



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2022) 2431 final

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Brussels, 26 October 2022

TEXTE EN

MINUTES

of the 2431st meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 28 September 2022

(morning)

PV(2022) 2431 final

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Single sitting: Wednesday 28 September 2022 (morning)

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

Present:

Ms von der LEYEN	President	
Mr TIMMERMANS	Executive Vice-President	
Ms VESTAGER	Executive Vice-President	
Mr DOMBROVSKIS	Executive Vice-President	
Mr BORRELL i FONTELLES	High Representative/ Vice-President	
Ms JOUROVÁ	Vice-President	Items 1 to 13.4 (in part)
Ms ŠUICA	Vice-President	
Mr SCHINAS	Vice-President	
Mr HAHN	Member	
Ms GABRIEL	Member	
Mr SCHMIT	Member	
Mr GENTILONI	Member	
Mr BRETON	Member	Items 1 to 13.4 (in part)
Ms FERREIRA	Member	
Ms KYRIAKIDES	Member	
Mr REYNDERS	Member	Items 1 to 13.3 (in part)
Ms DALLI	Member	
Ms JOHANSSON	Member	
Mr LENARČIČ	Member	
Ms URPILAINEN	Member	
Ms SIMSON	Member	
Ms McGUINNESS	Member	

Absent:

Mr ŠEFČOVIČ	Vice-President
Mr WOJCIECHOWSKI	Member
Ms VÁLEAN	Member
Mr VÁRHELYI	Member
Mr SINKEVIČIUS	Member

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

Mr NOCIAR	Chef de cabinet to Mr ŠEFČOVIČ
Mr GOLUBIEWSKI	Chef de cabinet to Mr WOJCIECHOWSKI
Mr FABREGAS MARTINEZ	A member of Ms VÁLEAN's staff
Ms TEEDUMÄE	Deputy Chef de cabinet to Mr VÁRHELYI
Ms PREISING	Deputy Chef de cabinet to Mr SINKEVIČIUS

The following also sat in:

Mr SEIBERT	Chef de cabinet to the PRESIDENT	
Mr CALLEJA CRESPO	Director-General, Legal Service	
Ms AHRENKILDE HANSEN	Director-General, DG Communication	
Mr MAMER	Head of the Spokesperson's Service and Chief Spokesperson of the Commission	
Ms PETKOVA	Director of Coordination and Administration in the PRESIDENT's Office	
Mr WHELAN	Adviser in the PRESIDENT's Office	Items 8/9
Ms CABRAL	Adviser in the PRESIDENT's Office	Item 12
Ms SPINANT	Deputy Chief Spokesperson of the Commission	
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) 2431/FINAL; SEC(2022) 2431/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) 2431)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 26 September 2022.

3. APPROVAL OF THE MINUTES

The Commission held over approval of the minutes of its 2428th, 2429th and 2430th meetings of 7, 13 and 18 September 2022 for a later date.

4. INTERINSTITUTIONAL RELATIONS

RCC(2022) 165)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 23 September 2022 (RCC(2022) 165).

The Commission approved the lines proposed for the following points:

- **Amendment of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013, as regards restrictions to the access to Union waters (Regulation) – KARLESKIND report – 2021/0176 (COD)**

Line set out in SI(2022) 304.

- **Amendment of Regulation (EU) 2021/241 as regards REPowerEU chapters in recovery and resilience plans and amendment of Regulation (EU) 2021/1060, Regulation (EU) 2021/2115, Directive 2003/87/EC and Decision (EU) 2015/1814 (Regulation) – MUREŞAN, GARDIAZABAL RUBIAL & PÎSLARU report – 2022/0164 (COD)**

Line set out in SI(2022) 321/2.

- **Amendment of 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 as regards anchovy – 2022/0268 (NLE)**

Line set out in SI(2022) 313.

- **Draft reply to the Council's request under Article 241 of the Treaty on the Functioning of the European Union (TFEU) – Council Decision (EU) 2022/0212 of 6 September 2022 requesting the Commission to evaluate the effects and sustainability of the automatic salary update in a high inflation environment and to submit to it any appropriate proposals to alleviate the pressure for administrative expenditure**

Line set out in SI(2022) 314/2.

- **Oral question O-000023/2022 – Situation of Roma people living in settlements in the EU**

Line set out in SP(2022) 544/2.

- **‘Brno Declaration on Fostering a Global Ecosystem of Research Infrastructures’ – International Conference on Research Infrastructures (ICRI) (Brno, 19 to 21 October 2022) – Signature of a declaration by the Member States and the Commissioner for Innovation, Research, Culture, Education and Youth, on behalf of the Commission**

Line set out in SI(2022) 315.

The Commission took note of the following points:

- **European Health Union – Amendment of Regulation (EC) No 851/2004 establishing a European Centre for Disease Prevention and Control (Regulation) – KOPCIŃSKA report – 2020/0320 (COD)**

Compromise text in SP(2021) 536, further to note SI(2021) 376/2, which the Commission had already approved on 8 December 2021.

- **European Health Union – Serious cross-border threats to health and repeal of Decision No 1082/2013/EU (Regulation) – TRILLET-LENOIR report – 2020/0322 (COD)**

Compromise text in SP(2022) 537, further to note SI(2022) 248, which the Commission had already approved on 29 June 2022.

