



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2022) 2412 final

- English translation of the French version which is authentic -

Brussels, 27 April 2022

TEXTE EN

MINUTES

of the 2412th meeting of the Commission

held in Brussels

(Berlaymont)

on Monday 21 March 2022 (afternoon)

and

Wednesday 23 March 2022 (morning)

PV(2022) 2412 final

- English translation of the French version which is authentic -

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The 2412th meeting of the Commission was held in two parts:

- on Monday 21 March 2022, from 17.07 to 19.43
- on Wednesday 23 March 2022, from 9.05 to 11.53

First sitting: Monday 21 March 2022 (afternoon)

The sitting opened at 17.07 with Ms von der LEYEN, President, in the chair.

Present:

Ms von der LEYEN	President	Item 1 (in part)
Ms VESTAGER	Executive Vice-President	Item 1 (in part)
Mr DOMBROVSKIS	Executive Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Ms ŠUICA	Vice-President	
Mr SCHINAS	Vice-President	
Mr HAHN	Member	Item 1 (in part)
Ms GABRIEL	Member	
Mr SCHMIT	Member	
Mr GENTILONI	Member	Item 1 (in part)
Mr WOJCIECHOWSKI	Member	Item 1 (in part)
Mr BRETON	Member	Item 1 (in part)
Ms FERREIRA	Member	
Ms KYRIAKIDES	Member	Item 1 (in part)
Ms DALLI	Member	
Ms VÁLEAN	Member	Item 1 (in part)
Mr VÁRHELYI	Member	Item 1 (in part)
Ms URPILAINEN	Member	
Ms SIMSON	Member	
Mr SINKEVIČIUS	Member	Item 1 (in part)
Ms McGUINNESS	Member	

The following sat in by videoconference:

Mr TIMMERMANS	Executive Vice-President
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Absent:

Mr BORRELL i FONTELLES	High Representative / Vice-President
Ms JOUROVÁ	Vice-President
Mr REYNDERS	Member
Ms JOHANSSON	Member
Mr LENARČIČ	Member

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

Ms CANENBLEY	Chef de cabinet to Ms VESTAGER	Item 1 (in part)
Ms BERGENFELT	Senior Adviser to Mr BORRELL	
Ms NIKOLAY	Chef de cabinet to Ms JOUROVÁ	
Mr GOLUBIEWSKI	Chef de cabinet to Mr WOJCIECHOWSKI	Item 1 (in part)
Mr MOUTARLIER	Chef de cabinet to Mr BRETON	Item 1 (in part)
Ms TUTS	Chef de cabinet to Mr REYNDERS	
Ms WEBBER	Chef de cabinet to Ms JOHANSSON	
Ms SIMKIĆ	Chef de Cabinet to Mr LENARČIČ	
Mr ŠATŪNAS	Chef de cabinet to Mr SINKEVIČIUS	Item 1 (in part)

The following also sat in:

Mr SEIBERT	Chef de cabinet to the PRESIDENT	Item 1 (in part)
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	Item 1 (in part)

Ms RISO	Deputy Chef de cabinet to the PRESIDENT	
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 SAMSOM	Chef de Cabinet to Mr TIMMERMANS	
Ms SPINANT	Deputy Chief Spokesperson of the Commission	Item 1 (in part)
Mr MUELLER	Spokesperson's Service	
Ms WERNER	Deputy Secretary-General	
Ms BUKA	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. POLICY DEBATE ON ENERGY PRICES AND FOOD SECURITY
(RCC(2022) 101)**

The Commission held a policy debate which was intended to provide guidance for preparing the Commission's response to the request made to it by the European Council at its informal summit in Versailles on 10 and 11 March to present proposals on security of energy supply and energy prices on the one hand and food security on the other.

The Commission took note of the contributions made to the debate.

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The first sitting closed at 19.43.

Second sitting: Wednesday 23 March 2022 (morning)

The second sitting opened at 9.05 with Ms von der LEYEN, President, in the chair.

Items 11 (in part) and 12 were chaired by Ms VESTAGER.

Present:

Ms von der LEYEN	President	Items 2 to 11 (in part)
Ms VESTAGER	Executive Vice-President	Items 8 to 12
Mr DOMBROVSKIS	Executive Vice-President	
Mr BORRELL i FONTELLES	High Representative / Vice-President	
Mr ŠEFČOVIČ	Vice-President	
Ms ŠUICA	Vice-President	
Mr SCHINAS	Vice-President	
Mr HAHN	Member	
Ms GABRIEL	Member	Items 8 (in part) to 12
Mr SCHMIT	Member	
Mr GENTILONI	Member	
Mr WOJCIECHOWSKI	Member	
Mr BRETON	Member	
Ms FERREIRA	Member	
Ms KYRIAKIDES	Member	
Ms DALLI	Member	
Ms JOHANSSON	Member	
Ms VÁLEAN	Member	Items 8 to 12
Ms URPILAINEN	Member	
Mr SINKEVIČIUS	Member	
Ms McGUINNESS	Member	

The following sat in by videoconference:

Mr TIMMERMANS	Executive Vice-President	Items 2 to 11 (in part)
Ms SIMSON	Member	Items 2 to 9/10

Absent:

Ms JOUROVÁ	Vice-President
Mr REYNDERS	Member
Mr LENARČIČ	Member
Mr VÁRHELYI	Member

