



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2023) 2477 final

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Brussels, 31 January 2024

TEXTE EN

MINUTES

of the 2477th meeting of the Commission

held in Strasbourg

(Winston Churchill building)

on Tuesday 12 December 2023

(afternoon)

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Single sitting: Tuesday 12 December 2023 (afternoon)

The sitting opened at 13.09 with Ms von der LEYEN, President, in the chair.

Present:

Ms von der LEYEN	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 15 (in part)
Ms ŠUICA	Vice-President	Items 1 to 15 (in part)
Mr SCHINAS	Vice-President	
Mr HAHN	Member	
Mr SCHMIT	Member	Items 1 to 8/9 (in part)
Mr GENTILONI	Member	
Mr WOJCIECHOWSKI	Member	
Mr BRETON	Member	
Ms FERREIRA	Member	
Ms KYRIAKIDES	Member	Items 10/14 (in part) to 16
Mr REYNDEERS	Member	
Ms JOHANSSON	Member	Items 1 to 8/9 (in part)
Mr LENARČIČ	Member	
Ms SIMSON	Member	Items 1 to 10/14 (in part)
Ms IVANOVA	Member	

Absent:

Mr ŠEFČOVIČ	Executive Vice-President
Ms DALLI	Member

Ms VĀLEAN	Member
Mr VÁRHELYI	Member
Ms URPILAINEN	Member
Mr SINKEVIČIUS	Member
Ms McGUINNESS	Member
Mr HOEKSTRA	Member

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

Ms ASTERIADI	Deputy Head of Cabinet to Mr ŠEFČOVIČ	
Mr POURGOURIDES	Expert in Ms KYRIAKIDES's cabinet	Items 1 to 10/14 (in part)
Ms COTONE	Member of Ms DALLI's cabinet	
Ms WEBBER	Head of Cabinet to Ms JOHANSSON	Items 8/9 (in part) to 16
Mr FABREGAS	Deputy Chef de cabinet to Ms VĀLEAN	
Ms PETSCH	Member of Mr VÁRHELYI's cabinet	
Mr ALASEVIČIUS	Member of Mr SINKEVIČIUS's cabinet	
Ms O'HEA	Member of Ms McGUINNESS's cabinet	
Ms MES	Member of Mr HOEKSTRA's cabinet	

The following also sat in:

Mr SEIBERT	Head of Cabinet to the PRESIDENT
Mr CALLEJA CRESPO	Director-General, Legal Service
Ms SPINANT	Director-General, DG Communication
Ms PODESTA	Deputy Chief Spokesperson of the Commission
Ms PETKOVA	Director of Coordination and Administration in the PRESIDENT's cabinet
Ms CABRAL	Adviser in the PRESIDENT's cabinet
Ms HILI	Adviser in the PRESIDENT's cabinet

Secretary: Mr LEARDINI, Deputy Secretary-General, assisted by Ms DEPREZ, Director in the Secretariat-General.

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The PRESIDENT warmly welcomed Ms VESTAGER upon her return to the Commission and thanked Ms JOUROVÁ and Mr REYNDERS for having efficiently managed the files falling within Ms VESTAGER's remit in her absence.

Ms VESTAGER expressed her satisfaction in returning to her role within the College and also her deep gratitude towards the Members who temporarily took over her portfolios. She praised the excellent work carried out and the smooth integration of her team. She stated her determination to continue her work with vigour and commitment until the end of this Commission's term of office.

* * *

1. AGENDAS

(OJ(2023) 2477/FINAL; SEC(2023) 2477/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) 2477)

The Commission considered the Secretary-General's report on the weekly meeting of Heads of Cabinet held on Monday 11 December 2023.

3. APPROVAL OF THE MINUTES

The Commission held over approval of the minutes of its 2474th, 2475th and 2476th meetings of 21 and 29 November, and 6 December 2023, for a later date.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2023) 196)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (GRI) held by videoconference on Friday 8 December 2023 (RCC(2023) 196).

The Commission approved the lines proposed for the following points:

- **Horizontal cybersecurity requirements for products with digital elements and amendment of Regulation (EU) 2019/1020 (Regulation) – DANTI report – 2022/0272 (COD)**

Line set out in SI(2023) 550.

- **Amendment of Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) and Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (Directive) – KANEV report – 2022/0104 (COD)**
- **Reporting of environmental data from industrial installations and establishment of an Industrial Emissions Portal (Regulation) – KANEV report – 2022/0105 (COD)**

Line set out in SI(2023) 540.

- **Protection of persons who engage in public participation from manifestly unfounded or abusive court proceedings ('Strategic lawsuits against public participation') (Directive) – WÖLKEN report – 2022/0117 (COD)**

Line set out in SI(2023) 543.

