



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2022) 2441 final

- English translation of the French version which is authentic -

Strasbourg, 14 February 2023

TEXTE EN

MINUTES

of the 2441st meeting of the Commission

held in Strasbourg

(Winston Churchill building)

on Tuesday 13 December 2022

(afternoon)

PV(2022) 2441 final

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Single sitting: Tuesday 13 December 2022 (afternoon)

The sitting opened at 13.08 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	Items 1 to 12 (in part)
Ms ŠUICA	Vice-President	
Mr SCHINAS	Vice-President	
Mr HAHN	Member	Items 11 (in part) and 12
Ms GABRIEL	Member	Item 12 (in part)
Mr SCHMIT	Member	Items 1 to 12 (in part)
Mr GENTILONI	Member	Items 1 to 12 (in part)
Mr WOJCIECHOWSKI	Member	
Mr BRETON	Member	
Ms FERREIRA	Member	
Ms KYRIAKIDES	Member	Items 1 to 11 (in part) and 12 (in part)
Ms DALLI	Member	
Ms JOHANSSON	Member	
Mr LENARČIČ	Member	
Ms VÁLEAN	Member	Items 1 to 12 (in part)
Ms McGUINNESS	Member	

The following sat in by videoconference:

Mr REYNDERS	Member	Item 12 (in part)
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Absent:

Mr DOMBROVSKIS	Executive Vice-President
Mr BORRELL i FONTELLES	High Representative / Vice-President
Mr ŠEFČOVIČ	Vice-President
Ms JOUROVÁ	Vice-President
Mr VÁRHELYI	Member
Ms URPILAINEN	Member
Ms SIMSON	Member
Mr SINKEVIČIUS	Member

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

Mr de MANUEL	Member of Mr DOMBROVSKIS's cabinet	
Ms ASTERIADI	Deputy Head of Cabinet to Mr ŠEFČOVIČ	
Mr HULICIUS	Member of Ms JOUROVÁ's cabinet	
Ms TUTS	Head of Cabinet to Mr REYNDEERS	Items 1 to 12 (in part)
Mr HORVÁTH	Expert in Mr VÁRHELYI's cabinet	
Mr SAVIGNAT	Member of Ms URPILAINEN's cabinet	
Mr VERTMANN	Member of Ms SIMSON's cabinet	
Mr ŠATŪNAS	Head of Cabinet to Mr SINKEVIČIUS	

The following also sat in:

Mr SEIBERT	Head of 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 cabinet

Ms HILI

Adviser in the PRESIDENT's cabinet

Ms BUKA

Secretariat-General

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

The PRESIDENT opened the meeting by highlighting that it was the last meeting of the College following an extremely difficult year, marked, in particular, by Russia's war of aggression against Ukraine and the energy crisis that had hit both Europe and the rest of the world.

She welcomed the recent decisions taken at the Council, in particular the agreement on financial support for Ukraine and the one on the minimum rate of taxation for the largest corporations.

She referred to the accusations of corruption levelled at members of the European Parliament and stressed that the Commission had a 'zero tolerance' policy with regard to this type of crime. She considered that citizens' trust in the European institutions was essential and that this trust would unfortunately be badly shaken by this scandal. She highlighted the efficiency of the Belgian authorities and, after reminding the College that the institutions did not have an independent ethics body, she stated that a proposal to that end would be made over the course of 2023.

The PRESIDENT concluded by saying that European competitiveness would be one of the major priorities of the Swedish Presidency of the Council in the upcoming first semester and she expressed the wish that the Commission contribute to it fully and actively.

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1. AGENDA

(OJ(2022) 2441/FINAL)

The Commission took note of that day's agenda.

**2. WEEKLY MEETING OF HEADS OF CABINET
(RCC(2022) 2441)**

The Commission considered the Secretary-General's report on the weekly meeting of Heads of Cabinet held on Monday 12 December 2022.

3. APPROVAL OF THE MINUTES

The Commission held over approval of the minutes of its 2438th, 2439th and 2440th meetings of 22 and 30 November and 7 December 2022 for a later date.

**4. INTERINSTITUTIONAL RELATIONS
(RCC(2022) 229)**

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held on Friday 9 December 2022 (RCC(2022) 229).

The Commission approved the lines proposed for the following points:

- **‘Fit for 55’ – Establishment of a carbon border adjustment mechanism (Regulation) – CHAHIM report – 2021/0214 (COD)**

Line set out in SI(2022) 486/3.

- **‘Fit for 55’ – Deployment of alternative fuels infrastructure, and repeal of Directive 2014/94/EU of the European Parliament and of the Council (Regulation) – ERTUG report – 2021/0223 (COD)**

Line set out in SI(2022) 488.

- **‘Fit for 55’ – Renewable energy**
 - **Amendment of Directive (EU) 2018/2001 of the European Parliament and of the Council, Regulation (EU) 2018/1999 of the European Parliament and of the Council and Directive 98/70/EC of the European Parliament and of the Council as regards the promotion of energy from renewable sources, and repeal of Council Directive (EU) 2015/652 (Directive) – PIEPER report – 2021/0218 (COD)**
 - **Amendment of Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources, Directive 2010/31/EU on the energy performance of buildings and Directive 2012/27/EU on energy efficiency (Directive) – PIEPER report – 2022/0160 (COD)**

Line set out in SI(2022) 489/2.

