



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2020) 2358 final

- English translation of the French version which is authentic -

Brussels, 15 December 2020

TEXTE EN

MINUTES

of the 2358th meeting of the Commission

held in Brussels

(Berlaymont)

on Tuesday 24 November 2020

(afternoon)

PV(2020) 2358 final

- English translation of the French version which is authentic -

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Single sitting: Tuesday 24 November 2020 (afternoon)

The sitting opened at 13.10 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)
Mr DOMBROVSKIS	Executive Vice-President	Items 8 to 12 (in part)
Mr BORRELL i FONTELLES	High Representative / Vice-President	Items 1 to 10 (in part)
Mr ŠEFČOVIČ	Vice-President	
Ms JOUROVÁ	Vice-President	
Ms ŠUICA	Vice-President	
Mr SCHINAS	Vice-President	
Mr HAHN	Member	
Ms GABRIEL	Member	
Mr SCHMIT	Member	
Mr GENTILONI	Member	
Mr WOJCIECHOWSKI	Member	
Mr BRETON	Member	
Ms FERREIRA	Member	Items 1 to 10 (in part)
Ms KYRIAKIDES	Member	
Mr REYNDERS	Member	
Ms DALLI	Member	
Ms JOHANSSON	Member	
Mr LENARČIČ	Member	
Ms VÁLEAN	Member	
Ms URPILAINEN	Member	
Ms SIMSON	Member	
Mr SINKEVIČIUS	Member	
Ms McGUINNESS	Member	

Absent:

Mr VÁRHELYI Member

The following sat in to represent an absent Member of the Commission:

Mr HAGER	Chef de cabinet to Mr DOMBROVSKIS	Items 1 to 8
Mr SERRANO	Chef de cabinet to Mr BORRELL	Items 12 and 13
Mr SOBRAL	Chef de cabinet to Ms FERREIRA	Items 10 to 13

The following also sat in:

Mr SEIBERT	Chef de cabinet to the PRESIDENT	
Ms BANKS	Deputy Director-General, Legal Service	
Ms AHRENKILDE HANSEN	Director-General, DG Communication	
Mr MAMER	Head of the Spokesperson's Service and Chief Spokesperson of the Commission	
Ms PETKOVA	Director of Coordination and Administration in the PRESIDENT's Office	
Mr FLOSDORFF	Executive Adviser in the PRESIDENT's Office	Item 11
Mr VANDENBERGHE	Adviser in the PRESIDENT's Office	Item 11
Ms SPINANT	Deputy Chief Spokesperson of the Commission	Item 11
Ms ALLOUIS-LE LOSTEC	Head of Unit in the Secretariat-General	

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

1. AGENDAS

(OJ(2020) 2358/FINAL; SEC(2020) 2358/FINAL)

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

2. WEEKLY MEETING OF CHEFS DE CABINET

(RCC(2020) 2358)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 23 November 2020.

3. APPROVAL OF THE MINUTES OF THE 2355TH, 2356TH AND 2357TH MEETINGS OF THE COMMISSION (28 OCTOBER, 11 AND 18 NOVEMBER 2020)

(PV(2020) 2355)

The Commission approved the minutes of its 2355th meeting, and decided to hold over approval of the minutes of its 2356th and 2357th meetings until a later meeting.

4. INTERINSTITUTIONAL RELATIONS

(RCC(2020) 179)

The Commission took note of the record of the meeting of the Interinstitutional Relations Group (IRG) held by videoconference on Friday 20 November 2020 (RCC(2020) 179).

It paid particular attention to the following points.

4.1. HORIZONTAL MATTERS

i) 2021-2027 Multiannual Financial Framework

(point 1.1 of the IRG record)

- Guidance on the finalisation of a number of provisions across the MFF proposals for programmes and funds

The Commission approved the line set out in SI(2020) 411/2.

ii) 2021-2027 Multiannual Financial Framework – Trilogues

(point 1.1.1 of the IRG record)

- Transitional provisions for the support by the European Agricultural Fund for Rural Development (EAFRD) and by the European Agricultural Guarantee Fund (EAGF) in the year 2021, and amendment of Regulations (EU) No 228/2013, (EU) No 229/2013 and (EU) No 1308/2013 as regards resources and their distribution in respect of the year 2021 and amendment of Regulations (EU) No 1305/2013, (EU) No 1306/2013 and (EU) No 1307/2013 as regards their resources and application in the year 2021 (Regulation) – KATAINEN report – 2019/0254 (COD)

The Commission approved the line set out in SI(2020) 392/3.

