



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2020) 2360 final

- English translation of the French version which is authentic -

Brussels, 19 January 2021

TEXTE EN

MINUTES

of the 2360th meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 9 December 2020

(morning)

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PV(2020) 2360 final

- English translation of the French version which is authentic -

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TABLE OF CONTENTS

Attendance list	6-7
1. AGENDAS (OJ(2020) 2360/FINAL; SEC(2020) 2360/FINAL)	8
2. WEEKLY MEETING OF CHEFS DE CABINET (RCC(2020) 2360).....	8
3. APPROVAL OF THE 2357 TH , 2358 TH AND 2359 TH MEETINGS OF THE COMMISSION (18 AND 24 NOVEMBER, 2 DECEMBER 2020) (PV(2020) 2357; PV(2020) 2357, 2 ND PART).....	8
4. INTERINSTITUTIONAL RELATIONS (RCC(2020) 191)	8
4.1. HORIZONTAL MATTERS.....	9
4.2. LEGISLATIVE MATTERS.....	13
4.3. RELATIONS WITH PARLIAMENT.....	15
5. COORDINATION OF EXTERNAL ACTION (RCC(2020) 114).....	17
6. MONITORING THE APPLICATION OF EUROPEAN UNION LAW	17
INFRINGEMENTS – URGENT INDIVIDUAL CASE (SEC(2020) 427)	17
7. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS.....	17
7.1. WRITTEN PROCEDURES APPROVED (SEC(2020) 398 ET SEQ.)	17
7.2. EMPOWERMENT (SEC(2020) 399 ET SEQ.).....	17
7.3. DELEGATION / SUBDELEGATION OF POWERS (SEC(2020) 400 ET SEQ.).....	18
7.4. SIGNIFICANT WRITTEN PROCEDURES (SEC(2020) 401 AND /2).....	18
7.5. GRANTING OF AN AD HOC EMPOWERMENT TO ADOPT PREVENTIVE MEASURES IN THE EVENT OF THE COUNCIL'S FAILURE TO FIX FISHING	

<i>OPPORTUNITIES FOR CERTAIN FISH STOCKS AND GROUPS OF FISH STOCKS (C(2020) 8656)</i>	18
8. ADMINISTRATIVE AND BUDGETARY MATTERS (SEC(2020) 402)	19
8.1. DG COMMUNICATIONS NETWORKS, CONTENT AND TECHNOLOGY – AMENDMENT OF ORGANISATION CHART AND APPOINTMENT OF AN AD15 ADVISER HORS CLASSE	19
8.2. JOINT RESEARCH CENTRE – CHANGE TO ORGANISATION CHART (SEC(2020) 428)	19
8.3. DG HUMAN RESOURCES AND SECURITY – LAUNCHING OF THE ANNUAL APPRAISAL EXERCISE FOR SENIOR MANAGEMENT OFFICIALS	20
8.4. DG TAXATION AND CUSTOMS UNION – AMENDMENT OF THE ORGANISATION CHART (PERS(2020) 122; SEC(2020) 429)	21
8.5. DG HUMAN RESOURCES AND SECURITY – LAUNCH OF THE 14 TH PROMOTION EXERCISE FOR SENIOR MANAGEMENT OFFICIALS	21
9. OTHER BUSINESS	22
LATEST DEVELOPMENTS IN EXTERNAL RELATIONS	22
10. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – COUNTER-TERRORISM AGENDA FOR THE EU: ANTICIPATE, PREVENT, PROTECT, RESPOND (COM(2020) 795 TO /3; RCC(2020) 197)	24
11. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL – FIRST PROGRESS REPORT ON THE EU SECURITY UNION STRATEGY (COM(2020) 797 AND /2; RCC(2020) 197)	24

12. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EU) 2016/794, AS REGARDS EUROPOL'S COOPERATION WITH PRIVATE PARTIES, THE PROCESSING OF PERSONAL DATA BY EUROPOL IN SUPPORT OF CRIMINAL INVESTIGATIONS, AND EUROPOL'S ROLE ON RESEARCH AND INNOVATION (COM(2020) 796 AND /2; SWD(2020) 543 AND /2; SWD(2020) 544; SEC(2020) 545; RCC(2020) 197).....	25
13. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – EUROPEAN CLIMATE PACT (COM(2020) 788 TO /3; RCC(2020) 196).....	29
14. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – SUSTAINABLE AND SMART MOBILITY STRATEGY – PUTTING EUROPEAN TRANSPORT ON TRACK FOR THE FUTURE (COM(2020) 789 TO /3; SWD(2020) 331 AND /2; RCC(2020) 200).....	29
15. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL CONCERNING BATTERIES AND WASTE BATTERIES, REPEALING DIRECTIVE 2006/66/EC AND AMENDING REGULATION (EU) NO 2019/1020 (COM(2020) 798 TO /3; SWD(2020) 334 TO /3; SWD(2020) 335 TO /3; SEC(2020) 420; RCC(2020) 198).....	36
16. OTHER BUSINESS (CONTINUED).....	42
16.1. PREPARATIONS FOR THE EUROPEAN COUNCIL (BRUSSELS, 10 AND 11 DECEMBER 2020)	42

16.2. COMMISSION RESPONSE TO A RESOLUTION BY THE EUROPEAN PARLIAMENT PURSUANT TO ARTICLE 225 OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION.....	45
16.3. OUTCOME OF NEGOTIATIONS ON THE PROPOSAL FOR AN INTERINSTITUTIONAL AGREEMENT ON A MANDATORY TRANSPARENCY REGISTER.....	46

Single sitting: Wednesday 9 December 2020 (morning)

The sitting opened at 9.10 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	Items 1 to 13/14
Mr ŠEFČOVIČ	Vice-President	
Ms JOUROVÁ	Vice-President	
Ms ŠUICA	Vice-President	
Mr SCHINAS	Vice-President	
Mr HAHN	Member	
Ms GABRIEL	Member	
Mr SCHMIT	Member	
Mr GENTILONI	Member	
Mr WOJCIECHOWSKI	Member	
Mr BRETON	Member	
Ms FERREIRA	Member	
Mr REYNDERS	Member	
Ms DALLI	Member	
Ms JOHANSSON	Member	
Mr LENARČIČ	Member	
Ms VÁLEAN	Member	
Mr VÁRHELYI	Member	
Ms URPILAINEN	Member	
Mr SINKEVIČIUS	Member	
Ms McGUINNESS	Member	

Absent:

Ms KYRIAKIDES	Member
Ms SIMSON	Member

The following sat in to represent an absent Member of the Commission:

Mr ROSSIDES	Chef de cabinet to Ms KYRIAKIDES
Mr GRASSI	Chef de cabinet to Ms SIMSON

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	
Ms PETKOVA	Director of Coordination and Administration in the PRESIDENT's Office	
Mr VANDENBERGHE	Adviser in the PRESIDENT's Office	Items 13/14
Ms HILI	Adviser in the PRESIDENT's Office	Items 10/12
Ms ALLOUIS-LE LOSTEC	Head of Unit in the Secretariat-General	

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

1. AGENDAS

(OJ(2020) 2360/FINAL; SEC(2020) 2360/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) 2360)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 7 December 2020.

