination and Administration in the PRESIDENT's Office	
Mr FLOSDORFF	Executive Adviser in the PRESIDENT's Office	
Ms TOVSAK-PLETESKI	Adviser in the PRESIDENT's Office	Items 18 to 24
Ms HILI	Adviser in the PRESIDENT's Office	Items 8 to 17
Ms VILA NUÑEZ	Policy Coordinator in the PRESIDENT's Office	
Ms SPANOU	Chef de cabinet to Mr SCHINAS	Items 8 to 17
Ms WEBBER	Chef de cabinet to Ms JOHANSSON	Items 8 to 17
Ms PARIAT	Director-General, DG Migration and Home Affairs	Items 8 to 17
Ms SPINANT	Deputy Chief Spokesperson of the Commission	
Ms ALLOUIS-LE LOSTEC	Head of Unit in the Secretariat-General	
Mr HEMMELGARN	Secretariat-General	

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

1. AGENDAS

(OJ(2020) 2350/FINAL; SEC(2020) 2350/FINAL)

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

2. WEEKLY MEETING OF CHEFS DE CABINET

(RCC(2020) 2350)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 21 and Tuesday 22 September 2020.

3. APPROVAL OF THE MINUTES OF THE 2348TH AND 2349TH MEETINGS OF THE COMMISSION (9 AND 15 SEPTEMBER 2020)

The Commission held over approval of the minutes of its 2348th and 2349th meetings for a later meeting.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2020) 138)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held by videoconference on Friday 18 September 2020 (RCC(2020) 138).

It paid particular attention to the following points.

4.1. HORIZONTAL MATTERS

i) Multiannual Financial Framework 2021-2027 – Trilogues

(point 1.1.1 of the IRG record)

- Common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, and the European Maritime and Fisheries Fund and financial rules for those and for the Asylum and Migration Fund, the Internal Security Fund and the Border Management and Visa Instrument (Regulation) – NOVAKOV & KREHL report – 2018/0196 (COD)

The Commission approved the line set out in SI(2020) 272.

- European Regional Development Fund and Cohesion Fund (Regulation) – COZZOLINO report – 2018/0197 (COD)

The Commission approved the line set out in SI(2020) 273/2.

- Amendment of Regulation (EU) No 1303/2013 as regards exceptional additional resources and implementing arrangements under the ‘Investment for growth and jobs’ goal to provide assistance for fostering crisis repair in the context of the COVID-19 pandemic and preparing a green, digital and resilient recovery of the economy (REACT-EU) (Regulation) – NOVAKOV & KREHL report – 2020/0101 (COD)

The Commission approved the line set out in SI(2020) 274.

ii) Multiannual Financial Framework 2021-2027 – Council Dossiers
(point 1.1.3 of the IRG record)

- Establishment of Horizon Europe – the Framework Programme for Research and Innovation, and laying down of its rules for participation and dissemination (Regulation) – NICA report – 2018/0224 (COD) / Establishment of the specific programme implementing Horizon Europe – the Framework Programme for Research and Innovation (Decision) – EHLEER report – 2018/0225 (COD)

The Commission approved the line set out in SI(2020) 264/2.

- Amendment of Regulation (EU) No 1303/2013 as regards the adjustment of annual prefinancing for the years 2021 to 2023 (Regulation) – MOŽDŽANOWSKA report – 2028/0322 (COD)

The Commission approved the line set out in SI(2020) 276.

- Establishment of Horizon Europe – the Framework Programme for Research and Innovation, and laying down of its rules for participation and dissemination (Regulation) – NICA report – 2018/0224 (COD) / Common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, and the European Maritime and Fisheries Fund and financial rules for those and for the Asylum and Migration Fund, the Internal Security Fund and the Border Management and Visa Instrument (Regulation) – NOVAKOV & KREHL report – 2018/0196 (COD)

The Commission approved the line set out in SI(2020) 277.

4.2. *LEGISLATIVE MATTERS*

iii) Trilogues

(point 3.1 of the IRG record)

- European Institute of Innovation and Technology (Regulation – recast) – MATIAS report – 2019/0151 (COD) / Strategic Innovation Agenda (SIA) of the European Institute of Innovation and Technology (EIT) 2021-2027: Boosting the Innovation Talent and Capacity of Europe (Decision) – CARVALHO report – 2019/0152 (COD)

The Commission approved the line set out in SI(2020) 275.

4.3. *RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL*

iv) Non-legislative dossiers

(point 4.1 of the IRG record)

- Declaration of the Ministers of Environment, Maritime Economy, Agriculture and Fisheries of Baltic Sea Member States and of the Commissioner for Environment, Oceans and Fisheries to be signed at the ‘Our Baltic’ video-conference on 28 September 2020

The Commission approved the line set out in SI(2020) 270.

- Schengen evaluation for Croatia – Proposal for a Council Implementing Decision in accordance with Article 15(2) of Regulation (EU) No 1053/2013 of 7 October 2013– 2019/0280 (NLE)

The Commission approved the line set out in SI(2020) 279.