- Just Transition Fund (Regulation) – KEFALOGIANNIS report – 2020/0006 (COD)

The Commission approved the line set out in SI(2020) 401/2.

- European Regional Development Fund and Cohesion Fund (Regulation) – COZZOLINO report – 2018/0197 (COD)

The Commission approved the line set out in SI(2020) 393/2.

- Programme for single market, competitiveness of enterprises, including small and medium-sized enterprises, and European statistics and repeal of Regulations (EU) No 99/2013, (EU) No 1287/2013, (EU) No 254/2014, (EU) No 258/2014, (EU) No 652/2014 and (EU) 2017/826 (Regulation) – BENIFEI report – 2018/0231 (COD)

The Commission approved the line set out in SI(2020) 394/2.

- Asylum and Migration Fund (Regulation) – DALLI report – 2018/0248 (COD)

The Commission approved the line set out in SI(2020) 395.

- Programme for the Union's action in the field of health for the period 2021-2027, and repeal of Regulation (EU) No 282/2014 (EU4Health Programme) (Regulation) – BUŞOI report – 2020/0102 (COD)

The Commission approved the line set out in SI(2020) 403.

4.2. LEGISLATIVE MATTERS

iii) Trilogues

(point 3.1 of the IRG record)

- European Year of Rail (2021) (Decision) – DEPARNAY-GRUNENBERG report – 2020/0035 (COD)

The Commission approved the line set out in SI(2020) 398.

- Multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean, amendment of Regulations (EC) No 1936/2001, (EU) 2017/2107, and (EU) 2019/833 and repeal of Regulation (EU) 2016/1627 (Regulation) – FERRANDINO report – 2019/0272 (COD)

The Commission approved the line set out in SI(2020) 399.

- Amendment of Regulation (EU) 2016/1011 as regards the exemption of certain third country foreign exchange benchmarks and the designation of replacement benchmarks for certain benchmarks in cessation (Regulation) – NAGTEGAAL report – 2020/0154 (COD)

The Commission approved the line set out in SI(2020) 404.

- Amendment of Regulation (EU) 2017/2402 laying down a general framework for securitisation and creating a specific framework for simple, transparent and standardised securitisation to help the recovery from the COVID-19 pandemic (Regulation) – TANG report – 2020/0151 (COD)

The Commission approved the line set out in SI(2020) 405/2.

iv) European Parliament dossiers – November II 2020 part-session
(point 3.2 of the IRG record)

Ordinary legislative procedure – Second reading

- Representative actions for the protection of the collective interests of consumers, and repeal of Directive 2009/22/EC (Directive) – DIDIER report – 2018/0089 (COD)

The Commission took note of the compromise text in SP(2020) 620, further to note COM(2020) 693, which it had already approved on 5 November 2020.

- Amendment of Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (Regulation) – RADEV report – 2018/0203 (COD)

The Commission took note of the compromise text in SP(2020) 621, further to note COM(2020) 695, which it had already approved on 5 November 2020.

- Amendment of Regulation (EC) No 1393/2007 of the European Parliament and of the Council on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents) (Regulation) – ROBERTI report – 2018/0204 (COD)

The Commission took note of the compromise text in SP(2020) 622, further to note COM(2020) 695, which it had already approved on 5 November 2020.

Implementing acts and measures

- Objection pursuant to Rule 112(2), (3) and (4)(c) of the Rules of Procedure of the European Parliament – Commission Regulation amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards lead in gunshot in or around wetlands – D064660/06 – 2020/2771 (RPS)

The Commission approved the line set out in SP(2020) 601/2.

