



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

**PV(2022) 2413 final**

*- English translation of the French version which is authentic -*

Brussels, 27 April 2022

# TEXTE EN

## MINUTES

**of the 2413<sup>th</sup> meeting of the Commission**

**held in Brussels**

**(Berlaymont)**

**on Wednesday 30 March 2022**

**(morning)**

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**PV(2022) 2413 final**

*- English translation of the French version which is authentic -*

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**Single sitting: Wednesday 30 March 2022 (morning)**

The sitting opened at 9.11 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                | Items 1 to 15 (in part) |
| Mr DOMBROVSKIS         | Executive Vice-President                |                         |
| Mr BORRELL i FONTELLES | High Representative /<br>Vice-President |                         |
| Mr ŠEFČOVIČ            | Vice-President                          |                         |
| Ms ŠUICA               | Vice-President                          |                         |
| Mr SCHINAS             | Vice-President                          |                         |
| Ms GABRIEL             | Member                                  |                         |
| Mr SCHMIT              | Member                                  |                         |
| Mr GENTILONI           | Member                                  | Items 1 to 15 (in part) |
| Mr WOJCIECHOWSKI       | Member                                  |                         |
| Mr BRETON              | Member                                  |                         |
| Ms KYRIAKIDES          | Member                                  |                         |
| Mr REYNDERS            | Member                                  |                         |
| Ms DALLI               | Member                                  |                         |
| Ms JOHANSSON           | Member                                  |                         |
| Mr LENARČIČ            | Member                                  |                         |
| Ms VÁLEAN              | Member                                  |                         |
| Ms SIMSON              | Member                                  |                         |
| Mr SINKEVIČIUS         | Member                                  |                         |
| Ms McGUINNESS          | Member                                  |                         |

The following sat in by videoconference:

|            |                |
|------------|----------------|
| Ms JOUROVÁ | Vice-President |
|------------|----------------|

Absent:

|               |        |
|---------------|--------|
| Mr HAHN       | Member |
| Ms FERREIRA   | Member |
| Mr VÁRHELYI   | Member |
| Ms URPILAINEN | Member |

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

|             |                                            |
|-------------|--------------------------------------------|
| Mr NOACK    | Member of Mr HAHN's staff                  |
| Mr SOBRAL   | Chef de cabinet to Ms FERREIRA             |
| Ms TEEDUMÄE | Deputy Chef de cabinet to Mr VÁRHELYI      |
| Ms LEINONEN | Policy Assistant in Ms URPILAINEN's Office |

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 SMITH             | A member of the PRESIDENT's staff                                           | Items 10/14 |
| 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. AGENDAS**

**(OJ(2022) 2413/FINAL; SEC(2022) 2413/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) 2413)**

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 28 March 2022.

**3. APPROVAL OF THE MINUTES**

The Commission held over approval of the minutes of its 2410<sup>th</sup>, 2411<sup>th</sup> and 2412<sup>th</sup> meetings of 8, 16, and 21 and 23 March 2022 for a later date.

**4. INTERINSTITUTIONAL RELATIONS**

**(RCC(2022) 95)**

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held by videoconference on Friday 25 March 2022 (RCC(2022) 95).

The Commission approved the lines proposed for the following points:

- **Establishment of the European Union Single Window Environment for Customs and amendment of Regulation (EU) No 952/2013 (Regulation) – ŠTEFANEC report – 2020/0306 (COD)**

Line set out in SI(2022) 95.

- **E-evidence in criminal matters:**
  - **European production and preservation orders for electronic evidence in criminal matters (Regulation) — SIPPEL report – 2018/0108 (COD)**
  - **Harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings (Directive) – SIPPEL report – 2018/0107 (COD)**

Line set out in SI(2022) 99.

- **Amendment of Council Regulation (EU) 2022/109 fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and for Union fishing vessels in certain non-Union waters (Council Regulation) – 2022/0037 (NLE)**

Line set out in SI(2022) 97.

- **Oral Question O-000010/2022 – Right to repair**

Line set out in SP(2022) 172/2.

The Commission approved the lines set out for the following points, for transmission to Parliament:

- **Commission replies to the non-legislative resolutions adopted by Parliament at its part-session of December 2021 (Part III)**

Line set out in SP(2022) 177/2.

- **Commission replies to the non-legislative resolutions adopted by Parliament at its part-session of January I 2022 (Part I)**

Line set out in SP(2022) 178/2.

- **Commission replies to the legislative resolutions (and list of non-legislative resolutions without formal reply) adopted by Parliament at its part session of March I 2022**

Line set out in SP(2022) 180.

The Commission took note of the following points:

- **Amendment of Directive 2006/1/EC on the use of vehicles hired without drivers for the carriage of goods by road (Directive) – MONTEIRO DE AGUIAR report – 2017/0113 (COD)**

Compromise text in SP(2022) 167, further to note COM(2022) 14, which the Commission had already approved on 12 January 2022.

- **Fit for 55 – Amendment of Decision (EU) 2015/1814 as regards the amount of allowances to be placed in the market stability reserve for the Union greenhouse gas emission trading scheme until 2030 (Decision) – ENGERER report – 2021/0202 (COD)**

Information set out in SP(2022) 168.