- **‘Fit for 55’ – Energy Efficiency (Directive – recast) – FUGLSANG report – 2021/0203 (COD)**

Line set out in SI(2022) 494.

- **‘Fit for 55’ – EU Emissions Trading System**
 - **Amendment of Directive 2003/87/EC establishing a system for greenhouse gas emission allowance trading within the Union, Decision (EU) 2015/1814 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading scheme, and Regulation (EU) 2015/757 (Directive) – LIESE report – 2021/0211 (COD)**
 - **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)**

Line set out in SI(2022) 495/3.

- **‘Fit for 55’ – Establishment of a Social Climate Fund (Regulation) – CASA & DE LANGE report – 2021/0206 (COD)**

Line set out in SI(2022) 503/2.

- **Amendment of Directive 2010/40/EU on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport (Directive) – PLUMB report – 2021/0419 (COD)**

Line set out in SI(2022) 487.

- **Amendment of Directive 2003/25/EC as regards the inclusion of improved stability requirements and its alignment with stability requirements defined by the International Maritime Organisation (Directive) – ZĪLE report – 2022/0036 (COD)**

Line set out in SI(2022) 507/2.

- **General product safety – Amendment of Regulation (EU) No 1025/2012 of the European Parliament and of the Council and repeal of Council Directive 87/357/EEC and Directive 2001/95/EC of the European Parliament and of the Council (Regulation) – CHARANZOVÁ report – 2021/0170 (COD)**

Line set out in SI(2022) 490/2.

- **Consumer credits (Directive) – KONEČNÁ report – 2021/0171 (COD)**

Line set out in SI(2022) 497.

- **Strengthening the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency**

and enforcement mechanisms (Directive) – RAFAELA & PETER-HANSEN report – 2021/0050 (COD)

Line set out in SI(2022) 498.

- **Establishment of a collaboration platform to support the functioning of Joint Investigation Teams and amendment of Regulation (EU) 2018/1726 (Regulation) – AZMANI report – 2021/0391 (COD)**

Line set out in SI(2022) 496.

- **Information exchange between law enforcement authorities of Member States, and repeal of Council Framework Decision 2006/960/JHA (Directive) – DÜPONT report – 2021/0411 (COD)**

Line set out in SI(2022) 500.

- **Making available on the Union market as well as export from the Union of certain commodities and products associated with deforestation and forest degradation and repeal of Regulation (EU) No 995/2010 (Regulation) – HANSEN report – 2021/0366 (COD)**

Line set out in SI(2022) 501.

- **Objection pursuant to Rule 112 (2) and (3) of the European Parliament's Rules of Procedure to the draft Commission Implementing Decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified soybean A5547-127 (ACS-GMØØ6-4), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council – 2022/2930 (RSP)**

Line set out in SP(2022) 697.

- **Objection pursuant to Rule 112 (2) and (3) of the European Parliament's Rules of Procedure to the draft Commission Implementing Regulation**

granting a Union authorisation for the biocidal product family ‘CMIT/MIT SOLVENT BASED’ in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council – 2022/2929 (RSP)

Line set out in SP(2022) 706/2.

- **Establishment of a market correction mechanism to protect citizens and the economy against excessively high prices (Council Regulation) – 2022/0393 (NLE)**

Line set out in SI(2022) 513.

- **Position to be taken on behalf of the European Union within the Partnership Council established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, as regards the adoption of a decision establishing a list of individuals who are willing and able to serve as members of an arbitration tribunal under the Agreement (Council Decision) – 2022/0366 (NLE)**

Line set out in SI(2022) 505.

- **Remedial measures notified by Hungary under Regulation (EU, Euratom) 2020/2092 for the protection of the Union budget (Communication from the Commission to the Council) – COM(2022) 687 final**

Line set out in SI(2022) 512/2.

- **Oral Question O-000048/2022 – Defending Democracy from Foreign Interference**

Line set out in SP(2022) 692.

- **Major interpellation – G-001001/2022 – Attacks on critical energy infrastructure**

Line set out in SP(2022) 715.

- **Joint common principles for enhanced consumer protection this winter**

Line set out in SPI(2022) 69/2.

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

- **Commission replies to the non-legislative resolutions adopted by the European Parliament at its part-sessions of October I and II 2022**

Line set out in SP(2022) 702/3.

The Commission took note of the following points:

- **‘Fit for 55’ – Aviation: amendment of Directive 2003/87/EC as regards the notification of offsetting in respect of a global market-based measure for aircraft operators based in the Union (CORSIA) (Decision) – GLAVAK report – 2021/0204 (COD)**

Compromise text in SP(2022) 701, further to note SI(2022) 472, which the Commission had already approved on 7 December 2022.

- **Methane emissions reduction in the energy sector and amendment of Regulation (EU) 2019/942 (Regulation) – PAULUS & SARDONE report – 2021/0423 (COD)**

Information set out in SI(2022) 502.

- **Amendment of Directive 2011/83/EU concerning financial services contracts concluded at a distance and repeal of Directive 2002/65/EC – KOKALARI report – 2022/0147 (COD)**

Information set out in SI(2022) 504.

– **Joint Declaration on legislative priorities for 2023 and 2024**

Information set out in SPI(2022) 57/2.

– **Meetings of the European Parliament Committee Chairs, the Swedish Presidency and the Commission Representatives**

Information set out in SPI(2022) 67 and SPI(2022) 68.