- Objection pursuant to Rule 112(2) and (3) of the Rules of Procedure of the European Parliament – Commission Implementing Regulation amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances amidosulfuron, beta-cyfluthrin, bifenox, chlorotoluron, clofentezine, clomazone, cypermethrin, daminozide, deltamethrin, dicamba, difenoconazole, diflubenzuron, diflufenican, fenoxaprop-P, fenpropidin, fludioxonil, flufenacet, fosthiazate, indoxacarb, lenacil, MCPA, MCPB, nicosulfuron, picloram, prosulfocarb, pyriproxyfen, thiophanate-methyl, triflurosulfuron and tritosulfuron – D068975/03 – 2020/2853 (RSP)

The Commission approved the line set out in SP(2020) 618.

- Objection pursuant to Rule 112(2) and (3) of the Rules of Procedure of the European Parliament – Commission implementing regulation approving carbendazim as an existing active substance for use in biocidal products of product-types 7 and 10 – D069099/01 – 2020/2852 (RSP)

The Commission approved the line set out in SP(2020) 619.

v) Council dossier

(point 3.3 of the IRG record)

- Amendment of Directive 2011/16/EU on administrative cooperation in the field of taxation (DAC7) (Directive) – GIEGOLD report – 2020/0148 (CNS)

The Commission approved the line set out in SI(2020) 349/2.

4.3. RELATIONS WITH THE EUROPEAN COUNCIL AND THE COUNCIL

vi) Non-legislative matters

(point 4.1 of the IRG record)

- Osnabrück Declaration on Vocational education and training (VET)

The Commission approved the line set out in SI(2020) 400.

4.4. RELATIONS WITH PARLIAMENT

vii) Action taken on the non-legislative resolutions adopted by Parliament at its September 2020 part-session

(point 5.6.3 of the IRG record)

The Commission approved for transmission to Parliament document SP(2020) 597/2 on the action taken on the non-legislative resolutions adopted by Parliament at its September 2020 part-session.

4.5. RELATIONS WITH NATIONAL PARLIAMENTS, THE OTHER INSTITUTIONS AND BODIES, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS

viii) Relations with the other institutions and bodies

(point 6.2 of the IRG record)

- Tripartite Agreement between the European Commission, the European Court of Auditors (ECA) and the European Investment Bank (EIB) based on Article 287(3) of the Treaty on the Functioning of the European Union – Revision of the current agreement of 26 September 2016

The Commission approved the line set out in SPI(2020) 38.

4.6. OTHER MATTERS

ix) Interinstitutional Agreement on a mandatory Transparency Register – COM(2016) 627

(point 7.1 of the IRG record)

The Commission approved the line set out in SI(2020) 402.

**5. COORDINATION OF EXTERNAL ACTION
(RCC(2020) 112)**

The Commission took note of the operational conclusions in RCC(2020) 112 of the meeting of the Group for External Coordination (EXCO) held by videoconference on Wednesday 18 November 2020.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

6.1. WRITTEN PROCEDURES APPROVED
(SEC(2020) 381 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 16 and 20 November 2020.

6.2. EMPOWERMENT
(SEC(2020) 382 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 16 and 20 November 2020.

6.3. DELEGATION / SUBDELEGATION OF POWERS
(SEC(2020) 383 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 16 and 20 November 2020 archived in Decide.

6.4. SIGNIFICANT WRITTEN PROCEDURES
(SEC(2020) 384 AND /2)

The Commission took note of the significant written procedures for which the time limit expired between 23 and 27 November 2020 and of the finalisation written procedures initiated following the weekly meeting of Chefs de cabinet on Monday 23 November 2020.

7. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2020) 385 TO /3)

ADMINISTRATIVE MATTERS
(PERS(2020) 110 TO /3)

At the invitation of the PRESIDENT, Mr HAHN presented two additional proposals for administrative decisions which he was submitting directly to the College for approval.

Mr HAHN explained that it was first proposed to transfer in the interest of the service, under Article 7 of the Staff Regulations, Mr Pierre DELSAUX to the post of Deputy Director-General for Health responsible for Directorates B and C in DG Health and Food Safety.