4.4. RELATIONS WITH PARLIAMENT

- v) Action to be taken on Parliament’s legislative resolutions and other resolutions of a legal nature**
(SP(2020) 419)

The Commission decided to empower the Members of the Commission responsible for the sectors in question, in agreement with the PRESIDENT and, if necessary, with the other Members concerned, to adopt the amended proposals for transmission to Parliament and the Council, as set out in SP(2020) 419, drawn up following the part-session of Parliament of 14 to 17 September 2020, the contents of which were noted.

- vi) Results of Parliament’s September 2020 part-session**
(SP(2020) 387)

The Commission took note of the information on Parliament’s part-session held from 14 to 17 September 2020 in Brussels, set out in SP(2020) 387.

4.5. RELATIONS WITH NATIONAL PARLIAMENTS, THE OTHER INSTITUTIONS AND BODIES, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS

vii) Follow-up to opinions of the European Economic and Social Committee – Plenary session of May 2020

(point 6.3.1 of the IRG record)

The Commission approved document SC(2020) 25/2 on the follow-up by the Commission to the opinions adopted by the European Economic and Social Committee during the May 2020 session, for transmission to that Committee.

**5. COORDINATION OF EXTERNAL ACTION
(RCC(2020) 103 TO /3)**

The Commission took note of the operational conclusions in RCC(2020) 103/3 of the meeting of the Group for External Coordination (EXCO) held on Wednesday 16 September 2020.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

**6.1. WRITTEN PROCEDURES APPROVED
(SEC(2020) 296 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 14 and 18 September 2020.

**6.2. EMPOWERMENT
(SEC(2020) 297 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 14 and 18 September 2020.

6.3. DELEGATION / SUBDELEGATION OF POWERS
(SEC(2020) 298 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 14 and 18 September 2020 archived in Decide.

6.4. SIGNIFICANT WRITTEN PROCEDURES
(SEC(2020) 299 AND /2)

The Commission took note of the significant written procedures for which the time limit expired between 21 and 25 September 2020 and of the finalisation written procedures initiated following the weekly meeting of Chefs de cabinet on Monday 21 and Tuesday 22 September 2020.

7. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2020) 300 AND /2)

ADMINISTRATIVE MATTERS
(PERS(2020) 78 AND /2)

At the invitation of the PRESIDENT, Mr HAHN presented two additional proposals for administrative decisions which he was submitting directly to the College for approval.

Mr HAHN explained that it was first proposed to create a temporary task force in DG Migration and Home Affairs for a duration of two years. The task force would be in charge of coordinating the Union's work on strategic, operational, legal and financial issues relating to migration management. It was also proposed to create a temporary post of Deputy Director-General in DG Migration and Home Affairs, in charge of heading the task force, and, until the post was filled, to appoint Ms Beate GMINDER as Acting Head of this Task Force.

The second proposal directly submitted for approval to the College concerned the appointment of Mr Johannes LUCHNER to the vacant post of Deputy Director-General in charge of Directorate C in DG Migration and Home Affairs. He highlighted the great skills, outstanding career and recognised expertise of Mr Johannes LUCHNER, which would be valuable assets in his new post.

The PRESIDENT welcomed the fact that it had been possible to set up this task force very quickly and thanked all those who had made this step forward possible. She highlighted the fact that this entity would make operational the joint management – between the Commission, the EU agencies, the international organisations concerned and the Greek authorities – of the new migrant reception centre in Lesbos, which would replace the camp of Moria, destroyed by fire. The Union was currently represented on the ground by 300 colleagues from the EU agencies but it had little leeway to have any influence on how things developed. The PRESIDENT therefore considered that by setting up this task force, the Union would now have a hand in the management, once a memorandum of understanding had been drawn up, setting out everyone's tasks and responsibilities.

She concluded this brief presentation by stressing that this was a one-off initiative.

7.1. DG MIGRATION AND HOME AFFAIRS – AMENDMENT OF THE ORGANISATION CHART
(PERS(2020) 80; SEC(2020) 323)

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

- to create a temporary task force, 'Migration Management' (HOME.TF), for a duration of two years, which would be in charge of coordinating the EU's work on all strategic, operational, legal and financial issues relating to migration management;
- to create a temporary post of Deputy Director-General to fill the post of Head of the Task Force, for a two-year term, and to publish the

corresponding vacancy notice, set out in PERS(2020) 80;

- to appoint, in accordance with Article 27 of the Commission’s Rules of Procedure, Ms Beate GMINDER, Director of the ‘Migration and Security Funds; Financial Resources’ Directorate, to the post of Acting Head of the Task Force, until the appointment and entry into service of the new Deputy Director-General;
- to authorise the Head of the Task Force to be Authorising Officer by sub-delegation for expenditure in relation to measures relating to the Task Force’s mandate;
- to approve the new organisation chart set out in SEC(2020) 323.

These decisions would take effect immediately.