- **Guidelines for trans-European energy infrastructure and repeal of Regulation (EU) No 347/2013 (Regulation) – KRASNODEBSKI report – 2020/0360 (COD)**

Compromise text in SP(2021) 169, further to note SI(2021) 405, which the Commission had already approved on 22 December 2021.

- **European data governance (Data Governance Act) (Regulation) – NIEBLER report – 2020/0340 (COD)**

Compromise text in SP(2021) 170, further to note SI(2021) 375, which the

Commission had already approved on 8 December 2021.

– **Results of Parliament’s part-session of March II 2022**

Information set out in SP(2022) 163.

**5. COORDINATION OF EXTERNAL ACTION  
(RCC(2022) 15)**

The Commission took note of the operational conclusions in RCC(2022) 15 of the meeting of the Group for External Coordination (EXCO) held on Wednesday 23 March 2022.

**6. MONITORING THE APPLICATION OF EUROPEAN UNION LAW**

***STATE AID AND OTHER COMPETITION RULES***

The decision on this item is recorded in the special minutes.

**7. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS**

**7.1. WRITTEN PROCEDURES APPROVED  
(SEC(2022) 141 ET SEQ.)**

The Commission took note of the Secretariat-General’s memoranda recording decisions adopted between 21 and 27 March 2022.

**7.2. EMPOWERMENT  
(SEC(2022) 142 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 21 and 27 March 2022.

**7.3. DELEGATION / SUBDELEGATION OF POWERS  
(SEC(2022) 143 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedures between 21 and 27 March 2022 archived in Decide.

**7.4. SIGNIFICANT WRITTEN PROCEDURES  
(SEC(2022) 144 AND /2)**

The Commission took note of the significant written procedures for which the time limit expired between 28 March and 1 April 2022.

**7.5. GRANTING OF AN EMPOWERMENT RELATING TO THE ADOPTION  
OF OPINIONS ON DRAFT SINGLE PROGRAMMING DOCUMENTS  
OF EU DECENTRALISED AGENCIES AND SIMILAR BODIES  
(C(2022) 1945)**

The Commission decided to grant to the Members of the Commission with responsibility for relations with individual EU decentralised agencies and similar bodies an empowerment to adopt, in agreement with the PRESIDENT, on behalf of the Commission and under its responsibility, opinions on draft Single Programming Documents submitted in accordance with Article 32 of Commission Delegated Regulation (EU) 2019/715, subject to the conditions laid down in Articles 2 and 3 of the Decision.

The Commission adopted the decision in C(2022) 1945.

**8. ADMINISTRATIVE AND BUDGETARY MATTERS**  
**(SEC(2022) 145)**

**ADMINISTRATIVE MATTERS**  
**(PERS(2022) 18)**

**8.1. DG TRADE – AMENDMENT OF THE ORGANISATION CHART AND  
TRANSFER OF AN AD15 OFFICIAL**

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

- to create a temporary post of Principal Adviser reporting to the Deputy Director-General in charge of Directorates B and C in DG Trade; the post would be abolished upon departure of the jobholder;
- to transfer to this new temporary post, in the interest of the service, under Article 7 of the Staff Regulations, Ms Ewa SYNOWIEC, an AD15 official and currently Director of the ‘Africa, Caribbean and Pacific, Asia (II), Trade and Sustainable Development, Green Deal’ Directorate in DG Trade.

These decisions would take effect on 1 April 2022.

**8.2. DG TRADE – APPOINTMENT OF AN AD14 DIRECTOR**

On a proposal from Mr HAHN, in agreement with the PRESIDENT, and after consulting Mr DOMBROVSKIS and Mr SINKEVIČIUS, the Commission decided to transfer, in the interest of the service, under Article 7 of the Staff Regulations, Ms Dora CORREIA, an AD14 official and currently Director of the ‘General Affairs and Resources’ Directorate in DG Maritime Affairs and Fisheries, to the post of Director of the ‘Africa, Caribbean and Pacific, Asia (II), Trade and Sustainable Development, Green Deal’ Directorate in DG Trade.

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

**8.3. *DG COMMUNICATION – AMENDMENT OF ORGANISATION CHART AND APPOINTMENT OF AN AD14 HEAD OF THE EUROPEAN COMMISSION REPRESENTATION IN COPENHAGEN, DENMARK***

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, Mr Per HAUGAARD, an AD14 official and Principal Adviser in DG Mobility and Transport, currently seconded to the PRESIDENT's Office in the interest of the service, to the post of Head of the European Commission Representation in Copenhagen, Denmark.

By derogation from the Commission Decision on middle management staff (C(2016) 3288), the post of Head of the European Commission Representation in Denmark would be upgraded to the level of senior management (AD14/15) for the duration of Mr Per HAUGAARD's posting.

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

**8.4. *DG HEALTH AND FOOD SAFETY – EXTENSION OF THE TERM OF OFFICE OF THE EXECUTIVE DIRECTOR OF THE EUROPEAN CENTRE FOR DISEASE PREVENTION AND CONTROL (ECDC)***

The Commission took note of the information set out in point 4 of PERS(2022) 18 and, on a proposal from Mr HAHN, in agreement with the PRESIDENT and after consulting Ms KYRIAKIDES, decided:

- to propose to the Management Board of the European Centre for Disease Prevention and Control to extend the term of office of Ms Andrea AMMON in the post of Executive Director for a period of two years from 16 June 2022, to 15 June 2024;

- to ask Ms KYRIAKIDES, the Member of the Commission responsible, to communicate this decision to the Management Board of the European Centre for Disease Prevention and Control.

