



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2022) 2405 final

- English translation of the French version which is authentic -

Strasbourg, 8 March 2022

TEXTE EN

MINUTES

of the 2405th meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 2 February 2022

(morning)

PV(2022) 2405 final

- English translation of the French version which is authentic -

EN

TABLE OF CONTENTS

Attendance list	4-5
1. AGENDAS (OJ(2022) 2405/FINAL; SEC(2022) 2405/FINAL)	6
2. WEEKLY MEETING OF CHEFS DE CABINET (RCC(2022) 2405)	6
3. APPROVAL OF THE MINUTES	6
4. INTERINSTITUTIONAL RELATIONS (RCC(2022) 61)	6
5. COORDINATION OF EXTERNAL ACTION (RCC(2022) 7).....	8
6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS.....	8
6.1. WRITTEN PROCEDURES APPROVED SEC(2022) 90 ET SEQ.)	8
6.2. EMPOWERMENT (SEC(2022) 91 ET SEQ.)	8
6.3. DELEGATION / SUBDELEGATION OF POWERS (SEC(2022) 92 ET SEQ.)	8
6.4. SIGNIFICANT WRITTEN PROCEDURES (SEC(2022) 93 AND /2)	9
7. ADMINISTRATIVE AND BUDGETARY MATTERS (SEC(2022) 94).....	9
7.1. DG INFORMATICS – APPOINTMENT OF AN AD15 DIRECTOR-GENERAL	11
7.2. DG COMPETITION – APPOINTMENT OF A DEPUTY DIRECTOR-GENERAL AT GRADE AD15/16 (PERS(2022) 4 TO /3)	11
7.3. LEGAL SERVICE – APPOINTMENT OF A DEPUTY DIRECTOR-GENERAL AT GRADE AD15/16 (PERS(2022) 6 TO /3)	12
7.4. DG MARITIME AFFAIRS AND FISHERIES – APPOINTMENT OF A DEPUTY DIRECTOR-GENERAL AT GRADE AD15/16 (PERS(2022) 5 TO /3).....	12

8. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – AN EU STRATEGY ON STANDARDISATION SETTING GLOBAL STANDARDS IN SUPPORT OF A RESILIENT, GREEN AND DIGITAL EU SINGLE MARKET (COM(2022) 31 AND /2; RCC(2022) 66).....	13
9. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EU) NO 1025/2012 AS REGARDS THE DECISIONS OF EUROPEAN STANDARDISATION ORGANISATIONS CONCERNING EUROPEAN STANDARDS AND EUROPEAN STANDARDISATION DELIVERABLES (COM(2022) 32 AND /2; RCC(2022) 66)	13
10. COMMISSION DELEGATED REGULATION AMENDING DELEGATED REGULATION (EU) 2021/2139 AS REGARDS ECONOMIC ACTIVITIES IN CERTAIN ENERGY SECTORS AND DELEGATED REGULATION (EU) 2021/2178 AS REGARDS SPECIFIC PUBLIC DISCLOSURES FOR THOSE ECONOMIC ACTIVITIES (C(2022) 631 TO /3; RCC(2022) 248; RCC(2022) 68 AND /2)	16
11. OTHER BUSINESS.....	26
11.1. LATEST DEVELOPMENTS IN THE ENERGY SECTOR.....	26
11.2. COMMISSION IMPLEMENTING DECISION ON THE REQUEST FOR REGISTRATION OF THE EUROPEAN CITIZENS' INITIATIVE ENTITLED 'WIN IT ON THE PITCH' PURSUANT TO REGULATION (EU) 2019/788 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL (C(2022) 630)	27

Single sitting: Wednesday 2 February 2022 (morning)

The sitting opened at 9.13 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 BORRELL i FONTELLES	High Representative / Vice-President	Items 1 to 10 (in part)
Mr ŠEFČOVIČ	Vice-President	
Ms JOUROVÁ	Vice-President	
Mr SCHINAS	Vice-President	
Mr HAHN	Member	
Mr GENTILONI	Member	
Mr WOJCIECHOWSKI	Member	Items 1 to 10 (in part)
Mr BRETON	Member	
Ms FERREIRA	Member	
Ms KYRIAKIDES	Member	
Mr REYNDERS	Member	
Ms DALLI	Member	
Ms JOHANSSON	Member	
Mr LENARČIČ	Member	
Ms VÁLEAN	Member	Items 1 to 11.1
Mr VÁRHELYI	Member	
Ms SIMSON	Member	
Ms McGUINNESS	Member	

The following sat in by videoconference:

Mr DOMBROVSKIS	Executive Vice-President
Ms GABRIEL	Member
Ms URPILAINEN	Member

Absent:

Ms ŠUICA	Vice-President
Mr SCHMIT	Member
Mr SINKEVIČIUS	Member

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

Ms SRŠEN	Deputy Chef de cabinet to Ms ŠUICA	
Mr KASEL	Chef de cabinet to Mr SCHMIT	
Mr GOLUBIEWSKI	Chef de cabinet to Mr WOJCIECHOWSKI	Items 10 (in part) and 11
Ms PREISING	Deputy Chef de cabinet to Mr SINKEVIČIUS	

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 FLOSDORFF	Executive Adviser in the PRESIDENT's Office	
Mr VANDENBERGHE	Adviser in the PRESIDENT's Office	
Mr WHELAN	Adviser in the PRESIDENT's Office	Items 8/9
Ms MICELI	Policy Coordinator in the PRESIDENT's Office	Items 1 to 10
Ms SPINANT	Deputy Chief Spokesperson of the Commission	
Mr VALERO	Secretariat-General	
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(2022) 2405/FINAL; SEC(2022) 2405/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(2022) 2405)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 31 January and Tuesday 1 February 2022.

3. APPROVAL OF THE MINUTES

The Commission held over approval of the minutes of its 2403rd and 2404th meetings of 18 and 26 January 2022 for a later date.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2022) 61)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held by videoconference on Friday 28 January 2022 (RCC(2022) 61).

The Commission approved the lines proposed for the following points:

- **Adequate minimum wages in the European Union (Directive) – RADTKE & JONGERIUS report – 2020/0310 (COD)**

Line set out in SI(2022) 7.

- **Amendment of 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 (Regulation) – ZARZALEJOS report – 2020/0349 (COD)**

Line set out in SI(2022) 14.

- **Provisional emergency measures for the benefit of Latvia, Lithuania and Poland (Council Decision) - 2021/0401 (CNS)**

Line set out in SI(2022) 18/2.

The Commission approved the line set out for the following point, for transmission to Parliament:

- **Commission replies to the legislative resolutions (and list of non-legislative resolutions without formal reply) adopted by Parliament at its part session of December 2021**

Line set out in SP(2022) 38.

The Commission approved the line set out for the following point, for transmission to the European Economic and Social Committee:

- **Follow-up to opinions of the European Economic and Social Committee – Plenary session of September 2021**

Line set out in SC(2022) 4/2.

The Commission took note of the following points:

- **Results of Parliament’s January II 2022 part-session – International Holocaust Remembrance Day (27 January 2022)**

Information set out in SP(2022) 41.

- **Draft text for the future EU-United Kingdom agreement in respect of Gibraltar – Basis for cooperation, level playing field, anti-money laundering**

Information set out in SI(2022) 20.

5. COORDINATION OF EXTERNAL ACTION (RCC(2022) 7)

The Commission took note of the operational conclusions in RCC(2022) 7 of the meeting of the Group for External Coordination (EXCO) held on Wednesday 26 January 2022.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

6.1. WRITTEN PROCEDURES APPROVED (SEC(2022) 90 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 24 and 30 January 2022.

6.2. EMPOWERMENT (SEC(2022) 91 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 24 and 30 January 2022.

6.3. DELEGATION / SUBDELEGATION OF POWERS (SEC(2022) 92 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedures between 24 and 30 January 2022 archived in Decide.

6.4. SIGNIFICANT WRITTEN PROCEDURES

(SEC(2022) 93 AND /2)

The Commission took note of the significant written procedures for which the time limit expired between 31 January and 4 February 2022.

7. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2022) 94)

ADMINISTRATIVE MATTERS

(PERS(2022) 3)

At the invitation of the PRESIDENT, Mr HAHN presented four proposals for administrative decisions that were being submitted directly to the College for approval.

First, Mr HAHN said that it was proposed to appoint Ms Veronica GAFFEY to the post of Director-General of DG Informatics. He highlighted Ms Veronica GAFFEY's outstanding skills, remarkable career and recognised expertise, which would be valuable assets in her new post.

He also took the opportunity to extend his warmest thanks to Mr Mario CAMPOLARGO, who would be retiring on 1 March and would therefore be leaving his current post of Director-General of DG Informatics. Mr HAHN commended Mr CAMPOLARGO's long career at the Commission, and in particular, the considerable work he had carried out in his current post to make it possible for the Commission to transition seamlessly into teleworking when the European Union was hit by the COVID-19 pandemic, a way of working which had

now become common practice for thousands of members of Commission staff. He also referred to the future solutions developed under his authority, for which Mr HAHN expressed the institution's gratitude.