3. APPROVAL OF THE 2357TH, 2358TH AND 2359TH MEETINGS OF THE COMMISSION (18 AND 24 NOVEMBER, 2 DECEMBER 2020)

(PV(2020) 2357; PV(2020) 2357, 2ND PART)

The Commission approved the minutes of its 2357th meeting, and decided to hold over approval of the minutes of its 2358th and 2359th meetings until a later meeting.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2020) 191)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held by videoconference on Thursday 3 December 2020 (RCC(2020) 191).

It paid particular attention to the following points.

4.1. HORIZONTAL MATTERS

i) 2021-2027 Multiannual Financial Framework

(point 1.1 of the IRG record)

- Draft Union's annual budget for the financial year 2021 – General Introduction – General statement of expenditure – General statement of revenue – Statement of revenue and expenditure by section – LARROUTUROU & CHASTEL report – 2020/1998 (BUD)

The Commission approved the line set out in SI(2020) 463/2 and decided:

- to empower the Member of the Commission in charge of Budget and Administration, in agreement with the PRESIDENT, to finalise and adopt the second Draft Budget for 2021 based on the draft elements for joint conclusions set out in Annex II to SI(2020) 463/2 and to agree to the statements annexed thereto;
- to instruct the Director General of DG Budget, under the authority of the Member of the Commission in charge of Budget and Administration, to coordinate the measures necessary for the implementation of provisional twelfths.
- Guidance on the contribution of third countries associated to Union programmes

The Commission approved the line set out in SI(2020) 451/2.

- Commitment of the funds stemming from reflows under the ACP Investment Facility from operations under the 9th, 10th and 11th European Development Funds, the balances from the 10th EDF or from previous EDFs, and the funds decommitted from projects under the 10th EDF or from previous EDFs (Council Decision) – 2020/0232 (NLE)

The Commission approved the line set out in SI(2020) 462/2.

ii) 2021-2027 Multiannual Financial Framework – Trilogues

(point 1.1.1 of the IRG record)

- Programme for the Union’s action in the field of health for the period 2021-2027, and repeal of Regulation (EU) No 282/2014 (EU4Health Programme) (Regulation) – BUŞOI report – 2020/0102 (COD)

The Commission approved the line set out in SI(2020) 434/2.

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

The Commission approved the line set out in SI(2020) 369 and /2.

- Connecting Europe Facility and repeal of Regulations (EU) No 1316/2013 and (EU) No 283/2014 (Regulation) – MARINESCU, VIRKKUNEN & RIQUET report – 2018/0228 (COD)

The Commission approved the line set out in SI(2020) 435.

- Creative Europe programme (2021 to 2027) and repeal of Regulation (EU) No 1295/2013 (Regulation) – SMERIGLIO report – 2018/0190 (COD)

The Commission approved the line set out in SI(2020) 396/2.

- European Solidarity Corps programme and repeal of [European Solidarity Corps Regulation] and Regulation (EU) No 375/2014 – ŠOJDROVÁ report – 2018/0230 (COD)

The Commission approved the line set out in SI(2020) 397/3.

- Establishment, as part of the Integrated Border Management Fund, of the instrument for financial support for border management and visa (Regulation) – FAJON report – 2018/0249 (COD)

The Commission approved the line set out in SI(2020) 444.

- Transitional provisions for the support by the European Agricultural Fund for Rural Development (EAFRD) and by the European Agricultural Guarantee Fund (EAGF) in the year 2021, and amendment of Regulations (EU) No 228/2013, (EU) No 229/2013 and (EU) No 1308/2013 as regards resources and their distribution in respect of the year 2021 and amendment of Regulations (EU) No 1305/2013, (EU) No 1306/2013 and (EU) No 1307/2013 as regards their resources and application in the year 2021 (Regulation) – KATAINEN report – 2019/0254 (COD)

The Commission took note of SI(2020) 447.

- Recovery and Resilience Facility (Regulation) – MUREŞAN & GARDÍAZABAL RUBIAL & PÎSLARU report – 2020/0104 (COD)

The Commission approved the line set out in SI(2020) 449/4.

- InvestEU Programme (Regulation) – FERNANDES & TINAGLI report – 2020/0108 (COD)

The Commission approved the line set out in SI(2020) 460/2.

- European Social Fund Plus (ESF+) (Regulation) – CASA report – 2018/0206 (COD)

The Commission approved the line set out in SI(2020) 450/2.

- Justice programme (Regulation) – BARLEY & HAUTALA report – 2018/0208 (COD)

The Commission approved the line set out in SI(2020) 452.

- Rights and Values programme (Regulation) – KUHNKE report – 2018/0207 (COD)

The Commission approved the line set out in SI(2020) 453.

- Pre-accession Assistance (IPA III) (Regulation) – ZOVKO & PICULA report – 2018/0247 (COD)

The Commission approved the line set out in SI(2020) 457/2.

- ‘Customs’ programme for cooperation in the field of customs (Regulation) – GRAPINI report – 2018/0232 (COD)

The Commission approved the line set out in SI(2020) 458.

iii) 2021-2027 Multiannual Financial Framework – European Parliament dossiers – December 2020 part-session
(point 1.1.2 of the IRG record)

Ordinary legislative procedure – First reading

- 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 took note of the compromise text in SP(2020) 652, further to note SI(2020) 421, which it had already approved on 2 December 2020.

4.2. LEGISLATIVE MATTERS

iv) Trilogues

(point 3.1 of the IRG record)

- Conditions of entry and residence of third-country nationals for the purposes of highly skilled employment (Directive) – MORENO SÁNCHEZ report – 2016/0176 (COD)

The Commission approved the line set out in SI(2020) 436.

- European Cybersecurity Industrial, Technology and Research Competence Centre and Network of National Coordination Centres (Regulation) – ANDRESEN report – 2018/0328 (COD)

The Commission approved the line set out in SI(2020) 443 and /3.

- Amendment of Regulation (EU) 2016/1011 as regards the exemption of certain third country foreign exchange benchmarks and the designation of replacement benchmarks for certain benchmarks in cessation (Regulation) – NAGTEGAAL report – 2020/0154 (COD)

The Commission approved the line set out in SI(2020) 456.

v) European Parliament dossiers – December 2020 part-session

(point 3.2 of the IRG record)

Ordinary legislative procedure – Second reading

- Quality of water intended for human consumption (Directive – recast) – HANSEN report – 2017/0332 (COD)

The Commission took note of the compromise text in SP(2020) 653, further to note COM(2020) 669, which it had already approved on 26 October 2020.

- Amendment of Regulation (EU, Euratom) No 883/2013 concerning

investigations conducted by the European Anti-Fraud Office (OLAF) as regards cooperation with the European Public Prosecutor's Office and the effectiveness of OLAF investigations (Regulation) – MARINESCU report – 2018/0170 (COD)

The Commission took note of the compromise text in SP(2020) 654, further to document COM(2020) 805, which it had already approved on 8 December 2020.

- Framework for the recovery and resolution of central counterparties and amendment of Regulations (EU) No 1095/2010, (EU) No 648/2012, and (EU) 2015/2365 (Regulation) – BELKA & VAN OVERTVELDT report – 2016/0365 (COD)

The Commission took note of the compromise text in SP(2020) 655, further to note COM(2020) 694, which it had already approved on 18 November 2020.