These decisions would take effect immediately.

**8.5. DG HUMAN RESOURCES AND SECURITY – APPOINTMENT OF SPECIAL ADVISERS**  
**(PERS(2022) 19)**

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

- to adopt the list of special advisers to members of the Commission, valid, unless otherwise stated, from 1 April 2022 to 31 March 2023, as set out in PERS(2022) 19;
- by way of derogation from the provisions under point 6, second paragraph, of Commission Decision C(2007) 6655 of 19 December 2007 on the rules on special advisers to the Commission, to authorise Mr HAHN, the Member of the Commission responsible for the Budget and Human Resources, to conclude addenda to the existing contracts in the event of duly justified and urgent needs, subject to the availability of sufficient budgetary appropriations;
- to authorise the Director-General of DG Human Resources and Security to implement this decision, by signing contracts of employment on behalf of the authority empowered to conclude contracts of employment.

These decisions would take effect immediately.

**8.6. DG HUMAN RESOURCES AND SECURITY – PUBLICATION OF SEVERAL CLASSIFIED COMMISSION DOCUMENTS AS PART OF**

***THE EXCEPTIONAL AD HOC RELEASE PROCEDURE  
(SEC(2022) 123)***

The Commission took note of the information set out in point 6 of PERS(2022) 18 and, on a proposal from Mr HAHN, in agreement with the PRESIDENT, decided to send to the European Court of Auditors 49 RESTREINT UE/EU RESTRICTED classified documents, as set out in SEC(2022) 123, on the assessment process and the results of the Preparatory Action on Defence Research, as part of the exceptional ad hoc release procedure provided for by Article 57 of Commission Decision (EU, Euratom) 2015/444 on the security rules for protecting EU classified information.

This decision would take effect immediately.

**9. OTHER BUSINESS**

***RESULTS OF THE MEETINGS OF THE G7 (BRUSSELS, 24 MARCH) AND  
OF THE EUROPEAN COUNCIL (BRUSSELS, 24 AND 25 MARCH)  
(SI(2022) 105)***

The PRESIDENT opened the meeting of the College by informing the members of the Commission of the results of the high-level events that had taken place the previous week in Brussels.

With regard to the G7 meeting, which had taken place on Thursday 24 March, she reported that it had dealt mainly with the sanctions against Russia. The meeting had succeeded in strengthening the unity, determination and speed with which the G7 members were working together to address the consequences of the Russian invasion of Ukraine.

The PRESIDENT then took stock of the meeting of the European Council, which had taken place from the afternoon of Thursday 24 March to Friday 25 March. The

EU leaders had discussed various issues, in particular the sanctions against Russia, the measures taken to help refugees fleeing Ukraine and energy policy.

On the first issue, she began by pointing out that four sanctions packages had been adopted to date, covering all sectors except energy. She reported that work was under way to prepare a fifth round of sanctions aimed at addressing the gaps identified during the implementation of the previous sanctions, both inside and outside the EU.

As regards refugees, she noted that, according to latest estimates, as many as ten million people might try to enter the EU in the near future to escape the war in Ukraine. Ukrainian refugees had been very warmly welcomed in the EU, both by Member States and by citizens, local authorities and non-governmental organisations, and the PRESIDENT praised the excellent work carried out at all levels.

In this connection, she pointed out that around EUR 17 billion had been allocated to provide financial support for the reception of Ukrainian refugees through unused structural funds, notably by means of the Cohesion's Action for Refugees in Europe (CARE) and the Recovery Assistance for Cohesion and the Territories of Europe (REACT-EU).

She mentioned the administrative constraints linked to the release of these funds, which explained why the Commission had recently proposed speeding up the pre-financing of EUR 3.4 billion to the European Parliament and to the Council.

As for the significant sum that would be needed to support Ukraine in the short, medium and long term, she stressed that consideration should be given to using the EUR 200 billion in loans under the Recovery and Resilience Facility that had not yet been used by the Member States. She added that it was, however, only the beginning of a reflection exercise to consider these questions and that it would be up to the Member States to take the appropriate decisions.

The PRESIDENT then turned to the third issue discussed at the meeting of the European Council: energy and the increase in energy prices in the EU.

She noted that certain Member States were in favour of a gas price cap, while others had expressed their reservations, particularly in view of their concerns about the possible negative repercussions.

She referred to Russia's announcement that it would accept only payments denominated in its national currency, the rouble, for fossil fuels, and pointed out that this decision was in breach of the agreements in force, which made reference to payments to be made in dollars and euros. She noted that, pending expiry of the 31 March 2022 deadline set by Russia, several Member States had raised their alert levels and were preparing for possible supply disruptions.

The PRESIDENT mentioned in this context the recent agreement that the EU had concluded with the United States to ensure delivery of additional volumes of liquefied natural gas (LNG), which could amount to 50 billion cubic metres a year from 2023, with the aim of reducing Europe's dependency on Russian fossil fuels. Imports from the USA could reduce the EU's annual dependency on Russian gas by a third and swift implementation of the 'Fit for 55' proposals could further reduce annual imports by the equivalent of an additional 50 billion cubic metres.

