



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2023) 2458 final

- English translation of the French version which is authentic -

Brussels, 28 June 2023

TEXTE EN

MINUTES

of the 2458th meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 31 May 2023

(morning)

PV(2023) 2458 final

- English translation of the French version which is authentic -

EN

TABLE OF CONTENTS

Attendance list	4-5
1. AGENDAS (OJ(2023) 2458/FINAL; SEC(2023) 2458/FINAL)	6
2. WEEKLY MEETING OF HEADS OF CABINET (RCC(2023) 2458).....	6
3. APPROVAL OF THE MINUTES	6
4. INTERINSTITUTIONAL RELATIONS (RCC(2023) 113)	6
5. COORDINATION OF EXTERNAL ACTION (RCC(2023) 22).....	10
6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS.....	10
6.1. WRITTEN PROCEDURES APPROVED (SEC(2023) 186 ET SEQ.).....	10
6.2. EMPOWERMENT (SEC(2023) 187 ET SEQ.)	10
6.3. DELEGATION / SUBDELEGATION OF POWERS (SEC(2023) 188 ET SEQ.)	10
6.4. SIGNIFICANT WRITTEN PROCEDURES (SEC(2023) 189 AND /2)	10
7. ADMINISTRATIVE AND BUDGETARY MATTERS (SEC(2023) 190 AND /2).....	11
7.1. INTERNAL AUDIT SERVICE – APPOINTMENT OF A DIRECTOR-GENERAL AT GRADE AD15/16 (PERS(2022) 88 TO /4)	11
7.2. INTERNAL AUDIT SERVICE – TEMPORARY APPOINTMENT OF A DIRECTOR- GENERAL AT GRADE AD15/16.....	12
7.3. DG TRANSLATION – AUTHORISATION FOR THE INTERNAL PUBLICATION OF THE VACANCY NOTICE FOR THE POST OF DIRECTOR-GENERAL AT GRADE AD15/16 (PERS(2023) 53)	12
7.4. DG HUMAN RESOURCES AND SECURITY – APPOINTMENT OF A SPECIAL ADVISER	13

8. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON JURISDICTION, APPLICABLE LAW, RECOGNITION AND ENFORCEMENT OF MEASURES AND COOPERATION IN MATTERS RELATING TO THE PROTECTION OF ADULTS (COM(2023) 280; SWD(2023) 154; SWD(2023) 155; SWD(2023) 156; SEC(2023) 208; RCC(2023) 116)	13
9. PROPOSAL FOR A COUNCIL DECISION AUTHORISING MEMBER STATES TO BECOME OR REMAIN PARTIES, IN THE INTEREST OF THE EUROPEAN UNION, TO THE CONVENTION OF 13 JANUARY 2000 ON THE INTERNATIONAL PROTECTION OF ADULTS (COM(2023) 281; RCC(2023) 116).....	14
10. OTHER BUSINESS.....	17
10.1. COMMISSION IMPLEMENTING DECISION ON THE REQUEST FOR REGISTRATION, PURSUANT TO REGULATION (EU) 2019/788 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, OF THE EUROPEAN CITIZENS' INITIATIVE ENTITLED 'EFFECTIVE IMPLEMENTATION OF THE CONCEPT OF JUDICIAL PRECEDENT IN EU COUNTRIES' (C(2023) 3632)	17
10.2. RULE OF LAW IN POLAND.....	19

Single sitting: Wednesday 31 May 2023 (morning)

The sitting opened at 9.06 with Mr TIMMERMANS in the chair.

Present:

Mr TIMMERMANS	Executive Vice-President	
Mr ŠEFČOVIČ	Vice-President	Items 7 to 10
Ms JOUROVÁ	Vice-President	
Ms ŠUICA	Vice-President	
Mr SCHINAS	Vice-President	
Mr HAHN	Member	
Mr SCHMIT	Member	Items 8 to 10
Mr GENTILONI	Member	
Mr WOJCIECHOWSKI	Member	Items 7 to 10
Ms FERREIRA	Member	
Ms KYRIAKIDES	Member	
Mr REYNDERS	Member	
Ms DALLI	Member	
Ms JOHANSSON	Member	
Mr LENARČIČ	Member	
Ms VÁLEAN	Member	Items 8 to 10
Mr VÁRHELYI	Member	
Mr SINKEVIČIUS	Member	
Ms McGUINNESS	Member	