Ordinary legislative procedure – First reading

- European Year of Rail (2021) (Decision) – DEPARNAY-GRUNENBERG report – 2020/0035 (COD)

The Commission took note of the compromise text in SP(2020) 656, further to note SI(2020) 398, which it had already approved on 24 November 2020.

vi) Council Dossiers

(point 3.3 of the IRG record)

- Amendment of Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures (Directive) – FERRANDINO report – 2017/0114 (COD)

The Commission approved the line set out in SI(2020) 419.

- Amendment of Regulation (EC) No 1367/2006 of the European

Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (Regulation) – DOLESCHAL report – 2020/0289 (COD)

The Commission approved the line set out in SI(2020) 437/2.

- Fixing for 2021 of the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas (Council Regulation) – 2020/0178 (NLE)

The Commission approved the line set out in SI(2020) 439.

- Fixing for 2021 and 2022 of the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks (Council Regulation) – 2020/0301(NLE)

The Commission approved the line set out in SI(2020) 442.

- Fixing for 2021 of the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters (Council Regulation) – 2020/0308 (NLE)

The Commission approved the line set out in SI(2020) 440.

4.3. RELATIONS WITH PARLIAMENT

vii) Action taken on the legislative opinions and non-legislative resolutions adopted by Parliament at its November I 2020 part-session

(point 5.6.2 of the IRG record)

The Commission approved document SP(2020) 649 on the action taken on the legislative opinions and non-legislative resolutions adopted by Parliament at its November I 2020 part-session, for transmission to Parliament.

viii) Parliament resolutions based on Article 225 of the Treaty on the Functioning of the European Union (TFEU)

(point 5.7 of the IRG record)

- An EU legal framework to halt and reverse EU-driven global deforestation – BURKHARDT report – 2020/2006 (INL)

The Commission approved the line set out in SP(2020) 634/2.

- BREXIT – Implementation of Annex V to the Withdrawal Agreement – Legal arrangements to release Euratom from its obligations and liabilities under the 1994 agreement between British Nuclear Fuels plc. (now Sellafield Ltd.) and the European Atomic Energy Community for the provision of laboratory facilities at Sellafield, as amended (‘the Laboratory Agreement’)

The Commission approved the line set out in SI(2020) 445.

- Interinstitutional Agreement on a mandatory Transparency Register – COM(2016) 627

The Commission approved the line set out in SI(2020) 446/2.

- ‘A European Initiative on processors and semiconductor technologies’ – Member States’ declaration planned to be signed at the informal videoconference of the Ministers responsible for Telecommunications (7 December 2020)

The Commission took note of document SI(2020) 438.

- ‘Berlin Declaration on Digital Society and Value-Based Digital

Government' (8 December 2020)

The Commission took note of document SI(2020) 455.

**5. COORDINATION OF EXTERNAL ACTION
(RCC(2020) 114)**

The Commission took note of the operational conclusions in RCC(2020) 114 of the meeting of the Group for External Coordination (EXCO) held by videoconference on Wednesday 2 December 2020.

**6. MONITORING THE APPLICATION OF EUROPEAN UNION LAW
INFRINGEMENTS – URGENT INDIVIDUAL CASE
(SEC(2020) 427)**

The Commission adopted the decision in SEC(2020) 427.

7. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

**7.1. WRITTEN PROCEDURES APPROVED
(SEC(2020) 398 ET SEQ.)**

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

**7.2. EMPOWERMENT
(SEC(2020) 399 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 30 November and 5 December 2020.

**7.3. DELEGATION / SUBDELEGATION OF POWERS
(SEC(2020) 400 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 30 November and 4 December 2020 archived in Decide.

**7.4. SIGNIFICANT WRITTEN PROCEDURES
(SEC(2020) 401 AND /2)**

The Commission took note of the significant written procedures for which the time limit expired between 7 and 11 December 2020 and of the finalisation written procedure initiated following the weekly meeting of Chefs de cabinet on Monday 7 December 2020.

**7.5. GRANTING OF AN AD HOC EMPOWERMENT TO ADOPT
PREVENTIVE MEASURES IN THE EVENT OF THE
COUNCIL'S FAILURE TO FIX FISHING OPPORTUNITIES FOR
CERTAIN FISH STOCKS AND GROUPS OF FISH STOCKS
(C(2020) 8656)**

The Commission adopted the decision in C(2020) 8656.

The Commission decided to empower Mr SINKEVIČIUS, the Member of the Commission in charge of the Environment, Oceans and Fisheries, in agreement of the PRESIDENT, on behalf of the Commission and under its responsibility, to adopt the necessary preventive measures in the event of the Council's failure to fix fishing opportunities for certain fish stocks and groups of fish stocks, as set out in C(2020) 8656.

8. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2020) 402)

ADMINISTRATIVE MATTERS
(PERS(2020) 121)

8.1. DG COMMUNICATIONS NETWORKS, CONTENT AND TECHNOLOGY – AMENDMENT OF ORGANISATION CHART AND APPOINTMENT OF AN AD15 ADVISER HORS CLASSE

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

- to create a temporary post of Adviser Hors Classe in DG Communications Networks, Content and Technology; this post would be abolished upon the departure of the job-holder;
- to transfer to this post, in the interest of the service, under Article 7 of the Staff Regulations, Mr Zoran STANCIC, an AD15 official and currently Head of the Commission Representation in Ljubljana in Slovenia.

These decisions would take effect on 1 January 2021.

8.2. JOINT RESEARCH CENTRE – CHANGE TO ORGANISATION CHART
(SEC(2020) 428)

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

- to create Directorate JRC.J. ‘Nuclear Decommissioning and Waste Management (Ispra)’, which would report to the Deputy Director-General of JRC.DDG1;
- to transfer unit JRC.G.III.9 ‘Decommissioning of JRC Nuclear Installations’ to the new Directorate JRC.J, to rename it JRC.J.1 ‘Ispra

Operational Nuclear Decommissioning and Waste Management’, and to transfer to it all the operational decommissioning activities of the former unit JRC.G.III.9; the very limited scientific activities of this former unit concerning decommissioning would be transferred to the current unit JRC.G.III.8 ‘Waste Management’;

- to transfer unit JRC.G.III.8 ‘Waste Management’, involved in decommissioning scientific activities to the department JRC.G.I ‘Nuclear Safety & Security (Karlsruhe)’ and to rename it JRC.G.I.6 ‘Research on Decommissioning and Waste Management’;
- to abolish the department JRC.G.III ‘Decommissioning of Nuclear Facilities (Karlsruhe)’;
- to approve the new organisation chart set out in SEC(2020) 428.

These decisions would take effect on 16 January 2021.

Following this reorganisation, the total number of directorates in the Joint Research Centre would increase from 10 to 11 and the number of departments would decrease from 4 to 3.

This decision was subject to an in-depth reassessment of the structure of the Joint Research Centre and the presentation of a new reorganisation in 2021.

8.3. DG HUMAN RESOURCES AND SECURITY – LAUNCHING OF THE ANNUAL APPRAISAL EXERCISE FOR SENIOR MANAGEMENT OFFICIALS

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

- to authorise the launch of the appraisal exercise for senior management officials for the period from 1 January to 31 December 2020 in line with

the rules applied during the previous exercise;

- to authorise a derogation from the last sentence of the rules on postponement by authorising a second postponement of the appraisal report for 2018.