- **Amendment of Directive 2014/53/EU on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment (Directive) – AGIUS SALIBA report – 2021/0291 (COD)**

Compromise text in SP(2022) 538, further to note SI(2022) 207 already approved by the Commission on 14 June 2022 by written procedure.

- **Management, conservation and control measures applicable in the Indian Ocean Tuna Commission (IOTC) Area of Competence, and amendment of Council Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007 (Regulation) – MATO report – 2021/0058 (COD)**

Compromise text in SP(2022) 539, further to note SI(2022) 214, which the Commission had already approved on 22 June 2022.

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

Compromise text in SP(2022) 541, further to note SI(2022) 197 already approved by the Commission on 14 June 2022 by written procedure.

- **Statistics on agricultural input and output and repeal of Regulations (EC) No 1165/2008, (EC) No 543/2009, (EC) No 1185/2009 and Council Directive 96/16/EC (Regulation) – KOKKALIS report – 2021/0020 (COD)**

Compromise text in SP(2022) 542, further to note SI(2022) 142 already approved by the Commission on 14 June 2022 by written procedure.

- **Amendment of Annexes IV and V to Regulation (EU) 2019/1021 of the European Parliament and of the Council on persistent organic pollutants (Regulation) – HOJSÍK report – 2021/0340 (COD)**

Compromise text in SP(2022) 543, further to note SI(2022) 251, which the Commission had already approved on 29 June 2022.

- **Results of the European Parliament's September 2022 part-session**

Information set out in SP(2022) 508.

**5. COORDINATION OF EXTERNAL ACTION
(RCC(2022) 34)**

The Commission took note of the operational conclusions in RCC(2022) 34 of the meeting of the Group for External Coordination (EXCO) held on Wednesday 21 September 2022.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

**6.1. WRITTEN PROCEDURES APPROVED
(SEC(2022) 331 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 19 and 25 September 2022.

**6.2. EMPOWERMENT
(SEC(2022) 332 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 19 and 25 September 2022.

**6.3. DELEGATION / SUBDELEGATION OF POWERS
(SEC(2022) 333 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedures between 19 and 25 September 2022 archived in Decide.

**6.4. SIGNIFICANT WRITTEN PROCEDURES
(SEC(2022) 334 AND /2)**

The Commission took note of the significant written procedures for which the time limit expired between 26 and 30 September 2022 and of the finalisation written procedure initiated following the weekly meeting of Chefs de cabinet on Monday 26 September 2022.

7. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2022) 335 AND /2)

ADMINISTRATIVE MATTERS

(PERS(2022) 57 AND /2)

7.1. DG CLIMATE ACTION – INTERNAL PUBLICATION AT GRADE AD15/16 OF THE VACANCY NOTICE FOR THE DIRECTOR-GENERAL FUNCTION

(PERS(2022) 60)

On a proposal from Mr HAHN, in agreement with the PRESIDENT and Mr TIMMERMANS, the Commission decided to authorise the publication, under Article 29(1)(a)(i) and (iii) of the Staff Regulations, of the vacancy notice in PERS(2022) 60 for the post of Director-General of DG Climate Action.

This decision would take effect immediately.

7.2. DG CLIMATE ACTION – APPOINTMENT OF DIRECTOR AT GRADE AD14/15

(PERS(2021) 108 TO /4)

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director of the ‘Innovation for a Low-Carbon, Resilient Economy’ Directorate in DG Climate Action (PERS(2021) 108 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 2 and 30 June 2022 (PERS(2021) 108/3 and /4).

The Commission then examined the applicants' qualifications for the post. It also considered their ability, efficiency and conduct in the service. On a proposal from Mr HAHN, in agreement with the PRESIDENT and after consulting Mr TIMMERMANS, it then decided to appoint Mr Alexandre PAQUOT to the post.

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

7.3. DG CLIMATE ACTION – APPOINTMENT OF DIRECTOR AT GRADE AD14/15

(PERS(2021) 109 TO /4)

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director of the 'International Affairs and Climate Finance' Directorate in DG Climate Action (PERS(2021) 109 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 2 June and 7 July 2022 (PERS(2021) 109/3 and /4).

The Commission then examined the applicants' qualifications for the post. It also considered their ability, efficiency and conduct in the service. On a proposal from Mr HAHN, in agreement with the PRESIDENT and after consulting Mr TIMMERMANS, it then decided to appoint Ms Diana ACCONCIA to the post.

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

7.4. DG CLIMATE ACTION – APPOINTMENT OF DIRECTOR AT GRADE AD14/15

(PERS(2021) 110 TO /4)

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director of the ‘Adaptation and Resilience, Communication and Civil Society Relations’ Directorate in DG Climate Action (PERS(2021) 110 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 2 June and 7 July 2022 (PERS(2021) 110/3 and /4).

The Commission then examined the applicants’ qualifications for the post. It also considered their ability, efficiency and conduct in the service. On a proposal from Mr HAHN, in agreement with the PRESIDENT and after consulting Mr TIMMERMANS, it then decided to appoint Ms Laura Elina BARDRAM to the post.