- **Amendment of Decision (EU) 2017/1324 as regards the continuation of the Union's participation in the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) under Horizon Europe (Decision) –**

BORCHIA report – 2023/0207 (COD)

Line set out in SI(2023) 534.

- **Establishment of a framework of measures for strengthening Europe’s net-zero technology products manufacturing ecosystem (Net Zero Industry Act) (Regulation) – EHLEER report – 2023/0081 (COD)**

Line set out in SI(2023) 535.

- **Liability for defective products (Directive) – BOTOŞ & ARIMONT report – 2022/0302 (COD)**

Line set out in SI(2023) 528.

- **Laying-down of harmonised conditions for the marketing of construction products, amendment of Regulation (EU) 2019/1020 and repeal of Regulation (EU) 305/2011 (Regulation) – DOLESCHAL report – 2022/0094 (COD)**

Line set out in SI(2023) 531.

- **Type-approval of motor vehicles and engines and of systems, components and separate technical units intended for such vehicles, with respect to their emissions and battery durability (Euro 7) and repeal of Regulations (EC) N°o 715/2007 and (EC) N° 595/2009 (Regulation) – VONDRA report – 2022/0365 (COD)**

Line set out in SI(2023) 547/2.

- **Amendment of Regulations (EU) 2019/943 and (EU) 2019/942 as well as Directives (EU) 2018/2001 and (EU) 2019/944 to improve the Union’s electricity market design (Regulation) – GONZÁLEZ CASARES report – 2023/0077 (COD)**

Line set out in SI(2023) 536/2.

- **Standards of quality and safety for substances of human origin intended for human application and repeal of Directives 2002/98/EC and 2004/23/EC (Regulation) – COLIN-OESTERLÉ report – 2022/0216 (COD)**

Line set out in SI(2023) 541.

- **Establishment of a framework for the recovery and resolution of insurance and reinsurance undertakings and amendment of Directives 2002/47/EC, 2004/25/EC, 2009/138/EC, (EU) 2017/1132 and Regulations (EU) N° 1094/2010 and (EU) N° 648/2012 (Directive) – FERBER report – 2021/0296 (COD)**

Line set out in SI(2023) 548.

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

Line set out in SI(2023) 544/4.

- **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)**

Line set out in SI(2023) 545.

- **Amendment of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims (Directive) – BJÖRK & RODRÍGUEZ PALOP report – 2022/0426 (COD)**

Line set out in SI(2023) 542/2.

- **Amendment of Regulation (EC) N° 883/2004 on the coordination of social security systems and Regulation (EC) N° 987/2009 laying down the procedure for implementing Regulation (EC) N° 883/2004 (Regulation) – BISCHOFF report – 2016/0397 (COD)**

Line set out in SI(2023) 552.

- **Amendment of Annexes II and V to Regulation (EC) N° 396/2005 of the European Parliament and of the Council as regards maximum residue levels for tricyclazole in or on certain products (Council Regulation) – 2023/0306 (NLE) – COM(2023) 499 – 2023/2998 (RPS)**

Line set out in SP(2023) 654/2.

- **Amendment of Annexes II and V to Regulation (EC) N° 396/2005 of the European Parliament and of the Council as regards maximum residue levels for fipronil in or on certain products – D089865/03 – 2023/2945 (RPS)**

Line set out in SP(2023) 655.

- **Amendment of Directive 2013/34/EU of the European Parliament and of the Council as regards the adjustments of the size criteria for micro, small, medium-sized and large undertakings or groups – C(2023) 7020**

Line set out in SP(2023) 660.

- **Granting of an authorisation for the placing on the market of products containing, consisting of or produced from genetically modified maize Bt11 × MIR162 × MIR604 × MON 89034 × 5307 × GA21 and thirty sub-combinations, pursuant to Regulation (EC) N° 1829/2003 of the European Parliament and of the Council – (D092592) – 2023/2993 (RSP)**
- **Renewal of the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified oilseed rape Ms8, Rf3 and Ms8 × Rf3 pursuant to Regulation (EC) N° 1829/2003 of the European Parliament and of the Council – D092595; 2023/2995 (RSP)**

Line set out in SP(2023) 656.

- **Fixing for 2024, 2025 and 2026 of the fishing opportunities for certain fish stocks applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, and amendment of Regulation (EU) 2023/194 on deep-sea fish stocks (Council Regulation) – 2023/0359 (NLE)**

Line set out in SI(2023) 519/2.

- **Arrangements for structured dialogues on counterterrorism and cyber issues under the Trade and Cooperation Agreement concluded with the United Kingdom of Great Britain and Northern Ireland**

Line set out in SI(2023) 556.

- **Resolution of the European Parliament under Article 225 of the Treaty on the Functioning of the European Union (TFEU) – Amendment of the proposed mechanism to resolve legal and administrative obstacles in a cross-border context – GOZI report – 2022/2194 (INL)**

Line set out in SP(2023) 619/3.