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

Ms NIKOLAY	Chef de cabinet to Ms JOUROVÁ	
Ms TUTS	Chef de cabinet to Mr REYNDERS	
Ms SIMKIĆ	Chef de Cabinet to Mr LENARČIČ	
Ms TEEDUMÄE	Deputy Chef de cabinet to Mr VÁRHELYI	
Ms KADARIK	Deputy Chef de cabinet to Ms SIMSON	Items 11 and 12

The following also sat in:

Mr SEIBERT	Chef de cabinet to the PRESIDENT	Items 2 to 11 (in part)
Mr CALLEJA CRESPO	Director-General, Legal Service	
Ms AHRENKILDE HANSEN	Director-General, DG Communication	
Ms SPINANT	Deputy Chief Spokesperson of the Commission	
Ms RISO	Deputy Chef de cabinet to the PRESIDENT	Items 2 to 11 (in part)
Ms PETKOVA	Director of Coordination and Administration in the PRESIDENT's Office	

Ms HILI	Adviser in the PRESIDENT's Office	Item 8
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.

2. AGENDAS

(OJ(2022) 2412/FINAL; SEC(2022) 2412/FINAL)

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

3. WEEKLY MEETING OF CHEFS DE CABINET

(RCC(2022) 2412)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 21 and Tuesday 22 March 2022.

4. APPROVAL OF THE MINUTES

(PV(2022) 2407; PV(2022) 2407, 2ND PART; PV(2022) 2408; PV(2022) 2408, 2ND PART; PV(2022) 2409; PV(2022) 2409, 2ND PART)

The Commission approved the minutes of its 2407th, 2408th and 2409th meetings of 15 and 23/24 February and 2 March 2022, and held over approval of the minutes of its 2410th and 2411th meetings of 8 and 16 March 2022 for a later date.

5. INTERINSTITUTIONAL RELATIONS

(RCC(2022) 90)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held by videoconference on Friday 18 March 2022 (RCC(2022) 90).

The Commission approved the lines proposed for the following points:

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

Line set out in SI(2022) 82.

- **Contestable and fair markets in the digital sector (Digital Markets Act) (Regulation) – SCHWAB report – 2020/0374 (COD)**

Line set out in SI(2022) 85.

- **Access of third-country goods and services to the Union’s internal market in public procurement and procedures supporting negotiations on access of Union goods and services to the public procurement markets of third countries (Regulation) – CASPARY report – 2012/0060 (COD)**

Line set out in SI(2022) 88.

- **Amendment of Regulation (EU) 2018/1862 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters as regards the entry of alerts by Europol (Regulation) – ZARZALEJOS report – 2020/0350 (COD)**

Line set out in SI(2022) 89.

- **Draft Implementing Regulation imposing definitive antidumping duties on imports of superabsorbent polymers (SAP) originating in the Republic of Korea following an initial investigation**

Line set out in SPI(2022) 20.

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

- **Commission replies to the non-legislative resolutions adopted by the European Parliament – Extraordinary part-session of 1 March 2022**

Line set out in SP(2022) 152.

The Commission took note of the following points:

- **Pilot regime on distributed ledger technology market infrastructures (DLT) (Regulation) – VAN OVERTVELDT report – 2020/0267 (COD)**

Compromise text in SP(2021) 154, further to note SI(2021) 382, which the Commission had already approved on 14 December 2021.

- **Roaming on public mobile communications networks within the Union (Regulation – recast) – WINZIG report – 2021/0045 (COD)**

Compromise text in SP(2021) 155, further to note SI(2021) 389, which the Commission had already approved on 14 December 2021.

- **Computerised system for communication in cross-border civil and criminal proceedings (e-CODEX system), and amendment of Regulation (EU) 2018/1726 (Regulation) – RADEV & MELO report – 2020/0345 (COD)**

Compromise text in SP(2021) 156, further to note SI(2021) 380, which the Commission had already approved on 22 December 2021.

- **Draft text for the future European Union-United Kingdom agreement in respect of Gibraltar – Institutional and common provisions, transport, financial provisions, dispute settlement and horizontal provisions, final provisions and protocol on countering harmful tax regimes**

Information set out in SPI(2022) 21/2.

**6. COORDINATION OF EXTERNAL ACTION
(RCC(2022) 14)**

The Commission took note of the operational conclusions in RCC(2022) 14 of the meeting of the Group for External Coordination (EXCO) held on Wednesday 16 March 2022.

7. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

**7.1. WRITTEN PROCEDURES APPROVED
(SEC(2022) 132 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 14 and 20 March 2022.

**7.2. EMPOWERMENT
(SEC(2022) 133 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 14 and 20 March 2022.

**7.3. DELEGATION / SUBDELEGATION OF POWERS
(SEC(2022) 134 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedures between 14 and 20 March 2022 archived in Decide.

7.4. SIGNIFICANT WRITTEN PROCEDURES
(SEC(2022) 135 AND /2)

The Commission took note of the significant written procedures for which the time limit expired between 21 and 25 March 2022.

**7.5. GRANTING OF AN EMPOWERMENT RELATING TO
ARRANGEMENTS IMPLEMENTING THE AGREEMENT ON THE
EUROPEAN ECONOMIC AREA UNDER ARTICLE 1(2) OF COUNCIL
REGULATION (EC) NO 2894/94**
(C(2022) 1557)

The Commission decided to grant an empowerment to the Member of the Commission with responsibility for relations with non-EU Western Europe countries, including Iceland, Liechtenstein and Norway, to adopt, in agreement with the PRESIDENT, on behalf of the Commission and under its responsibility, decisions relating to certain arrangements implementing the Agreement on the European Economic Area under Article 1(2) of Council Regulation (EC) No 2894/94, subject to the conditions laid down in Articles 2 to 5 of the Decision.