The PRESIDENT confirmed the tremendous amount of work that had been performed to enable all of the Commission's staff to move to generalised teleworking arrangements at the height of the pandemic. She thanked Mr Mario CAMPOLARGO for successfully completing this profound transformation and Mr HAHN for steering it.

Mr HAHN then referred to the three other proposals for decisions. It was also proposed to appoint (i) Mr Bernardus SMULDERS to the post of Deputy Director-General in charge of State aid in DG Competition, (ii) Mr Clemens LADENBURGER to the post of Deputy Director-General in charge of quality of legislation, infringements and information at the Legal Service and (iii) Mr Kestutis SADAUSKAS to the post of Deputy Director-General in DG Maritime Affairs and Fisheries.

Mr HAHN highlighted the qualities, great experience and career of Mr Bernardus SMULDERS, Mr Clemens LADENBURGER and Mr Kestutis SADAUSKAS, which they would be able to draw on in their new posts.

He explained that although the Commission was that day appointing three men to Deputy Director-General posts, at institution-level there was gender balance across Director-General and Deputy Director-General posts.

During the meeting, Mr HAHN was questioned on the issue of the under-representation in senior management posts of nationals from Member States which had acceded to the Union since 2004. He said that this question would be addressed in the new human resources strategy that the Commission would be proposing in March. Among the different ways envisaged in order to address the current gaps, the Commission was considering a more dynamic promotion system which would offer better career prospects to young members of staff and speed up

access to middle and senior management posts for officials who were nationals of Member States that had joined the Commission after 2004. Mr HAHN confirmed that the Commission was paying close attention to this issue.

7.1. DG INFORMATICS – APPOINTMENT OF AN AD15 DIRECTOR-GENERAL

On a proposal from Mr HAHN, in agreement with the PRESIDENT, the Commission decided to transfer in the interest of the service, under Article 7 of the Staff Regulations, Ms Veronica GAFFEY, an AD15 official currently Director-General and Chair of the Regulatory Scrutiny Board, to the post of Director-General of DG Informatics.

This decision would take effect on 1 March 2022.

**7.2. DG COMPETITION – APPOINTMENT OF A DEPUTY DIRECTOR-GENERAL AT GRADE AD15/16
(PERS(2022) 4 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 State aid in DG Competition (PERS(2022) 4).

It took note of the opinions of the Consultative Committee on Appointments of 3 December 2021 and 14 January 2022 (PERS(2022) 4/2 and /3).

The Commission then examined the applicants' qualifications for the post. On a proposal from Mr HAHN, in agreement with the PRESIDENT and after consulting Ms VESTAGER, it then decided to appoint Mr Bernardus SMULDERS to the post.

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

**7.3. LEGAL SERVICE – APPOINTMENT OF A DEPUTY DIRECTOR-GENERAL AT GRADE AD15/16
(PERS(2022) 6 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 quality of legislation (Directorate K), infringements and information at the Legal Service (PERS(2022) 6).

It took note of the opinions of the Consultative Committee on Appointments of 3 and 17 December 2021 (PERS(2022) 6/2 and /3).

The Commission then examined the applicants' qualifications for the post. On a proposal from Mr HAHN, in agreement with the PRESIDENT, it then decided to appoint Mr Clemens LADENBURGER to the post.

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

**7.4. DG MARITIME AFFAIRS AND FISHERIES – APPOINTMENT OF A DEPUTY DIRECTOR-GENERAL AT GRADE AD15/16
(PERS(2022) 5 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 of DG Maritime Affairs and Fisheries (PERS(2022) 5).

It took note of the opinions of the Consultative Committee on Appointments of 3 and 8 October 2021 (PERS(2022) 5/2 and /3).

The Commission then examined the applicants' qualifications for the post. On a proposal from Mr HAHN, in agreement with the PRESIDENT and after consulting Mr SINKEVIČIUS, it then decided to appoint Mr Kestutis SADAUSKAS to the post.

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

8. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – AN EU STRATEGY ON STANDARDISATION SETTING GLOBAL STANDARDS IN SUPPORT OF A RESILIENT, GREEN AND DIGITAL EU SINGLE MARKET

(COM(2022) 31 AND /2; RCC(2022) 66)

9. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EU) NO 1025/2012 AS REGARDS THE DECISIONS OF EUROPEAN STANDARDISATION ORGANISATIONS CONCERNING EUROPEAN STANDARDS AND EUROPEAN STANDARDISATION DELIVERABLES

(COM(2022) 32 AND /2; RCC(2022) 66)

The PRESIDENT asked Ms VESTAGER and Mr BRETON to present that day's initiatives on standardisation.