These decisions would take effect immediately.

**8.4. DG TAXATION AND CUSTOMS UNION – AMENDMENT OF THE ORGANISATION CHART
(PERS(2020) 122; SEC(2020) 429)**

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

- to create a temporary post of Principal Adviser for Strategy & Economic Analysis Coordination, until 31 December 2022;
- to authorise the internal publication, with immediate effect, under Article 29(1)(a)(i) and (iii) of the Staff Regulations, of the vacancy notice in PERS(2020) 122 for a temporary post of Principal Adviser in DG Taxation and Customs Union;
- to approve the new organisation chart in SEC(2020) 429; this decision would take effect on 16 December 2020.

Unless indicated otherwise, these decisions would take effect immediately.

8.5. DG HUMAN RESOURCES AND SECURITY – LAUNCH OF THE 14TH PROMOTION EXERCISE FOR SENIOR MANAGEMENT OFFICIALS

The Commission took note of the decision of Mr HAHN, in agreement with the PRESIDENT, on the 14th promotion exercise, adopted in accordance with the provisions of the Commission Decision of 10 May 2007 on the system of

promotion of senior management officials (SEC(2007) 605). Under the Commission Decision, the 14th promotion exercise would be carried out on the basis of the following criteria: the rate of promotion would be maximum 15% of the eligible senior management officials, it would concern the posts of Director or equivalent (grades AD14 to AD15) and the posts of Director-General or equivalent (grades AD15 to AD16), subject to the availability of sufficient budgetary appropriations; the eligibility conditions would have to be met by 1 January 2021 at the latest, the date on which the promotions would come into effect.

9. OTHER BUSINESS

LATEST DEVELOPMENTS IN EXTERNAL RELATIONS

The PRESIDENT asked Mr BORRELL to brief the College on the main recent developments in external relations.

Firstly, Mr BORRELL gave a brief overview of the main outcomes of the Foreign Affairs Council held on 7 December.

He was pleased that, only a few days before International Human Rights Day on 10 December, the Council had adopted a Decision and a Regulation establishing a global sanctions regime that would allow the EU to target individuals, entities and bodies responsible for, or associated with, serious human rights violations worldwide, no matter where they occurred. He stressed that it was now necessary to encourage the Member States to make effective use of this new tool, noting that any decisions would require unanimity.

Mr BORRELL pointed out that the Council had also touched on the latest developments regarding Turkey, which would be discussed at the next meeting of the European Council on 10 and 11 December. Turkey had not fundamentally changed direction, and the European Council would assess how Turkey had

responded to the EU's proposal to establish a constructive cooperation agenda and dialogue.

Mr BORRELL then referred to the parliamentary elections held in Venezuela on 6 December, following which, with an abstention rate of almost 70%, the President, Nicolás MADURO, had taken control of the only institution that had still been held by the opposition. He said that the Union, along with much of the international community, could not consider this electoral process to be fair and democratic, and its results were not representative of the will of the Venezuelan people.

Mr BORRELL noted that there had been no progress with regard to the situation in Ethiopia. He referred to Mr LENARČIČ's trip to Sudan, on 3 December, where he had visited a camp for refugees who had fled the fighting in the Tigray region in northern Ethiopia; once again, the Ethiopian authorities had been urged to re-establish communications in this region and to bring the hostilities to an end.

He also referred to the discussions held in the Foreign Affairs Council on the issue of transatlantic relations. The Member States had unanimously welcomed the Joint Communication presented the previous week, and the wish was expressed to take action as soon as the new administration took office in Washington to revamp this strategic partnership.

The Council had also discussed ways of strengthening and making operational the Union's strategic autonomy with regard to foreign and security policy.

Next, he said that on 7 December, the members of the EU-Algeria Association Council had met for the first time in more than two years, by videoconference. The meeting had allowed matters of common interest to be discussed, including the more sensitive aspects thereof, such as human rights, economic reforms, trade disputes and migration.

Mr BORRELL also reported that he and Mr VÁRHELYI had held a telephone conference the previous day with the Prime Minister of Ukraine, Denys

SHMYHAL, in lieu of the EU-Ukraine Association Council. The Union had reaffirmed its support for Ukraine in the fight against the COVID-19 pandemic and had called on it to continue its reform efforts, particularly to strengthen the rule of law and bolster the fight against corruption.

Lastly, he warmly congratulated Ms URPILAINEN on the political agreement reached on 3 December with the Organisation of African, Caribbean and Pacific States (OACPS), formerly called the ‘ACP Group of States’, on the text for a new Partnership Agreement that would succeed the Cotonou Agreement.

Ms URPILAINEN explained that this agreement, which would need to be approved, signed and ratified by the Parties, would cover a wide range of fields, from development and sustainable growth to human rights, and including migration issues. Once it came into effect, the Agreement would serve as the new legal framework and guide political, economic and cooperation relations between the EU and the 79 members of the OACPS for the next 20 years.

The PRESIDENT highlighted the significant progress that this political agreement represented after two years of tough negotiations.

The Commission took note of this information.

10. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – COUNTER-TERRORISM AGENDA FOR THE EU: ANTICIPATE, PREVENT, PROTECT, RESPOND (COM(2020) 795 TO /3; RCC(2020) 197)

11. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL – FIRST PROGRESS REPORT ON THE EU SECURITY UNION STRATEGY

(COM(2020) 797 AND /2; RCC(2020) 197)

12. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EU) 2016/794, AS REGARDS EUROPOL'S COOPERATION WITH PRIVATE PARTIES, THE PROCESSING OF PERSONAL DATA BY EUROPOL IN SUPPORT OF CRIMINAL INVESTIGATIONS, AND EUROPOL'S ROLE ON RESEARCH AND INNOVATION

(COM(2020) 796 AND /2; SWD(2020) 543 AND /2; SWD(2020) 544; SEC(2020) 545; RCC(2020) 197)

The PRESIDENT invited Mr SCHINAS and Ms JOHANSSON to present to the College the security package submitted for its approval that day. The package comprised a counter-terrorism agenda, the first report on the EU Security Union Strategy for 2020-2025, and a proposal for a Regulation to strengthen Europol's mandate.

It had been decided to bring forward the presentation of the counter-terrorism agenda, initially scheduled for 2021, in the light of the recent attacks in Paris, Nice and Vienna.

Mr SCHINAS said that last July the Commission had presented its Security Union Strategy for the next five years, which set out the EU's general security framework. This week's package of measures was the first series of initiatives within this framework. The Commission would adopt another series of initiatives on security the following week, which would relate to the protection of critical entities and digital services.

The counter-terrorism agenda for 2020 to 2025 set out new measures to combat terrorism, violent extremism and radicalisation, and to improve the Union's resilience in the face of threats of this nature by following a strategy based on four pillars – anticipate, prevent, protect and respond. By building on the work carried out in recent years, this agenda provided a substantial response to the issue of

radicalisation, while helping the Member States to make their public spaces less vulnerable to the risk of attacks. He explained that the logic guiding the agenda was to promote the European way of life, based on the principle that an inclusive society in which there was a place for everyone reduced the appeal of extremist rhetoric.