Absent:

Ms von der LEYEN	President
Ms VESTAGER	Executive Vice-President
Mr DOMBROVSKIS	Executive Vice-President
Mr BORRELL i FONTELLES	High Representative / Vice-President
Mr BRETON	Member
Ms URPILAINEN	Member
Ms SIMSON	Member

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

Ms CANENBLEY	Deputy Head of Cabinet to Ms VESTAGER
Ms VEGNERE	Deputy Head of Cabinet to Mr DOMBROVSKIS
Mr BRIENS	Deputy Head of Cabinet to Mr BORRELL
Mr LAHTI	Head of Cabinet to Ms URPILAINEN
Mr KADARIK	Deputy Head of Cabinet to Ms SIMSON

The following also sat in:

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 ALLOUIS-LE LOSTEC	Head of Unit in the Secretariat-General
Mr VALERO	Secretariat-General

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

1. AGENDAS

(OJ(2023) 2458/FINAL; SEC(2023) 2458/FINAL)

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

2. WEEKLY MEETING OF HEADS OF CABINET

(RCC(2023) 2458)

The Commission considered the Secretary-General's report on the weekly meeting of Heads of Cabinet held on Tuesday 30 May 2023.

3. APPROVAL OF THE MINUTES

The Commission decided to hold over approval of the minutes of its 2454th, 2455th, 2456th and 2457th meetings of 26 April and 3, 17 and 24 May 2023 until a later meeting.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2023) 113)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held by videoconference on Friday 26 May 2023 (RCC(2023) 113).

The Commission approved the lines proposed for the following points:

- **Protection of the Union and its Member States from economic coercion by third countries (Regulation) – LANGE report – 2021/0406 (COD)**

Line set out in SI(2023) 169.

- **Measures for a high common level of cybersecurity at the institutions, bodies, offices and agencies of the Union (Regulation) – VIRKKUNEN report – 2022/0085 (COD)**

Line set out in SI(2023) 170.

- **Amendment of Council Regulation (EC) N° 1224/2009, and amendment of Council Regulations (EC) N° 768/2005, (EC) N° 1967/2006, (EC) N° 1005/2008, and Regulation (EU) N° 2016/1139 of the European Parliament and of the Council as regards fisheries control (Regulation) – AGUILERA report – 2018/0193 (COD)**

Line set out in SI(2023) 145.

- **Transparency and targeting of political advertising (Regulation) – GOZI report – 2021/0381 (COD)**

Line set out in SI(2023) 173.

- **Amendment of Council Decision 2005/671/JHA, as regards its alignment with Union rules on the protection of personal data (Directive) – JAKI report – 2021/0399 (COD)**

Line set out in SI(2023) 187.

- **Oral question O-000020/2023 – Strengthening social dialogue in the European Union**

Line set out in SP(2023) 278.

- **Oral question O-000027/2023 – Antimicrobial resistance**

Line set out in SP(2023) 279.

- **Oral question 000018/2023 – Election integrity and resilience build-up in the run-up to the 2024 European elections**

Line set out in SP(2023) 280.

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

- **Replies to the legislative resolutions (and list of non-legislative resolutions without formal reply) adopted by the European Parliament at its February II and May I 2023 part-session**

Line set out in SP(2023) 273/2.

The Commission approved the line proposed for the following point, for transmission to the Committee of the Regions:

- **Follow-up to opinions of the Committee of the Regions – Plenary session of February 2023**

Line set out in SR(2023) 11/2.

The Commission took note of the following points:

- **Corporate Sustainability Due Diligence and amendment of Directive (EU) 2019/1937 (Directive) – WOLTERS report – 2022/0051 (COD)**

Information set out in SP(2023) 276.

- **European Union geographical indications for wine, spirit drinks and agricultural products, and quality schemes for agricultural products, amendment of Regulations (EU) N° 1308/2013, (EU) 2017/1001 and (EU) 2019/787 and repeal of Regulation (EU) N° 1151/2012 (Regulation) – DE CASTRO report – 2022/0089 (COD)**

Information set out in SP(2023) 277.