**7.2. DG MIGRATION AND HOME AFFAIRS – APPOINTMENT OF AN
AD15/16 DEPUTY DIRECTOR-GENERAL
(PERS(2020) 81 TO /3)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Deputy Director-General in charge of Directorate C in DG Migration and Home Affairs (PERS(2020)81).

It took note of the opinions of the Consultative Committee on Appointments of 14 and 15 July 2020 (PERS(2020) 81/2 and /3).

The Commission proceeded to compare the applicants’ qualifications for the post. On a proposal from Mr HAHN, in agreement with the PRESIDENT and after consulting Ms JOHANSSON, it then decided to appoint Mr Johannes LUCHNER to the post.

This decision would take effect on 1 October 2020.

7.3. DG HUMAN RESOURCES AND SECURITY – APPROVAL OF LISTS OF CANDIDATES FOR HEAD OF EUROPEAN UNION DELEGATION POSTS

(PERS(2020) 79)

On a proposal from Mr HAHN, in agreement with the PRESIDENT, the Commission decided to approve the list of candidates in PERS(2020) 79 for the posts of Head of the European Union Delegation to Canada (at grade AD14/15) and to Gambia (at grade AD9/14).

The competent authority of the European External Action Service would make the final appointments on the basis of these lists.

This decision would take effect immediately.

7.4. DG INTERNATIONAL COOPERATION AND DEVELOPMENT – END OF THE SECONDMENT AND REINSTATEMENT OF AN AD15 OFFICIAL IN THE INTEREST OF THE SERVICE UNDER ARTICLES 37 AND 38 OF THE STAFF REGULATIONS

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

- to end the secondment of Mr Gustavo MARTIN PRADA to the European External Action Service (EEAS), in the interest of the service under Articles 37 and 38 of the Staff Regulations;
- to reinstate Mr Gustavo MARTIN PRADA, an AD15 official, to the temporary post of Principal Adviser in DG International Cooperation and Development.

These decisions would take effect on 1 October 2020.

8. **COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS ON A NEW PACT ON MIGRATION AND ASYLUM**
(COM(2020) 609 TO /3; RCC(2020) 147; INFO(2020) 34)
9. **PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL INTRODUCING A SCREENING OF THIRD COUNTRY NATIONALS AT THE EXTERNAL BORDERS AND AMENDING REGULATIONS (EC) NO 767/2008, (EU) 2017/2226, (EU) 2018/1240 AND (EU) 2019/817**
(COM(2020) 612 TO /3; RCC(2020) 147)
10. **AMENDED PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE ESTABLISHMENT OF ‘EURODAC’ FOR THE COMPARISON OF BIOMETRIC DATA FOR THE EFFECTIVE APPLICATION OF REGULATION (EU) XXX/XXX [REGULATION ON ASYLUM AND MIGRATION MANAGEMENT] AND OF REGULATION (EU) XXX/XXX [RESETTLEMENT REGULATION], FOR IDENTIFYING AN ILLEGALLY STAYING THIRD-COUNTRY NATIONAL OR STATELESS PERSON AND ON REQUESTS FOR THE COMPARISON WITH EURODAC DATA BY MEMBER STATES’ LAW ENFORCEMENT AUTHORITIES AND EUROPOL FOR LAW ENFORCEMENT PURPOSES AND AMENDING REGULATIONS (EU) 2018/1240 AND (EU) 2019/818**
(COM(2020) 614 TO /3; RCC(2020) 147)
11. **AMENDED PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING A COMMON PROCEDURE FOR INTERNATIONAL PROTECTION IN THE UNION AND REPEALING DIRECTIVE 2013/32/EU**
(COM(2020) 611 AND /2; RCC(2020) 147)

- 12. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON ASYLUM AND MIGRATION MANAGEMENT AND AMENDING COUNCIL DIRECTIVE (EC) 2003/109 AND THE PROPOSED REGULATION (EU) XXX/XXX [ASYLUM AND MIGRATION FUND]**
(COM(2020) 610 TO /3; SWD(2020) 207 AND /2; RCC(2020) 147)
- 13. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ADDRESSING SITUATIONS OF CRISIS AND FORCE MAJEURE IN THE FIELD OF MIGRATION AND ASYLUM**
(COM(2020) 613 TO /3; RCC(2020) 147)
- 14. COMMISSION RECOMMENDATION ON AN EU MECHANISM FOR PREPAREDNESS AND MANAGEMENT OF CRISES RELATED TO MIGRATION (MIGRATION PREPAREDNESS AND CRISIS BLUEPRINT)**
(C(2020) 6469 TO /4; RCC(2020) 147)
- 15. COMMISSION RECOMMENDATION ON COOPERATION AMONG MEMBER STATES CONCERNING OPERATIONS CARRIED OUT BY VESSELS OWNED OR OPERATED BY PRIVATE ENTITIES FOR THE PURPOSE OF SEARCH AND RESCUE ACTIVITIES**
(C(2020) 6468; RCC(2020) 147)
- 16. COMMUNICATION FROM THE COMMISSION – COMMISSION GUIDANCE ON THE IMPLEMENTATION OF EU RULES ON DEFINITION AND PREVENTION OF THE FACILITATION OF UNAUTHORISED ENTRY, TRANSIT AND RESIDENCE**
(C(2020) 6470; RCC(2020) 147)
- 17. COMMISSION RECOMMENDATION ON LEGAL PATHWAYS TO PROTECTION IN THE EU: PROMOTING RESETTLEMENT, HUMANITARIAN ADMISSION AND OTHER COMPLEMENTARY PATHWAYS**
(C(2020) 6467 TO /3; RCC(2020) 147)