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

7.5. DG FINANCIAL STABILITY, FINANCIAL SERVICES AND CAPITAL MARKETS UNION – LIST OF CANDIDATES FOR THE POST OF CHAIR OF THE SINGLE RESOLUTION BOARD (SRB) (PERS(2022) 58 TO /3)

The Commission took note of the procedure followed, as set out in point 4 of PERS(2022) 57, and, on a proposal from Mr HAHN, in agreement with the PRESIDENT and after consulting Ms McGUINNESS, decided:

- to endorse the list of two candidates, presented in alphabetical order, set out in point 4 of PERS(2022) 57, for the post of Chair of the Single Resolution Board, and to consider this list as the Commission proposal;
- to ask Ms McGUINNESS, the Member of the Commission responsible, to communicate this decision to the European Parliament and to inform the Council;

- to ask Ms McGUINNESS to present to the Commission in good time, following feedback from the European Parliament, the proposal for the appointment of the Chair of the Single Resolution Board, for transmission to the European Parliament for approval.

These decisions would take effect immediately.

**7.6. DG FINANCIAL STABILITY, FINANCIAL SERVICES AND CAPITAL MARKETS UNION – LIST OF CANDIDATES FOR THE POST OF MEMBER OF THE SINGLE RESOLUTION BOARD / DIRECTOR OF RESOLUTION PLANNING AND DECISIONS AT THE SINGLE RESOLUTION BOARD (SRB)
(PERS(2022) 59 TO /3)**

The Commission took note of the procedure followed, as set out in point 5 of PERS(2022) 57, and, on a proposal from Mr HAHN, in agreement with the PRESIDENT and after consulting Ms McGUINNESS, decided:

- to endorse the list of three candidates set out in alphabetical order in point 5 of PERS(2021) 57 for the post of Member of the Single Resolution Board / Director of Resolution Planning and Decisions, and to consider this list as the Commission's proposal;
- to ask Ms McGUINNESS, the Member of the Commission responsible, to communicate this decision to the European Parliament and to inform the Council;
- to ask Ms McGUINNESS to present to the Commission in good time, following feedback from the European Parliament, the proposal for the appointment of a Member of the Single Resolution Board / Director of Resolution Planning and Decisions, for transmission to the European Parliament for approval.

These decisions would take effect immediately.

7.7. DG TAXATION AND CUSTOMS UNION – EXTENSION OF A TEMPORARY PRINCIPAL ADVISER POST

On a proposal from Mr HAHN, in agreement with the PRESIDENT, and after consulting Mr GENTILONI, the Commission decided to approve the extension of the temporary post of Principal Adviser for Strategy and Economic Analysis Coordination, until the departure of the current jobholder.

This decision would take effect on 1 January 2023.

8. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON LIABILITY FOR DEFECTIVE PRODUCTS

(COM(2022) 495 AND /2; SWD(2022) 315; SWD(2022) 316; SWD(2022) 317; SEC(2022) 343; RCC(2022) 183)

9. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON ADAPTING NON-CONTRACTUAL CIVIL LIABILITY RULES TO ARTIFICIAL INTELLIGENCE (AI LIABILITY DIRECTIVE)

(COM(2022) 496 TO /3; SWD(2022) 318; SWD(2022) 319; SWD(2022) 320; SEC(2022) 344; RCC(2022) 183)

The PRESIDENT introduced the College's discussion of the proposals for Directives on liability for defective products and on non-contractual civil liability in the field of artificial intelligence, and asked the Members responsible to present them.

Ms VESTAGER said that the proposal on liability for defective products updated the Product Liability Directive currently in force, which dated from 1985, and adapted it to a modern, digital and circular economy. The proposal (i) extended the scope of the existing Directive, (ii) eased the burden of proof for consumers to allow them, if necessary, to claim damages when products containing artificial intelligence

were defective, and (iii) ensured that any product manufactured abroad corresponded to a business established in the EU which could be held liable for any defects and damage caused.

Ms JOUROVÁ said that the proposal on adapting non-contractual civil liability rules to artificial intelligence complemented the framework of the Product Liability Directive and took account of specific situations in which consumers could find themselves. The proposal was a targeted and proportionate measure, which would facilitate the recognition of damages and consumer redress while preserving legal certainty and the harmonisation of the internal market. Lastly, she considered that the approach taken was balanced as it ensured both consumer trust in using products containing artificial intelligence and research and innovation on the part of the businesses concerned.

Mr BRETON considered that the proposal for a Directive on liability for defective products would make it easier for injured parties to obtain damages from manufacturers of products containing artificial intelligence. He said that the revision of the 1985 Directive was necessary and that the proposed rules maintained the general approach while bringing it up to date.

The Directive concerned was a horizontal instrument covering all products which laid down a strict (no-fault) liability regime for manufacturers for defective products.

Mr BRETON then referred to four important changes compared to the current rules.

First, the proposal broadened the scope to include software, as it was important that the same liability rules should apply to digital-age products as to traditional products.

Second, the rules on circular economy business models were modernised, so that manufacturers who recycled products took responsibility.

Third, a more level playing field was established between manufacturers in the

European Union and those in third countries, ensuring that a consumer harmed by a product imported from a third country could apply to the manufacturer's representative in the European Union in order to obtain compensation.

Finally, the proposal made it easier for injured parties to plead their case before the courts and to obtain compensation, including by simplifying the burden of proof under strict conditions and removing arbitrary thresholds limiting compensation.

Mr REYNDERS pointed out that the proposal for a Directive on liability for artificial intelligence complemented other legislative acts previously adopted, in particular the 1985 Product Liability Directive and the 2021 Regulation harmonising the rules on artificial intelligence, which took account of the other products in the value chain.