The Commission adopted the Decision in C(2022) 1557.

**8. 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 – WELCOMING THOSE FLEEING WAR
IN UKRAINE: READYING EUROPE TO MEET THE NEEDS**
(COM(2022) 131 TO /3; RCC(2022) 96)

At the invitation of the PRESIDENT, Mr SCHINAS presented the Commission Communication setting out the measures taken to help Member States meet the

needs of people fleeing the war in Ukraine. He stressed that the Temporary Protection Directive had been activated for the very first time in just a few days, starting on 4 March. Besides the immediate support provided in terms of assistance at the border, reception and civil protection, the EU was today taking further steps to help Member States to ensure beneficiaries could effectively access their right to education, healthcare, housing and jobs, in the spirit of the European way of life. He briefly outlined the main points of the Communication.

He began by referring to the section on children, who accounted for almost half of the refugees from Ukraine, stressing the special protection they should receive in view of their needs and the specific risks they were exposed to.

He mentioned in particular the crucial matter of the right of access to education, as well as the funding that could be sought, through the cohesion funds and the Erasmus+ programme, to recruit Ukrainian teachers and obtain educational material in the Ukrainian language, including through digital platforms in the country.

Mr SCHINAS then pointed out that the right of access to healthcare was fully addressed in the Communication, which provided for both emergency medical transfers and monitoring of the medical situation of refugees, namely disease prevention and control, vaccination and mental health support.

He also drew attention to the importance of the right of easier access to the EU labour market. Member States were invited to take measures to help those arriving to swiftly exercise their right to work, as well as to vocational training. In this connection, he stressed the importance of facilitating the recognition of professional qualifications obtained in Ukraine.

He highlighted, in addition, the urgent needs of Ukrainian refugees in terms of access to housing and the need to start looking now at more permanent future solutions.

Lastly, he emphasised European solidarity in action, which took the form of

cooperation platforms, assistance for the repatriation of third-country nationals resident in Ukraine and support for the transport of refugees through EU Member States.

In conclusion, Mr SCHINAS welcomed the fact that the Commission was setting up a one-stop shop, in the form of a solidarity platform bringing together Member States and EU agencies, to coordinate support to Member States which needed it. European solidarity was also reflected in the mobilisation of rapid and flexible solutions to ensure the financing of needs, in particular through the Cohesion's Action for Refugees in Europe (CARE), the Asylum, Migration and Integration Fund, the Instrument for Financial Support for Border Management and Visa, and the programme for Recovery Assistance for Cohesion and the Territories of Europe (REACT-EU).

Ms JOHANSSON said that so far almost 3.5 million refugees had left Ukraine due to the Russian invasion and that half of them were children. The greatest number of asylum applications had been lodged for Poland, followed by (in order of numbers) Austria, Cyprus, the Czech Republic, Estonia, Hungary, Lithuania, Luxembourg and Bulgaria. This provided a good basis for discussion with the Member States. The registration of refugees was ongoing and, in the absence of centralised registration, a provisional system had been put in place.

Ms JOHANSSON also stressed the need to combat trafficking in human beings, which was profiting from the arrival of large numbers of refugees. She reported on the activation of the anti-trafficking coordination network, the involvement of Europol and checks being performed on vehicles travelling to or from border areas.

On the issue of internal security, it had been found that terrorists and criminals had been able to enter the European Union by mixing with refugees, particularly via Moldova, whose borders were less protected.

With regard to Moldova, where there were still more than 100 000 refugees, on 17 March the EU and the Republic of Moldova had signed an agreement on border

management cooperation between Moldovan border guards and the European Border and Coast Guard Agency (Frontex). Frontex had deployed its first observers under the agreement.

Ms JOHANSSON concluded that, in addition to the EU Member States, third countries were also hosting or getting ready to host Ukrainian refugees. One such country was Canada, which also granted them a temporary protection system.

In conclusion, she noted that the main issue within the EU was funding, in particular for Member States such as Poland, which were on the frontline for receiving refugees.

Ms ŠUIČA pointed out that a number of the refugee children fleeing the aggression in Ukraine were unaccompanied minors, orphans or children with disabilities. She drew attention to the fact that many of these children had had to separate from their fathers, who remained in Ukraine to fight, and some from their mothers. They had been through traumatic experiences and needed to feel safe as soon as they arrived in the EU.

She felt that the best interests of the child must be the common denominator for all actions and called for the full mobilisation of all EU public services to ensure that children had immediate access to their rights and to protection. She acknowledged that this was a challenge for the Member States, but was convinced of their willingness to do whatever it took to meet it.

The solidarity platform would be an important tool to help the Member States in this endeavour, through the most efficient and effective use of available EU resources. EU funds would be made available to support the integration of refugee children, placement in foster families and psychosocial support. Bodies with responsibility for children in the Member States, their child protection services and their ombudsmen for children would have a key role to play in this process. Particular attention would be paid to unaccompanied children, orphans and children with disabilities. The national coordinators set up under the European Child Guarantee

adopted in 2021 were now operational and would help minor children to access basic social services.