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

- **Commission replies to the legislative resolutions adopted by the European Parliament at its part-sessions of July 2023 and October II 2023**

Line set out in SP(2023) 653/2.

The Commission took note of the following points:

- **Establishment of measures to strengthen solidarity and capacities in the Union to detect, prepare for and respond to cybersecurity threats and incidents (Regulation) – GÁLVEZ MUÑOZ report – 2023/0109 (COD)**

Information set out in SI(2023) 546.

- **Effective coordination of economic policies and multilateral budgetary surveillance and repeal of Council Regulation (EC) N° 1466/97 (Regulation) – DE LANGE & MARQUES report – 2023/0138 (COD)**
- **Amendment of Regulation (EC) N° 1467/97 on speeding up and clarifying the implementation of the excessive deficit procedure (Council Regulation) – DE LANGE & MARQUES report – 2023/0137 (CNS)**
- **Amendment of Directive 2011/85/EU on requirements for budgetary frameworks of the Member States (Council Directive) – DE LANGE & MARQUES report – 2023/0136 (NLE)**

Information set out in SI(2023) 518.

- **Packaging and packaging waste, amendment of Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repeal of Directive 94/62/EC (Regulation) – RIES report – 2022/0396 (COD)**

Information set out in SI(2023) 539/2.

– **Association Agreement with Andorra and San Marino**

Information set out in SI(2023) 551.

– **European Bank for Reconstruction and Development (EBRD): EBRD Board of Governors vote – Capital increase**

Information set out in SPI(2023) 54.

– **Meetings of the European Parliament Committee Chairs, the Belgian Presidency and the Commission Representative (Brussels, 28 and 29 November 2023) – Meetings with ECON, BUDG, LIBE, FEMM, JURI and INTA**

Information set out in SPI(2023) 55.

**5. COORDINATION OF EXTERNAL ACTION
(RCC(2023) 42)**

The Commission took note of the operational conclusions in RCC(2023) 42 of the meeting of the Group for External Coordination (EXCO) held on Wednesday 6 December 2023.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

**6.1. WRITTEN PROCEDURES APPROVED
(SEC(2023) 402 ET SEQ.)**

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 4 and 10 December 2023.

6.2. EMPOWERMENT
(SEC(2023) 403 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 4 and 10 December 2023.

6.3. DELEGATION / SUBDELEGATION OF POWERS
(SEC(2023) 404 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedures between 4 and 10 December 2023 archived in Decide.

6.4. SIGNIFICANT WRITTEN PROCEDURES
(SEC(2023) 405 TO /3)

The Commission took note of the significant written procedures for which the time limit expired between 11 and 22 December 2023.

7. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2023) 406)

ADMINISTRATIVE MATTERS
(PERS(2023) 118)

**7.1. EUROPEAN HEALTH EMERGENCY PREPAREDNESS AND
RESPONSE AUTHORITY (HERA) – APPOINTMENT OF A PRINCIPAL
ADVISER AT GRADE AD14/15**
(PERS(2023) 27 TO /4)

The Commission had before it applications under Article 29(1)(a)(i) and (iii) of the Staff Regulations for the post of Principal Adviser – Chief Science

Officer, in the European Health Emergency Preparedness and Response Authority (PERS(2023) 27 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 30 May and 13 July 2023 (PERS(2023) 27/3 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 Ms KYRIAKIDES, it then decided to appoint Mr Wolfgang PHILIPP to the post.

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

7.2. DG EUROPEAN CIVIL PROTECTION AND HUMANITARIAN AID OPERATIONS (ECHO) – AMENDMENT OF THE ORGANISATION CHART AND TRANSFER OF AN AD14 OFFICIAL UNDER ARTICLE 7 OF THE STAFF REGULATIONS (SEC(2023) 409)

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

- to change the name of the post of Deputy Director-General to Deputy Director-General in charge of Directorate A, in accordance with the change in his responsibilities. The Deputy Director-General would thus supervise and have a direct chain of command with Directorate ECHO.A, Emergency Response Coordination Centre;
- to create a temporary post of Principal Adviser on Security, a post which would be abolished upon the jobholder's departure;
- to transfer in the interest of the service, under Article 7 of the Staff Regulations, Mr Bernd ADOLPH, an AD14 official currently Director of the Security Directorate in DG Human Resources and

Security, to the new post of Principal Adviser on Security in DG European Civil Protection and Humanitarian Aid Operations (ECHO);

- to approve the new organisation chart set out in SEC(2023) 409.

These decisions would take effect on 1 February 2024.