The first report on progress made as part of the EU's new Security Union Strategy highlighted the actions taken with regard to the four major priorities set out in the strategy, namely (i) ensuring a future-proof security environment, (ii) tackling evolving threats, (iii) protecting Europeans from terrorism and organised crime, and (iv) contributing to a strong European security ecosystem. The main conclusion pointed to a significant failure to implement the tools put in place thus far, which required continued political and operational efforts by the EU institutions and national authorities. By way of example, infringement proceedings were currently ongoing against 25 Member States owing to their failure to implement the Firearms Directive correctly.

Lastly, Europol, the European Union Agency for Law Enforcement Cooperation, was carrying out excellent work, but, as things stood, its mandate was mainly restricted to police cooperation. The proposal to review its mandate would ensure that, in the future, Europol would also be able to cooperate with private parties, process large datasets, improve its cooperation with the European Public Prosecutor's Office, as well as with third country partners, and contribute to the development of new technologies that met the needs of law-enforcement authorities.

Ms JOHANSSON highlighted the fact that the national authorities bore the greatest burden with regard to policing and security in general. The main aspects of the EU's added value were that it could ensure coordination, for example with regard to online crime – which was, by definition, cross-border in nature –, the analysis of large datasets, including from private parties and platforms, information-sharing and aspects relating to interoperability. Moreover, the Union could contribute in the form of financing or, as announced in that day's measures, by appointing an internal Counter-Terrorism Coordinator.

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

- broad support for the package of security measures presented, which was part of a comprehensive approach and was also timely, coming not long after the recent terrorist attacks in the Union;
- the need to adapt the Union's approach and tools to the online methods that were increasingly being used by terrorists; hence the need to give the Member States tools that allowed them to swiftly take down online content of a terrorist nature;
- the importance of striking the right balance between security concerns and the upholding of fundamental rights, as was the case with this set of measures;
- the need to tackle the issue of radicalisation, while fully respecting the Union's fundamental values, including religious freedom, particularly by focusing on education;
- the advisability for the Union to finance an even greater share of initiatives relating to security in the future and to clearly define the responsibilities of actors on the ground, thus preventing overlaps;
- acknowledgement of the improvements needed in terms of information-sharing between the Member States' security services;
- the importance of the link between the internal and external dimensions of counter-terrorism activities, and the need to monitor more closely the funds allocated to the fight against terrorism and to include on a blacklist certain countries that financed terrorism;
- a call to focus on the European Public Prosecutor's Office becoming operational as soon as possible, rather than extending its mandate;
- the genuine concern caused by the phenomenon of radicalisation in prisons and

acknowledgement of the positive impact that preventive action could have in this regard; in this context, the importance of the recently adopted strategy on migration and integration;

- the urgent need for an agreement to be reached in the ongoing inter-institutional negotiations on the legislation on electronic evidence and online content of a terrorist nature;
- the importance of the protection of victims' rights in the package of measures presented that day.

By way of conclusion, the PRESIDENT stated that at the next meeting of the European Council, to be held on 10 and 11 December, she would stress the importance of effective implementation of the proposals that the Commission had adopted in the security field since 2015, such as the Firearms Directive.

Following these presentations, the Commission:

- approved the Communication in COM(2020) 795/3 for transmission to Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, and, for information, to the national parliaments;
- approved the Communication in COM(2020) 797/2 for transmission to Parliament and the Council and, for information, to the national parliaments;
- adopted the proposal for a Regulation in COM(2020) 796/2 for transmission to Parliament and the Council, and, for information, to the national parliaments, together with the impact assessment, the summary thereof and the opinion of the Regulatory Scrutiny Board in SWD(2020) 543/2, SWD(2020) 544 and SEC(2020) 545, the contents of which were noted.

13. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – EUROPEAN CLIMATE PACT

(COM(2020) 788 TO /3; RCC(2020) 196)

14. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – SUSTAINABLE AND SMART MOBILITY STRATEGY – PUTTING EUROPEAN TRANSPORT ON TRACK FOR THE FUTURE (COM(2020) 789 TO /3; SWD(2020) 331 AND /2; RCC(2020) 200)

The PRESIDENT introduced the presentation to the College of the European Climate Pact and the EU's Sustainable and Smart Mobility Strategy, saying that these two Communications had to be considered jointly and seen as forming a single whole, given the interaction between them.

These initiatives also demonstrated the way in which the European Green Deal should be translated into all EU policies, particularly in the transport sector, for which the Commission was that day proposing a genuine strategy for fundamental transformation.

Mr TIMMERMANS presented the European Climate Pact to the College as a novel initiative aimed at empowering citizens to act in order to shape a greener Europe. Just a few days before the fifth anniversary of the Paris climate agreement, this initiative would inform the exchanges of the EU leaders at the European Council on 10 and 11 December, who would decide on stepping up EU climate objectives for 2030.

The European Climate Pact would offer a space for people, communities and civil society organisations to debate, share information and take initiatives to address climate change, and to participate in an ever-growing European climate movement.

This pact was based on two main pillars: awareness raising (learning), and supporting actions (doing), which would implement the initiatives needed to achieve the ambitious objectives set by the EU. An online platform would be used to support exchanges with citizens.

The Commission's proposal provided for various ways of contributing to the fight against climate change, such as giving people from diverse backgrounds and occupations the opportunity to become Climate Pact Ambassadors. Their role would be to lead by example, carry out awareness-raising actions and engage other people in the initiatives taken.

Individuals and organisations would be able to register their climate initiatives and pledges on the online platform or join initiatives already registered.

With regard to individual pledges, the Pact would seek to cooperate with the 'Count Us In' global platform aimed at encouraging one billion people to act for the climate. With regard to interested organisations, the Commission would collect their 'expressions of interest' before the mechanism was fully implemented in 2021.

Mr TIMMERMANS said that it was often young activists who had captured the attention of the whole world and provoked a global debate on climate change. Under the EU Covenant of Mayors, local authorities were leading the way, often showing more ambition and taking more concrete action than national governments. Large and small businesses alike were adopting new business models and deploying innovative technologies to operate more sustainably.

During the initial phase, the European Climate Pact would prioritise actions in four areas that offered immediate benefits, not just for the climate and the environment but also for the health and well-being of citizens. These were green areas, green mobility, efficient buildings and training for green jobs. The Pact would expand over time to other areas.

He stressed that the Pact had an open mandate and that its scope would evolve based on the ideas and contributions of the participants. A Climate Pact event would be held each year to enable participants in the process to share their experiences and knowledge.

Lastly, he announced that the European Climate Pact would be launched online on 16 December. This would be an opportunity to introduce the first Climate Pact Ambassadors, launch a discussion on upcoming pledges and hold exchanges with special guests about the actions that could be taken to combat climate change. There would also be satellite events organised by businesses, civil society or individuals, to reflect the wealth and diversity of climate action in Europe.

In conclusion, Mr TIMMERMANS referred to the cross-cutting nature of the fight to protect the climate. He therefore invited all the Members of the College to support the European Pact in their respective policy areas and to become committed ambassadors for the Pact.

Ms VĂLEAN presented to the College the EU's Sustainable and Smart Mobility Strategy, which was submitted for its approval. She underlined the importance of the transport sector in people's daily lives and its contribution to freedom of movement, which made it indispensable.