- **Fees and charges payable to the European Medicines Agency, amendment of Regulation (EU) 2017/745 of the European Parliament and of the Council and repeal of Council Regulation (EC) N° 297/95 and Regulation (EU) 658/2014 of the European Parliament and of the Council (Regulation) – BUŞOI report – 2022/0417 (COD)**

Information set out in SI(2023) 176.

- **Binding standards for equality bodies:**
 - **Standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation, and deletion of Article 20 of Directive 2006/54/EC and Article 11 of Directive 2010/41/EU (Directive) – 2022/0400 (COD)**
 - **Standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in the field of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services, and deletion of Article 13 of Directive 2000/43/EC and Article 12 of Directive 2004/113/EC (Council Directive) – 2022/0401 (APP)**

Information set out in SI(2023) 174.

- **Amendment of Council Directive 98/24/EC and Directive 2004/37/EC of the European Parliament and of the Council as regards the limit values for lead and its inorganic compounds and diisocyanates (Directive) – VILLUMSEN report – 2023/0033 (COD)**

Information set out in SI(2023) 182/2.

**5. COORDINATION OF EXTERNAL ACTION
(RCC(2023) 22)**

The Commission took note of the operational conclusions in RCC(2023) 22 of the meeting of the Group for External Coordination (EXCO) held on Wednesday 24 May 2023.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

**6.1. WRITTEN PROCEDURES APPROVED
(SEC(2023) 186 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 22 and 29 May 2023.

**6.2. EMPOWERMENT
(SEC(2023) 187 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 22 and 29 May 2023.

**6.3. DELEGATION / SUBDELEGATION OF POWERS
(SEC(2023) 188 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedures between 22 and 29 May 2023 archived in Decide.

**6.4. SIGNIFICANT WRITTEN PROCEDURES
(SEC(2023) 189 AND /2)**

The Commission took note of the significant written procedures for which the time limit expired between 30 May and 2 June 2023 and of a finalisation written procedure.

7. ADMINISTRATIVE AND BUDGETARY MATTERS

(SEC(2023) 190 AND /2)

ADMINISTRATIVE MATTERS

(PERS(2023) 52 AND /2)

During the meeting, Mr HAHN presented an additional proposal for an administrative decision, which was tabled directly to the College for approval.

He stated that it was proposed to appoint Ms Agnieszka KAŻMIERCZAK, currently a Director in DG Energy and responsible for the Euratom Supply Agency (ESA), to the post of Director-General of the Internal Audit Service (IAS).

Mr HAHN highlighted the great skills, outstanding career and recognised expertise of Ms KAŻMIERCZAK, which would be valuable assets in her new post. He also paid tribute to her predecessor, Mr Manfred KRAFF, who was retiring following a distinguished career at the Commission and the Court of Auditors.

Mr TIMMERMANS also highlighted Mr KRAFF's professional qualities, as well as his very humane management of the staff of the Internal Audit Service. He considered that his experience at the Court of Auditors had greatly contributed to strengthening cooperation between the two institutions over the past years.

7.1. INTERNAL AUDIT SERVICE – APPOINTMENT OF A DIRECTOR-GENERAL AT GRADE AD15/16

(PERS(2022) 88 TO /4)

The Commission had before it the list of applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Director-General of the Internal Audit Service (PERS(2022) 88 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 6 and 10 February 2023 (PERS(2022) 88/3 and /4).

The Commission proceeded to compare 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 Ms Agnieszka KAŻMIERCZAK to the post.

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

7.2. INTERNAL AUDIT SERVICE – TEMPORARY APPOINTMENT OF A DIRECTOR-GENERAL AT GRADE AD15/16

Before the Director-General appointed that day took office, and in accordance with the deputising rules set out in Article 24 of the Rules of Procedure of the Commission, the Commission decided that Ms Cristiana GIACOBBO, currently Director of the 'Audit in Commission, Executive Agencies, EU Agencies and other autonomous bodies III, Resources' Directorate in the Internal Audit Service would ensure a smooth transition as acting Director-General of the Internal Audit Service.

The decision would take effect on 1 June 2023.