Ms VESTAGER began by pointing out that, despite its technical nature, standardisation remained essential to enable the EU to take advantage of its considerable innovative capacity, in the interests of a prosperous European economy.

She pointed out that, until recently, the EU had been the world's leading standard-setting power, and regretted that it had since been overtaken by others. This situation had been discussed at the last meeting of the EU-US Trade and Technology Council.

The aim of the strategy proposed that day was to equip the EU with the means of having available more qualified experts in the field of standardisation and

anticipating the arrival of a new generation of specialists, in particular by increasing the resources allocated to education and training. The initiatives presented that day also aimed to improve the governance of the European standardisation system, to provide for early warnings to address standardisation needs and to provide for more SME-friendly conditions in this area.

Ms VESTAGER added that another aim of the strategy was to strengthen the links between research and standardisation in the EU.

Mr BRETON referred to the 3 600 harmonised European standards which were the cornerstone of the internal market, ensured the interoperability of European products and services, and supported the twin green and digital transition. He reminded the meeting that three organisations managed these standards – the European Committee for Standardisation (CEN), the European Committee for Electrotechnical Standardisation (CENELEC) and the European Telecommunications Standards Institute (ETSI) – but that in these organisations, despite their European names, European interests were now declining and even in a minority in one of these organisations.

He therefore felt that the governance of these organisations should be reviewed to ensure that the European Union regained its global leadership, which was an essential requisite for the competitiveness of its businesses and its strategic and technological autonomy. He considered it necessary to strengthen the coordination of the Member States in international standardisation organisations, on the one hand, and the Commission's expertise, on the other, by creating a Chief Standardisation Officer within the Commission.

With regard to the European Union's role as world leader in the field of standardisation, Mr BRETON presented the three main measures proposed by the strategy, namely (i) a clear prioritisation of urgent standardisation needs to be addressed in the field of standardisation, including in the areas of data interoperability, certification of semiconductors, recycling of raw materials and

hydrogen production, (ii) better coordination of the participation of European experts in international standardisation bodies, and (iii) closer partnerships with countries sharing European values, and support for standardisation capacities in Africa in particular.

Mr BRETON concluded his presentation by stressing once again the technical but also eminently economic and geopolitical aspects of standardisation.

During the brief discussion which followed, the Commission raised the following points in particular:

- the importance of standardisation as a pillar of the internal market;
- the strategic role of standardisation and the success with which the European Union had succeeded in the past in spreading its standards worldwide, a success which should be repeated today, in particular through the governance of standardisation organisations;
- the need to review the working arrangements, work schedules and efficiency of these organisations;
- the current relatively weak control of standards by national customs at the borders and, in this regard, a reference to the reflection work carried out by the EU Wise Persons Group on the future of the Customs Union, which would make proposals by the end of 2022.

The PRESIDENT wound up the discussion by thanking Ms VESTAGER and Mr BRETON for their excellent work.

Following these presentations, the Commission:

- approved the Communication in COM(2022) 31/2 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 set out in COM(2022) 32/2 for transmission to Parliament, the Council, the European Economic and Social Committee and the national parliaments, and, for information, to the Committee of the Regions.

10. COMMISSION DELEGATED REGULATION AMENDING DELEGATED REGULATION (EU) 2021/2139 AS REGARDS ECONOMIC ACTIVITIES IN CERTAIN ENERGY SECTORS AND DELEGATED REGULATION (EU) 2021/2178 AS REGARDS SPECIFIC PUBLIC DISCLOSURES FOR THOSE ECONOMIC ACTIVITIES

(C(2022) 631 TO /3; RCC(2022) 248; RCC(2022) 68 AND /2)

The PRESIDENT opened the discussion on the Commission Delegated Regulation amending Delegated Regulation (EU) 2021/2139 as regards economic activities in certain energy sectors and Delegated Regulation (EU) 2021/2178 as regards specific public disclosures for those economic activities.

She explained that, within the limits set by the Taxonomy Regulation (Regulation (EU) 2020/852 of the European Parliament and of the Council), the complementary delegated act presented by the Commission that day defined the technical criteria for classifying private investments in the gas and nuclear energy sectors as transitional activities with regard to the EU's climate change targets.

Under the Taxonomy Regulation, the Commission was required to present such delegated acts in a number of fields.

The Commission had already approved in principle in April 2021, and formally adopted on 4 June 2021, a first delegated act on sustainable activities with regard to climate change, which covered renewable energies.