In his view this was essentially a matter of consumer confidence, and very clear rules were also in the interest of the producer. Referring to the 'black box' risk, he considered it essential that consumers had access to fair compensation and redress for all types of damage and for all injured parties.

He noted that the proposal did not impose any new responsibilities or obligations and, as regards the causal link, he added that the proposal was proportionate in that the claimant could submit a presumption of causality, and only if that presumption was confirmed could the procedure then continue.

Mr REYNDERS added that the review clause would allow a useful and necessary discussion with the European Parliament in order to consider the possibility of additional rules in the future. Finally, he pointed out that the proposal had taken into account the results of the public consultation and that its final approach was very balanced.

The PRESIDENT concluded by recalling that the previous week, during an event held in the margins of the UN General Assembly, the European Union had been praised for adopting its Digital Services Act.

Following these presentations, the Commission:

- adopted the proposal for a Directive in COM(2022) 495/2 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 staff working document, the impact assessment, the summary thereof and the opinion of the Regulatory Scrutiny Board in SWD(2022) 315, SWD(2022) 316, SWD(2022) 317 and SEC(2022) 343, the contents of which were noted;
- adopted the proposal for a Directive in COM(2022) 496/3 for transmission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the national parliaments, together with the staff working document, the impact assessment, the summary thereof and the opinion of the Regulatory Scrutiny Board in SWD(2022) 318, SWD(2022) 319, SWD(2022) 320 and SEC(2022) 344, the contents of which were noted.

10. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS ON WORKING TOWARDS AN ASBESTOS-FREE FUTURE – A EUROPEAN APPROACH TO ADDRESSING THE HEALTH RISKS OF ASBESTOS (COM(2022) 488 AND /2; RCC(2022) 181)

11. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING DIRECTIVE 2009/148/EC ON THE PROTECTION OF WORKERS FROM THE RISKS RELATED TO EXPOSURE TO ASBESTOS AT WORK (COM(2022) 489 AND /2; SWD(2022) 310; SWD(2022) 311 AND /2; SWD(2022) 312; SEC(2022) 342; RCC(2022) 181)

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The PRESIDENT asked Mr DOMBROVSKIS and Mr SCHMIT to present the Commission's proposals to better protect people from asbestos and to ensure an asbestos-free future.

Mr DOMBROVSKIS explained that the Communication presented that day recapped existing asbestos policies and set out new measures to address the risks associated with asbestos. The proposal for a Directive amended the existing Directive on asbestos at work and aimed to lower the limit for occupational exposure to asbestos.

Although all forms of asbestos had been banned in the EU since 2005, the remaining health risks should not be underestimated. Indeed, as much as 78% of occupational cancers were still related to asbestos. He added that asbestos was still very present in older buildings where it posed a health threat, particularly when asbestos-containing materials were handled and fibres were therefore released.

Mr DOMBROVSKIS pointed out that the Renovation Wave initiative would improve living conditions and reduce energy bills, but would also increase the risks of exposure to asbestos. The Communication proposed a broad range of measures, grouped into four categories, to: (i) better support victims of asbestos-related diseases, (ii) better protect workers from asbestos, (iii) improve information on asbestos in buildings, and (iv) ensure safe disposal of asbestos.

He highlighted the two most important elements of these measures.

First, the importance of reducing the limit for occupational exposure to asbestos to a value ten times lower than the present value, based on the latest scientific and technological developments and following a thorough impact assessment and consultations with social partners and stakeholders.

Second, the Commission's commitment to present a legislative proposal on the screening and registration of asbestos in buildings, which was the main request

made in the legislative own-initiative report adopted by the European Parliament in October 2021.

Mr DOMBROVSKIS concluded by saying that this new proposal would be presented in 2023, as announced by the PRESIDENT in the letter of intent accompanying her State of the Union address. The proposal would introduce a framework for screening asbestos in buildings and set up national strategies for asbestos removal. It would also be based on a thorough evaluation of scientific evidence and would respect the principles of proportionality and subsidiarity.

Mr SCHMIT said he was alarmed by the fact that around 70 000 people lost their lives each year due to their exposure to asbestos. He explained that the effects of such exposure did not occur immediately, but often several years later, and stressed that exposure to asbestos was one of the causes of many cancers, especially in the working environment.

The European Parliament had drawn up a legislative own-initiative report on this subject and the current Commission had undertaken to follow up on such reports based on Article 225 of the Treaty on the Functioning of the European Union. He noted that the Commission was presenting its proposals on asbestos less than a year after the adoption of the European Parliament's report. These proposals also represented another step in the implementation of the Porto Social Summit Action Plan, which included a reference to Commission legislative proposals to further reduce workers' exposure to hazardous chemicals, including asbestos.

Mr SCHMIT welcomed the fact that the Commission could protect workers while speeding up the renovation of buildings as part of the European Green Deal. In his view, it was important to ensure that, during this process, millions of workers were not exposed to the risks posed by asbestos. That was why that day's proposals covered both the risks associated with the renovation of old buildings that still contained asbestos and those related to the management of waste from these works.

Following these presentations, the Commission:

- approved the Communication in COM(2022) 488/2 for transmission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, and, for information, to the national parliaments;
- adopted the proposal for a Directive in COM(2022) 489/2 for transmission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the national parliaments, together with the staff working document, the impact assessment, the summary thereof and the opinion of the Regulatory Scrutiny Board in SWD(2022) 310, SWD(2022) 311/2, SWD(2022) 312 and SEC(2022) 342, the contents of which were noted.