**5. COORDINATION OF EXTERNAL ACTION
(RCC(2022) 45)**

The Commission took note of the operational conclusions in RCC(2022) 45 of the meeting of the Group for External Coordination (EXCO) held on Wednesday 7 December 2022.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

**6.1. WRITTEN PROCEDURES APPROVED
(SEC(2022) 417 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 5 and 11 December 2022.

**6.2. EMPOWERMENT
(SEC(2022) 418 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 5 and 11 December 2022.

**6.3. DELEGATION / SUBDELEGATION OF POWERS
(SEC(2022) 419 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedures between 5 and 11 December 2022 archived in Decide.

**6.4. SIGNIFICANT WRITTEN PROCEDURES
(SEC(2022) 420 AND /2)**

The Commission took note of the significant written procedures for which the time limit expired between 12 and 22 December 2022 and of a finalisation written procedure.

**6.5. GRANTING OF AN AD HOC EMPOWERMENT TO THE MEMBER OF
THE COMMISSION WITH RESPONSIBILITY FOR FISHERIES TO
ADOPT PROTECTIVE MEASURES IN THE EVENT OF THE
COUNCIL'S FAILURE TO FIX FISHING OPPORTUNITIES FOR
CERTAIN FISH STOCKS, APPLICABLE IN UNION WATERS AND,
FOR UNION FISHING VESSELS, IN CERTAIN NON-UNION WATERS
(C(2022) 9353)**

The Commission decided to grant an ad hoc empowerment to the Member of the Commission with responsibility for fisheries to adopt, in agreement with the PRESIDENT, on behalf of the Commission and under its responsibility, certain decisions subject to the conditions laid down in Articles 2 to 7 of the Decision.

The Commission adopted the Decision in C(2022) 9353.

7. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2022) 421 TO /3)

ADMINISTRATIVE MATTERS

(PERS(2022) 90 TO /3)

**7.1. SECRETARIAT-GENERAL – APPOINTMENT OF A DIRECTOR /
HEAD OF THE PROTOCOL SERVICE AT GRADE AD14/15**

(PERS(2021) 101 TO /4)

The Commission had before it applications under Article 29(1)(a)(i) and (iii), Article 29(1)(b) and Article 29(2) of the Staff Regulations for the post of Director / Head of the Protocol Service in the Secretariat-General (PERS(2021) 101 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 13 May and 2 June 2022 (PERS(2021) 101/3 and /4).

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

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

**7.2. DG JUSTICE AND CONSUMERS – APPOINTMENT OF A DIRECTOR
AT GRADE AD14/15**

(PERS(2022) 91 TO /3)

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 'Criminal Justice' Directorate in DG Justice and Consumers (PERS(2022) 91).

It took note of the opinions of the Consultative Committee on Appointments of 27 October and 17 November 2022 (PERS(2022) 91/2 and /3).

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

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

7.3. DG MIGRATION AND HOME AFFAIRS – TRANSFER OF AN AD14 OFFICIAL UNDER ARTICLE 7 OF THE STAFF REGULATIONS

On a proposal from Mr HAHN, in agreement with the PRESIDENT, and after consulting Ms JOHANSSON and Mr WOJCIECHOWSKI, the Commission decided to transfer, in the interest of the service, under Article 7 of the Staff Regulations, Ms Silvia MICHELINI, an AD14 official and currently Director of the 'Sustainability' Directorate in DG Agriculture and Rural Development, to the post of Director of the 'Home Affairs Funds' Directorate in DG Migration and Home Affairs.

This decision would take effect on 1 February 2023.

**7.4. HEALTH EMERGENCY PREPAREDNESS AND RESPONSE AUTHORITY (HERA) – TERMINATION OF THE SELECTION PROCEDURE FOR A POST OF DIRECTOR AT GRADE AD14/15 AND TRANSFER OF AN AD15 OFFICIAL UNDER ARTICLE 7 OF THE STAFF REGULATIONS
(PERS(2022) 29)**

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

- to terminate with immediate effect the internal selection procedure (COM/2022/1429) for the post of Director / Deputy Head of the Health Emergency Preparedness and Response Authority (HERA), without making an appointment;

- to transfer, in the interest of the service, under Article 7 of the Staff Regulations, Mr Laurent MUSCHEL, an AD15 official and currently Director of the ‘Internal Security’ Directorate in DG Migration and Home Affairs.

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

7.5. DG HUMAN RESOURCES AND SECURITY – PROMOTION OF SENIOR OFFICIALS IN THE BASIC POSTS OF DIRECTOR-GENERAL OR DIRECTOR
(PERS(2022) 92)

Having noted the procedure followed, as set out in point 4 of PERS(2022) 90, and taken into account the opinion of the Consultative Committee on Promotion for Senior Officials (CC-PSO) (PERS(2022) 92), and having considered the comparative merits of the persons concerned with regard to the selection criteria set out in the ‘Principles and Procedures’, the Commission decided, on a proposal from Mr HAHN, in agreement with the PRESIDENT:

- to promote to grade AD16 the following officials, listed in alphabetical order, in the basic post of Director-General or equivalent, with effect from 1 January 2022: Mr John BERRIGAN, Mr Patrick CHILD, Ms Florika FINK-HOOIJER, Ms Marjeta JAGER, Mr Michael KOEHLER and Ms Charlina VITCHEVA;
- to promote to grade AD15 the following officials, listed in alphabetical order, in the basic post of Director or equivalent, with effect from 1 January 2022: Mr Pierre BASCOU, Mr Ernesto BIANCHI, Mr Fernando CASTILLO DE LA TORRE, Ms Anna COLUCCI, Ms Dora CORREIA, Mr Humberto DELGADO ROSA, Ms Priscila FERNANDEZ-CANADAS, Mr Enrico FORTI, Ms Manuela GELENG, Ms Merit-Ene ILJA, Mr Michael KARNITSCHNIG, Mr Henrik MORCH, Ms Jivka PETKOVA, Mr Rupert SCHLEGELMILCH, Mr Richard

SONNENSCHNEIN, Mr Piotr SZYMANSKI, Mr Reinder VAN DER ZEE,
Mr Klaus WIEDNER and Ms Beatriz YORDI AGUIRRE.