7.3. DG HUMAN RESOURCES AND SECURITY – AMENDMENT OF THE ORGANISATION CHART AND INTERNAL PUBLICATION OF AN ADVISER HORS CLASSE POST AT GRADE AD15/16 (PERS(2023) 119)

Having noted the procedure followed, as set out in point 3 of PERS(2023) 118, the Commission decided, on a proposal from Mr HAHN, in agreement with the PRESIDENT:

- to create a post of Chief Confidential Counsellor ranked as adviser *hors classe*, administratively attached to the Director-General for Human Resources and Security and reporting directly to the Member of the Commission responsible for Budget and Administration as regards the responsibilities set out in Decision C(2023) 8630;
- to authorise the internal publication of the vacancy notice for the post of Chief Confidential Counsellor at grade AD15/16, in accordance with Article 29(1)(a)(i) and (iii) of the Staff Regulations.

These decisions would take effect on 13 December 2023.

7.4. DG HUMAN RESOURCES AND SECURITY – PROMOTION OF SENIOR MANAGEMENT OFFICIALS HOLDING A BASIC POST OF DIRECTOR-GENERAL OR DIRECTOR (PERS(2023) 120)

Having noted the procedure followed, as set out in point 4 of PERS(2023) 118, and taken into account the opinion of the Consultative Committee on Promotion for Senior Officials (CC-PSO) (PERS(2023) 120), 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, holding a basic post of Director-General or equivalent, with effect from 1 January 2023: Ms Pia AHRENKILDE HANSEN, Ms Claire BURY, Ms Themis CHRISTOPHIDOU, Ms Beate GMINDER, Mr Normunds POPENS, Mr Denis REDONNET and Mr John WATSON;
- to promote to grade AD15 the following officials, listed in alphabetical order, holding a basic post of Director or equivalent, with effect from 1 January 2023: Mr Filip CORNELIS, Ms Valeria DARO, Ms Paulina DEJMEK HACK, Mr Peter DROELL, Mr Felix FERNANDEZ-SHAW, Mr Gilles GANTELET, Mr Michael HAGER, Mr Stefaan HERMANS, Mr Mikel LANDABASO ALVAREZ, Mr Filip MAJCEN, Ms Silvia MICHELINI, Ms Georgeta NICOLAIE, Mr Pearse O’DONOHUE, Mr Carlo PETTINELLI, Ms Brunhilde SCHUELTKKE, Ms Catharina SIKOW-MAGNY, Mr Massimo SUARDI and Ms Tatjana VERRIER.

These decisions would take effect immediately.

7.5. DG HUMAN RESOURCES AND SECURITY – LAUNCH OF THE ANNUAL APPRAISAL EXERCISE FOR SENIOR MANAGEMENT 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 management officials for the period from 1 January to 31 December 2023 in line with the rules applied during the previous exercise;
- 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 Commission Decision of 26 October 2004, '*Compilation document on Senior Officials Policy*' (SEC(2004) 1352/2), 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 2024, in parallel to the specific objectives linked to the jobholders' portfolios that they had set for the jobholders under their responsibility. The standard institutional objectives and evaluation criteria were the same as those adopted by Mr HAHN, on a proposal from the Corporate Management Board, in accordance with the decision taken by the Commission on 13 December 2022.

These decisions would take effect immediately.

**7.6. DG NEIGHBOURHOOD AND ENLARGEMENT NEGOTIATIONS –
TRANSFER OF AN AD15 OFFICIAL UNDER ARTICLE 7 OF THE
STAFF REGULATIONS
(SEC(2023) 409)**

On a proposal from Mr HAHN, in agreement with the PRESIDENT and after consulting Mr BRETON and Mr VÁRHELYI, the Commission decided to transfer in the interest of the service, under Article 7 of the Staff Regulations, Ms Valentina SUPERTI, an AD15 official currently Director of Directorate Ecosystems II: Tourism and Proximity in DG Internal Market, Industry, Entrepreneurship and SMEs, to the post of Director of the Western Balkans Directorate in DG Neighbourhood and Enlargement Negotiations.

This decision would take effect from 1 January 2024.

**7.7. SECRETARIAT-GENERAL / REGULATORY SCRUTINY BOARD –
ADOPTION OF A LIST OF SUITABLE CANDIDATES FOR THE POST
OF PRINCIPAL ADVISER – MEMBER OF THE REGULATORY
SCRUTINY BOARD
(PERS(2022) 64 TO /4)**

Having noted the procedure followed, as set out in point 7 of PERS(2023) 118, the Commission decided, on a proposal from Mr HAHN, in agreement with the PRESIDENT and after consulting Mr ŠEFČOVIČ, to draw up a shortlist of two candidates, in alphabetical order, set out in point 7 of PERS(2023) 118, valid for three years, to fill the posts of Principal Adviser – Member of the Regulatory Scrutiny Board in the Secretariat-General.