She also pointed out that, although EU leaders had welcomed the idea of common gas purchases, this mechanism would remain voluntary and, in order to be successful, would require close cooperation between the Commission and the participating Member States.

She then reported that the European Council had tasked the Commission with proposing an alternative to the current energy market set-up and added that it was urgent and imperative to address the energy challenges facing Europe.

Lastly, the PRESIDENT noted that the Ukrainian President, Volodymyr ZELENSKY, had participated in the above-mentioned meetings by videoconference and had made a remarkable speech each time.

The Commission took note of this information.

- 10. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – ON MAKING SUSTAINABLE PRODUCTS THE NORM  
(COM(2022) 140 TO /4; RCC(2022) 102)**
- 11. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING A FRAMEWORK FOR SETTING ECODESIGN REQUIREMENTS FOR SUSTAINABLE PRODUCTS AND REPEALING DIRECTIVE 2009/125/EC  
(COM(2022) 142 AND /2; SWD(2022) 81; SWD(2022) 82; SWD(2022) 83; SEC(2022) 165; RCC(2022) 102)**
- 12. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – EU STRATEGY FOR SUSTAINABLE AND CIRCULAR TEXTILES  
(COM(2022) 141 TO /3; RCC(2022) 102)**
- 13. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL LAYING DOWN HARMONISED CONDITIONS FOR THE MARKETING OF CONSTRUCTION PRODUCTS, AMENDING REGULATION (EU) 2019/1020 AND REPEALING REGULATION (EU) 305/2011**

(COM(2022) 144 TO /3; SWD(2022) 87; SWD(2022) 88; SWD(2022) 89; SEC(2022) 167; RCC(2022) 102)

**14. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING DIRECTIVES 2005/29/EC AND 2011/83/EU AS REGARDS EMPOWERING CONSUMERS FOR THE GREEN TRANSITION THROUGH BETTER PROTECTION AGAINST UNFAIR PRACTICES AND BETTER INFORMATION**

(COM(2022) 143 AND /2; SWD(2022) 85; SWD(2022) 86; SEC(2022) 166; RCC(2022) 102)

At the PRESIDENT's request, Mr TIMMERMANS introduced the discussion on the package of proposals laid before the Commission for approval in the context of the European Green Deal, with the aim of (i) making sustainable products the norm, (ii) increasing the EU's independence in its supply of raw materials, (iii) boosting circular business models and (iv) empowering consumers for the green transition.

He stressed that the preparation of this package had been a collective effort, with contributions from many Commissioners and a large number of Commission departments, as reflected in the wide range of products and economic sectors covered.

As had been announced in the Circular Economy Action Plan, the Commission was proposing new rules to make almost all physical goods on the EU market more friendly to the environment, more circular, and more energy efficient throughout their whole lifecycle from the design phase through to daily use, repurposing and end-of-life.

He pointed out that the proposals being tabled that day were built on the success of existing EU rules on ecodesign, which had brought remarkable reductions in the EU's energy consumption and significant savings to consumers. The proposals would help end the model of 'take, make, break, and throw away' and would ensure that only the most sustainable products were sold in Europe. Moreover, all regulated

products would have digital product passports.

He mentioned in particular the textile industry and the fact that European consumption of textiles had the fourth highest impact on the environment and climate change, after food, housing and mobility.

Concluding his presentation, he said that the Commission was also proposing to update the EU's consumer protection rules in order to empower consumers to contribute to the green transition. The updated rules would enable consumers to make informed and environment-friendly choices when they bought products by ensuring that they knew how long the products were designed to last for and whether and how they could be repaired. The new rules would also strengthen consumer protection against untrustworthy or false environmental claims, banning greenwashing and practices misleading consumers about the durability of a product.

For Ms VESTAGER, the package of measures being tabled that day was important for delivering not only on the European Green Deal but also on the EU's long-term industrial strategy. The proposed legal framework should allow industry to integrate circularity into the core of all its sectors and ecosystems, although this would no doubt take some time and effort. She gave the example of mobile phones, which contained certain components, such as screens and batteries, that would have to be replaceable in order to make them more sustainable.

However, considerable progress had already been made regarding the circular economy. She referred here to evolving business models in the textile sector, where the recycling of used textiles involved reinvention, and also in certain industrial sectors that were successfully reusing essential raw materials such as copper. This development would be conducive to growth and job creation.

Ms JOUROVÁ felt that in this package of measures it was important to focus on consumers, who could be a driver of change and whose participation in the green transition could have an impact on markets.

Through targeted changes to existing consumer protection legislation, the EU would update its rules to enable consumers to make informed and environment-friendly choices. For example, it would be obligatory to inform consumers how long a product would last or whether it could be repaired.

The Commission was also proposing to extend the blacklist of banned misleading practices, in particular as regards greenwashing or early obsolescence, a development that would be welcomed by the many consumers who wanted to choose sustainable products.

Ms JOUROVÁ considered that, if combined with effective enforcement, these proposals could be a catalyst in moving towards more sustainable consumption in the context of the European Green Deal.

Mr SINKEVIČIUS noted that the direction of the Commission's work had been clear since the very beginning of this term of office, i.e. to make sustainable products the norm. He therefore welcomed the proposals being tabled that day, which were the fruit of a truly collegial effort and excellent collaboration between Commission departments for over 2 years. He was pleased that the Commission was proposing a future-oriented framework that would be a real game-changer by making everyday products sustainable.