The aim now was to make a further contribution to the goal of a low-carbon European economy by including in the taxonomy two other sources of energy – gas

and nuclear – which were necessary for the EU's transition towards its goal of climate neutrality by 2050. She explained that these two types of energy would only be needed for a certain period in order to facilitate and speed up the transition.

The PRESIDENT highlighted the strict conditions on 'labelling' and transparency laid down in the delegated act, in particular the obligation to use the best available technologies. This meant that both gas and nuclear activities would be covered by the taxonomy only if they contributed to the transition towards climate neutrality. Nuclear activities would therefore have to satisfy nuclear safety and environmental requirements and gas activities would have to promote the shift from coal to renewable energies such as hydrogen.

She also stressed that the companies covered by the Delegated Regulation would have to declare all of their gas and nuclear activities so that investors would have the choice of excluding them from their portfolio.

Mr DOMBROVSKIS pointed out that the inclusion of gas and nuclear energy in the taxonomy had been debated for quite some time and that the taxonomy offered a common framework to channel private investment towards sustainable economic activities.

There was unanimous agreement on the fact that the EU needed to engage immediately in the green transition, using all possible means to help it achieve its ambitious climate neutrality targets by 2050. However, the Member States also had different starting points. The EU therefore needed to accelerate the phasing-out of energy sources that were most harmful to the climate and move collectively towards a lower-carbon, greener energy mix, while taking these different starting points into account.

Following a wide consultation, it had emerged that both gas and nuclear energy could be a means of facilitating and speeding up this transition, the idea being that they would act as a bridge towards an energy system that was based mainly on renewable energy sources.

Mr DOMBROVSKIS stressed that the Commission had taken a realistic and pragmatic approach to the inclusion of gas and nuclear energy in the taxonomy, but was certainly not giving them a free pass.

He too insisted that inclusion of these activities in the taxonomy was subject to strict conditions that were nevertheless technically achievable. He reiterated that their inclusion would be valid only for a defined period and insofar as the activities in question contributed to the transition towards climate neutrality. These two sources of energy were clearly not renewable and were therefore taken into consideration only as transitional activities towards a sustainable energy system. Moreover, the criteria defined by the delegated act were designed in a way that did not prevent the deployment of renewable energy sources and respected the EU's climate targets and the 'do no significant harm' principle.

Mr DOMBROVSKIS acknowledged that the preparatory discussions prior to presentation of the delegated act had been difficult because of the widely differing views, whether it be in the European Parliament, the Member States or among experts. Nevertheless, he felt that, after lengthy discussions with all sides, that day's proposal was a balanced compromise that took everyone's needs into account.

It was also important to note that what was not in the taxonomy was not by definition harmful to the fight against climate change. The taxonomy should be seen as a transparency tool that did not prevent investment in other economic activities.

Mr DOMBROVSKIS also pointed out that the EU's taxonomy system fully respected the principle that each Member State was free to choose its own energy mix and decide on the best balance between its national energy plan and the EU's collective climate goals.

He ended his presentation by highlighting the substantive changes being made to the specific disclosure obligations applicable to gas and nuclear activities through the amendment of the delegated act on public disclosures relating to the taxonomy. The aim was to enable investors to identify investment opportunities that included

natural gas or nuclear activities, to make informed choices and to avoid greenwashing.

Ms McGUINNESS noted that the first delegated act on the taxonomy adopted in 2021 had entered into force on 1 January 2022 and covered some 170 economic activities representing around 40% of EU listed companies in sectors responsible for nearly 80% of direct greenhouse gas in Europe. At the end of the period of scrutiny of the delegated act, the co-legislators had not raised any objections because they were aware of the key role it could play in mobilising investment to help achieve the EU's climate goals. The Commission had promised to include other economic activities in the energy sector in the scope of the taxonomy. It was therefore now fulfilling a legal obligation by presenting a complementary delegated act on certain nuclear and gas activities.

There was general agreement that the EU's future energy mix had to be predominantly composed of renewable energy sources or low-carbon energy systems. That was why renewables had absolute priority in the taxonomy and were covered by the first delegated act.

The main aim of this second delegated act was to promote the transition from particularly high-emission energy sources, such as coal and oil, to renewables. However, the EU did not have enough renewable energy to meet its needs, so it would inevitably have to draw on other sources of energy during this transition.

Ms McGUINNESS then explained what the taxonomy was and what it was not. It was designed as a voluntary tool for financial market transparency to help guide private investment towards economic activities that would enable the EU to meet its climate and environmental goals. It was not, however, an instrument of energy policy. The taxonomy neither prohibited nor mandated investment in specific activities. Nor did it determine who could benefit from funding, whether it be public or private.