This decision would take effect immediately.

**7.8. SECRETARIAT-GENERAL / REGULATORY SCRUTINY BOARD –
APPOINTMENT OF A PRINCIPAL ADVISER – MEMBER OF THE
REGULATORY SCRUTINY BOARD, AT GRADE AD14**

Having noted the procedure followed, as set out in point 8 of PERS(2023) 118, the Commission decided, on a proposal from Mr HAHN, in agreement with the PRESIDENT and after consulting Mr ŠEFČOVIČ, to

appoint Mr Marek HAVRDA to the post of Principal Adviser – Member of the Regulatory Scrutiny Board in the Secretariat-General, and to hire him as a member of the temporary staff under Article 2(a) of the Conditions of Employment of Other Servants of the European Union for an initial period of three years.

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

7.9. SECRETARIAT-GENERAL / REGULATORY SCRUTINY BOARD – APPOINTMENT OF A PRINCIPAL ADVISER – MEMBER OF THE REGULATORY SCRUTINY BOARD, AT GRADE AD14

Having noted the procedure followed, as set out in point 9 of PERS(2023) 118, the Commission decided, on a proposal from Mr HAHN, in agreement with the PRESIDENT and after consulting Mr ŠEFČOVIČ, to appoint Mr Rolf HOIJER to the post of Principal Adviser – Member of the Regulatory Scrutiny Board in the Secretariat-General, and to hire him as a member of the temporary staff under Article 2(a) of the Conditions of Employment of Other Servants of the European Union for an initial period of three years.

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

7.10. DG HUMAN RESOURCES AND SECURITY – LAUNCH OF THE 17TH PROMOTION EXERCISE FOR SENIOR MANAGEMENT OFFICIALS

The Commission took note of the decision of Mr HAHN, in agreement with the PRESIDENT, on the 17th promotion exercise for senior management officials, adopted in accordance with the provisions of the Commission Decision of 10 May 2007 on the system of promotion of senior management officials (SEC(2007) 605).

Under that decision, the 17th promotion exercise would be carried out on the basis of the following criteria: the promotion rate would be up to a maximum 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 2024, the date on which the promotions would come into effect.

8. JOINT COMMUNICATION TO THE COUNCIL – USING WINDFALL REVENUES FROM IMMOBILISED RUSSIAN ASSETS TO SUPPORT UKRAINE

(JOIN(2023) 52 AND /2; RCC(2023) 204)

9. JOINT PROPOSAL FOR A COUNCIL REGULATION AMENDING COUNCIL REGULATION (EU) N° 833/2014 CONCERNING RESTRICTIVE MEASURES IN VIEW OF RUSSIA’S ACTIONS DESTABILISING THE SITUATION IN UKRAINE

(JOIN(2023) 53 AND /2; RCC(2023) 204)

The PRESIDENT introduced the College discussion on the use of windfall revenues from immobilised Russian assets, stressing the importance of ensuring that Russia was held accountable for its actions in the context of its war of aggression and that it contributed financially to the reconstruction of Ukraine.

Mr DOMBROVSKIS, Mr BORRELL and Ms JOUROVÁ presented the content of the initiatives tabled for adoption that day, referring in particular to Ukraine’s significant financing needs and highlighting the belief shared by many citizens in the EU that Russia ought to be held liable for the damage it had caused.

Following these presentations, the Commission:

- approved the joint Communication in JOIN(2023) 52/2 for transmission to the Council;
- adopted the joint proposal for a Council Regulation in JOIN(2023) 53/2 for transmission to the Council.

10. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS ON DEFENCE OF DEMOCRACY

(COM(2023) 630 TO /3; RCC(2023) 203)

11. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATIONS (EU) N° 1024/2012 AND (EU) 2018/1724 AS REGARDS CERTAIN REQUIREMENTS LAID DOWN BY DIRECTIVE (EU) XXXX/XXXX

(COM(2023) 636; SWD(2023) 660; SWD(2023) 663; SWD(2023) 664; SEC(2023) 637; RCC(2023) 203)

12. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING HARMONISED REQUIREMENTS IN THE INTERNAL MARKET ON TRANSPARENCY OF INTEREST REPRESENTATION CARRIED OUT ON BEHALF OF THIRD COUNTRIES AND AMENDING DIRECTIVE (EU) 2019/1937

(COM(2023) 637 AND /2; SWD(2023) 660; SWD(2023) 663; SWD(2023) 664; SEC(2023) 637; RCC(2023) 203)

13. COMMISSION RECOMMENDATION ON INCLUSIVE AND RESILIENT ELECTORAL PROCESSES IN THE UNION AND ENHANCING THE EUROPEAN NATURE AND EFFICIENT CONDUCT OF THE ELECTIONS

**TO THE EUROPEAN PARLIAMENT
(C(2023) 8626 AND /2; RCC(2023) 203)**

**14. COMMISSION RECOMMENDATION ON PROMOTING THE
ENGAGEMENT AND EFFECTIVE PARTICIPATION OF CITIZENS AND
CIVIL SOCIETY ORGANISATIONS IN PUBLIC POLICY-MAKING
PROCESSES
(C(2023) 8627 TO /3; RCC(2023) 203)**

The PRESIDENT introduced the defence of democracy package by highlighting its crucial importance in the run-up to the 2024 European elections and congratulating the Members of the College responsible for the initiatives for the significant amount of work they had carried out over many months.