He mentioned the Circular Economy Action Plan for a cleaner and more competitive Europe, which focused on extending the useful life of products. With that action plan, launched in March 2020 at the beginning of the COVID-19 pandemic and at a time of emerging supply disruptions, people were reassured that the EU was taking the right path towards becoming more resilient.

Faced now with another major crisis – Russia's military invasion of Ukraine – the EU had to learn another lesson by reducing its dependencies. In this geopolitical context, he stressed the importance of the proposed package of measures for the long-term European project.

He then quoted a few figures: the EU imported around 1.7 gigatonnes of raw materials, some of it high-value materials, while one third of the world's production of nickel, a key raw material for batteries, came from Russia.

The production of raw materials also required a large amount of energy. He therefore considered it essential to address the link between energy and raw materials to make progress in achieving the EU's environmental objectives, since half of total greenhouse gas emissions and 90% of biodiversity loss were caused by extracting and processing primary raw materials. Equally, he considered that it would not be possible to achieve a balance in the natural environment without addressing the issue of resources, raw materials and products.

The circular economy helped to address these challenges, and would continue to do so, by keeping the value of raw materials and products in the economy for as long as possible. In his view, the proposal on the ecodesign of sustainable products was a response to both immediate and long-term challenges as it strengthened the resilience of the system. He considered that the EU label denoting the high quality and efficiency of products had already made the EU a standard-setter in sustainability and had saved consumers billions of euros.

Mr SINKEVIČIUS said that, from now on, ecodesign rules would thus be adapted to individual product groups or several product groups with similar characteristics and challenges. The changes being made had three strands. First, they broadened the scope of application of the rules beyond energy-related products, which would make it possible to cover 65% of total greenhouse gas emissions from product consumption in the EU and 70% of resource depletion. Second, they placed an even greater emphasis on the circular economy and environmental sustainability. Third, they proposed new ways of communicating information throughout value chains by bringing together the green and digital transitions.

This approach to ecodesign would be rolled out gradually, based on inclusive planning and sound assessments to bring about a comprehensive transformation in

stages, which would alleviate concerns about the challenges of the green transition. He stressed that businesses needed predictability in order to plan their investments. Many businesses supported the idea of establishing a new rulebook and expected the EU to ensure a level playing field for all.

Mr SINKEVIČIUS explained that the textile sector would be one of the first test cases with the EU Strategy for Sustainable and Circular Textiles. The textile sector consumed a great deal of resources, land and water, and created significant pressure in terms of its effect on climate change and nature. The sector was also often associated with poor labour conditions and child labour. However, it had been left largely unregulated from a sustainability point of view.

He was glad that the EU was listening to citizens, who were demanding change, and to businesses, which were preparing for that change, by considering how the textiles ecosystem could contribute to EU objectives on carbon neutrality, zero pollution and the circular economy.

To conclude, he highlighted the fact that the proposed strategy not only put forward a vision, but also included a set of targeted actions on design and information, addressing overconsumption and overproduction of textile products, driving fast fashion out of fashion and tackling microplastics and waste-related challenges. The strategy placed particular emphasis on the need to ensure sustainability of textile products globally, in a high-impact sector tarnished by violations of labour and social rights.

Mr BRETON said that the implementation of the Directive establishing a framework for the setting of ecodesign requirements had already brought about a 10% reduction in energy consumption, as products were designed to be easier to repair and reuse and more energy efficient. The proposal for a Regulation should make it possible to monitor the lifespan of products and measure their environmental footprint at a time when rising inflation would inevitably have an impact on household budgets, which in turn would lead to an even greater appetite

for more sustainable products.

He considered that European consumers supported a profound change in consumption patterns. Three quarters of people surveyed in the EU were making efforts to reduce waste and to regularly sort their waste for recycling, while 9 out of 10 Europeans surveyed felt that clothes should be designed to last longer.

Moreover, the choice of a Regulation that had internal market legislation as its legal basis should address the fact that action on the circular economy at Member State level was still fragmented. Once it had been adopted, the Regulation would also serve as a monitoring tool, particularly for imported products, and as a tool for ensuring traceability on the internal market, encouraging greater transparency in supply chains and the development of innovative products and services.

Mr BRETON also referred to the strategy on textile products, an initiative that was eagerly awaited by the various actors in the ecosystem, MEPs and the Member States. In order to implement the strategy, it would be necessary to provide help and support for businesses, which was why the Commission would begin work to support all actors in the textile-sector ecosystem on their path to the green, digital and resilient transition.

Ms SIMSON explained that the updating of the ecodesign rules was the last legislative initiative needed in the energy sector to enable the EU to achieve its European Green Deal ambitions. This new legislative framework would replace the Directive, which had proven to be effective over the last decade, setting out ecodesign requirements for 31 energy-related product groups and bringing about EUR 120 billion in annual savings for consumers.

Three billion products covered by the Directive's ecodesign requirements had been purchased in 2020, accounting for half of the energy consumed in the EU. Energy-performance labels for products were recognised by 93% of consumers, 80% of whom used this criterion when making purchases.

Given the successes achieved thanks to the implementation of the Directive on ecodesign, there had been a certain amount of resistance to overcome when it was announced that the Directive would be reviewed in order to extend its scope to other sectors and merge it with other instruments, while also adding new circularity and sustainability requirements for energy products.