Ms McGUINNESS added that the delegated act did not in any way mandate investment in nuclear energy, which was a sensitive issue in many Member States; instead, it reflected the fact that gas and nuclear were both still part of the energy mix of a number of Member States which were not yet ready to adopt renewable energy as their sole energy source. The aim therefore was to enable them gradually to move away from energy sources that were particularly harmful to the climate, such as coal, which still accounted for 15% of electricity production in the EU, in order to fulfil the international decarbonisation commitment the EU had made at the UN climate conference in Glasgow in November 2021.

However, she confirmed that the delegated act set out strict conditions under which gas and nuclear energy could be included in the taxonomy. In terms of gas, for example, the taxonomy would cover a new facility only if it replaced an existing high emitting facility. Moreover, the limits on emissions levels and the necessary compatibility of facilities with low carbon fuels were all high standards aimed primarily at encouraging the green transition. On nuclear energy, the delegated act would reward improvements in safety standards, waste management and the use of the most advanced technologies from the point of view of the safety and risks associated with nuclear waste.

In the interests of transparency, strict rules on disclosure of information had also been added which obliged companies and lenders to specify whether gas or nuclear were among their business activities, in order to allow investors to determine clearly and freely whether or not they wished to invest in them.

Ms McGUINNESS also referred to the consultation on the draft delegated act and the feedback the Commission had received from the Platform on Sustainable Finance and from the Member States Expert Group. Some Member States wanted the criteria to be less strict, while others took the view that gas and nuclear activities should not be included in the taxonomy at all. As a result of this process, the Commission had made targeted adjustments to the technical screening criteria and

disclosure and verification requirements in order to reinforce their clarity and usability.

She ended her presentation by highlighting the prevailing consensus on the goal of climate neutrality by 2050. However, this transition clearly would not happen overnight and renewable and low-carbon energy was not yet being produced in sufficient volumes in the EU. Against a background of high energy prices and geopolitical tensions, she called for a pragmatic and gradual approach to the delegated act proposed that day, which should be seen as an important step in driving private finance away from energy sources most harmful to the climate and which were still too widely used.

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

- a reminder of the taxonomy’s fundamental objective of encouraging and guiding, on the basis of the available scientific evidence, those wishing to invest in a sustainable manner;
- the need to preserve the taxonomy’s credibility, without prejudice to the EU’s action in other policy areas;
- the complexity of the topics covered by the delegated act and the diversity of positions expressed in consultations with the Member States, the scientific community and other stakeholders, all of which deserved to be respected;
- the observation, made by some, that the delegated act proposed a good balance between political reality and technological needs in order to achieve climate neutrality in the long term;
- the risk, identified by others, that a certain confusion in the taxonomy between green and non-green activities, rather than opting to define ‘amber’ activities,

would blur the lines of the EU's message and its role as a global pioneer on climate action;

- a reminder that the gas and nuclear activities covered by the delegated act were both very limited and subject to strict conditions and deadlines, so as to encourage the adoption of new clean technologies and thus ensure a successful green transition;
- against this background, the possibility of reviewing the delegated act every three years to take into account scientific and technological progress;
- a reference to the existing link between the transition periods provided for in this delegated act and the broader debate on the future of nuclear energy and gas, given the very different energy-mix choices made by the Member States;
- the fact that the taxonomy and this delegated act added to a whole range of instruments available to the EU under the European Green Deal to enable Member States to address the challenges related to the green transition according to their own starting point;
- the available opportunity to put an end to the isolation of certain Member States from the trans-European energy networks and thus remove obstacles to achieving their sustainability objectives;
- the EU's fundamental interest in transforming all of its industrial ecosystems in order to achieve climate neutrality by 2050, which meant a doubling of current needs in terms of electricity production;
- hence the need for additional private investment of the order of several hundred billion euro each year, including to modernise the gas and nuclear energy sectors, both in the EU and in partner countries, in line with the principles of the Global Gateway strategy;

- a reminder that all technologies – not only gas and nuclear energy, but also ‘sustainable’ and ‘clean’ energy – were based on the extraction of minerals and other raw materials, and that climate action should therefore focus on using those that contributed most to the objective of significantly reducing greenhouse gas emissions;
- reference to the major technological advances to which the inclusion of gas and nuclear energy in the taxonomy would contribute, on the one hand, by facilitating the replacement of coal-fired power plants and the use of gaseous renewable fuels, and on the other hand, by addressing the shortage of nuclear technologies for the treatment of cancer and fostering research in the field of nuclear fusion;
- the sensitivity of the proposed delegated act, the political pressure resulting from it and the difficulty for the Commission to explain its position;
- the desire for the College to be able to hold in-depth prior discussions on sensitive dossiers of this type with a view to finding a common understanding of the challenges faced;
- the need to explain clearly to the public that gas and nuclear energy would play an important role in facilitating the energy transition, but that they were not being placed on an equal footing with renewable energy.