These decisions would take effect immediately.

**7.6. EUROPEAN ANTI-FRAUD OFFICE – AMENDMENT OF THE
EMPLOYMENT CONTRACT OF THE DIRECTOR-GENERAL**

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

- to amend Article 3 of the contract appointing Mr Ville ITÄLÄ to the post
of Director-General of the European Anti-Fraud Office (OLAF) as a
temporary agent under Article 2(a) of the Conditions of Employment of
Other Servants, as follows:

‘The staff member shall be appointed to a post at grade AD16. The staff
member shall be classified in grade AD16, step 1. Seniority in that grade
and at that step shall take effect on 16 December 2022.’;

- to authorise the Director-General of DG Human Resources and Security to
implement this decision by signing an amendment to the contract of
Mr Ville ITÄLÄ on behalf of the authority empowered to conclude
contracts of employment.

This decision would take effect on 16 December 2022.

**7.7. DG MOBILITY AND TRANSPORT – DEPUTISING FOR THE
DIRECTOR OF THE EUROPEAN CLIMATE, INFRASTRUCTURE AND
ENVIRONMENT EXECUTIVE AGENCY**

On a proposal from Mr HAHN, in agreement with the PRESIDENT and after
consulting Ms VĂLEAN, the Commission decided that, upon the retirement
of the current Director of the European Climate, Infrastructure and

Environment Executive Agency, Ms Maria De La Paloma ABA GARROTE, currently on secondment as Head of the 'Programme support and Resources' Department at the Agency, would deputise for the Director of the Agency until a new Director was in post.

This decision would take effect on 1 January 2023.

7.8. DG HUMAN RESOURCES AND SECURITY – LAUNCH OF THE ANNUAL APPRAISAL EXERCISE FOR SENIOR OFFICIALS

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

- to authorise the launch of the appraisal exercise for senior officials for the period from 1 January to 31 December 2022 in line with the rules applied during the previous exercise;
- that the reporting officer would be the jobholder's direct hierarchical superior, including in cases where the direct hierarchical superior was performing those duties in accordance with the rules on deputising, and to release the Director-General of DG Human Resources and Security from the obligation, laid down in point 5 of Annex III to the above-mentioned document, to draw up a list identifying the reporting officer for each jobholder;
- to ask reporting officers to include, during dialogues with jobholders, a discussion concerning the need for commitment to and a contribution towards achieving institutional objectives, in addition to the usual discussion on the specific objectives linked to their portfolio;
- to instruct reporting officers to include standard institutional objectives for 2023, in parallel to the specific objectives linked to the jobholders' portfolios that they had set for the jobholders under their responsibility;

- to authorise Commissioner HAHN to adopt the general objectives and standard evaluation criteria on a proposal from the Corporate Management Board;
- to ask DG Human Resources and Security to inform all those involved in the appraisal exercise for senior officials of the institution's standard objectives and evaluation criteria once they had been adopted.

These decisions would take effect immediately.

7.9. DG BUDGET – PRESENTATION OF HUMAN RESOURCES AND DECENTRALISED ADMINISTRATIVE APPROPRIATIONS FOR 2023 (SEC(2022) 447)

On a proposal from Mr HAHN, in agreement with the PRESIDENT, the Commission approved the Communication in SEC(2022) 447.

This decision would take effect on 1 January 2023.

7.10. DG COMPETITION – AMENDMENT OF ORGANISATION CHART AND INTERNAL PUBLICATION OF A DIRECTOR POST AT GRADE AD14/15 (SEC(2022) 448; PERS(2022) 93)

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

- to change the name of the post of 'Deputy Director-General – Antitrust' to 'Deputy Director-General – Antitrust and Regulation of Digital Platforms';
- to create a post of Chief Technology Officer at Director level (COMP.CTO), reporting directly to the Director-General of DG Competition;

- to create the Directorate COMP.J ‘Markets & Cases VI: Digital Platforms’, reporting to the Deputy Director-General and comprising three units;
- to transfer, in the interest of the service, under Article 7 of the Staff Regulations, Mr Alberto BACCHIEGA, currently Director of Directorate COMP.C ‘Markets & Cases II: Information, Communication and Media’ to head up the newly created Directorate COMP.J;
- to change the name of Directorate COMP.C from ‘Markets & Cases II: Information, Communication and Media’ to ‘Markets & Cases II: Information Technology, Communication and Media’;
- to authorise the internal publication, with immediate effect, of the vacancy notice set out in PERS(2022) 93 for the post of Director of Directorate COMP.C ‘Markets & Cases II: Information Technology, Communication and Media’, in accordance with Article 29(1)(a)(i) and (iii) of the Staff Regulations;
- to approve the new organisation chart set out in SEC(2022) 448.