She mentioned a few figures to give an idea of the importance of the sector. It contributed 5% to European GDP and directly employed 10 million people. In 2019 the EU had exported a total of 751 million tonnes of goods, worth around EUR 2 132 billion, making wide use of all transport modes. 450 million people in the EU relied on transport to get to work or visit their families. It was therefore the second-largest expenditure item for households. In 2018, EU citizens had travelled 5 900 billion kilometres and in 2019 around 8 billion passengers travelled on national railway networks, while nearly one billion travelled through EU airports. She stressed that transport was the backbone of a robust and healthy economy.

When the COVID-19 pandemic had hit Europe, air traffic had almost collapsed, raising the legitimate concerns of all those whose jobs depended on air traffic. However, Ms VĂLEAN said that aircraft were set soon to bring a message of hope, since the industry was about to mobilise around 8 000 flights of large aircraft to roll out the vaccines against COVID-19 worldwide.

To enable the transport sector to continue to play its key role in the European economy, it must now undergo a fundamental transformation, in particular to reduce its greenhouse gas emissions, increase mobility and develop connectivity, while making economic growth possible and protecting jobs and working conditions.

The raft of proposed measures should make it possible to reduce emissions by 90% by 2050. Although electrification, hybridisation and alternative fuels were decisive factors for the future of the sector, its transformation had to be economically viable.

The strategy put a strong emphasis on rail, both for passengers and freight. The aim was, by 2030, to increase capacity in order to offer viable low-carbon choices on short-haul distances of less than 500 km, and increase rail freight by 50%.

With regard to maritime transport, the aim was to support its decarbonisation while ensuring it remained competitive. This would be achieved by setting clear goals for greenhouse gas emissions reductions and energy efficiency, by using LNG and, later, by introducing alternative fuels and hydrogen.

For inland waterways transport and short-sea shipping, the goal was an increase in volume of 25% by 2030 and 50% by 2050, through proper financing and a better legislative framework for combined transport operations.

Ms VĂLEAN then turned to the aviation sector, which needed to reduce its carbon dioxide emissions while recovering from the most serious crisis in its history. From 2035, the European aviation sector planned to launch the first zero-emission aircraft.

Europe was a frontrunner in digitalising air traffic management, and deployment of the technology already available should be encouraged.

She also said that in 2021 the Commission would propose an initiative to boost the uptake of sustainable aviation fuels. In 2020 the production of alternative fuels in the EU aviation market accounted for less than 0.05% of total jet fuel use. This was why a Strategic Value Chain Alliance for alternative fuels for aviation and maritime transport was essential to improve the EU's policy in this area.

With regard to road transport, which would remain a key transport mode for passengers and freight, connectivity through electric cars remained virtually impossible in many regions of Europe due to poor charging infrastructure. The EU was therefore committed to putting in place, by 2025, one million publicly accessible recharging and refuelling points for cars and trucks around the whole of Europe.

She referred lastly to the digitalisation of transport in general. The strategy made connected and automated multimodality a reality thanks to intelligent traffic systems and the creation of a one-stop digital shop for integrated ticketing. To that end, a Common European Mobility Data Space would be created and the EU would enable industry to deploy artificial intelligence through Horizon Europe and Digital Europe programmes.

In conclusion, Ms VĂLEAN said that the strategy proposed that day came at a time when the EU needed to rebuild and fundamentally transform its transport sector, while strengthening its resilience and ensuring mobility within the EU. Resilience would therefore be embedded in all future initiatives, in particular when it came to upgrading infrastructure and completing cross-border corridors.

She emphasised the fact that the aim of the strategy was to make the transformation predictable in terms of the planned measures, the proposed pathways and the objective of technological neutrality. At the same time, the strategy would offer

European industry prospects across the value chain to modernise, to create high-quality jobs and to develop new products and services.

If all these fundamental changes were to be embraced by the public, more support was needed to ensure that all the new technologies, vehicles and services proposed remained affordable and available to all.

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

- the key role of the cohesion funds, the new rules under the next Multiannual Financial Framework which provided for support for clean energy at the expense of fossil fuels, while continuing the modernisation of infrastructure and ensuring a fair and just transition for all;
- the importance of the fundamental transformation advocated in the transport sector for the citizens' debates to be held in the framework of the Conference on the Future of Europe;
- the need to take particular account of the situation of rural areas and set out a long-term strategy so that these areas could exploit their potential to the full in the transformation of the transport sector;
- the importance of integrating the existing synergies between the EU's transport policy and the Common Agricultural Policy;
- the importance of ensuring the availability of public transport in rural areas in order to provide a viable and affordable alternative to the car;
- the need to support the transformation of the transport sector in order to guarantee its economic viability, develop the skills needed for its digitalisation and support its sustainability in terms of employment and health and safety at work;

- the desirability of maintaining a high level of consumer protection and passenger rights and of initially giving priority to concluding voluntary agreements, in particular to reduce the environmental impact of the sector;
- the need to draw up a taxonomy for each transport mode to steer its development towards sustainable models in line with the ambitious goals of the European Green Deal;
- the global dimension of transport modernisation, since population growth in developing countries meant that emissions from transport would continue to increase in those countries;
- the knock-on effect that the transformation of the European transport sector could have on its partners and in the relevant international fora.

Winding up the discussion, the PRESIDENT said that while the aim of the European Climate Pact was to facilitate civil society initiatives, it would be important to monitor its functioning closely and take stock of the situation in the course of the following year. In the meantime, she asked all the Members of the College to become active ambassadors for climate protection and the European Green Deal.

With regard to the Sustainable and Smart Mobility Strategy, she welcomed the balance struck between environmental and climate objectives, on the one hand, and social and competitiveness objectives, on the other.

Following these presentations, the Commission:

- approved the Communication in COM(2020) 788/3 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;
- approved the Communication in COM(2020) 789/3 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, together with the staff working document distributed as SWD(2020) 331/2, the contents of which were noted.

**15. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL CONCERNING BATTERIES AND WASTE BATTERIES, REPEALING DIRECTIVE 2006/66/EC AND AMENDING REGULATION (EU) NO 2019/1020
(COM(2020) 798 TO /3; SWD(2020) 334 TO /3; SWD(2020) 335 TO /3; SEC(2020) 420; RCC(2020) 198)**

The PRESIDENT asked Mr TIMMERMANS, Mr ŠEFČOVIČ, Mr BRETON and Mr SINKEVIČIUS to present the Commission proposal for a Regulation on batteries and battery waste. She emphasised the decisive role that batteries would play in respect of not only the European Green Deal, but also the EU's circular economy, industrial strategy and trade policy.

Mr TIMMERMANS briefly introduced the topic. He saw this proposal as an excellent example of the method of constructive and effective collaboration between the Commissioners and Commission departments concerned in order to prepare strategic dossiers.

Mr ŠEFČOVIČ explained that this was both a technical and a strategic and political dossier, which complemented the Sustainable and Smart Mobility Strategy also presented that day.

It was one of the flagship initiatives presented within the framework of the European Battery Alliance, launched in 2017 under his authority. This platform, which brought together the Commission, the Member States concerned, the European Investment Bank, the key industrial actors in the sector and key

innovation players, aimed to foster an innovative, sustainable and competitive battery ecosystem in the Union.