It was then proposed to appoint Ms Maria Pilar AGUAR FERNANDEZ to the post of Director of the 'Health and Food Audits and Analysis' Directorate in DG Health and Food Safety.

He highlighted the great skills, outstanding career and recognised expertise of Mr Pierre DELSAUX and Ms Maria Pilar AGUAR FERNANDEZ, who would be valuable assets in their new posts.

With the third EU Gender Action Plan being presented that day, Mr HAHN took the opportunity to report on the positive results achieved within the Commission itself in terms of increasing the percentage of women represented in middle and senior management posts, which had risen in one year from 40.5% to 42.5%. There were now 119 women in senior management posts compared to 105 in the same period in 2019. He welcomed the fact that the institution was on course to achieving its objective of gender parity in management posts by 2024.

The PRESIDENT noted that the objective of gender parity was achievable even if the road to getting there was not always easy, and she encouraged the Members of the Commission to continue their efforts in this area.

7.1. DG HEALTH AND FOOD SAFETY – APPOINTMENT OF AD15 DEPUTY DIRECTOR-GENERAL

On a proposal from Mr HAHN, in agreement with the PRESIDENT, and having consulted Ms KYRIAKIDES and Mr BRETON, the Commission

decided to fill the post of Deputy Director-General for Health responsible for Directorates B and C in DG Health and Food Safety by transfer in the interest of the service, under Article 7 of the Staff Regulations, of Mr Pierre DELSAUX, an AD15 official and currently Deputy Director-General in charge of Directorates B and C in DG Defence Industry and Space.

This decision would take effect on 1 December 2020.

7.2. DG HEALTH AND FOOD SAFETY – APPOINTMENT OF AD14/15 DIRECTOR

(PERS(2020) 113 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 ‘Health and Food Audits and Analysis’ Directorate in DG Health and Food Safety (PERS(2020) 113).

It took note of the opinions of the Consultative Committee on Appointments of 20 October and 16 November 2020 (PERS(2020) 113/2 and /3).

The Commission proceeded to compare the applicants’ qualifications for the post. It also considered their ability, efficiency and conduct in the service. On a proposal from Mr HAHN, in agreement with the PRESIDENT and after consulting Ms KYRIAKIDES, it then decided to appoint Ms Maria Pilar AGUAR FERNANDEZ to the post.

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

7.3. EUROSTAT – APPOINTMENT OF AD14/15 DIRECTOR

(PERS(2020) 36 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 of the ‘Sectoral and Regional Statistics’ Directorate in Eurostat (PERS(2020) 36 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 26 and 29 October 2020 (PERS(2020) 36/3 and /4).

The Commission proceeded to compare the applicants’ qualifications for the post. It also considered their ability, efficiency and conduct in the service. On a proposal from Mr HAHN, in agreement with the PRESIDENT and after consulting Mr GENTILONI, it then decided to appoint Ms Viveka PALM to the post.

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

**7.4. EUROSTAT – APPOINTMENT OF AD14/15 DIRECTOR
(PERS(2020) 37 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 of the ‘Social Statistics’ Directorate in Eurostat (PERS(2020) 37 and /2).

It took note of the opinions of the Consultative Committee on Appointments of 26 and 29 October 2020 (PERS(2020) 37/3 and /4).

The Commission proceeded to compare the applicants’ qualifications for the post. It also considered their ability, efficiency and conduct in the service. On a proposal from Mr HAHN, in agreement with the PRESIDENT and after consulting Mr GENTILONI, it then decided to appoint Ms Christine WIRTZ to the post.

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

**7.5. DG DEFENCE INDUSTRY AND SPACE – APPOINTMENT OF AD14/15
DIRECTOR
(PERS(2020) 111 TO /3)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) and Article 29(1)(b) of the Staff Regulations for the post of Director of the ‘Defence Industry’ Directorate in DG Defence Industry and Space (PERS(2020) 111).

It took note of the opinions of the Consultative Committee on Appointments of 26 October and 5 November 2020 (PERS(2020) 111/2 and /3).