The PRESIDENT introduced the New Pact on Migration and Asylum consisting of a ‘chapeau’ communication and nine initiatives, including five legislative proposals.

She said that these various elements formed a coherent package aimed at addressing all the facets of this particularly complex issue in a comprehensive way and with the utmost respect for European values.

It was time to substitute a predictable and reliable migration management system for the current *ad hoc* solutions, which were often put together in an emergency and without a solid framework.

The New Pact presented that day, after long months of work, proposed a truly European approach based on a fair and reasonable balance of responsibility and solidarity among Member States.

She said that she was convinced that this approach provided a solid basis for constructive dialogue with all relevant stakeholders, rebuilding trust between the Member States on this subject and convincing citizens. Solidarity was a precondition for any action of the Union in this policy area, but manifestations of solidarity could take various forms, as envisaged in the New Pact.

With the Pact proposed that day, the Commission was seeking to reconcile different legitimate interests and to suggest to Europe a fresh start in a field which was very familiar to it since migration had shaped its history and its societies.

Mr SCHINAS said that the well-known weaknesses of the current migration and asylum management, far from revealing a failure of the EU, were in fact the price to be paid for ‘non-Europe’.

He saw the New Pact on Migration and Asylum as a pragmatic and realistic compromise. It took account of the numerous consultations held with the main stakeholders since the beginning of the current Commission’s term of office and also of the lessons learned since the refugee crisis of 2015 and 2016 and the progress made in the interinstitutional negotiations on the proposals presented since then. He also recalled the discussions in the project groups and groups of

Commissioners.

He then mentioned the three pillars around which the balance of the New Pact was organised.

First, he stressed that the Pact placed increased emphasis on the external dimension and on the benefits, for both the EU and its partners, of tailor-made partnerships with the third countries with which migration was an area of cooperation. This was a paradigm shift that all Member States had called for.

Secondly, he mentioned the progress that more efficient border management would make possible.

Thirdly, he mentioned the mechanisms developed in the New Pact to ensure permanent and effective solidarity between the Member States, coupled with a more balanced sharing of responsibilities. These mechanisms took account of the various scenarios that the Member States could be faced with, in particular the disembarkation of persons following search and rescue operations, situations of migratory pressure and crisis situations. The aim thereby was to match offer and needs as closely as possible.

He also drew the College's attention to the fact that the polarised debate between voluntary solidarity and compulsory solidarity was no longer appropriate.

First, the common European solutions proposed that day by the Commission to meet a common European challenge required Member States to all show solidarity towards each other. Only the way in which this solidarity was expressed could vary, ranging from the relocation of asylum seekers from the country of first entry to assuming responsibility for returning those who did not have the right to stay, and including various forms of operational support.

Secondly, the architecture of the New Pact integrated its various elements into a whole, so that allowing the discussions to become polarised around one isolated aspect could jeopardise the whole of the undertaking proposed by the Commission.

Lastly, Mr SCHINAS said that the package of measures presented that day must constitute the starting point for negotiations, which were bound to be heated, commensurate with the sensitivity of this issue.

However, he said that he was confident that each Member State would find positive elements in this New Pact.

It would relieve the pressure on the Member States which were called upon, owing to their geographical location, to receive migrant arrival flows, thanks to the guarantee of permanent solidarity.

This guarantee would also offer flexibility in the way the Member States intended to contribute to the solidarity efforts, taking into account their capabilities and choices, with a final correction mechanism managed by the Commission. It would also provide greater predictability to the host countries.

With a view to the upcoming interinstitutional negotiations, Ms JOHANSSON drew the College's attention to the current migration context, which was fundamentally different from that of 2015-2016.

At that time, the EU was facing massive flows of irregular migrants, 90% of whom were refugees and who could therefore claim international protection, whereas now only 30% were in this situation.

Ms JOHANSSON also said that the issue of relocations did not arise in the same terms now as in 2016, which should create a new momentum in the future discussions, particularly as the Member States would have a certain degree of flexibility in how they expressed their solidarity.

Thus, the Commission intended to put in place a European approach which was pragmatic and efficient and which respected the strengths and constraints of each Member State, while recognising the crucial importance of action at international level.

Although arrivals of irregular migrants represented a small part of migration in

Europe, combating illegal immigration networks remained essential and constituted a shared interest of the EU and its partners.