Nevertheless, she felt that the review was justified, not only in the light of the objectives of the European Green Deal, but also as a means of promoting more energy-efficient products and reducing the EU's dependence on fossil fuels and certain raw materials.

The new ecodesign requirements were intended to encourage research and industrial innovation in the field of energy efficiency, which would contribute to the green transition. The Commission would be responsible for regularly revising the applicable requirements to keep them up to date with technological innovation and ensuring that energy labels would not become outdated or misleading. For this reason, she was proposing, in a parallel written procedure, an Ecodesign and Energy Labelling Working Plan 2022-2024 which included reviews of 38 legislative texts in 2024 and another 8 in 2025 and added a limited number of new products, such as chargers for electric vehicles and universal ones for consumer electronics. All standards would be devised on the basis of an impact assessment and in close cooperation with the relevant industry.

She felt it was now possible, thanks to this range of proposals, to extend the same approach to all products and to broader environmental sustainability, in order to make energy products not just more efficient but also more sustainable by design.

Lastly, the energy savings made possible by the implementation of the new rules on ecodesign would greatly reduce the EU's dependence on Russian gas and oil and mitigate rising energy prices.

Mr REYNDERS presented the initiative on empowering consumers for the green transition, which was the key contribution of EU consumer law to the European

Green Deal objectives.

The objective of this initiative was to address, firstly, the lack of reliable information for consumers about the sustainability of products, for example their environmental characteristics, lifespan, or reparability, and secondly, the misleading commercial practices related to the early obsolescence of products and to greenwashing. To this end, it was proposed to amend two important consumer law Directives: the Consumer Rights Directive and the Unfair Commercial Practices Directive.

Firstly, the amendments to the Consumer Rights Directive would allow consumers to take better informed decisions and would stimulate the demand for more durable goods. Traders would thus henceforth be required to provide information about the durability of goods via a commercial guarantee of durability, or about their reparability by means of a repair score or information on the availability of spare parts or repair manuals.

Secondly, the amended Unfair Commercial Practices Directive would introduce rules to address misleading environmental claims, greenwashing, and early obsolescence practices. These rules would include the list of the main product characteristics about which a trader could not mislead a consumer, such as the environmental or social impact. New practices were added to the list of commercial practices that could be considered misleading after a case-by-case assessment, such as making a claim related to future environmental performance without clear, objective and verifiable commitments.

Mr REYNDERS also explained that the Commission was proposing that day to amend the blacklist of misleading commercial practices that were considered unfair in all circumstances, in Annex I to the Unfair Commercial Practices Directive. The goal was to prohibit generic environmental claims that did not demonstrate recognised excellent environmental performance.

Environmental claims about an entire product which in reality only concerned a

certain aspect of that product would also be prohibited; for example, when a product was marketed as ‘made with recycled material’ when in fact only the packaging met this criterion. Mr REYNDERS also mentioned omitting to inform the consumer that a software update would negatively impact the use of goods with digital elements. For example, when inviting consumers to update the operating system on their smartphone, the trader would have to inform the consumer if such an update would negatively impact the functioning of any of the features of the smartphone.

Another practice associated with early obsolescence which would be prohibited was inducing the consumer into replacing the consumables of a product earlier than would otherwise be necessary for technical reasons, for example urging them to replace printer ink cartridges before they were actually empty.

Mr REYNDERS stressed that these targeted amendments would enable national competent bodies to address greenwashing and early obsolescence practices more effectively. Consumers would also be able to choose products that were genuinely better for the environment, which would encourage competition towards more environmentally sustainable products.

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

- the need to develop mixed skills in order to fully integrate the industrial and environmental dimension of manufacturing processes;
- the considerable know-how and expertise developed within the EU on ecodesign, which would contribute to the promotion of ‘green’ skills as part of the implementation of the package proposed that day;
- the importance, in this context, of the cultural and creative sector, which would allow European excellence to be maintained at the highest possible level;

- the positive impact of the implementation of higher ecodesign requirements on the competitiveness of products produced in the EU, which would become more attractive by virtue of being more sustainable and recyclable, giving the EU an advantage that could improve its trade balance;
- the advisability, therefore, of promoting at international level the EU’s approach and standards with regard to the circular economy, which would eventually undermine competition based essentially on product prices;
- the interest for the European Union to be more actively present in international standardisation bodies, in which other countries, such as China, were highly engaged.

The PRESIDENT wound up the discussion by thanking all the Members of the College involved in that day’s proposals for their excellent work.

Following these presentations, the Commission:

- approved the Communications set out in COM(2022) 140/4 and COM(2022) 141/3, for transmission to the European Parliament, the Council, the 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) 142/2 for transmission to the European Parliament, the Council, the European Economic and Social Committee and the national parliaments, and, for information, to the Committee of the Regions, together with the impact assessment, the summary thereof and the opinion of the Regulatory Scrutiny Board in SWD(2022) 81, SWD(2022) 82, SWD(2022) 83 and SEC(2022) 165, the contents of which were noted;
- adopted the proposal for a Regulation in COM(2022) 144/3 for transmission to the European Parliament, the Council, the European Economic and Social

Committee and the national parliaments, and, for information, to the Committee of the Regions, together with the impact assessment, the summary thereof and the opinion of the Regulatory Scrutiny Board in SWD(2022) 87, SWD(2022) 88, SWD(2022) 89 and SEC(2022) 167, the contents of which were noted;

- adopted the proposal for a Directive in COM(2022) 143/2 for transmission to the European Parliament, the Council, the European Economic and Social Committee and the national parliaments, and, for information, to the Committee of the Regions, together with the impact assessment, the summary thereof and the opinion of the Regulatory Scrutiny Board in SWD(2022) 85, SWD(2022) 86 and SEC(2022) 166, the contents of which were noted.