Following this restructuring, the total number of Directorates would increase from 10 to 11, and the total number of units would increase from 48 to 50.

Unless indicated otherwise, these decisions would take effect on 16 January 2023.

7.11. DG FINANCIAL STABILITY, FINANCIAL SERVICES AND CAPITAL MARKETS UNION – AMENDMENT OF ORGANISATION CHART AND APPOINTMENT OF AN EU SANCTIONS ENVOY

The Commission took note of the information set out in point 2 of PERS(2022) 90/2 and, on a proposal from Mr HAHN, in agreement with the PRESIDENT, and after consulting Ms McGUINNESS, decided:

- to create a post of ‘EU Sanctions Envoy’ (ESE), attached to the Director-General of DG Financial Stability, Financial Services and Capital Markets Union, and reporting directly to Ms McGUINNESS;
- to appoint Mr David O’SULLIVAN to the post. This decision would take effect on a date to be determined, but not until Mr O’SULLIVAN had ceased all other gainful employment;
- to make the postholder a Special Adviser to the Commission and to pay him a fee for his work. The fee would be set by Mr HAHN, in agreement with the PRESIDENT, in accordance with Article 24(3) of Commission Decision C(2018) 4048 of 29 June 2018 on outside activities and assignments and on occupational activities after leaving the service, and, although the procedure set out in Article 123(2) of the Conditions of Employment of Other Servants applied, an unpaid contract could be concluded;
- to authorise the Member of the Commission responsible for the budget and administration to amend the Special Adviser’s contract in the event of duly justified 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 the contract on behalf of the authority empowered to conclude contracts of employment;
- that, in order to enforce EU sanctions, the EU Sanctions Envoy would be supported by the relevant Commission departments leading work on sanctions, in particular the Secretariat-General, the Legal Service, DG Financial Stability, Financial Services and Capital Markets Union and DG Trade. These departments would assist the EU Sanctions Envoy in his work, particularly with regard to preparing, conducting and following up missions;

- that he would also receive administrative and logistical support from DG Financial Stability, Financial Services and Capital Markets Union.

These decisions would take effect immediately.

**7.12. SECRETARIAT-GENERAL / REGULATORY SCRUTINY BOARD
(RSB) – DECISION OF THE PRESIDENT OF THE EUROPEAN
COMMISSION AMENDING THE COMPOSITION OF THE
REGULATORY SCRUTINY BOARD AND STRENGTHENING ITS
ROLE
(P(2022) 1)**

The PRESIDENT decided to amend the Decision in P(2020) 2 in order to:

- add two members to the Regulatory Scrutiny Board: one Commission official (internal member) and one temporary agent (external member). Consequently, the quorum needed to take decisions would rise from four to five members;
- specify that the Board would also scrutinise the competition-related aspects of all proposals submitted to it for review.

The Chair of the Board would ensure that, when examining each individual file, the Board gave sufficient consideration to the impact on competition in its analysis.

All other aspects of Decision P(2020) 2 remained unchanged.

The Commission took note of the PRESIDENT's Decision in P(2022) 1.

**7.13. SECRETARIAT-GENERAL – 2021 ANNUAL REPORT OF THE
CORPORATE MANAGEMENT BOARD
(SEC(2022) 439)**

The Commission took note of the 2021 annual report of the Corporate Management Board in SEC(2022) 439.

7.14. DG HUMAN RESOURCES AND SECURITY – LAUNCH OF THE 16TH PROMOTION EXERCISE FOR SENIOR OFFICIALS

The Commission took note of the decision of Mr HAHN, in agreement with the PRESIDENT, on the 16th promotion exercise, adopted in accordance with the provisions of the Commission Decision of 10 May 2007 on the system of promotion of senior officials (SEC(2007) 605).

Under that Decision, the 16th promotion exercise would be carried out on the basis of the following criteria: the promotion rate would be up to a maximum ceiling of 15% of eligible officials in senior management posts; the exercise would concern posts of Director or equivalent (at grade AD14 and AD15) and the posts of Director-General or equivalent (at grade AD15 and AD16), subject to the availability of sufficient budgetary appropriations; the eligibility conditions would have to be met at the latest by 1 January 2023, the date on which the promotions would come into effect.

- 8. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE COLLECTION AND TRANSFER OF ADVANCE PASSENGER INFORMATION (API) FOR ENHANCING AND FACILITATING EXTERNAL BORDER CONTROLS, AMENDING REGULATION (EU) 2019/817 AND REGULATION (EU) 2018/1726 AND REPEALING COUNCIL DIRECTIVE 2004/82/EC
(COM(2022) 729 AND /2; SWD(2022) 421; SWD(2022) 422 AND /2; SWD(2022) 423 AND /2; SEC(2022) 444; RCC(2022) 232)**

- 9. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE COLLECTION AND TRANSFER OF**

ADVANCE PASSENGER INFORMATION (API) FOR THE PREVENTION, DETECTION, INVESTIGATION AND PROSECUTION OF TERRORIST OFFENCES AND SERIOUS CRIME AND AMENDING REGULATION (EU) 2019/818

(COM(2022) 731 AND /2; SWD(2022) 422 AND /2; SWD(2022) 423 AND /2; SWD(2022) 424; SEC(2022) 444; RCC(2022) 232)

10. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING DIRECTIVE 2011/36/EU ON PREVENTING AND COMBATING TRAFFICKING IN HUMAN BEINGS AND PROTECTING ITS VICTIMS

(COM(2022) 732 AND /2; SWD(2022) 425; SWD(2022) 426; SWD(2022) 427; SWD(2022) 428; SEC(2022) 445; RCC(2022) 232)

The PRESIDENT asked Mr SCHINAS and Ms JOHANSSON to present the items of the Security Union package for adoption that day.