Ms JOUROVÁ stressed that the aim of the package was to combat the threat of foreign interference by improving transparency, while fostering civic engagement and citizens' involvement in the democratic process in the EU. The Communication presented that day reviewed the progress made in implementing the European democracy action plan adopted by the Commission in 2020, and was accompanied by a proposal for a Directive, a proposal for a Regulation and two Recommendations.

She mentioned the main threats to democracy, namely cyber-attacks, the misuse of personal data, online advertising, disinformation, control of the media and foreign interference. With regard to the latter threat, she pointed to the need for transparency when third-country governments used interest representation activities to promote their objectives and influence the democratic process in the EU. For that reason, the aim of the proposed Directive was to set out harmonised rules to ensure a high common level of transparency and democratic accountability throughout the EU in relation to lobbying campaigns and similar activities carried out by entities on behalf of third-country governments.

In particular, Ms JOUROVÁ stressed the importance of ensuring that, from now on, the supervisory authorities established under the Directive would be informed in a transparent manner about contracts to represent the interests of third countries. The risk of successfully influencing political decisions in a Member State, or in the EU as a whole, increased in line with the amount spent by third countries on interest representation. In such instances, authorities would have the power to request additional information from the entities concerned to allow for greater scrutiny on the basis of a thorough risk assessment.

She stated that organisations representing the interests of third countries would not be labelled as foreign agents, nor would a classification by category apply to the countries in question. In that context, the Commission had chosen to fully harmonise the rules applied by the Member States so that the risk of some Member States adopting divergent and potentially disproportionate rules and practices could be mitigated as far as possible.

Ms JOUROVÁ noted that the proposal for a Directive would no doubt trigger mixed reactions from civil society organisations. Some of these organisations took the view that they should have been excluded from the scope of the Directive, which would have created a legal vacuum and left the system potentially open to abuse, while others felt that the Directive ought to cover all interest representation activities. However, she explained that the aim in this instance was to specifically target interest representation activities by third countries where a need for greater transparency had been identified, particularly in view of the forthcoming European elections.

In conclusion, Ms JOUROVÁ said that she was pleased with the overall balance of the proposal for a Directive, which was the result of many rounds of consultations and a thorough impact assessment. The proposed measures were proportionate, the safeguards robust, and the administrative burden minimal.

Ms ŠUIČA gave details of the measures proposed in the Commission Recommendation on civic space and citizen engagement. Thanks to the digital transition and the technological innovations that went with it, citizens were increasingly well-informed, which meant that the EU needed to be in constant dialogue with civil society. The main objective of the Recommendation was to foster the participation of citizens and civil society organisations in democratic public policy-making and for this involvement to be inclusive and effective. The Recommendation drew directly on the new practices implemented as part of the Conference on the Future of Europe to foster citizen participation. The Member States were now being asked to adopt these practices at all levels of governance to encourage citizens to take part in major societal debates.

During the Conference, the Commission had responded to the demand for citizens to be more involved by organising citizens' panels on topics such as children's participation or the development of participatory democracy with the support of online consultation platforms. The proposed package of measures incorporated these latest developments and should enable all individuals to play a real role in European democracy.

Mr REYNDEERS then referred to the Recommendation on civic participation in elections, which was the outcome of lengthy discussions held with citizens through the cooperation networks set up by the Commission. These discussions had highlighted the need for greater inclusion of citizens in the democratic process, as well as the need to ensure equal electoral rights for everyone in the EU.

With regard to the proposal for a Directive on interest representation by third countries, Mr REYNDEERS stressed the importance of harmonising legislation throughout the EU in order to address the fragmentation that currently existed and the disparities between Member States. Moreover, it was important to ensure that the transparency requirements were not misused in order to restrict fundamental rights, such as the freedom of expression or association, or to unduly restrict civic space. He concluded by highlighting the fact that the Directive would have a

positive impact on institutional trust and democratic values in the EU by improving transparency and accountability.

In the course of the brief discussion that followed, the Commission made particular reference to the important contribution of civil society organisations to the democratic life of the EU, while stressing that, although these organisations were guarantors of democracy, their role was not to replace it.