Ms ŠUICA added that the EU Strategy on the Rights of the Child, also adopted in 2021, provided Member States with a solid framework to ensure that children's rights were respected, protected and fulfilled. Thanks to the activation of the Temporary Protection Directive, these rights were now granted to Ukrainian refugee children in equal measure as to children who were EU nationals. She announced that before the end of March she would launch the EU Network for Children's Rights, which would help strengthen coordination among children's rights actors across the EU.

She hoped that children who had been in institutions, including children with disabilities, would be properly cared for. To that end, she advocated a choice of family or community-based care, in line with the best interests of the child and the policy set out in the EU Strategy on the Rights of the Child.

Furthermore, Ms ŠUICA stressed that unaccompanied minors were at particular risk and that it was necessary to appoint legal guardians as quickly as possible. In addition to that day's Communication, the Operational guidelines for the implementation of the Directive on temporary protection adopted by the Commission on 21 March set out clear provisions on the subject.

Ms ŠUICA called for particular vigilance as regards children who were at higher risk of going missing or trafficking. She said that the EU-wide helpline for missing children would be widely advertised.

Overall, she stressed the fact that education was now the key consideration in welcoming refugee children, not only to address their need to learn, but also to allow them to integrate, acquire a new language and gain some sense of normalcy.

On this point, she recommended a very comprehensive approach, including services such as nurseries, child care facilities, kindergartens and schools in order to

welcome children from the youngest age. She welcomed the fact that this was starting to happen in Member States, which the Commission should fully encourage. This approach should be accompanied by appropriate psychosocial support, and if possible, cultural and sports activities, which could be of great support in overcoming trauma, but also overcoming language and cultural barriers

She supported the recruitment of Ukrainian-speaking teachers, which could itself be a way of offering some qualified refugees the means to support themselves. In addition, for children who had not yet started school, catch-up and bridging classes would be developed in every Member State, with language learning options, in order to enable their integration in the national education system. Youth workers and youth organisations could be deployed to support these informal education hubs.

Ms ŠUICA stressed that Member States were and would be presented with great challenges and responsibilities and that the EU Cohesion Policy Funds would help them finance a range of activities.

In terms of healthcare, which was also essential for Ukrainian children as soon as they arrived in the EU, she mentioned specific needs, in particular for psychosocial care and access to proper nutrition. Standard paediatric vaccinations would be prioritised and the Commission would support the supply of the respective vaccines.

Ms ŠUICA believed that as the situation evolved, the Commission would have a better view of the needs and challenges where it would need to adapt and improve its response.

In concluding her presentation, Ms ŠUICA stressed that the assistance being deployed by the EU to help Ukrainian refugees was a genuine human imperative, since welcoming and helping those fleeing war and violence were the very foundations on which European society was built.

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

- the College’s full support for all the measures announced that day to prepare the EU to welcome under the best conditions the Ukrainian refugees who had had to flee their country following Russia’s military aggression;
- a comparison of the current numbers, i.e. 3.5 million refugees in less than a month, with those of 2015, i.e. 1.8 million over the course of a year, and the observation that the EU and its Member States were today better prepared than during that migratory crisis;
- the variable pressure exerted by the arrival of Ukrainian refugees from one Member State to another, and a reminder of the fact that, despite arrivals currently slowing down, new mass inflows were still possible, in particular from Western Ukraine;
- the remarkable mobilisation of Member States and civil society, and the attention to be paid to maintaining this impetus;
- mention of the specific situation of Poland, which alone was welcoming more than 2 million refugees;
- regarding the EU financing granted to Member States, the need to have some temporary flexibility in implementing rules on the EU budget and in reallocating unused funds from previous European programmes, both in terms of sunset clauses and co-financing rates, while also ensuring proper checks as to the use and actual destination of the funds disbursed;
- a reminder of the fact that the funds available to Member States under the CARE programme were very variable and came from financing that had been provisionally reallocated in order to provide help for the reception of Ukrainian refugees, which could cause internal tensions and would require an

in-depth reflection moving forward;

- the high level of financing from the REACT-EU programme, which now had a one-stop shop making it possible to re-programme the unused funds in the most effective way, but a reminder that the total amount of available funds varied widely between Member States, making it important to both anticipate needs adequately and highlight the Commission's technical assistance proposals;
- the need to ensure without delay educational continuity by following the three identified key points: (i) identifying needs in Member States and flexibilities in the Erasmus+ programme, in particular by means of the *eTwinning* online platform, (ii) supporting Ukrainian pupils, and (iii) supporting teachers through the European portal providing access to Ukrainian educational materials;
- regarding the health aspects of welcoming refugees, the reminder that the European solidarity mechanism had been implemented, with around 10 000 hospital beds available and a few dozen requests for patient transfers to date;
- the need to address the specific needs of the elderly among the refugees, particularly in terms of healthcare;
- the indication of Member States' needs in terms of vaccination as established with the help of the European Health Emergency Preparedness and Response Authority (HERA); the reference to public procurement approved for more than 20 million doses of the COVID-19 vaccine, with approval for a further 10 million doses to come in April;
- mention of the challenges associated with treating mental illnesses within Ukraine, with seven psychiatric hospitals destroyed or closed;
- in managing the reception of Ukrainian refugees, the need for an approach that took into account the situation of many women who would be giving birth in the

next three months;

- the ongoing work between the Commission and various financial institutions on the matter of refugees' access to bank accounts, and reference to the solutions to be found quickly for exchanging Ukrainian currency.