First of all, Mr SCHINAS welcomed the fact that the Commission had delivered on all the proposals announced in 2020 under the EU Security Union Strategy. The priority was now for these proposals to be adopted by the co-legislators before the 2024 European elections and to be implemented in full.

In this respect, he referred to the various instruments proposed by the Commission to bolster the EU's resilience, *inter alia* the Cyber Resilience Act, being negotiated with the co-legislators, the revised Directive on measures for a high common level of security of network and information systems (NIS2) and the Directive on the resilience of critical entities.

The fifth report on progress in implementing the Security Union Strategy was being adopted by written procedure on the same day. It was the first report which took full account of Russia's war of aggression against Ukraine and analysed the issues raised by Russian propaganda narratives, foreign interference and the influence of extremist and radical groups.

With regard to the Action Plan against trafficking in cultural goods, Mr SCHINAS emphasised that such trafficking was one of the most lucrative businesses for organised crime. He highlighted certain measures proposed to combat this illegal trade. He referred to the idea of establishing a sales register in all the Member States to enhance the traceability of such goods, noting the success such a measure had met with in the countries where it was already in force. He also talked about setting up national databases on thefts of cultural goods to limit the scope for market access for organised crime and the possibilities of benefiting from it. He stressed the necessity of cooperating with UNESCO given its expertise on the art market and the importance of dialogue with art dealers, who possessed the knowledge required to enhance transparency in the market.

Ms JOHANSSON argued that the trafficking of human beings was the most lucrative smuggling activity, since, unlike the sale of arms or drugs, services deriving from the exploitation of human beings could continue to generate money repeatedly.

Around 7 000 cases of human trafficking were recorded every year in the EU, of which the majority of victims were women and girls. That figure did not reflect the full scope of the problem as many cases went undetected and unrecorded. Nevertheless, she welcomed the efforts at early warning and the structures put into place by Europol, which had made it possible to avoid an increase in the number of victims of human trafficking linked to the arrival of 10 million Ukrainian refugees in the EU.

The vast majority of instances of human trafficking were for sexual purposes, followed in second place by labour exploitation (around 25% of the total). Around one quarter of victims were children, 85% of whom were European. She stressed the immensity of the challenge that putting an end to such heinous crimes represented.

Ms JOHANSSON explained that the proposal for a revised Directive consisted of a targeted update to the Directive on human trafficking, *inter alia* to take account of

the increase in cybercrime. The proposal also added forced marriage and illegal adoption to the list of offences, strengthened sanctions, officialised the victim protection stages and criminalised the use of services resulting from the exploitation of human beings.

Ms JOHANSSON then turned to the two proposals for Regulations that would replace the Advance Passenger Information Directive (API Directive) that dated from 2004. In addition to the advance passenger information (API) data collected by airlines on check-in and boarding, carriers also collected passenger name records (PNR) data when plane tickets were booked.

She explained that the collection of API data was still, for the time being, voluntary, but it was important for both air carriers and law enforcement authorities to know who was on a plane. The proposal would make the collection of API data mandatory not only for entry to and exit from the Schengen area, but also inside that area, thanks to the digitisation of passenger ID documents.

She said that the new system would not come into effect in full until 2028 to enable airlines to install the necessary IT systems.

Following these presentations, the Commission:

- adopted the proposal for a Regulation in COM(2022) 729/2, for transmission to the European Parliament, the Council, the European Economic and Social Committee, the European Data Protection Supervisor 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) 421, SWD(2022) 422/2, SWD(2022) 423/2 and SEC(2022) 444, the contents of which were noted;
- adopted the proposal for a Regulation in COM(2022) 731/2, for transmission to the European Parliament, the Council, the European Economic and Social Committee, the European Data Protection Supervisor 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) 424, SWD(2022) 422/2, SWD(2022) 423/2 and SEC(2022) 444, the contents of which were noted;

- agreed, on a proposal from the PRESIDENT, that the proposal for a Directive, currently set out in COM(2022) 732/2, would be formally adopted by finalisation written procedure, the deadline for which was set at 09.30 on Monday 19 December 2022 (PE/2022/9592).

**11. COMMISSION IMPLEMENTING DECISION APPROVING THE 2023-2027 CAP STRATEGIC PLAN OF THE NETHERLANDS FOR UNION SUPPORT FINANCED BY THE EUROPEAN AGRICULTURAL GUARANTEE FUND AND THE EUROPEAN AGRICULTURAL FUND FOR RURAL DEVELOPMENT
(C(2022) 9800)**

Mr WOJCIECHOWSKI pointed out that the Dutch strategic plan to be approved that day was the last in a series of 28 national strategic plans under the common agricultural policy (CAP). He thanked the Members of the College and their cabinets and departments for the excellent cooperation throughout the CAP reform process.

The Commission had been ambitious in approving strategic plans, but the legal framework of the reformed CAP limited the level of performance that could be expected from Member States.