7.3. DG TRANSLATION – AUTHORISATION FOR THE INTERNAL PUBLICATION OF THE VACANCY NOTICE FOR THE POST OF DIRECTOR-GENERAL AT GRADE AD15/16 (PERS(2023) 53)

On a proposal from Mr HAHN, in agreement with the PRESIDENT, the Commission decided to authorise the internal publication, with immediate effect, at grade AD15/16 of the vacancy notice set out in PERS(2023) 53 for

the post of Director-General of DG Translation, in accordance with Article 29(1)(a)(i) and (iii) of the Staff Regulations.

This decision would take effect immediately.

7.4. DG HUMAN RESOURCES AND SECURITY – APPOINTMENT OF A SPECIAL ADVISER

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

- to appoint Mr Lars FRØLUND as a Special Adviser to Ms VESTAGER;
- to authorise Mr HAHN, the Member of the Commission responsible for the budget and human resources, by derogation from point 6(2) of Commission Decision C(2007) 6655, to amend Mr Lars FRØLUND's contract in the event of duly justified and urgent needs, subject to the availability of sufficient budgetary appropriations;
- to authorise the Director-General of DG Human Resources and Security to implement this decision by signing the contract on behalf of the authority empowered to conclude contracts of employment.

These decisions would take effect immediately.

8. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON JURISDICTION, APPLICABLE LAW, RECOGNITION AND ENFORCEMENT OF MEASURES AND COOPERATION IN MATTERS RELATING TO THE PROTECTION OF ADULTS

(COM(2023) 280; SWD(2023) 154; SWD(2023) 155; SWD(2023) 156; SEC(2023) 208; RCC(2023) 116)

9. PROPOSAL FOR A COUNCIL DECISION AUTHORISING MEMBER STATES TO BECOME OR REMAIN PARTIES, IN THE INTEREST OF THE EUROPEAN UNION, TO THE CONVENTION OF 13 JANUARY 2000 ON THE INTERNATIONAL PROTECTION OF ADULTS (COM(2023) 281; RCC(2023) 116)

At the invitation of Mr TIMMERMANS, Ms JOUROVÁ and Mr REYNDERS presented the package of measures proposed to improve cross-border protection for vulnerable adults.

Ms JOUROVÁ began by saying that the Commission had recently adopted a proposal on the digitalisation of company law to ease life for businesses, while the package being presented that day was intended to make daily life easier for individuals. Specifically, the aim was to safeguard the rights of adults who needed protection or support in cross-border situations.

Given the ageing of the population and the growing number of persons with disabilities, more and more vulnerable adults were not in a position to secure the protection of their rights. They were unable to protect their interests by reason of an impairment or insufficiency of their personal faculties, such as in the case of Alzheimer's disease.

While the authorities could put in place certain protective measures and appoint legal representatives, vulnerable adults often faced difficulties when it came to such things as managing assets in another country, or accessing medical care abroad, on account of the complex and sometimes conflicting rules of Member States, which could result in legal uncertainty and lengthy proceedings.

The package had three key objectives, namely (i) to protect fundamental rights, access to justice, equality, the right to be heard, the right to property and the right to free movement for the persons concerned; (ii) to strengthen legal certainty and predictability in cross-border situations; and (iii) to improve the effectiveness and speed of cross-border proceedings concerning the protection of adults.

Mr REYNDERS then presented the proposed measures in more detail. He stressed that the package was a priority both for the Swedish Presidency of the Council and for a number of political groups in the European Parliament. In this context, he hoped that the interinstitutional negotiations could be concluded before the end of the current Commission's term of office.

The package comprised two pieces of legislation: a proposal for a Council Decision and a proposal for a Regulation. The proposed measures would establish uniform rules in cross-border cases both among EU Member States and beyond Europe.

First, the proposal for a Council Decision would provide an incentive for Member States to remain or become parties to the Hague Convention of 2000 on the protection of adults. This Convention provided a uniform legal framework that was applicable internationally. The Commission had been promoting the Convention among EU Member States for many years but only 12 Member States had become party to it to date.

Second, the proposed Regulation for the protection of adults among EU Member States built upon the Convention and referred to it to a large extent, but went further than the Convention on some points.

For example, the proposed Regulation took over jurisdiction rules from the Convention, but also introduced the possibility for adults to choose in advance which jurisdiction should take a protection measure concerning their person. Building on the principle of mutual trust, the grounds for non-recognition of protection measures taken in another Member State would be very limited compared with the Hague Convention.