**12. PROPOSAL FOR A COUNCIL RECOMMENDATION ON AN ADEQUATE MINIMUM INCOME ENSURING ACTIVE INCLUSION
(COM(2022) 490 TO /3; SWD(2022) 313 AND /2; RCC(2022) 182)**

The PRESIDENT asked Mr DOMBROVSKIS and Mr SCHMIT to present to the College the proposal for a Council Recommendation on an adequate minimum income ensuring active inclusion.

Mr DOMBROVSKIS first noted that the proposal for a Council Recommendation replaced a 1992 Council Recommendation on the same subject. He explained that the proposal presented a comprehensive approach to ensuring that minimum income schemes were not only adequate, but also accompanied by incentives and sufficient support to enable beneficiaries to re-enter the labour market where possible.

The proposal called on Member States to modernise their minimum income schemes so that they could better contribute to the 2030 targets for poverty reduction and employment growth.

Mr DOMBROVSKIS stressed that a minimum income was a monetary benefit of last resort designed to enable households that lacked sufficient resources to bridge the gap to a certain level of income. In this context, he pointed out that all Member States guaranteed a minimum income and that it should not be confused with the universal basic income.

He also noted that the proposal was timely, given that minimum income and social safety nets had an important role to play in times of economic recession. In particular, since income measures could be targeted specifically at vulnerable groups, they were preferable to price measures, such as a reduction in the price of petrol, which affected a much larger proportion of the population, irrespective of income.

He added that the proposal encouraged Member States to ensure that their minimum income schemes were adequate by gradually converging them towards a set of relevant indicators, such as the national at-risk-of-poverty threshold or the value of a basket of basic goods and services, while preserving incentives to work and safeguarding public finances.

Finally, Mr DOMBROVSKIS stressed that the proposal also placed a lot of emphasis on the ‘active inclusion approach’, which meant that it should be accompanied by proportionate conditions and support for the reintegration of those concerned into society and the labour market.

Mr SCHMIT, in turn, explained that the aim of the proposal was to combat poverty and social exclusion by promoting adequate income support and effective access to enabling and essential services for people who lack sufficient resources and by fostering the integration into the labour market of those who can work, in accordance with principle 14 of the European Pillar of Social Rights.

He pointed out that Member States spend on average 0.42% of their budgets for this purpose, with each of the 27 Member States having a minimum income scheme. He stressed that the minimum income should not be dealt with on its own but should

rather be seen as part of a broader social inclusion policy. In this regard, he pointed out that the minimum income was also about enabling people who were able to return to work to live independently by bringing them back into the labour market through active employment, skills and housing policies and other measures.

Mr SCHMIT added that people would find it more difficult to re-enter the labour market if they were facing absolute poverty. He concluded by stating that, despite the EU's rather limited legal competences on minimum income, concrete progress would be possible if the proposal was implemented effectively.

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

- broad support for the proposal, which was described as essential and timely, covering both young people and the elderly and thus including the principle of intergenerational justice;
- the complexity of the current labour market, characterised by a high level of employment and possible future problems caused by the current energy crisis and the consequences of the COVID-19 pandemic, such as the risk of rising unemployment or the increased use of short-time work schemes;
- the risk of increasing the grey area of the labour market without increasing employment if the support provided to people did not lead to their reintegration into the labour market;
- appreciation of the particular attention given in the proposal to issues related to women, persons with disabilities and the Roma minority.

The PRESIDENT felt that the activation of labour policy was essential, stressing the gap between very low unemployment rates on the one hand and job vacancies, particularly for low-skilled workers, on the other.

She noted that it was necessary in this context to address the issue of the rigidity of employment contracts, which might discourage young people from entering the labour market. Finally, she believed that the inclusion of women, older people and skilled migrant workers had a role to play in helping address labour shortages in the Member States.

Following these presentations, the Commission approved the proposal for a Council Recommendation in COM(2022) 490/3 for transmission to the Council and, for information, to the European Parliament, the European Economic and Social Committee, the Committee of the Regions and the national parliaments, together with the staff working document distributed as SWD(2022) 313/2, the contents of which were noted.

13. OTHER BUSINESS

13.1. LATEST DEVELOPMENTS REGARDING RUSSIA'S WAR AGAINST UKRAINE

The PRESIDENT began by mentioning the recent military successes of Ukraine's forces, which had sent a positive signal not only to the Ukrainian people but also to the country's international supporters.

Referring to the speech given by the Russian President on Tuesday 20 September and especially the mobilisation he announced, she felt that the announcement confirmed for everyone that the aggression against Ukraine was indeed a war and not merely a 'special operation'. The inexperienced reinforcements would add little military value and, moreover, many young Russians were trying to dodge the draft by escaping to the EU or third countries.

She highlighted the serious threat posed by the sham referendums held in the areas of Ukraine under control of the Russian army, as they would allow the

Russian President to link the fact that they were a new part of Russian territory with the threat to use tactical nuclear weapons to protect an enlarged Russia.

The proposed eighth package of sanctions, which included new lists of targeted persons and entities and wide-ranging bans on Russian imports, was the direct consequence of the fake referendums. The import bans would cost the Russian economy EUR 7 billion in revenue. The list of products that could no longer be exported to Russia would also be extended to deprive the Kremlin's war machine of key technologies. Additional bans would target the supply of European services to Russia and the possibility of EU nationals sitting on the boards of Russian state-owned companies, in order to deprive Russia of European brain power and expertise. The new package of sanctions would also provide the legal basis for a price cap on Russian oil, the principle of which had been accepted by the G7 as regards third countries. Lastly, this eighth package would help strengthen efforts to stop circumvention of the sanctions.