Similarly, for the sake of the credibility of the EU's action, policy on returns of irregular migrants needed to be both effective and humane, hence the importance of partnerships with third countries.

Ms JOHANSSON also said that the comprehensive approach sought by the Commission would also provide the EU with an accurate and full picture of each of the migrants entering its territory and of what became of them.

Finally, she said that the New Pact on Migration and Asylum would create a sound and balanced framework for a sustainable European migration policy, which would not obviate the need to address the immediate difficulties. She mentioned by way of example the creation of the task force proposed that day by the Commission to support a pilot project for the joint implementation, with the Greek authorities, of the new migrant reception centre on the Greek island of Lesbos, which would replace the Moria camp destroyed by a fire.

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

- the advisability of helping to change the public perception of migration, which must be presented as a natural, permanent and desirable phenomenon, provided that it was supported in a constructive, humane and organised way so that it was mutually beneficial to migrants' countries of origin and arrival;
- the notable contribution of European populations to the major waves of migration that had punctuated history in recent centuries;
- the reminder of the EU's international legal obligations in matters related to the right of asylum and reception of refugees, which were at the heart of its fundamental values and its commitment to a multilateral rules-based system;
- the taking into account of the EU's immigration needs in the light of its

demographic trends and its ageing population, which would have long-term consequences for some of the essential elements of the EU's own economic and social systems, both in terms of growth and the viability of social protection systems;

- the fair and humane tone used by the PRESIDENT in her State of the Union Address to justify the presentation of a New Pact on Migration and Asylum based on the values of the EU and respecting international law;
- the usefulness of pointing out the cost of ‘non-Europe’ in the management of migration by highlighting the added value of a European-scale migration policy;
- the importance of equipping the EU with the resources for sustainable management of migration and, at the same time, the resources also to deal with isolated crises while ensuring the dignified and humane treatment of migrants;
- the clear slowdown in migration flows observed as a result of the de-escalation of the situation in certain crisis areas, in particular Syria;
- the possibility, nevertheless, that migration flows would pick up again in the context of economic crisis caused by the COVID-19 pandemic in third countries;
- the importance of a balanced approach to migration combining solidarity between Member States and responsibility towards migrants;
- similarly, the need to establish a climate of trust among the Member States, based on shared responsibility for the reception of refugees and on the principle of solidarity which must prevail when there was migratory pressure on one or several States;
- the observation that the EU's current migration policy was not sustainable, since its legal obligations concerning the reception of refugees were so far being genuinely met by only a limited number of Member States, which were therefore often unable to offer satisfactory reception conditions in cases of mass

arrivals of migrants;

- the need to draw lessons from the past by proposing a more flexible approach, for example by offering Member States the choice between different kinds of contribution;
- the moral obligation to provide specific support to unaccompanied minor migrants;
- the positive impact of the New Pact on border procedures, which would become more effective and faster, while respecting fundamental rights;
- the need to give priority to effective border control as a fundamental part of migration policy in order to prevent irregular migration;
- the need for an effective return policy for migrants without the right to stay in order to ensure that all the Member States supported the proposed Pact;
- the value of a close and constructive partnership of the EU with the third countries at the origin of the migration flows and with transit countries in order to facilitate the return of irregular migrants;
- the work under way with third countries to draw up action plans for managing migration flows with the EU;
- the desirability of integrating migration in the broader framework of the bilateral relations between the EU and the third countries concerned in order to encourage a genuinely comprehensive approach;
- the need to take account of the reactions of third countries to the presentation of a New Pact on Migration and Asylum, particularly with a view to constructive partnerships on this issue;
- in general terms, the relevance of the issue of migration in the EU's external relations; consequently, the need for coordination of the departments responsible, in close cooperation with the European External Action Service;

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- the importance of continuing the support the EU provided to the third countries at the origin of migration flows so as to encourage those countries to undertake the reforms that would provide their citizens with prospects for the future;
- the wish to have sound and convincing arguments on hand to promote support for the New Pact on Migration and Asylum in the Member States, given that debates on migration issues were highly confrontational;
- a call to combat the disinformation that would arise around the New Pact by making available all the information and the rationale for the Pact;
- the justification for creating a task force responsible for coordinating management of the operations relating to the new reception centre that would replace the Moria camp in Lesbos, given that some members of the public would make a direct link between the tragic fire at the camp and the Commission's new proposals;
- an appeal to the Members of the College to take part in the discussions that would accompany the presentation of the New Pact on Migration and Asylum in the Member States;
- the suggestion that the arguments used be gradually adapted on the basis of the comments made during the discussions.

Ms JOHANSSON picked up on some of the points raised during the discussion. She agreed there was a risk of disinformation arising as a result of the New Pact. She felt that providing predictability in the management of migration could have a positive impact on citizens' perceptions of this phenomenon and facilitate the reception of refugees in the Member States.