As regards cooperation among Member States' competent authorities, the proposal allowed direct communication between jurisdictions and introduced multilingual forms. It also introduced a European Certificate of Representation to make it easier for legal representatives of adults to demonstrate their powers of representation, for instance when they needed to deal with banks or healthcare institutions.

Lastly, the intention was also to set up a system of interconnected registers to make it easier for authorities to establish whether an individual was protected, and under which kind of measure.

Mr REYNDERS concluded by saying that he would present the package to the Ministers for Justice the following week at the Council meeting in Luxembourg.

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

- the marked improvement that there would be in the protection afforded to vulnerable adults in cross-border situations thanks to the measures proposed, which also served to illustrate the commitment from the current Commission to the well-being of all citizens without discrimination;
- the importance of taking account of demographic trends, such as population ageing, in all Commission proposals;
- in this connection, the forthcoming proposal for an ‘old age guarantee’, on the model of the child and youth guarantees, covering such aspects as active and independent ageing, capabilities, housing and rights for people no longer able to meet their own needs;
- the proper alignment of the proposals with the appropriate international conventions, in particular the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD);
- regret that so few Member States had joined the Hague Convention, and the importance of rapid ratification of the Convention by those yet to join.

Following these presentations, the Commission:

- adopted the proposal for a Regulation in COM(2023) 280 for transmission to the European Parliament, the Council and the national parliaments, and, for information, to the European Economic and Social Committee, the Committee

of the Regions and the European Data Protection Supervisor, together with the staff working document, the impact assessment, the summary thereof and the opinion of the Regulatory Scrutiny Board in SWD(2023) 154, SWD(2023) 155, SWD(2023) 156 and SEC(2023) 207, the contents of which were noted.

- adopted the proposal for a Council Decision in COM(2023) 281 for transmission to the Council and, for information, to the European Parliament, the European Economic and Social Committee, the Committee of the Regions, the European Data Protection Supervisor and the national parliaments.

10. OTHER BUSINESS

10.1. COMMISSION IMPLEMENTING DECISION ON THE REQUEST FOR REGISTRATION, PURSUANT TO REGULATION (EU) 2019/788 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, OF THE EUROPEAN CITIZENS' INITIATIVE ENTITLED 'EFFECTIVE IMPLEMENTATION OF THE CONCEPT OF JUDICIAL PRECEDENT IN EU COUNTRIES' (C(2023) 3632)

Ms JOUROVÁ presented to the College the proposal to register a new citizens' initiative entitled 'Effective implementation of the concept of judicial precedent in EU countries'.

She explained that the organisers of the initiative were calling on the Commission to introduce a mechanism guaranteeing the mutual recognition between Member States of final judicial decisions adopted by national courts on similar or identical legal questions and the possibility of invoking national judicial precedents.

The conditions for registering European citizens' initiatives were set out in Article 6(3) of Regulation (EU) 2019/788 of 17 April 2019 on the European

citizens' initiative. Those conditions included the requirement that no part of the citizens' initiative should manifestly fall outside the framework of the Commission's powers to submit a proposal for an EU legal act for the purpose of implementing the Treaties.

Ms JOUROVÁ said that this was the second time that the Commission was assessing this request, as the initial request had fallen outside the scope of the Commission's powers and therefore could not be registered. In line with the rules in force, the Commission had allowed the organisers to amend the scope of their initiative, which now sought to introduce the concept of mutual recognition of judicial decisions only in cases that required the application of EU law and which had cross-border implications.

The request now fell within the scope of the Commission's powers and she therefore proposed that the College should register it.

Following this presentation, the Commission confirmed that the citizens' initiative 'Effective implementation of the concept of judicial precedent in EU countries' met the requisite conditions for registration. It therefore decided, in accordance with C(2023) 3632, 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 this 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.

10.2. RULE OF LAW IN POLAND

Mr TIMMERMANS then invited Ms JOUROVÁ and Mr REYNDERS to report on the recent adoption by the Polish Parliament of a new law setting up a special committee to investigate Russian influence on the country's internal security between 2007 and 2022.

Following these presentations, the Commission agreed that an in-depth legal assessment of the new draft law was required in order to determine the appropriate course of action.

The Commission took note of this information.

*

* *

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

*

* *

The meeting closed at 9.42.