The PRESIDENT congratulated the Members of the College responsible for the quality of their work and highlighted the fact that the situation was constantly evolving.

She briefly picked up on some of the points made. Firstly, she confirmed that the pre-financing available to Member States under the CARE programme was indeed EUR 3.4 billion.

She then stated that the Commission would provide financial help to Poland, which had been carrying out remarkable work in welcoming Ukrainian refugees, but that it was important to distinguish this issue from the one on granting funds under the EU's recovery plan.

Following these presentations, the Commission approved, subject to a final general clean-up of the text and a technical adjustment, the Communication in COM(2022) 131/3 for transmission to the European 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, and to the Schengen States.

9. 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 – SECURITY OF SUPPLY AND AFFORDABLE ENERGY PRICES – OPTIONS FOR IMMEDIATE

**MEASURES AND PREPARING FOR NEXT WINTER
(COM(2022) 138 AND /2)**

**10. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL AMENDING REGULATION (EU) 2017/1938 OF
THE EUROPEAN PARLIAMENT AND OF THE COUNCIL CONCERNING
MEASURES TO SAFEGUARD THE SECURITY OF GAS SUPPLY AND
REGULATION (EC) No 715/2009 OF THE EUROPEAN PARLIAMENT AND
THE COUNCIL ON CONDITIONS FOR ACCESS TO NATURAL GAS
TRANSMISSIONS NETWORKS
(COM(2022) 135 TO /3); RCC(2022) 99)**

The PRESIDENT opened the discussion on the Commission's initiatives on energy to be examined by EU leaders at the European Council meeting of 24 and 25 March, namely a Communication on security of supply and affordable energy prices and a proposal for a Regulation on gas storage.

Following on from the *REPowerEU* Communication and the declaration of the informal summit in Versailles, these initiatives put forward ideas for collective action at European level to address the root causes of the problems in the energy market in general and the gas market in particular, and to ensure the security of EU supply at reasonable prices for next winter and beyond.

In the light of the College's policy debate of 21 March to prepare the initiatives, Mr TIMMERMANS held that the most important thing, with a view to the upcoming European Council meeting, was for the Commission to take a position in favour of the joint negotiation of gas purchases at EU level. In his view, this was the best means of keeping gas prices at reasonable levels and obtaining good terms for all Member States.

Ms SIMSON noted that energy prices had been high since the previous summer and that gas storage levels had been very low since December 2021. The war in Ukraine

further exacerbated the situation, particularly the risk of disruption to Russian gas supplies.

In the Communication on security of supply and affordable energy prices, the Commission assessed six options for intervention in retail and wholesale energy markets to tackle the issue of high prices. The options concerning the wholesale market were more interventionist and might cause more distortions to the single market, which was why until now the Commission had instead recommended measures relating to the retail markets.

She admitted, however, that there was no silver bullet and none of the options provided a direct remedy for the current sharp rise in energy prices, which explained why the Communication did not choose between the possibilities for intervention presented. In any case, she argued that these measures should be limited in time and coordinated in order not to undermine the objectives of the European Green Deal, and to safeguard the integrity of the single market.

In May, the Commission would present options to optimise the functioning of the electricity market.

With respect to the proposal for a Regulation on gas storage, Ms SIMSON said that the EU had to prepare itself for the possibility of shortages next winter by boosting its gas storage system to make the best use of it as soon as the heating season began. She acknowledged that this preparation would be both difficult and costly, given the objective set of filling underground storage facilities to at least 80% of capacity by 1 November this year and at least 90% by 1 November of the following years. Nevertheless, she held that these objectives were both necessary and achievable before next winter.

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

- the value of the College’s policy debate on 21 March and the quality of the Commission’s contribution to the forthcoming European Council discussion of energy issues;
- reference to similar proposals on joint gas storage and purchases made by the Commission some 20 years ago, which failed to gain the political backing of Member States at the time;
- the recent, unsustainable rise in electricity prices in the European wholesale market, which were now six times higher than a year earlier, and the proposal to consider capping such prices for inframarginal electricity generators;
- the necessity for the EU of making joint purchases of gas in order to be able to fill underground storage facilities without subsequently pushing prices up, while letting suppliers know that it was a stable and reliable customer;
- the importance of implementing as soon as possible the idea of a task force in charge of coordinating gas purchases to enable the EU to begin bidding in world markets;
- flowing from that indirectly, the idea of setting up a strategic alliance between the political level and the main players in the energy sector in order to draw up joint solutions to the issue of high energy prices;
- the opportunity provided by the current emergency to draw the attention of European leaders to the energy infrastructure lacking in the EU and to the advantages of completing interconnection projects;
- the advisability of looking into painful, but unavoidable, alternatives to Russian gas, such as nuclear energy and coal, given, *inter alia*, the risk of Russia deciding at some point to reduce its fossil fuel supplies to the EU.

In reply to certain of the points made during the discussion, Ms SIMSON said that the Commission would continue its work on optimising the functioning of the

electricity market on the basis of a technical study by the European Union Agency for the Cooperation of Energy Regulators (ACER). She added that the Commission could also step up its efforts to ensure that gas purchases by Member States were coordinated, which was why that day's Communication suggested to that end the establishment of a task force. She also noted that a platform for energy had been set up within the Commission's departments.

For the future, she considered it important for the EU to put forward a more structured form of cooperation to its international partners in the energy sector. She explained, on the subject of the task force, that it could coordinate the purchases of gas by Member States without necessarily negotiating them itself.