The Director-General of the Legal Service, who had been invited by the PRESIDENT to reply to assorted questions raised during the discussion, explained that the legal basis for the delegated act being presented that day was Regulation (EU) 2020/852 on the establishment of a framework to facilitate sustainable investment (‘Taxonomy Regulation’). This Regulation empowered the Commission to develop specific criteria for determining an economic activity’s degree of environmental sustainability. To this end, it differentiated economic activities viewed as making a substantial contribution to climate change mitigation (Article 10(1)) from economic activities that supported the transition to a

climate-neutral economy, but for which there were no technologically and economically feasible low-carbon alternatives (Article 10(2)). The Commission was therefore fully empowered to regulate the sustainability criteria for the gas and nuclear sectors under Article 10(2) of the Taxonomy Regulation, taking into account the transitional element of investments in these two sectors. Moreover, the consultation procedures stipulated for the adoption of this delegated act had all been followed.

Ms McGUINNESS confirmed that the drafting of the delegated act had been a genuine work of coordination between the Commission services, as well as between the Commission and the various stakeholders. The Commission had listened carefully to the Member States and had taken their specific situations into account.

She stressed the importance of making citizens understand the meaning of this act, namely that from a taxonomy perspective, renewable energy technologies were a priority, but that the delegated act addressed the issue of the technologies needed to complete the process of transition towards green and sustainable energy.

She also pointed out that renewable energy sources had their advantages and drawbacks and that the EU had to consider all these factors in its policy-making. In the case at hand, the Commission was called upon to provide guidance on the path to take in order to achieve the EU's ambitious climate neutrality objectives. It had done so by taking on board, on the one hand, the need to reduce the share of coal in energy production, given its harmful effects on health and the environment, and, on the other hand, the fact that gas and nuclear energy could help make progress along the path to climate neutrality, provided the strict conditions for their transitional use laid down in the delegated act were met.

In conclusion, Ms McGUINNESS considered that most investors would not make a binary choice between green energy and energy from other sources, but would finance different technologies.

Mr DOMBROVSKIS noted that the delegated act did not lead to confusion between green technologies and transitional technologies, as indicated in the explanatory memorandum to the act. Under Article 10(2) of the Taxonomy Regulation, the Commission was empowered to explore all energy sources, which it had done by consulting specialists from the Joint Research Centre and other experts. He added that the delegated act did not classify gas and nuclear energy as sustainable energy, but considered that they would help the EU in its green transition if the specified criteria were met.

He briefly mentioned the possibility of creating a new legislative instrument on the ‘amber’ taxonomy, which was one of the options presented in the 2021 strategy for financing the transition to a sustainable economy. However, at that time the Commission had taken the decision to follow the approach of a complementary delegated act, which was being proposed that day. While acknowledging that gas and nuclear were controversial sources of energy, he assured the meeting that the delegated act provided adequate safeguards and said that these aspects would be clearly explained in the Commission’s communication efforts.

The PRESIDENT thanked Ms McGUINNESS and Mr DOMBROVSKIS for the extensive work done on this complex matter over the last year. She was convinced that the solution being put forward by the Commission that day was the most appropriate to defend the general European interest.

Following these presentations, the Commission adopted in principle the Delegated Regulation in C(2022) 631/3 and, pursuant to Article 13 of its Rules of Procedure, empowered Ms McGUINNESS, the Member of the Commission responsible, to adopt it formally, in agreement with the PRESIDENT, in all languages as soon as the texts became available, for transmission to the European Parliament and the Council and publication in the Official Journal of the European Union at the end of the period for objections laid down in the rules.

11. OTHER BUSINESS

11.1. LATEST DEVELOPMENTS IN THE ENERGY SECTOR

At the invitation of the PRESIDENT, Ms SIMSON gave a brief update on the situation of the European energy market, in the context of falling gas supplies and rising prices.

The EU's gas stocks were currently at 40% of capacity and those of the Russian company Gazprom stood at just 16%. The mild winter in the EU had kept consumption low, although energy prices remained high.

For now, the Member States appeared to be more concerned with price increases than with falling gas supplies. Given the uncertainties on how the market would evolve in the future, the EU's preparedness for a potential crisis needed to be reinforced.