The PRESIDENT then referred to the almost simultaneous underwater explosions that had hit the Nord Stream 1 and Nord Stream 2 gas pipelines in the Baltic Sea on Monday 26 September and had led to significant methane leaks. Given the complexity of such an operation conducted tens of metres below the surface, it was highly likely the explosions were carried out by a State actor. Investigations were continuing and it was more important than ever for the EU to take united and appropriate action. A joint declaration would be issued on behalf of the EU and all the Member States.

Given that the explosions could amount to an attack on critical infrastructure, she asked Ms JOHANSSON to take stock of the safeguards in place and the alert mechanisms for European critical infrastructure.

The PRESIDENT concluded by stressing the seriousness of the situation and

the fact that such acts, if proven, constituted further escalation of attacks against European interests.

Ms JOHANSSON pointed out that an agreement had been reached in a trilogue before the summer during the inter-institutional negotiations on the proposal for a Directive on the resilience of critical entities, adopted by the Commission in December 2020.

She then referred to the situation at the EU's borders given the influx of young Russians and said that the number of people entering the EU was close to normal, apart from a significant increase at the border with Finland, which she praised for the excellent preparation of the authorities concerned. The European agency FRONTEX had expressed its willingness to assist Finnish border guards where needed. Many young Russians had left for Georgia and Moldova and those arriving in Finland generally had valid tourist visas and then moved on to other Member States or third countries. Few of them had applied for asylum and many of those who did had no passport.

Ms JOHANSSON considered that the current situation posed undeniable security risks and Russian citizens caused specific problems that should be taken into account. Flights from Russia to the EU had been suspended, as had the visa facilitation agreement.

Lastly, the asylum procedure remained unchanged at Member State level, as it was a right granted to everyone, and there should therefore be no border closures at this stage. However, tourist visas were an issue since they were not a priority, and the EU could therefore tighten up its policy on such visas.

Mr BORRELL reported on contacts with the Danish authorities relating to the gas pipeline explosions. He indicated that the shutdown of the pipelines would not have an impact on EU supply, as they had no longer been operated before the explosions. In addition, a new gas pipeline, Baltic Pipe, connecting Poland and Norway via Denmark had been inaugurated on Tuesday

27 September.

However, the incident had called into question the security of the entire European energy supply network, including the gas pipelines between Norway and the EU. It was now vital to strengthen the network, with possible measures by Member States and their navies if it turned out that Russia was behind the attack on Nord Stream 1 and Nord Stream 2.

Mr BORRELL noted that the fact that Russians were fleeing their country clearly reflected growing frustration with the Russian government, which had also failed to properly equip and secure its army. The Russian army suffered from bad organisation, weak leadership and inadequate logistics resulting in poor combat capability.

Finally, referring to the new sanctions, he pointed out that they would target new persons and entities, with 36 additional listings, 1 024 persons targeted and 60 entities, and they would be extended to all Ukrainian territories currently occupied by Russia (Donetsk, Luhansk, Kherson and Zaporizhzhia).

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

- a reminder that the Russian President would use the impact of sanctions in the Member States to undermine support for Ukraine in the coming months and that it was important to make this clear to European public opinion;
- the feeling that, while the new sanctions package had been inevitable, accompanying measures needed to be taken in parallel, since many discussions were taking place in the Member States as to whether the sanctions adopted so far were necessary and effective;

- recognition that seizures of assets from Russian oligarchs in the Member States had been limited and national authorities had to be rallied to that end; a reminder also that the future adoption by the co-legislator of the Commission’s proposals on rules to freeze and confiscate the assets of criminals and oligarchs who infringed the restrictive measures would also help to achieve progress in this area;
- a reminder of the circumvention or non-application of sanctions by several countries in the EU’s neighbourhood and the importance of those countries complying with decisions on restrictive measures against Russia, especially in view of the difficult economic climate at present;
- the need for the EU to thus convey very clear messages internally and externally, and to spell out which sanctions had been imposed and accompanying measures taken;
- a reminder that the adoption of the forthcoming enlargement package would be an opportunity to remind certain partner countries of their obligations;
- the fact that the attack on the gas pipelines amounted to further escalation and that the new package of sanctions was therefore appropriate, as regards both listed persons and entities and economic sanctions;
- the possibility of identifying vessels which had been close to the gas pipelines in the Baltic Sea at the time of the explosions or shortly before, since any movement of a vessel on the surface or underwater was monitored very closely;
- questions, however, about the fact that responsibility had not yet been established, several hours after the incidents, and a reminder of the need for exercises to simulate various scenarios;

- the fact that this behaviour amounted to acts of war and that the EU would have to act in close coordination with the United States and, above all, avoid any internal division;
- the importance also of proceeding cautiously and of verifying precisely the legal status of the gas pipelines and the maritime zone in which they were located prior to any action or declaration;
- on the movements of people of Russian origin at the EU's borders, the observation that significant security concerns had to be realistically taken into account, for example possible infiltration into the Baltic countries and other Member States and even attacks on Ukrainian refugees and their property; the value in this regard of a common European approach that took into consideration the specific features of the Member States concerned;
- the view that mobilisation in Russia was a turning point in the war and that people fleeing Russia, most of whom belonged to the Russian middle class and were currently travelling as tourists, had to be treated fairly, without underestimating security concerns or granting a blank cheque;
- lastly, the feeling that a weakened Russian government was a real danger that the EU needed to factor into the economic and military dimensions of its policies.