Thanks to the European Battery Alliance, considerable progress had been made in putting the EU on the path to open strategic autonomy in this future-orientated sector. Fifteen new battery cell ‘giga-factories’ were now being developed in anticipation of the exponential growth in demand during the years ahead. These production facilities would provide batteries for some 6 million electric vehicles per year in 2025 and between 10 and 12 million per year by 2030. They would thus cater for the total battery cell requirements of the Union’s automotive industry and would even create an export capacity. Furthermore, the Alliance had attracted EUR 60 billion in investment across the value chain in 2019, and an additional EUR 25 billion had already been invested in 2020, respectively two and three times more than the investment by China.

That day’s proposal for a Regulation drew heavily on the prospective analysis, which had made it possible to identify the major trends and changes expected by 2023 to 2025. According to this analysis, batteries would no longer be a commodity, but a strategic value chain, which would facilitate the decarbonisation of the European economy, and demand for next generation lithium-ion batteries for electric vehicles would increase exponentially.

The proposal for a Regulation presented that day provided a comprehensive and future-proof legislative framework. It aimed to (i) create a level playing field on the internal market for all industrial actors, (ii) ensure that the increasing demand on the European market was satisfied by a secure supply of high-performing, sustainable and safe batteries, (iii) foster the sustainable competitiveness of European industry and promote industrial innovation, (iv) strengthen the resilience of raw material supply chains, for which the EU was dependent on external supplies, and (v) address the important issue of a rapidly expanding ecosystem’s social and environmental footprint.

Mr ŠEFČOVIČ went on to say that this proposal for an EU Regulation sought to define a global gold standard in the strategic battery value chain where none had existed before. The proposal addressed all aspects, for example by taking into account the ethical but also social and environmental risks associated with the extraction, exploitation and production of raw materials, by introducing a declaration of the carbon footprint of the battery manufacturing process, and by creating a passport for each battery. By creating competition based on sustainability, this proposal would have an immediate impact on the market. It would provide incentives and reward companies capable of producing batteries ethically and with a lower environmental burden than their Asian competitors. He was convinced that these innovations would be a real game changer in this future-orientated market.

Mr ŠEFČOVIČ also pointed out that, in line with the goal of ‘better regulation’ the Commission had set itself, the principle of ‘one in, one out’ was fully respected since the proposed Regulation replaced the 2006 Directive.

Given the support expressed by many actors in the ecosystem concerned and by the European Parliament, he hoped that this legislation could be finally adopted and implemented in 2023 or 2024, as it sent a very important signal to EU industry.

Mr BRETON felt that the proposal illustrated the best of European industrial policy by activating all levers, including trade, to boost the competitiveness of a value chain which was strategically important in terms of the Union’s ambitions for resilience and autonomy.

Its guiding principle was to facilitate the establishment of the entire battery value chain, from raw materials and battery chemicals to electrical mobility and recycling.

He cited the efforts already undertaken to mobilise the European Battery Alliance and the Industrial Alliance for Raw Materials, launched in September to develop important projects of common European interest (IPCEI), the second of which was being implemented. These efforts included initiatives that were being taken to contribute to the development of charging infrastructure, through a flagship

initiative to be financed by the Recovery and Resilience Facility, to hold ‘skills’ round tables, as he had done the previous month in conjunction with Mr SCHMIT with representatives of the automotive sector, and finally to propose legislative instruments, such as that day’s proposal for a Regulation, which would lead to the development of harmonised standards.

This proposal had been long awaited by European industry, on the one hand, which had already invested in the production of lithium-ion batteries in the Union and, on the other, by the Member States participating in the two IPCEIs mentioned.

That was why Mr BRETON felt it important to view this proposal as an opportunity for European industry and as a clear signal of the economic benefits of the battery sector in the EU.

Moreover, from the point of view of the single market this was the first time that EU legislation was addressing the way a product was produced, not just its final characteristics. In order to market a battery on the EU market, the manufacturer would have to comply with requirements in terms of carbon footprint, due diligence and recycled content. The initiative’s impact would therefore be felt throughout the whole value chain, even if it was outside the EU.

It was also the first time that a product would obtain a digital passport. This document would trace the origin of battery components, contribute to the transparency of the supply chain and allow manufacturers to innovate.

Mr SINKEVIČIUS confirmed the truly innovative nature of that day’s proposal, which addressed for the first time, on an internal market legal basis, the sustainability of an important product over its entire lifecycle. This was the first key initiative under the Circular Economy Action Plan. It was also a future-oriented proposal focusing on the EU’s climate transition, since sustainable batteries would equip clean electric vehicles and contribute to advancing the entire European economy towards renewable energy.

At the same time, the EU wanted to ensure that the sustainability of batteries would improve throughout their product lifecycle as the market in batteries flourished. Battery waste was hazardous and needed to be properly managed, but could also become an asset if treated as a resource. It contained valuable raw materials, such as cobalt, lithium, nickel and lead, which were extracted using a great deal of resources, including energy, which the Union could not afford to waste.

He gave the example of lithium batteries that were ready for recycling, the number of which was expected to increase 700 times between 2020 and 2040. At the present time, only 10% of the lithium was recovered from battery waste so there was huge potential there to exploit.

To summarise, Mr SINKEVIČIUS stressed that the expected increase in demand would provide a unique opportunity to recycle more, to source sustainable products, to have a secondary supply of materials and therefore to start the race for sustainable development.

He explained the fundamental logic of the proposal for a Regulation, which was based on the principles of the circular economy, from the resources needed to manufacture batteries to their design, use and end of life as well as the re-circulation of the recovered materials.

At the very beginning of the product's life cycle there were two options, i.e. to extract materials from nature or to extract them from waste. It was a question of maximising the resources sourced from waste, but the primary raw materials would still be needed. It had therefore been decided to introduce provisions concerning sustainable sourcing and due diligence.

Then, at the manufacturing stage, the idea was to promote the most efficient and most sustainable batteries, hence the need not just to measure their carbon footprint but also to define the requirements in terms of recycled content and restricting hazardous substances such as mercury and cadmium.

He stressed that the introduction of targets for recycled content, even prudent ones, gave a powerful signal to the market, since it promoted the availability of secondary raw materials, their quality and the security of supply. In other words, the aim was to transform a market failure into a win-win situation.

Therefore, recycling would be made obligatory for all collected waste batteries. He said that the Commission's legislative proposal covered all batteries, from the portable batteries used in everyday life, with collection targets set at 65% in 2025 and 70% in 2030, to big industrial batteries.

He mentioned other measures that were set out in the proposal such as extended producer responsibility, green public procurement, incentives to encourage the second life of batteries and digital passports.

He closed by expressing the hope that this ambitious joint agenda would be a success for the whole of the EU.