She reiterated that the New Pact fully respected human rights and dignity, including as regards returns of migrants without the right to stay, and was also fair.

The work on tailor-made partnerships with the third countries concerned was already under way.

In addition, she highlighted the acceleration of procedures under the New Pact and outlined the checks that would be made as part of the screening carried out within five days of the migrants' arrival at the EU's borders, namely health and security checks, fingerprinting and registration in the Eurodac database. During the border procedure, it would be decided within a maximum of 12 weeks whether to grant asylum or to order the return of these persons; returns would take place within a further maximum period of 12 weeks.

Finally, she outlined the specific ways in which a number of provisions would be implemented, such as the adaptation of the rules for placing asylum seekers under the responsibility of a Member State, for example if the person in question had graduated in another Member State or if the members of a family could be reunited in a single Member State.

Mr SCHINAS took the floor and briefly referred to four points.

First, he stressed that the aim of the Pact was also to regain the trust of the Member States and citizens right from its launch by proposing a fresh start and a new approach to the shared management of migration.

Second, he stressed the novelty of the political will, in the external dimension of the Pact, to work on tailor-made partnerships with third countries.

Third, the postponement of the European Council by a week provided the Commission with a welcome opportunity for communication about the Pact.

Fourth, since relocation was not compulsory, the New Pact provided a kind of insurance policy, in the form of a correction mechanism, which was a key element of the overall balance of the proposed system. It guaranteed that if the number of reception pledges were less than 30% of the total necessary relocations or returns, the Member States which had not made any promise to receive migrants would be required to take responsibility for at least half of their fair share of the relocation effort or contribution to returns.

In conclusion, Mr SCHINAS warmly thanked the Members of the College and their

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teams for their constructive contributions in recent months to the drawing up of the set of initiatives presented that day.

The PRESIDENT referred to the lengthy internal process that had resulted in a sound and balanced package of measures. She emphasised the inclusive nature of these measures, thanks in particular to the meetings of project groups and groups of Commissioners over the last few months.

She thanked the Members of the Commission involved for their efforts and the good use they had made of the extra time available, due to the postponement of this dossier by several months because of the need to prioritise the fight against COVID-19.

In particular, the meeting of the group of Commissioners on 21 September in an enlarged format had been valuable in enabling the Members of the Commission concerned to share their contributions to the documents resulting from the complete internal review process.

She then turned to communication, the importance of which had rightly been pointed out during the discussion. She strongly recommended that the Members of the Commission use the communication and information material (factsheet) carefully prepared by the Spokesperson's Service.

The Commission's Representations would receive all the relevant information on the New Pact that day and she suggested that the Spokesperson's Service compile a list of questions appearing in the media and the detailed replies given, to ensure clear and coherent communication.

Lastly, she noted the broad support of the College for the New Pact, which proposed a high-quality compromise for the start of the negotiations with the European Parliament and the Council. Although this was in fact only the beginning of the process, which would inevitably be fraught with difficulty, she had confidence in the EU's ability to shape a truly European and comprehensive migration policy based on a fair balance between responsibility and solidarity.

She viewed this major new undertaking in the context of the capacity the EU had demonstrated in the past to reconcile divergent viewpoints. She cited as examples the creation of internal market, the introduction of the common currency and the agreement in principle given to the unprecedented recovery plan the Commission had proposed in May for the European economies hit hard by the crisis caused by COVID-19 pandemic.

Following these presentations, the Commission:

- approved the communication in COM(2020) 609/3, for transmission to 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 Regulation in COM(2020) 612/3, for transmission to Parliament, the Council and the national parliaments;
- adopted the amended proposals for Regulations in COM(2020) 614/3 and COM(2020) 611/2, for transmission to Parliament, the Council and the national parliaments;
- adopted the proposal for a Regulation in COM(2020) 610/3, for transmission to Parliament, the Council, the Economic and Social Committee, the Committee of the Regions and the national parliaments, together with the staff working document distributed as SWD(2020) 207/2, the contents of which were noted;
- adopted the proposal for a Regulation in COM(2020) 613/3, for transmission to Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the national parliaments;
- adopted the recommendations in C(2020) 6469/4, C(2020) 6468 and C(2020) 6467/3 and decided to notify them to the Member States and to publish them, for information, in the Official Journal of the European Union;
- approved the communication in C(2020) 6470 and decided to publish it, for information, in the Official Journal of the European Union.