The PRESIDENT referred to the recent study by Yale University, which demonstrated the considerable impact of EU sanctions on the Russian economy, for example in terms of the spare parts needed for oil refineries to operate properly. A Commission report on those matters was currently being drawn up.

The PRESIDENT said finally that she agreed there was a need for clarity and that it was necessary to face up to the reality of events in the Baltic Sea and

then take action at EU level in a swift and coordinated manner. She felt that the same applied to countries which allowed or encouraged the circumvention of European sanctions.

The Commission took note of this information.

**13.2. PREPARATIONS FOR THE EXTRAORDINARY MEETING OF THE
TRANSPORT, TELECOMMUNICATIONS AND ENERGY COUNCIL
(BRUSSELS, 30 SEPTEMBER 2022)**

The PRESIDENT referred to the current situation in the energy market, stressing that it was important for the Commission to be vocal about everything that the EU had accomplished in this area thus far. In the space of seven months, the EU had managed to diversify its supplies and reduce its dependence on Russian gas, as well as begin work on joint gas storage and joint purchasing of gas.

Moreover, there had been considerable political and economic pressure on the EU throughout this period and the cost for EU citizens had been high. She stressed that Europeans should feel justifiably proud of the firm stance taken by the EU on the Russian war in Ukraine. She then invited Mr TIMMERMANS and Ms SIMSON to present the preparatory work for the extraordinary Council of energy ministers being held on Friday 30 September.

Mr TIMMERMANS said that the extraordinary Council of energy ministers would address two issues, namely (i) finalising the Council Regulation on emergency market intervention, which the Commission had adopted on 14 September, and which consisted of a cap on ‘inframarginal’ producers’ revenue, a solidarity contribution and a framework to reduce electricity gas demand, and (ii) gas prices, on which topic the Commission would present a non-paper to serve as a basis for discussion.

With regard to the latter issue, he explained that the Commission would put forward the following points for discussion by the energy ministers: (i) a price cap on Russian pipeline gas imports, (ii) the launch of negotiations with other suppliers of pipeline gas, such as Norway, Azerbaijan and Algeria, to secure lower prices, (iii) the launch of negotiations with suppliers of liquefied natural gas (LNG), despite the fact that the EU had significantly less leverage with those suppliers, (iv) an alternative LNG price benchmark, which could be used for purchases on the spot market, and (v) proposals to strengthen the functioning of wholesale markets for fossil fuels.

However, Mr TIMMERMANS stressed the fact that, in order to be credible, the measures targeting gas prices needed to be part of a balanced policy mix that included a reduction in gas demand, purchasing solidarity and solutions to address supply bottlenecks.

Lastly, he spoke of the Commission's obligation to defend the interests of the entire EU, which meant, among other things, that the Commission would need to clearly spell out to the Member States the scale of intervention needed to cap the price of all gas transactions in the EU, as called for by some Member States. In his view, that would lead to public authorities taking the place of the market and would bring an end to price signals, something which certain Member States did not seem willing to do.

Ms SIMSON said that that Friday's meeting would be the second extraordinary session of the Energy Council in September, with two more to follow in October, and that the Commission was having to draft urgent documents in extreme circumstances, which was putting the departments concerned under considerable pressure.

The agenda of the upcoming meeting had been prepared by the Czech Presidency to discuss and approve the emergency Regulation on electricity prices on the basis of Article 122 of the Treaty on the Functioning of the

European Union, as proposed by the Commission. Although the Member States had welcomed these new measures, some were questioning whether the measures would suffice or whether further measures would be needed to address high prices in the gas market. On that matter, a group of 15 Ministers had sent a letter to the Commission calling for a cap on wholesale gas prices, but various ideas were circulating with regard to the type of cap to be proposed.

Ms SIMSON considered that, in the circumstances, the Commission's role was to indicate which measures would be appropriate and to point out the costs and consequences of each one. That was why the Commission had worked on a non-paper to frame the Council's discussion on gas pricing measures and to steer the Member States towards common ground for negotiation.

The aim of the non-paper was to explain what was driving gas prices and to set out what could be done to address those drivers and in what timeframe. For example, the main price index, the Title Transfer Facility (TTF), spiked whenever Russia attempted to manipulate the market by making statements or limiting supply. In her view, the Commission ought to propose measures to ensure that EU citizens did not have to pay more than the price dictated by economic fundamentals. Moreover, since it would not be possible to bring prices down to where they stood before the war in Ukraine, the 'crisis premium' that Europe was currently paying would have to cease.

Ms SIMSON then gave a brief overview of the different ways in which this aim could be achieved as set out in the non-paper, namely by means of (i) a price cap on imports of Russian pipeline gas, (ii) working agreements with alternative gas suppliers, (iii) the development of a less volatile benchmark to complement the TTF, and (iv) the removal of certain regulatory bottlenecks with regard to the operation of LNG terminals.