She ended by emphasising that the only solution that would put an end to problems in the electricity markets in the medium and long terms lay in developing production from renewable energies.

Mr TIMMERMANS confirmed that that day's initiatives constituted a good starting point to enable the European Council to determine a coherent approach at EU level. He was of the opinion, however, that what was required, beyond the establishment of a task force, was to opt for a solution similar to that adopted for the COVID 19 vaccines, in particular, by allowing this structure to develop a collective approach to gas purchases.

The PRESIDENT wound up the discussion by drawing attention to the fact that the EU benefited from significant negotiating clout and joint procurement of gas would be the most promising solution. She said that when she submitted the Commission's initiatives to the European Council, she would emphasise the principle of the Member States joining forces in this area to prevent them from competing with one another and thereby pushing up prices. She added that the Member States were currently considering various options for intervening in the energy markets and gas price regulation might be viewed as the fall-back position if joint negotiations failed.

Following these presentations, the Commission:

- approved, subject to final general clean-up of the text, the Communication in COM(2022) 138/2 for transmission to the European 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;
- adopted the proposal for a Regulation in COM(2022) 135/3 for transmission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the national parliaments.

**11. 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 – SAFEGUARDING FOOD SECURITY AND REINFORCING THE RESILIENCE OF FOOD SYSTEMS
(COM(2022) 133 TO /3; RCC(2022) 98)**

Mr DOMBROVSKIS introduced the Communication on food security presented to the College for approval that day.

Russia's military aggression against Ukraine had affected the world in ways which had not been imagined at first; that is, through the surging price of commodities, including food and seafood. Along with higher energy prices, the EU had therefore to think urgently about the availability and affordability of food throughout the world.

Wheat was a very good example of this. Since the Russian invasion of Ukraine, a major exporter regarded as the world's breadbasket, wheat futures prices had risen by 70%.

Russia appeared to be deliberately targeting and destroying Ukraine's food stocks and storage locations, which had led to supply disruption affecting the whole world, with particularly severe consequences for low-income countries in the EU's immediate neighbourhood, whose food imports had risen sharply in price.

Now, more than ever, the EU would show its solidarity towards Ukraine and its population. This was why it had proposed an emergency support programme of EUR 330 million to help alleviate the suffering of Ukrainians by securing access for them to basic goods and services, including food.

From a geo-strategic point of view, the EU also had to contribute to plugging the production gap to address an expected global shortage of wheat, as it was not only a major net exporter, but the one with the highest yields globally. Beyond wheat, it was a similar story for maize, barley, sunflower oil and vital farm inputs like fertiliser and animal feed.

Mr DOMBROVSKIS pointed out that the Communication was part of the Commission's response to the request from EU leaders at their informal summit in Versailles on 10 and 11 March, proposing measures to (i) tackle the issue of global food security, (ii) address rising food prices, and (iii) strengthen the EU's resilience with regard to certain farm imports.

As regards global food security, the EU would step up humanitarian assistance to low-income food-importing countries and others affected by the Russian invasion of Ukraine. The EU would continue to strongly resist food export restrictions, including in international fora such as the World Trade Organization (WTO). While the crisis severely threatened many countries, especially wheat-importing countries in North Africa and the Middle East, if export restrictions were imposed, world prices would climb, which could lead to panic buying and major food security problems. Measures ensuring well-functioning supply chains and logistics were needed instead.

Mr DOMBROVSKIS stressed that food supplies were not at risk within the EU, as it was largely self-sufficient in the main agricultural products. However, given the sharp rise in prices, the EU needed to safeguard the supply of food at affordable prices to more vulnerable households, bearing in mind that the supply-side response was limited by the availability of fertile land in Europe.

The Commission had adopted that day an implementing act which allowed Member States to derogate from certain greening obligations and thereby expand the EU's agricultural production capacity. This was an exceptional and temporary measure to stabilise agricultural markets and support European producers, without calling into question the EU's political priorities for the green transition. This would allow Member States to adjust the amount of land used to produce food and feed. He recalled that Member States had flexibility to change the share of biofuels in their energy mixes, which could be an aspect to be explored.

Given possible global food shortages and the current exceptional market situation, the Commission had proposed a EUR 500 million package to support EU agricultural producers affected by the events in Ukraine and remedy market disturbances.

He also referred to the agreement reached in the Council in December 2021 on reforming VAT rates, whereby Member States could reduce their VAT rates to 0% on certain basic goods and services, notably food. Member States could make lump-sum payments to households as a way of addressing the increase in food prices.

Member States could also use EU funding such as the Fund for European Aid to the Most Deprived to help supply food and basic assistance to vulnerable people. In addition, the REACT-EU programme and recently proposed Cohesion's Action for Refugees in Europe (CARE) provided emergency support for people fleeing Ukraine, including in the form of food, water and medical supplies.

Lastly, beyond the current crisis, Mr DOMBROVSKIS highlighted the need for greater resilience and diversified supply chains, particularly for products such as

fossil fuels, fertiliser and feed. The EU had to further diversify its food supplies, as it was doing for energy. Its free trade agreements should also help to strengthen food security.

While it was important to take short-term emergency measures, it was equally important to set the agri-food sector on a path of sustainability and resilience in order to cope better with future crises. Food sustainability was essential for food security in Europe and around the world.

Mr WOJCIECHOWSKI pointed out that the EU had had no food security problems a year ago thanks to the Common Agricultural Policy (CAP) and its position as the world's leading exporter.