- 18. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – A CAPITAL MARKETS UNION FOR PEOPLE AND BUSINESSES – NEW ACTION PLAN**
(COM(2020) 590 TO /3; RCC(2020) 145)
- 19. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS ON A DIGITAL FINANCE STRATEGY FOR THE EU**
(COM(2020) 591 TO /3; RCC(2020) 145)
- 20. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS ON A RETAIL PAYMENTS STRATEGY FOR THE EU**
(COM(2020) 592 AND /2; RCC(2020) 145)
- 21. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON MARKETS IN CRYPTO-ASSETS, AND AMENDING DIRECTIVE (EU) 2019/1937**
(COM(2020) 593 TO /3; SEC(2020) 306; SWD(2020) 381 AND /2; SWD(2020) 380 AND /2)
- 22. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON A PILOT REGIME FOR MARKET INFRASTRUCTURES BASED ON DISTRIBUTED LEDGER TECHNOLOGY**
(COM(2020) 594 TO /3; SEC(2020) 308; SWD(2020) 202 AND /2; SWD(2020) 201 AND /2)

23. **PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON DIGITAL OPERATIONAL RESILIENCE FOR THE FINANCIAL SECTOR AND AMENDING REGULATIONS (EC) NO 1060/2009, (EU) NO 648/2012, (EU) NO 600/2014 AND (EU) NO 909/2014 (COM(2020) 595 TO /3 ; SEC(2020) 307; SWD(2020) 199; SWD(2020) 198)**
24. **PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING DIRECTIVES 2006/43/EC, 2009/65/EC, 2009/138/EU, 2011/61/EU, EU/2013/36, 2014/65/EU, (EU) 2015/2366 AND EU/2016/2341 (COM(2020) 596 TO /3; SEC(2020) 309; SWD(2020) 204; SWD(2020) 203)**

Mr DOMBROVSKIS presented to the College a set of proposals aimed at completing the Capital Markets Union and promoting the digital development of the financial sector in Europe.

He began by stressing that the Capital Markets Union was not a technical project for experts, but rather something that was very important for the lives of citizens and businesses. He said that at a time when the EU was preparing to launch a very extensive recovery plan to come out of the crisis linked to the COVID-19 pandemic, the completion of the Capital Markets Union was more urgent and justified than ever to diversify the sources of financing for businesses and make the EU an even safer place for citizens who wanted to invest in their future. That was what the Commission proposed to do through the 16 measures of the **Capital Markets Union Action Plan**.

He mentioned the many advantages of further developing the Capital Markets Union. This development would contribute to the recovery in general and to that of small and medium-sized enterprises in particular. It would make it possible to direct financing towards green and digital transitions, which were high on the EU's agenda. It would give Europeans the opportunity to save and invest in a safer environment. It would play a part in the expansion of local capital markets and their

integration into a genuine single market. Lastly, it would be central to strengthening the international role of the euro and the open strategic autonomy of the EU.

Mr DOMBROVSKIS hoped that for all these reasons the European Parliament and the Member States would lend strong support to this Action Plan.

With regard to the second part of that day's proposals, he pointed out that the future of finance in the EU would be digital. This was confirmed by the experiences of the lockdown phases of the COVID-19 pandemic. The need to do everything possible to relaunch the EU economy after its near shutdown only highlighted the need to offer better financial products to consumers and open new financing channels for businesses.

As regards the various elements of this part, he mentioned the **Digital Finance Strategy**, which aimed to make European financial services more conducive to the use of digital technology. In practice that meant stimulating innovation and competition while at the same time ensuring a level playing field according to the 'same activity, same risks, same rules' principle. He also said that the **Retail Payment Strategy** aimed to provide European consumers with secure, rapid and reliable payment services, including European services developed in the European Union.

He went on to mention the proposal for a regulation on **markets in crypto-assets (MiCA)** to encourage innovation in the field of crypto-assets that were not covered by EU rules, whilst mitigating the risks, and to introduce more stringent provisions on so-called global "stable cryptocurrencies" such as the Libra. He added that the other proposal for a regulation covered crypto-assets that were already covered by EU financial services legislation. In their case the Commission proposed a **pilot scheme** for market players who wanted to negotiate and settle transactions related to those financial instruments in the context of a regulatory testing space (sandbox method). The idea was to give businesses the opportunity to test innovations in a safe and controlled environment and supervisors the opportunity to learn from these experiences while putting in place risk control methods.

Finally, Mr DOMBROVSKIS concluded by mentioning the proposal for a regulation and the proposal for a directive on **digital operational resilience in the financial sector (DORA)**. They aimed to introduce safeguards to protect all financial market players from cyber-attacks and other risks linked to information and communication technology. They also set out an EU surveillance framework for providers of such technology, for example cloud service providers, which were often large companies.

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

- the huge significance of the proposals, which constituted a new contribution to the set of measures promoting growth and jobs in Europe, the financing the green transition and also the resilience and autonomy of the EU;
- as regards the Capital Markets Union Action Plan, the even clearer need to complete it at the present time when the COVID-10 pandemic had seen household savings increase significantly and it was essential to direct those savings towards investment in businesses, in particular SMEs, which were in great need of liquidity;
- to achieve this, the need to rebuild trust for individuals and businesses on the capital markets;
- the reminder, however, that businesses only went to the financial markets for 25% of the loans they needed to grow, which was why there was a need to make progress at the same time in completing the Banking Union;
- the call to anticipate the increase in non-performing loans that would arise during the pandemic, including at the safest banks;
- the contribution that day's package of proposals would make to the Union to enable it to play an appropriate role in the field of financial markets, including at the time of the United Kingdom's withdrawal;

- regarding digital currencies, the reminder that the EU was the first continent to propose comprehensive legislation on crypto-assets; this was particularly important for industry, which would find in this legislation the conditions for the harmonious development of these instruments with numerous innovative applications, for example in relation to the Internet of Things;
- lastly, the strong support for the proposed pan-European retail payments strategy, which aimed to equip the EU again with the means of freeing itself from its dependence with regard to large American companies which currently had a monopoly.