Following these presentations, the Commission:

- approved the Communication in COM(2023) 630/3 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 Regulation in COM(2023) 636 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(2023) 660, SWD(2023) 663, SWD(2023) 664 and SEC(2023) 637, the contents of which were noted;
- adopted the proposal for a Directive in COM(2023) 637/2, for transmission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions, 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(2023) 660, SWD(2023) 663, SWD(2023) 664 and SEC(2023) 637, the contents of which were noted;

- adopted the Commission Recommendations in C(2023) 8626/2 and C(2023) 8627/3 and decided to send them to the Member States and to publish them, for information, in the *Official Journal of the European Union*.

**15. AMENDED PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON A MECHANISM TO RESOLVE LEGAL AND ADMINISTRATIVE OBSTACLES IN A CROSS-BORDER CONTEXT
(COM(2023) 790 AND /2; RCC(2023) 205)**

Mr DOMBROVSKIS recalled that, in May 2018, the Commission had already adopted a proposal for a Regulation establishing a mechanism to resolve legal and administrative obstacles in a cross-border context. Its aim had been to maximise the potential of the EU Single Market by removing certain obstacles in the form of administrative practices and infrastructure gaps, especially in border regions. He referred in particular to the complexity of international procedures, the lack of information available to citizens, the excessive administrative burden for posted workers and difficulties with regard to cross-border taxation.

He noted that the European Parliament and the Council had not reached an agreement on the 2018 proposal for a Regulation on the European cross-border mechanism. In September 2023, the European Parliament had adopted a legislative resolution based on Article 225 of the Treaty on the Functioning of the Union (TFEU) containing recommendations to the Commission for overcoming the institutional deadlock. With this amended proposal, the Commission took into account the concerns and recommendations of the two co-legislators, while maintaining its original objective of removing obstacles adversely affecting the lives of cross-border communities.

Mr DOMBROVSKIS also referred to the Commission Communication of March 2023 on thirty years of the EU Single Market, which had highlighted the

continued presence of obstacles. He pointed out that 60% of the obstacles reported by businesses today were of the same nature as those already reported 20 years ago. He highlighted the challenges resulting from this situation, not only for the 150 million citizens living in cross-border regions, but also for EU businesses in terms of economic performance.

Removing these obstacles would significantly improve the functioning of the EU Single Market. According to a study funded by the Commission, removing 20% of the current legal and administrative obstacles would increase gross domestic product (GDP) by 2% in cross-border regions and create more than one million jobs. Mr DOMBROVSKIS welcomed the fact that the proposal presented that day was an important step towards achieving those objectives.

Ms FERREIRA began by pointing out that the European Union project was based on the removal of barriers to trade within the Single Market. Nevertheless, citizens residing or working in border areas continued to face many obstacles that posed practical challenges in their daily lives and hampered the development of the regions concerned.

That day's proposal was precisely intended to help Member States overcome infrastructure and administrative obstacles to cross-border activities. These obstacles were capable of having an impact on the development of common infrastructure projects as well as on the functioning of cross-border public services. They hampered the lives of cross-border communities, for example by reducing access to healthcare services, including in emergencies, and by limiting their capacity to coordinate action on disaster response.

Ms FERREIRA noted that these obstacles often resulted from divergences between the national legal frameworks of the Member States and from cultural and administrative differences. A recent study had shown that, during the COVID-19 pandemic, the economic impact of border measures was more than twice as high in

cross-border regions as the average impact across all EU regions. This illustrated the increased vulnerability of cross-border regions in times of crisis.

Ms FERREIRA confirmed that that day's proposal for a Regulation was a response to the call of the European Parliament expressed in its own-initiative legislative resolution of September 2023. Indeed, the Commission had taken into account the concerns of both co-legislators by amending its 2018 proposal while preserving the original objective of removing obstacles hampering the lives of cross-border communities.

With regard to the key measures of the Regulation, Ms FERREIRA said that all Member States would now be required to set up cross-border coordination points. This new service would be tasked with assessing any request related to identified obstacles and liaising between the relevant border-related actors and the national authorities. Under the Regulation, the new service would be required to reply within a reasonable time after assessment of the request and to provide information on any follow-up.

In the event of an obstacle, and in the absence of an appropriate bilateral or international cooperation agreement for its resolution, the Regulation provided for an optional standard procedure that could be applied by Member States. This procedure, known as the 'cross-border facilitation tool', consisted primarily of an exchange of information between the cross-border coordination point contacted and the coordination point of the neighbouring Member State concerned. The cross-border coordination point would then liaise with the competent authority of its own Member State to determine (i) how the obstacle might be overcome and (ii) whether that authority would be willing to take the necessary measures to address it, in accordance with the national rules in force.