However, the consequences of the Russian military aggression in Ukraine, including the destruction of farms and agricultural infrastructure and industry, had put considerable pressure not only on Ukraine itself but also on European and global food markets, not to mention the health and environmental impacts, which raised the issue of the risks associated with highly concentrated agriculture.

With regard to Ukraine, Mr WOJCIECHOWSKI referred to the measures proposed in the Communication; the priority being to ensure that the Ukrainian population had access to food, water and fuel. The EU was also proposing to help the country continue to grow cereals and oilseeds, which were essential for Ukraine itself and the rest of the world, and to facilitate exports of those products. Ukraine had asked the EU to supply it with fuel for spring sowing, a request which some Member States were already responding to. The Commission was also helping Ukraine formulate and implement a short and medium-term food security strategy to ensure that inputs reached farms, and that transport and storage facilities were preserved to enable Ukraine to feed its citizens and restore its export markets.

At global level, the Commission would monitor food prices and continue its efforts to coordinate policies in international and multilateral bodies. Moreover, the EU planned to step up its humanitarian assistance to the regions and population groups

most affected by food insecurity, and would seek to increase the sustainability of food systems with around 70 partner countries. The EU and its Member States had also committed to continue tackling malnutrition with funding of EUR 4.3 billion, of which at least EUR 2.5 billion came from EU development cooperation as part of a nutrition objective for the period 2021-2024.

Mr WOJCIECHOWSKI then turned to the internal EU dimension of the measures proposed in the Communication presented that day. He said that the surge in global commodity prices highlighted the need for European agriculture and food supply chains to become more resilient and sustainable, in line with the Farm to Fork Strategy. This long-term objective was reaffirmed, as was maintaining this approach.

Mr WOJCIECHOWSKI emphasised the need in the short term to help EU farmers and consumers cope with rising food prices and input costs, in particular energy and fertilisers. Five concrete measures were therefore proposed to address the emergency, namely: (i) an exceptional and temporary derogation allowing production of any crop intended for human food and animal feed on land lying fallow, (ii) activation of the CAP crisis reserve to release EUR 500 million of aid to support the producers most affected by the consequences of the invasion of Ukraine, (iii) market safety net measures to support the pigmeat market, (iv) a State aid scheme that would allow Member States to support their farmers up to a ceiling of EUR 35 000 per farm, and finally (v) a temporary relaxation of some requirements applying to the import of animal feed.

He concluded his presentation by saying that the Member States and the European Parliament had welcomed the announcement of these measures.

Before opening the discussion, the PRESIDENT congratulated Mr DOMBROVSKIS and Mr WOJCIECHOWSKI on their excellent work and invited the Members of the Commission to convey the message that the EU supported Ukrainian farmers, which was not always known.

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

- the timeliness of the Communication presented that day and of its main focus, which was global food security; the right signal of EU solidarity thus sent to third countries in the face of the global rise in food prices;
- the mention of the increased risk of famine in some parts of the world and of the collapse of the global food system, which would have far-reaching geopolitical consequences;
- the heavy dependence of certain countries neighbouring the EU on Ukrainian and Russian agricultural production, particularly in Africa, and the reference to the situation of certain particularly vulnerable regions, such as the Sahel, in the event of food shortages or very high prices;
- the need to refute the argument that the current increase in world food prices was the result of the sanctions imposed by the EU on Russia, whereas it was precisely the Russian military aggression against Ukraine that was the cause of this phenomenon;
- the advisability of incorporating the Western Balkans into the measures taken by the EU to deal with a possible food crisis;
- the backing for the concrete support measures proposed to subsidise certain of Ukraine's needs in terms of the supply of fuels, seeds and fertilisers;
- the possibility of exploring ways to help Ukraine to export its agricultural products that remained unsold due to the current logistical conditions and constraints linked to the war;
- the mention of the logistical difficulties faced by Ukraine's and Moldova's trade since they no longer had access to the Black Sea and due to the fact that the rail network was reserved as a matter of priority for the transport of refugees;

- the usefulness of bilateral transit permits with each Member State and the suggestion to grant temporary and limited liberalisation of road transport to enable Ukraine and Moldova to bring their products to the west of Europe;
- with regard to the EU, the usefulness of emphasising the need to put European agriculture firmly on the road to sustainability;
- the mention of the impact of rising input prices or shortages of such products on EU farmers, fishers and livestock farmers;
- the wish to further clarify how high production costs would be passed on to consumers;
- the frictions that may be caused in the single market by the temporary relaxation of certain precise requirements for the import of animal feed;
- the advisability of the provisions relating to the attention to be given to the production of vegetable proteins;
- a question about the need to grant EUR 500 million in subsidies to European farmers to compensate for the increase in production costs, and the suggestion that this amount should be used instead to grant them short-term loans to support production.

Following the discussion, Ms VESTAGER said it was necessary, in the current circumstances, to give priority in the EU to food production intended for human consumption and to encourage ways of avoiding food waste. She wondered about the expected benefits of the storage aid for pigmeat and how timely the measure was at this stage.

Mr WOJCIECHOWSKI picked up on some of the points raised during the discussion.

He said that the EU was aware of the difficulties that Africa would face in terms of food security and that that was why it intended to help Ukraine to continue its production, particularly of cereals. He added that 80% of the commodities exported by Ukraine had hitherto passed through the Black Sea, but the country no longer had access to it, so the best solution at present was to channel its goods through Poland.