## **15. OTHER BUSINESS (CONTINUED)**

### ***15.1. LATEST DEVELOPMENTS IN EXTERNAL RELATIONS***

Mr BORRELL reported on the latest developments in external relations, focusing on the situation in Ukraine and how it was perceived in the rest of the world.

He had just returned from the Doha Forum, where he had had talks with Gulf countries' representatives as part of the preparation of the EU joint strategy on the partnership with the Gulf region, which would be on the agenda of the Commission meeting on 18 May. From these talks, he concluded that the EU should tackle disinformation on the situation in Ukraine more actively and also encourage regional and global cooperation on the issues of food security and energy security, which affected many countries, particularly in Africa.

Mr BORRELL welcomed the unity among most of the UN member countries during the votes in the UN General Assembly on two resolutions on the situation in Ukraine, one requiring the withdrawal of Russian forces and the

other on the humanitarian consequences of the aggression against Ukraine. However, he felt that the support of the majority of the UN member countries could not be taken for granted, and pointed out that there had been some feeling that the positions of the southern countries had not been sufficiently taken into account when these resolutions were put forward. He referred in particular to the reservations expressed about the escalation of the sanctions imposed by the EU and its allies, which were perceived by several countries, particularly in the Middle East, North Africa and the Western Balkans, as indiscriminately harming third countries. In his view, there was a challenge to be met through ‘wheat diplomacy’ in order to provide solutions to the issue of food security in the largest African countries, which were highly dependent on imports from Russia and Ukraine.

He then analysed China’s positions on the situation in Ukraine, particularly in the run-up to the EU-China summit on 1 April. He stressed that China clearly intended to keep a certain distance from Russia in this crisis, without however aligning itself with the positions of the EU and its allies or making any commitment on Ukraine, apart from a possible call for a ceasefire. China preferred to raise other topics for discussion, such as the fight against climate change or trade. At the same time, it was calling on the EU to resume negotiations on the EU-China Comprehensive Agreement on Investment. This seemed difficult to achieve given the current geopolitical situation and the reservations that some Member State parliaments had expressed on the issue of respect for human rights in China.

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

- the ongoing peace talks in Turkey between representatives of Ukraine and Russia, which could be a source of hope, and the discussions on the security guarantees requested by Ukraine, in which it would be important

to involve the EU and other partners such as China, in support of international peace efforts;

- the situation of Ukrainian refugees arriving in the EU, around 3.8 million people to date, though the number was gradually decreasing;
- the fact that people arriving in the EU were increasingly traumatised by war, needy and without relatives already settled in the EU to support them;
- the reluctance of some refugees to leave Poland, the Member State hosting the largest number of refugees (2.3 million so far), and the need to ensure that other Member States also pursued active reception policies;
- the positive assessment of the lessons learned from the 2015 migration crisis, thanks to which the EU had focused on facilitating procedures for the reception of refugees, and which had made it possible to restore trust between Member States and foster a constructive atmosphere in this process;
- a reminder that, despite the difficulties in 2015, the EU had always honoured its commitment to remain a place of asylum for those fleeing war, even though the geopolitical situation and the tools at its disposal were different today; the need, however, to make structural improvements to the EU's migration policy, in particular in order to better organise solidarity in receiving refugees at EU level;
- the constant increase in humanitarian and civil protection needs in Ukraine and the need for additional funds to meet them; hence the need to mobilise more resources, both from the EU budget and the private sector;
- the possibility of exporting existing cereal stocks from Ukraine, which were currently blocked due to lack of access to the Black Sea, for example

by land; however, this would require additional supplies of fuel for the country and logistical means;

- a reference to ways of helping Ukrainian farmers to sow cereals for the next harvest in accordance with the needs they had expressed, in particular in terms of supplies of seeds, fuel and agricultural machinery;
- the need to help Ukraine to continue its agricultural exports and the establishment of temporary agricultural schemes in the EU, without undermining the objective of achieving the green transition, in order to mitigate the threat to global food security and in particular help Africa to address this threat;
- the importance of following up on the measures set out in the Commission Communication of 23 March on global food security; the need to point out that there would not be food shortages in the EU and to monitor developments in agricultural raw materials markets, which were not effectively regulated;
- existing funding opportunities under Neighbourhood Policy funds; the need to call on the EU's international partners to participate in the export of additional food volumes to prevent Russia from taking advantage of the increase in global demand;
- the expediency of the analysis being carried out by the European External Action Service of the partner countries' positions on Russian military aggression against Ukraine, to enable the EU to assert its interests in a more specific way in its bilateral relations with them;
- the investigations and work carried out at European level, in cooperation with Eurojust, and at international level, in the International Criminal Court (ICC), to collect evidence of war crimes in Ukraine; the launch of the Freeze and Seize Task Force, involving all the Member States,