The Dutch strategic plan fulfilled all the legal requirements for adoption, but it would not sufficiently address the challenges faced by Dutch agriculture that were the result of an intensive agricultural policy over recent decades.

The Netherlands was facing major challenges to comply with environmental and

climate requirements, for example with regard to high ammonia emissions from agriculture, high atmospheric nitrogen deposition in nature areas and pollution of surface water and ground water by nutrients and pesticides.

Having referred to the figures on pesticide and fertiliser use, greenhouse gas emissions, energy consumption, livestock density and nitrogen balance, he felt that Dutch farmers were usually the main victims of an intensive agricultural model that favoured business concentration at the expense of small farms.

Lastly, Mr WOJCIECHOWSKI stressed that the differences between Member States in this area were substantial and that European policies, such as the European Green Deal, should strive to take into account these diverse national situations.

The PRESIDENT considered that the differences between Member States were proof of the diversity of the EU, and signalled in that regard the importance of adjustment factors such as cohesion plans. She congratulated Mr WOJCIECHOWSKI and his departments for having made it possible to approve the 28 national strategic plans.

Following this presentation, the Commission adopted the Commission Implementing Decision in C(2022) 9800 for notification to the Netherlands.

12. OTHER BUSINESS

12.1. PREPARATION OF THE EUROPEAN COUNCIL AND LATEST DEVELOPMENTS CONCERNING THE US INFLATION REDUCTION ACT

The PRESIDENT briefly discussed the preparation of the European Council that would take place on 15 December. She welcomed the agreement recently reached at the Council on a legislative package that would allow the EU to provide EUR 18 billion of funding to Ukraine throughout 2023.

She noted that the Heads of State or Government would hold a strategic debate on transatlantic relations, particularly in the light of international geopolitical developments and the implementation of the US Inflation Reduction Act. This Act constituted a programme of massive investment in the green transition, but it had to be viewed within the wider context of the tensions on the energy markets and the price increases putting a strain on the EU's industrial competitiveness.

In particular, the PRESIDENT stressed the implications for EU raw material supply chains and the distortions of competition created by a programme providing quick and predictable grants to American industry. There was a risk that these distortions would become much bigger because energy prices were now much lower in the United States than in Europe.

She considered that the EU would have to produce a rapid response, since the US administration did not intend to amend the Inflation Reduction Act bill. There was, however, a window of opportunity for the EU's interests to be taken into account in the Act's implementation and rules of application.

The PRESIDENT stated that the EU was already doing a great deal to support its industry, in particular thanks to the State aid Temporary Crisis Framework, which still had room for adjustment.

The EU also had its own investment programme, REPowerEU, which provided for EUR 300 billion of investment and which would allow the EU to phase out fossil fuels and increase the share of renewables in its energy supply.

The PRESIDENT stressed, however, that there was an urgent need to put in place targeted measures to support industry, and gave the example of clean steel production, which risked being quickly relocated to the United States unless something was done to ensure a level playing field.

In the medium term, it was necessary to adopt an approach that went beyond the provisions of the REPowerEU Plan. This meant contemplating a revision of the Multiannual Financial Framework, which, in its current form, was no longer able to respond to the many challenges facing the EU.

For this reason, she wanted to propose creating a European Sovereignty Fund, which had to be equipped with the appropriate budget resources to be credible. Its design had to allow for direct, fast and flexible budgetary support to well-identified projects of interest for EU sovereignty across any sector of the EU's industrial spectrum.

At the PRESIDENT's request, Ms VESTAGER took stock of the adjustments envisaged for the State aid Temporary Crisis Framework. She explained that, in the short term, the changes that could be made to the rules of application of the US Inflation Reduction Act could prove very valuable in re-establishing a level playing field, but support measures for European industry would also be needed. In this connection, she fully supported the setting up of a Sovereignty Fund as part of a pan-European approach to promote sufficient investment to allow European industry access to clean energy at an affordable price in the medium and long term.

Commission departments were looking into what could be done in the short term, with scope for further adjustments to the State aid Temporary Crisis Framework to accelerate industry's transition towards green energy. The Commission was currently sounding out the Member States on the best ways to grant assistance for expediting the roll-out of renewables and decarbonising industry.

In this respect, it had to be made clear to the Member States that it was vital to act quickly to ensure that the investment did not run out or was not diverted towards other parts of the world.

Ms VESTAGER noted, however, that the State aid Temporary Crisis Framework and its successive adjustments could not be maintained indefinitely, as these adjustments involved transferring money from taxpayers to the shareholders of the subsidised companies. Even though the State aid Framework could be adjusted and a Sovereignty Fund established, the fact remained that the EU's competitiveness was still largely based on the proper functioning of the internal market, where barriers to trade still had to be removed.

Lastly, she pointed out that, if the EU were to opt for provisions similar to those laid down in the US Inflation Reduction Act, this would inevitably undermine international trade, with a knock-on effect on prospects for growth.