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

- the huge opportunities offered by the initiatives already launched by the Commission since 2017 in the framework of the European Battery Alliance and that day's proposal, which would shape the future of this market;
- the observation that thanks to these initiatives, the EU was investing more than China and was therefore showing that it was just as able to equip itself with the means to achieve its strategic vision;
- the development of a number of criteria, in the group of Commissioners concerned, to examine the growing alliances between the public and private sectors and to ensure that anti-competitive practices were not indirectly promoted;
- the contribution that the Cohesion Funds could make to the construction of

battery factories, while support for mass production would be the responsibility of market operators;

- the mention of the interaction between important projects of common European interest (IPCEI) and access to production locations in areas where this interaction was necessary;
- the mention of the links between that day's proposal for a Regulation and the legislation that the Commission would propose in 2021 on responsible corporate governance, which would apply to all sectors and would include all forms of due diligence, including social and environmental due diligence;
- the complexity of ensuring compliance with supply chain due diligence obligations and the clarification that this would bring about in companies' long-term strategies.

The PRESIDENT closed the discussion by congratulating Mr TIMMERMANS, Mr ŠEFČOVIČ, Mr BRETON and Mr SINKEVIČIUS for the ambitious, unprecedented and future-oriented proposal for a Regulation that was submitted for the Commission's approval that day.

Following these presentations, the Commission, on a proposal from the PRESIDENT, confirmed the adoption of the proposal for a Regulation in COM(2020) 798/3 by finalisation written procedure, the deadline for which was set at 10.00 on Thursday 10 December 2020 (PE/2020/9033).

16. OTHER BUSINESS (CONTINUED)

16.1. PREPARATIONS FOR THE EUROPEAN COUNCIL (BRUSSELS, 10 AND 11 DECEMBER 2020)

The PRESIDENT took stock of certain issues with a view to the European

Council meeting of Heads of State or Government on 10 and 11 December.

First, she mentioned the state of play of **negotiations between the European Union and the United Kingdom** on their future relationship, some three weeks before the end of the transition period provided for in the withdrawal agreement. She referred to the continued sticking points in the discussions, in particular the level playing field and fisheries. During her phone call with British Prime Minister Boris JOHNSON on 7 December, it had been decided to continue talks to break the current deadlock.

She welcomed the unwavering unity that the Member States had shown and continued to show in the negotiations. This was crucial, in particular because it ensured the Commission's mandate was adhered to.

With regard to the provisions on the implementation of the withdrawal agreement, she congratulated Mr ŠEFČOVIČ for managing not only to conclude the talks but also to secure the removal of certain provisions contrary to the withdrawal agreement, which the UK had intended to introduce in a finance act, as in the internal market act tabled a few weeks earlier.

While it was a real relief to see this stage brought to a successful conclusion, the outcome of the negotiations on the future relationship between the EU and the UK still hung in the balance and it was necessary to prepare for all eventualities.

With regard to the **Multiannual Financial Framework (MFF) for the period 2021 to 2027** and the **NextGenerationEU recovery plan**, the PRESIDENT pointed out that interinstitutional discussions were still being blocked by two Member States on account of the mechanism in the next MFF to make European funding conditional on compliance with rule of law principles.

The German Presidency of the Council of the European Union was conducting intensive negotiations with the two Member States concerned. In the meantime, Mr HAHN was working on the assumption that the EU would be forced to use the system of provisional twelfths provided for in the Treaty on the Functioning of the European Union, and a recovery plan for 25 Member States was being examined.

The outcome of the negotiations would certainly be decisive for some of the main items on the agenda of the European Council meeting, which she touched on.

In particular, she stressed the impact that the outcome of the talks in question could have on the EU's new target for reducing greenhouse gas emissions by 2030. Constructive and fruitful discussions had been held with Member States since the Commission had proposed to amend the European Climate Law on 17 September 2020.

As regards **COVID-19 vaccination strategies**, she would inform Heads of State or Government of vaccine doses that could be donated to the Western Balkans and the EU's southern neighbourhood. She also stressed the importance of a coordinated European approach that duly emphasised the European origin of the doses provided by explicitly and visibly labelling them.

On **security matters**, and in particular the fight against terrorism and violent extremism, including online, she was confident that Member States would welcome the package approved by the College that day.

Lastly, **as regards external action**, the Heads of State or Government would examine transatlantic relations. The discussion would certainly be enhanced by the joint Communication approved the previous week. They would also look at the thorny issue of the EU's relations with Turkey, already mentioned by Mr BORRELL.

In addition, on the afternoon of 11 December the Euro Summit would be held, at which Christine LAGARDE, President of the European Central Bank, would give an overview of the economic outlook, and euro area leaders would discuss the state of play of the Banking Union and Capital Markets Union.

The PRESIDENT stated that she would inform the College as soon as possible of the results of this European Council meeting, which she considered to be key for the EU.

The Commission took note of this information.

16.2. COMMISSION RESPONSE TO A RESOLUTION BY THE EUROPEAN PARLIAMENT PURSUANT TO ARTICLE 225 OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION

At the PRESIDENT's invitation, Mr TIMMERMANS touched on the second positive response which the College was able to give to a request by Parliament under Article 225 of the Treaty on the Functioning of the European Union for the Commission to submit an appropriate proposal on matters on which it considered that an EU act was required for the implementation of the Treaties (see also point 4.3(viii) of these minutes).

This second positive response was in reply to a call from Parliament to put in place a legal framework to halt and reverse the deforestation for which the EU was responsible at global level. A legislative proposal was being drawn up and would consider options going beyond the due diligence requirement requested by Parliament for companies placing products on the EU market.

The Commission took note of this information.

16.3. OUTCOME OF NEGOTIATIONS ON THE PROPOSAL FOR AN INTERINSTITUTIONAL AGREEMENT ON A MANDATORY TRANSPARENCY REGISTER

At the invitation of the PRESIDENT, Ms JOUROVÁ announced that a provisional agreement had been reached at political level on 7 December with the European Parliament and the Council on an interinstitutional Transparency Register (see also point 4.3(viii) of these minutes).

In 2016 the Commission had tabled a proposal for a new interinstitutional agreement on a mandatory Transparency Register for interest representatives covering the European Parliament, the Council and the Commission, bearing in mind that since 2014 the European Parliament had been participating as an observer in the public register system managed jointly by the other two institutions since 2011.

She referred to the three aims of the 2016 proposal, which the provisional agreement met.

First, to introduce a principle of conditionality in the Register by making meetings between decision-makers and stakeholders conditional on the provision of information, in practice making the Register mandatory.

The three institutions had agreed to this conditionality and greater transparency. This principle and any other existing or subsequent transparency measure would also have to be made public, including on the Register website. This was a dynamic process which could lead to more transparency measures based on evaluations.

Second, the interinstitutional agreement should be extended to include the Council and permanent representatives of the Member States. The agreement reached enabled other EU institutions or bodies to take part in the Transparency Register on a voluntary basis.

Third, the proposal aimed to introduce operational improvements in the Register and its code of conduct.

Ms JOUROVÁ pointed out that this initiative was designed to develop a common culture of transparency with the other institutions, in order to provide lobbyists with a clear legal framework for their activities, ensure calm and open negotiations, enable the institutions to report transparently on the factors that led to EU regulation and, above all, strengthen citizens' trust in the EU's work.

In terms of procedure, subject to the agreement of each institution in accordance with its internal rules, the overall agreement could be finalised on 17 December 2020.

The PRESIDENT welcomed the efforts made to reach this agreement promoting a culture of transparency.

The Commission took note of this information.

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

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The meeting closed at 11.43.