Eurojust and Europol, and activities related to confiscations and seizures of Russian assets and property targeted by EU sanctions;

- the issue of the setting up of a Trust Fund for Ukraine comprising assets and property confiscated and seized and also the proceeds of criminal activities such as money laundering, to enable compensation to be subsequently paid to the victims of Russian military aggression against Ukraine and, where necessary, to assist in the reconstruction of the country;
- the urgent need for decisive action, including diplomatic action, to counter the disinformation campaigns being waged by Russia in certain parts of the world with the aim of tarnishing the EU's image;
- the call for a high level of cybersecurity vigilance in the EU;
- mention of emergency health assistance needs, in particular for women who were victims of sexual violence in Ukraine, and of guaranteed purchases of child vaccines for refugees; a reference to ongoing medical evacuations;
- the guidance to be provided to Member States to ensure the convertibility of the Ukrainian currency for refugees' bank accounts;
- the need to monitor closely the attempts to circumvent EU sanctions against Russia; an assessment of the effects of these sanctions on the Russian economy, but also on the economy of the EU and its Member States;
- a reference to the macroeconomic assistance granted to Ukraine by the EU and the European financial institutions;
- the housing issue that would arise in the EU as a result of the arrival of millions of Ukrainian refugees.

The PRESIDENT picked up on some of the points raised during the discussion.

First of all, she felt it was important to explain to the Chinese authorities that Russian military aggression against Ukraine was taking place on the European continent, which placed the EU in a particular position, and to remind them that the national parliaments of the Member States had competences for the conclusion of international agreements. She also considered that China should be party to a possible international agreement on Ukraine's security, with other actors such as the United States, the United Kingdom and Canada. She added that as a matter of principle, the EU supported the Ukrainian authorities' position on the issue of security guarantees for Ukraine.

She also wanted the EU to step up its efforts to encourage UN agencies to speed up their humanitarian aid, including temporary shelters for refugees.

As regards the European funding available to deal with the consequences of the arrival of large numbers of refugees in the EU, she pointed out that the EU's multiannual financial framework approved by the European Parliament and the Council was not extendable. However, EUR 200 billion could be mobilised in the form of loans under NextGenerationEU, of which the 27 Member States were guarantors. A Member State could mobilise, for the reception of refugees fleeing Ukraine, unused cohesion funds allocated to it during the previous programming period, provided that it did so before the end of 2022.

In conclusion, the PRESIDENT referred to the recent expulsions by some Member States of Russian diplomats engaged in espionage activities and considered that vigilance was needed on this point.

The Commission took note of this information.

**15.2. PRESENTATION OF THE AGREEMENT IN PRINCIPLE FOR A NEW  
TRANSATLANTIC DATA PRIVACY FRAMEWORK  
(INFO(2022) 12)**

Mr REYNDERS was pleased that, on 25 March, the Commission had arrived at an agreement in principle with the United States on a new transatlantic data privacy framework to replace the previous framework, the ‘Privacy Shield’, overturned as invalid by the Court of Justice of the European Union in its July 2020 Schrems II judgment.

The agreement was to provide the basis for a draft adequacy decision to be adopted by the Commission to allow the free flow of data from the EU to the US.

In the Schrems II judgment, the Court of Justice of the European Union found that several aspects of the US legal framework relating to national security did not meet the standard required by the EU for a data protection adequacy finding.

To comply with the Court of Justice’s requirements, the future arrangement would provide for a set of rules granting Europeans whose personal data were transferred to the US binding safeguards limiting access to data by US intelligence authorities to what was necessary and proportionate to protect national security. It would also provide for the establishment of a system of judicial protection with a two-tier redress system to investigate complaints from Europeans regarding access to their data by US national security authorities. On this last point, Mr REYNDERS explained that a new ‘Data Protection Review Court’ would be created, composed of independent members from outside the US government, that would be competent to hear claims against the US government and remedy breaches of law.

In his view, these were significant improvements compared to the previous Privacy Shield and the new safeguards on access to data by public authorities

would complement the obligations with which US companies importing data from the EU would have to comply.

The details of the agreement in principle still had to be finalised with the US and then translated into legal texts. He added that the commitments made by the US were to be included in an executive order to be adopted by Mr BIDEN.

Once these conditions had been met, the Commission would be in a position to propose a draft adequacy decision and initiate the procedure for its adoption. The procedure would consist of several steps, namely (i) obtaining an opinion from the European Data Protection Board, which brought together all the national data protection authorities of the Member States, (ii) obtaining the green light from Member States through a comitology procedure, and (iii) submitting the draft final decision for scrutiny by the European Parliament, as was done in 2021 with the UK adequacy decision. Once these steps had been completed, the Commission would be able to adopt the adequacy decision.

Mr REYNDERS noted that the process was not entirely in the hands of the Commission and it was therefore difficult to anticipate how long it would take, but that it was likely to take around six months from the publication of the draft decision to its final adoption. He said that the Legal Service had confirmed the good direction taken by this file.

He ended his presentation by thanking all those who, at the Commission, had contributed to this work and highlighting that the future decision would be closely scrutinised by all stakeholders, institutional and other.

The Commission took note of this information and of the note distributed as INFO(2022) 12.

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

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The meeting closed at 11.48.