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

- the major concerns regarding the US Inflation Reduction Act voiced by European industry, which might be forced to reconsider its investments or relocate its production activities to remain competitive;
- the value of the consultations under way with the Member States to obtain the information and data needed to prepare new industrial support measures;
- the usefulness of a preliminary analysis of the contributions to this consultation, for input into the discussions among EU leaders at the European Council of 15 December;
- the importance of providing tailored assistance to the Member States that lacked the fiscal depth needed to support their industry and accelerate the roll-out of renewables;

- the scale of the support for investment in clean energy, given that the US investment programme was equivalent to 2.5% of US gross domestic product;
- in this context, the case for accelerating the distribution of grants through adjustments to the State aid Temporary Crisis Framework;
- the need, felt by some, for a prompt announcement that robust measures would be taken, especially concerning the creation of a Sovereignty Fund, in order to restore industry and investor confidence;
- the awareness that both the economy and society were undergoing profound changes, which required strong measures and a joint approach rather than individual measures taken at the level of each Member State;
- the importance of considering a new effort commensurate with the challenges to be addressed and comparable to that already provided under NextGenerationEU, in particular to ensure a level playing field within the single market;
- the value of launching a comprehensive, long-term reflection process to consider the investment choices that would need to be made in the years to come;
- the protectionist nature of the measures taken across the Atlantic, which were intended to be permanent, whereas the EU was considering only ad hoc, temporary measures;
- the major impact of energy prices on EU competitiveness and the need to prioritise action on price volatility, in order to stabilise prices at an acceptable level in the long term;

- the opportunity for some Member States to allocate a percentage of the budgets available under the national recovery and resilience plans to grants, without calling into question the planned reforms.

In conclusion, the PRESIDENT stated that, while there was a risk that the EU would continue to have energy supply issues in the next few years, a new energy landscape, based on a clean energy mix, was in the process of being designed. At a time when the economic and geopolitical context was a real cause for concern, it was imperative that the EU was able to restore the long-term confidence of the bloc's economic stakeholders and citizens.

The Commission took note of this information.

12.2. *POLAND'S RECOVERY AND RESILIENCE PLAN*

Mr REYNDERS briefed the College on the state of play in the implementation of the justice and rule-of-law milestones in Poland's Recovery and Resilience Plan.

The Commission took note of this information.

12.3. *DEVELOPMENTS REGARDING AGREEMENTS ON COVID-19 VACCINES*

Ms KYRIAKIDES then took the floor to report to the College on developments regarding the agreements on the COVID-19 vaccines.

She underlined the success of the EU Vaccines Strategy, which had helped ensure a very different health situation today compared with the previous year. Although the pandemic was not over, it was no longer a major threat to the EU.

Referring to the previous week's Employment, Social Policy, Health and Consumer Affairs (EPSCO) Council meeting, Ms KYRIAKIDES noted that

the lower-than-expected vaccination coverage rate made it difficult for Health Ministers to justify the purchase of vaccines that would not be used. The Member States had unanimously requested that the main COVID-19 vaccine contracts should be renegotiated, with some even requesting that they be cancelled.

In particular, Member States wanted to see an overall reduction in the volume of vaccines, and called for current deliveries to be paused. The Commission's position so far had been to discourage the unilateral changing of contractual terms that had already been approved. However, it was true that the mandate for the EU Vaccines Strategy ultimately came from the Member States.

The Commission, through the Health Emergency Preparedness and Response Authority (HERA), had been working with Member States and vaccine manufacturers for several months in the framework of the Vaccine Steering Board, the aim being to bring the contracts into line with the current situation. However, the vaccine manufacturers were not willing to reduce the number of doses at the present time.

Ms KYRIAKIDES added that the Commission was continuing its work in the context of the Vaccine Steering Board. The companies had informally indicated that, in order to facilitate the negotiations, the vaccine doses initially scheduled for delivery in 2022 would be gradually integrated into deliveries in early 2023. The Health Ministers had also welcomed the Commission's proposal to organise a Vaccine Steering Board meeting at ministerial level in early 2023, attended by company representatives, so that Member States could express their grievances and reach an agreement with them.

She concluded by stressing the importance of a united European front on the issue as a unilateral approach by the Member States would undermine the EU's negotiating power. It was important to guard against the possibility of a new wave of the pandemic in the coming months.

The Commission took note of this information.

12.4. UN RESOLUTION ESTABLISHING HUMANITARIAN CARVE-OUT ACROSS UN SANCTIONS REGIMES

Mr LENARČIČ informed the College that the United Nations Security Council had adopted a Resolution on 9 December providing for a humanitarian exemption from its sanctions regimes. In adopting this Resolution, the Security Council had decided that the disbursement of funds and the provision of goods and services necessary for the delivery of humanitarian aid were allowed and did not constitute a violation of the asset-freezing measures it had imposed.

The Resolution stated that this exemption was intended in particular to address the essential needs of the UN and its bodies, international organisations, humanitarian organisations with observer status in the General Assembly and bilaterally or multilaterally funded non-governmental organisations that were taking part in UN humanitarian response plans.

The EU would therefore have to adjust its own sanctions regime in order to bring its legislation into line with the provisions laid down in this Resolution. The Commission was drafting a legislative measure to that effect.

Ms McGUINNESS confirmed the work being carried out by the Commission and explained that the aim was to review 40 sanctions regimes in order to adapt UN and mixed regimes.

The Commission took note of this information.

12.5. MEASURES TO PROTECT THE EU BUDGET AGAINST BREACHES OF THE RULE OF LAW IN HUNGARY

Mr HAHN reported on the agreement reached at the Economic and Financial Affairs Council of 6 December on the Commission proposal for a Council

Implementing Decision on measures for the protection of the Union budget against breaches of the rule of law in Hungary (conditionality mechanism). He thanked all the Members of the College for their cooperation and support since the beginning of the process which had enabled the Commission to stand firm on this matter.

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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 14.57.