Alongside this, the EU needed to intensify its cooperation with key partners. The joint declaration by the PRESIDENT and the US President, Joe BIDEN, on US-EU cooperation on energy security, had sent the message of a firm joint commitment to cooperate closely on supplies. Ms SIMSON said that she would participate in the work of the EU-US Energy Council alongside Mr BORRELL in Washington on 7 February, when matters relating to security of energy supply would be discussed. She expected to meet the main representatives of the liquefied natural gas industry at the same event. She would visit Azerbaijan before going to the US, and would have a phone call with Qatar's Minister of Energy.

Current geopolitical tensions were having an immediate effect on the energy market, which was already under great pressure. A very recent and sudden increase in Russian gas supplies via Ukraine had led to a 9% fall in gas prices. Supplies of Russian gas to Germany had also recently resumed.

Despite these few positive signs, Ms SIMSON called for prudence while the

energy markets were still volatile and the geopolitical situation remained complex.

The PRESIDENT said that gas represented 24% of the EU's energy consumption, 40% of which was imported from Russia, and that gas and oil accounted for two-thirds of Russia's revenue and 50% of its budget. The EU needed to ramp up its efforts to strengthen its energy independence by developing the renewables on its own territory, diversifying its gas supply sources and making greater use of liquefied natural gas. Many gas-producing countries wished to cooperate more closely with the EU.

The Commission took note of this information.

11.2. COMMISSION IMPLEMENTING DECISION ON THE REQUEST FOR REGISTRATION OF THE EUROPEAN CITIZENS' INITIATIVE ENTITLED 'WIN IT ON THE PITCH' PURSUANT TO REGULATION (EU) 2019/788 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL (C(2022) 630)

Ms JOUROVÁ presented a draft decision submitted to the College for approval concerning the registration of a European citizens' initiative entitled 'Win it on the Pitch', in the authentic language (English).

This was the Commission's draft final decision, in a two-stage procedure.

During the first stage, the Commission had concluded on 27 October 2021 that the original proposed European citizens' initiative 'Win It On The Pitch' did not fully meet the requirement of Article 6(3)(c) of EU Regulation 2019/788 and could therefore only be partially registered.

However, under the registration procedure laid down by EU Regulation 2019/788, the Commission had informed the group of organisers of its assessment and the underlying reasons so that the organisers had the

choice of amending the initiative to take into account the Commission's assessment, maintaining it in its current form or withdrawing it.

The organisers had amended their initiative, which essentially called on the Commission to propose a Council Recommendation providing an EU framework and guidelines to allow Member States to take measures to protect the European football model, recognise the social value of sport in European society and the particular nature of sport in the EU's competition rules, and strengthen the EU's vision and long-term policy as regards the future and governance of European sport.

Ms JOUROVÁ pointed out that the College's task that day was to decide only on the registration of the initiative and not at this stage to analyse its substance or political expediency.

She explained that the conditions for registering European citizens' initiatives were set out in Article 6(3) of Regulation (EU) 2019/788 of 17 April 2019 on the European citizens' initiative, which had repealed and replaced Regulation (EU) No 211/2011 with effect from 1 January 2020. One of those conditions was the requirement that no part of the citizens' initiative should manifestly fall outside the framework of the Commission's powers to submit a proposal for an EU legal act for the purpose of implementing the Treaties.

The revised request submitted by the proponents of the European citizens' initiative 'Win It On The Pitch' fell within the Commission's powers to propose legal acts for the purpose of implementing the Treaties under Article 165 of the Treaty on the Functioning of the European Union.

The Commission therefore believed that the 'Win It On The Pitch' initiative now met the conditions necessary for registration.

Ms JOUROVÁ underlined that if, within a period of twelve months, the proposals gathered the minimum support required, in other words at least one

million signatures from citizens of at least a quarter of the Member States, the Commission would then analyse the substance of the proposals.

In accordance with the new Regulation (EU) 2019/788, proposed initiatives registered now benefited from more user-friendly arrangements for organisers to gather support and easier access for European citizens. The Commission would have a period of six months to submit its reasoned decision whether or not to take any action.

Following the presentation, the Commission confirmed that the ‘Win It On The Pitch’ citizens’ initiative met the conditions necessary for registration. It therefore decided, in accordance with document C(2022) 630, to notify the group of organisers of this and authorised Ms JOUROVÁ to sign the reply on behalf of the College in the authentic language (English) and send it to the organisers of the initiative.

The Commission took note of this information.

*

* *

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

*

* *

The meeting closed at 12.13.