The PRESIDENT closed by thanking Mr DOMBROVSKIS for these timely and very important proposals.

Following this presentation, the Commission, on a proposal from the PRESIDENT, confirmed the formal adoption of the communications, the proposals for regulations and the proposal for a directive in COM(2020) 590/3, COM(2020) 591/3, COM(2020) 592/2, COM(2020) 593/3, COM(2020) 594/3, COM(2020) 595/3 and COM(2020) 596/3, by finalisation written procedures, the deadline for which was set at 10.00 on Thursday 24 September 2020 (PE/2020/6549, PE/2020/6552, PE/2020/6592, PE/2020/6586, PE/2020/6584, PE/2020/6590 et PE/2020/6585 respectively).

**25. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE – TAKING THE CUSTOMS UNION TO THE NEXT LEVEL – A PLAN FOR ACTION
(COM(2020) 581 TO /3; RCC(2020) 144)**

Mr GENTILONI presented to the College the communication *Taking the Customs Union to the Next Level: a Plan for Action* submitted for its approval. He pointed out that the Customs Union had been one of the first major achievements of

European integration and was still a key instrument of EU action, whether it be combating fraud or, as was currently the case in the context of the COVID-19 pandemic, implementing emergency measures, such as facilitating trade in medical equipment within the EU. The main aim of the Action Plan presented that day was to modernise the Customs Union by adapting it to new technologies and taking into account the wider scope of its tasks.

While the Action Plan made no explicit reference to the United Kingdom's withdrawal from the EU, it would also be used to adapt the Customs Union to that new political reality, and in particular to the implementation of the Protocol to the Withdrawal Agreement on Ireland and Northern Ireland.

Mr GENTILONI also pointed out that customs duties still accounted for a large part of the EU's own resources, equivalent to 14% of its budget, and that they also contributed in terms of value added tax. In that regard, strengthening and modernising the Customs Union could help to increase revenue from the tax by reducing VAT fraud.

Finally, it was by making the EU customs system more innovative that it could deal with new challenges and ensure the customs authorities worked as a single administration.

The PRESIDENT stressed that customs duties were a key source of revenue for the EU budget, which justified full implementation of the Action Plan, so that the Customs Union could continue to play its role effectively and meet the challenges ahead.

Following this presentation, the Commission, on a proposal from the PRESIDENT, confirmed the formal adoption of the communication in COM(2020) 581/3 by the finalisation written procedure, the deadline for which was set at 10.00 on Monday 28 September 2020 (PE/2020/6484).

26. OTHER BUSINESS

LATEST DEVELOPMENTS IN EXTERNAL RELATIONS

The PRESIDENT asked Mr BORRELL to inform the College of the main recent developments in external relations policy.

Mr BORRELL had visited Ukraine on 22 September to prepare the EU-Ukraine Association Council, the main purpose of which would be to urge the country to continue its reforms. He had had a long meeting with the Ukrainian President, Volodymyr Zelensky, and the Minister for Defence, Andriy Taran. The discussions had focused on relations with Russia and the situation in Donbas. Despite a ceasefire in the region, which had been observed since July, the Russian side, which portrayed itself merely as a mediator, was not responding positively to Ukrainian initiatives.

He also pointed out that there was an EU mission in Ukraine in the context of the common security and defence policy, which provided support on security and police matters.

Lastly, the Union had concluded with Ukraine one of the most comprehensive association agreements, in particular with a major economic commitment, amounting to almost EUR 40 billion since 2014.

Mr BORRELL then turned to the Foreign Affairs Council of 21 September. Over breakfast, EU ministers had talked to the leading figure in the opposition to the Belarusian regime, Svetlana Tikhanovskaïa.

In terms of follow-up to the discussions, regrettably one Member State was still blocking any decision on EU sanctions against a number of individuals responsible for acts of violence, repression and falsifying the election results in Belarus. It would therefore be for the European Council, whose extraordinary meeting had just been postponed to 1 and 2 October, to decide what action to take on sanctions, failing which the matter would again feature on the agenda of the Foreign Affairs

Council on 12 October. He highlighted, however, that the EU's credibility was at stake.

He also briefly mentioned the Council's work on Libya, which focused on the conclusion of a lasting ceasefire agreement and the lifting of the oil blockade throughout the country.

Finally, he welcomed the fact that negotiations were about to start between Greece and Turkey on their disputes in the Mediterranean.

The Commission took note of this information.

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The meeting closed at 11.48.