On the subject of the EUR 500 million aid for EU farmers, he pointed out that it was up to the Member States to choose whom to grant it to.

With regard to pig farming, he explained that EU farmers faced the risk of selling their meat at prices below production costs. Private storage would therefore help to stabilise the market.

Finally, he said that the proper implementation of the CAP crisis reserves would be monitored.

Mr DOMBROVSKIS returned to the issue of reducing food waste, which was not addressed in the Communication presented that day. He said that it was possible in this area to refer to the best practices introduced in some Member States.

Ms VESTAGER closed the discussion by expressing her support for the principle of starting work on the issue of food waste.

Following these presentations, the Commission approved the Communication in COM(2022) 133/3 for transmission to the European 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.

12. OTHER BUSINESS

12.1. LATEST DEVELOPMENTS IN EXTERNAL RELATIONS

Ms VESTAGER invited Mr BORRELL to report to the College on the latest developments in external relations.

Mr BORRELL noted that, at the last Foreign Affairs Council meeting held on 21 March, Ministers had adopted the ‘Strategic Compass’, which would now need to be implemented.

They had also examined the situation in Ukraine. While remaining united in their support for Ukraine, EU Ministers had agreed to continue isolating Russia diplomatically and internationally, and to denounce its war crimes and violations of international humanitarian law.

In this context, he pointed to the resolution put to the vote of the United Nations General Assembly on 2 March, which deplored in the strongest terms the aggression by the Russian Federation against Ukraine and obtained the support of 141 states. A further UN resolution, on the humanitarian situation in Ukraine, was being drafted.

It was now important to begin evaluating the possible diplomatic options to try to bring an end to Russia’s military aggression against Ukraine.

Despite the heavy sanctions imposed on it, Russia was making substantial profits from the sale of fossil fuels, which it would use to fund its war of aggression. Several options were being considered to ban imports of oil from Russia.

Mr BORRELL also reported on the discussions the EU’s Foreign Ministers had held with Nicu POPESCU, Deputy Prime Minister and Foreign Minister of Moldova.

Moldova was one of the neighbouring countries most affected and threatened by Russia’s aggression against Ukraine. He emphasised that the EU took its concerns and needs seriously, adding that the Ministers had expressed their commitment to collectively strengthening EU support for Moldova.

Mr BORRELL concluded by touching briefly on the latest developments in Mali and Yemen.

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

- the importance of reducing the EU's dependence on Russian fossil fuels, as well as the need to be realistic about the possibility of achieving this goal in the short term, especially given the diversity of energy mixes between Member States;
- the case for already starting to look at possibilities of contributing to the opening of peace talks and the role the EU could play in this process;
- an invitation to consider a ban on the import of gas and oil from Russia, and a reminder of the existing replacement solutions;
- in addition to energy, the EU's dependence on imports of certain other raw materials.

The Commission took note of this information.

12.2. TEMPORARY CRISIS FRAMEWORK FOR STATE AID MEASURES TO SUPPORT THE ECONOMY FOLLOWING THE AGGRESSION AGAINST UKRAINE BY RUSSIA

Ms VESTAGER took the opportunity to state that, alongside the initiatives examined at the College meeting, the Commission had that day adopted by written procedure a temporary crisis framework for State aid measures to support the European economy in the context of Russia's military invasion of Ukraine (C(2022) 1890).

This adoption had been preceded by two consultations with Member States. To remedy the negative effects of the situation in Ukraine, the temporary

crisis framework set out three types of measures: (i) granting limited amounts of aid to companies affected by the current crisis or by the related sanctions and countersanctions, (ii) ensuring that sufficient liquidity remained available to businesses, in the form of State guarantees and subsidised loans, and (iii) compensating companies for the additional costs incurred by exceptionally high gas and electricity prices.

With the first category of measures, Member States would be able to introduce aid schemes allowing them to grant up to EUR 35 000 to companies affected by the crisis operating in agriculture, fisheries and aquaculture, and up to EUR 400 000 per company affected by the crisis operating in all other sectors. This aid would not necessarily need to be linked to the rise in energy prices, as the situation in Ukraine and sanctions against Russia had affected the European economy in multiple ways, including supply chain disruptions. The support could be granted in various forms, including direct subsidies.

With the second category of measures, Member States would be able to provide (i) subsidised State guarantees to ensure that banks could continue granting loans to all companies affected by the crisis, and (ii) public and private loans with subsidised interest rates. For both types of support, there were limits regarding the maximum loan amount, which were based on the company's operating needs and took into account its turnover, energy costs or specific liquidity needs. The loans could cover both investment and working capital needs.

Lastly, with the third category of measures, Member States would be able to partially compensate companies, in particular intensive energy users, for additional costs incurred due to exceptional gas and electricity price increases. This support could be granted in any form, including direct grants. The total amount of aid per beneficiary could not exceed 30% of eligible costs, up to a maximum of EUR 2 million. When the company incurred operating losses, further aid could be necessary to ensure the continuation of an economic

activity. To that end, Member States would be able to grant aid exceeding these ceilings, up to EUR 25 million for intensive energy users, and up to EUR 50 million for companies active in specific sectors.

In this context, Member States were encouraged to take into account the protection of the environment, although the Commission did not make this a condition for the aid being granted.

Ms VESTAGER concluded by pointing out that State aid was still subject to controls and that no Member State had unlimited resources to support its economy and its businesses.

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 ended at 11.53.