Lastly, Ms SIMSON explained that the non-paper remained cautious about the idea of a fixed cap on wholesale gas prices, since such a cap would require certain conditions to be in place which simply did not exist. For example, setting a fixed gas price cap would require a body to be set up at European level to distribute gas among the Member States and to reduce the amount distributed on a proportional basis if the cap resulted in a situation where supplies of gas to Europe were insufficient to meet demand.

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

- the broad support for the measures proposed in general, and for the step-by-step approach to introducing a gas price cap, starting with Russian gas;
- the fact that a small number of companies in the energy sector currently had very high profit margins, while the majority of households and businesses had extremely high energy bills, the consequences of which were unpredictable, and not only for the economy;
- the feeling that the energy market had not been working properly since Russia began to actively influence it;
- the observation that introducing a general cap on gas prices would be a difficult undertaking given the Member States' differing points of view on the matter, as well as the resulting need to find a joint European solution, regardless of which path was chosen, and the need to show solidarity;
- if a gas price cap were introduced, the importance of keeping it sufficiently high in order to prevent energy storage companies from going bankrupt, which could trigger a financial crisis;
- the need to stabilise the financial sector, for example using bank guarantees, as well as the need to gather appropriate data to assess

possible speculation on the energy market and monitor the fundamentals of that market;

- the intention to extend the State aid temporary crisis framework, on the understanding that State aid alone could not be the only way of addressing high energy prices, given the varying levels of financial capacity in the Member States;
- at the same time, the need to continue to invest in alternative sources of energy, as well as the possibility of harnessing the potential of European energy sources using innovative technology;
- the desire to create new incentives through subsidies under NextGenerationEU;
- the importance of continuing work for joint purchasing of gas, a step that should guarantee an almost immediate reduction in gas prices, according to studies;
- the importance of remembering the social dimension of the energy crisis.

In response to some of the points raised during the discussion, the PRESIDENT noted the general trend in energy prices, which were staying high over the long term, further reinforcing the need to renovate and use renewable energy.

With regard to measures to be taken in the short term, the PRESIDENT said that the price index had fallen following the release of the Commission's recent proposals, but that market speculation would continue. Given the context, she considered that a price cap on Russian pipeline gas was justified in view of the war in Ukraine, but that the cap should not apply to gas from other suppliers, such as Norway, Algeria and Azerbaijan. It was also

necessary to continue to negotiate with LNG suppliers and to work on an alternative benchmark index.

She noted that all of these measures would help improve the current situation but would not bring about a significant drop in prices. At the same time, she noted that, should an artificial price reduction be agreed upon, the difference in price would have to be borne by the EU, the Member States or consumers. Furthermore, a substantial fall in prices could also lead to an increase in gas consumption, at a time when the EU was trying to reduce the amount of gas it consumed.

The PRESIDENT wrapped up the discussion by stressing that, whatever happened, difficult choices would have to be made and the Commission would have a key role with regard to the EU's position on the preferred options.

The Commission took note of this information.

13.3. COMMISSION IMPLEMENTING DECISION ON THE REQUEST FOR REGISTRATION OF THE EUROPEAN CITIZENS' INITIATIVE ENTITLED 'FOCUS ON SPECIFIC LEARNING DISABILITIES ON EU LEVEL', PURSUANT TO REGULATION (EU) 2019/788 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL (C(2022) 6901)

Ms JOUROVÁ presented the proposal for a Decision being tabled for approval by the College concerning the registration of the European citizens' initiative entitled, in the authentic language (English), 'Focus on Specific Learning Disabilities on EU Level'.

The aim of the initiative was to facilitate access to education for people with specific learning disabilities (i.e., dyslexia, dyscalculia and dysgraphia).

Although the Member States addressed this issue at national level, the

organisers saw a need to adopt a more coordinated approach at EU level, for instance to avoid the students concerned being treated differently when they travel between Member States, which could hinder their right to free movement.

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

Noting that the request fell within the powers conferred on the Commission, she pointed out that if, within 12 months, the initiative received the minimum support required, in other words at least one million signatures from citizens from at least one quarter of the Member States, the Commission would then examine the substance of the proposal. The Commission would have a period of six months to submit its reasoned decision whether or not to take any action.

Following this presentation, the Commission confirmed that the citizens' initiative 'Focus on Specific Learning Disabilities on EU Level' met the requisite conditions for registration. It therefore decided, in accordance with C(2022) 6901, to inform the group of organisers and authorised Ms JOUROVÁ to sign the reply on behalf of the College, in the authentic language (English), to send it to the group of organisers of the initiative, and to publish it, for information, in the Official Journal of the European Union.

The Commission also agreed to transmit its decision, for information, to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the national parliaments.

The Commission took note of this information.

13.4. LATEST DEVELOPMENTS IN EXTERNAL RELATIONS

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

Mr BORRELL began by saying that, in his view, Russia was more and more isolated internationally. For example, in the United National Security Council, China and India had recently condemned Russia's reference to the possible use of nuclear weapons.

He also spoke of the need for the EU to show solidarity with non-EU countries, particularly in Africa and the Western Balkans, in the context of the global energy crisis.

Lastly, Mr BORRELL mentioned the worrying developments in Iran, where the governing regime was killing demonstrators and there was a regrettable absence of structured political opposition to organise protests against the authorities.

Regarding the need to support partner countries in the context of the global energy crisis, the PRESIDENT said that, at her request, the Western Balkan countries had been invited to the meeting next to the informal meeting of the energy ministers.

The Commission took note of this information.

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The meeting closed at 12.25.