Ms FERREIRA stressed that at any stage of the process, the cross-border coordination point or the competent authority could choose not to intervene. Their only obligation was to communicate the outcome of the assessment of the file to the

initiator. She added that the Member States' cross-border coordination points would form a network for knowledge sharing and capacity building, which would be coordinated by the Commission.

Finally, she clarified that the aim of the Regulation was solely to address obstacles encountered at the internal land and sea borders of the Union, and that it would not cover interactions with third countries. Furthermore, the proposal did not cover obstacles that might constitute a potential breach of EU law, for which mechanisms such as SOLVIT already existed at European level.

Ms FERREIRA concluded her presentation by focusing on the main changes made to the 2018 proposal. First, she stressed that it had been made clear that the instrument was optional, leaving it to the Member States to choose whether or not to address an obstacle. Secondly, she pointed to the simplification of the proposed requirements and procedures, as well as the possibility for Member States to designate an existing body as a cross-border coordination point at any level, in order to avoid the creation of new structures. Finally, she noted that the proposal recognised the existing mechanisms more clearly, stipulating that the cross-border facilitation tool would only be used in the absence of existing cooperation agreements between Member States.

The Commission had thus addressed the main subsidiarity-related concerns raised by the Member States in response to the 2018 proposal. Ms FERREIRA pointed out that the amended version of the proposal fully complied with the institutional and legal frameworks of the Member States, while retaining the objective of removing obstacles that had an impact on the lives of cross-border communities and strengthening the EU's Single Market.

The PRESIDENT trusted that this new proposal would help break the deadlock over the 2018 proposal for a Regulation. She suggested that a monitoring report be prepared to assess whether the proposed tools helped remove the legal and administrative obstacles identified.

A brief discussion followed, during which the Commission referred mainly to the role of cross-border coordination points in assessing the obstacles identified by citizens, regardless of whether these obstacles stemmed from national or European legislation.

Following these presentations, the Commission adopted the proposal for a Regulation contained in COM(2023) 790/2 for transmission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the national parliaments.

The Commission also approved the line set out in SP(2023) 619/3, including the draft letter to be sent to the European Parliament by Mr ŠEFČOVIČ.

16. OTHER BUSINESS

LATEST DEVELOPMENTS IN EXTERNAL RELATIONS

Mr BORRELL began by highlighting the positive developments in relations between Armenia and Azerbaijan, with both countries having participated together in the Eastern Partnership Foreign Ministers' meeting held the previous day. He also mentioned that EU Foreign Ministers had decided to strengthen the European presence in the region to help stabilise the situation and facilitate peace negotiations.

Regarding Russia's war of aggression against Ukraine, he reported that the Foreign Minister of Ukraine, Mr Dmytro KULEBA, had attended the meeting of the Foreign Affairs Council on 12 December. Mr KULEBA had briefed Ministers on the latest developments on the ground and reiterated his call for continued support from the EU. Mr BORRELL emphasised the effect on Ukrainian troop morale of the limited success of the Ukrainian counter-offensive and the difficulties involved in mobilising financing across the Atlantic. Against this background, he stressed the need for Europe to step up its support for Ukraine, noting the importance of clearly

communicating the benefits of this support not only for Ukraine but also for the EU's defence capabilities.

Regarding the conflict in the Middle East, Mr BORRELL pointed to the dramatic situation on the ground, noting that the US had recently vetoed a United Nations Security Council Resolution calling for a ceasefire. He felt that the EU needed to support the Palestinian Authority, condemn the violence perpetrated by Israeli settlers and actively engage with Arab and Muslim countries to discuss potential solutions to the conflict.

Finally, he noted that the situation in the Sahel region did not show any signs of significant improvement. He drew the College's attention to the Summit of the Economic Community of West African States (ECOWAS) held the previous day, noting that the EU would continue to support its mediation efforts. He also referred to the recent disappearance of the President of Niger, Mr Mohamed BAZOUM, which exacerbated an already difficult situation in the region.

Mr BORRELL concluded by stressing the crucial importance for the EU of maintaining a united position in order to preserve its credibility on the international stage.

While acknowledging the scale of the challenges facing Europe and its partners, the PRESIDENT stressed the importance of not giving in to pessimism and of continuing to seek positive results. She felt that, despite the crises that had characterised this Commission's term of office, the EU had shown great resilience and had made significant progress. Referring to the COVID-19 pandemic, she reminded the College that Europe had demonstrated unity in the face of this ordeal and emerged stronger from it. Similarly, in response to the crisis in Ukraine, the EU had clearly expressed its unwavering support for the Ukrainian people, thus affirming its position on the international stage.

The PRESIDENT concluded this last meeting of the College in 2023 by thanking the Members of the College for the quality of the work carried out and wished everyone a happy holiday season.

The Commission took note of this information.

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

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The meeting closed at 15.04.