The Commission proceeded to compare the applicants’ qualifications for the post. It also considered their ability, efficiency and conduct in the service. On a proposal from Mr HAHN, in agreement with the PRESIDENT and after consulting Mr BRETON, it then decided to appoint Mr François ARBAULT to the post.

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

**7.6. DG DEFENCE INDUSTRY AND SPACE – APPOINTMENT OF AD14/15
DIRECTOR
(PERS(2020) 112 TO /3)**

The Commission had before it applications under Article 29(1)(a)(i) and (iii) and Article 29(1)(b) of the Staff Regulations for the post of Director of the ‘Development and Innovation’ Directorate in DG Defence Industry and Space (PERS(2020) 112).

It took note of the opinions of the Consultative Committee on Appointments of 25 October and 12 November 2020 (PERS(2020) 111/2 and /3).

The Commission proceeded to compare the applicants’ qualifications for the post. It also considered their ability, efficiency and conduct in the service. On

a proposal from Mr HAHN, in agreement with the PRESIDENT and after consulting Mr BRETON, it then decided to appoint Ms Ekaterini KAVVADA to the post.

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

7.7. DG HUMAN RESOURCES AND SECURITY – ADJUSTMENT IN 2020 OF THE CORRECTION COEFFICIENTS APPLIED TO THE REMUNERATION AND PENSIONS OF OFFICIALS AND OTHER SERVANTS OF THE EUROPEAN UNION AND OF THE RATE OF CONTRIBUTION TO THE PENSION SCHEME OF OFFICIALS AND OTHER SERVANTS OF THE EUROPEAN UNION

The Commission took note of Mr HAHN's note to the College of 20 November 2020 (Ares(2020) 7033759).

**8. JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL – EU GENDER ACTION PLAN (GAP III) – AN AMBITIOUS AGENDA FOR GENDER EQUALITY AND WOMEN'S EMPOWERMENT IN EU EXTERNAL ACTION
(JOIN(2020) 17 AND /2; SWD(2020) 284 AND /2; RCC(2020) 182)**

The PRESIDENT asked Mr BORRELL and Ms URPILAINEN to present the EU Gender Action Plan (GAP III) to the College. She began by highlighting the fact that, in 2020, less than 50% of women worldwide had a job, compared to 76% of men, and, worldwide, only around 25% of members of national parliaments were female.

Mr BORRELL noted that the Joint Communication was the first policy framework drawn up by the European Commission and the European External Action Service to focus on gender equality in external action. He highlighted women's role in consolidating peace and security not only in international fora, but also in the field

of cooperation. However, there was not a single country in the world that was on track to achieve gender equality and the empowerment of all women and girls by 2030, a quarter of a century after the adoption of the Beijing Declaration and Platform for Action and 20 years after the adoption of UN Security Council Resolution 1325 on Women, Peace and Security. The COVID-19 pandemic had not improved the situation.

From 1992 to 2019, women accounted for only 13% of negotiators, 3% of mediators and 6% of signatories in major peace processes. Around 75% of the European External Action Service's staff were men. He hoped that the Member States would put forward more female candidates for vacant posts to address this imbalance.

Mr BORRELL concluded his general presentation by welcoming the very positive reactions to the Action Plan, which should give rise to a communication campaign commensurate with the task in hand.

Ms URPILAINEN pointed to the fact that, in 2015, the whole world had supported the United Nations' Sustainable Development Goals, including the fifth goal which was to achieve gender equality and the empowerment of all women and girls by 2030. Regrettably, results were still lagging behind, especially now that the pandemic had widened existing inequalities globally and was jeopardising decades of progress linked to the Sustainable Development Goals. Women and girls were especially affected by the pandemic, she said.

The proposed Action Plan was based on five pillars. First, the EU had undertaken to ensure that at least 85% of all new external actions would include gender equality and the empowerment of women and girls as a principal objective by 2025. Second, coordination would be improved, particularly by strengthening partnerships with key stakeholders, including women's organisations and youth organisations. Third, efforts would focus particularly on the key priorities of combating gender-based violence, promoting the economic, social and political empowerment of women, guaranteeing universal access to healthcare, including sexual and reproductive

health and related rights, ensuring gender equality in education, and promoting equality in terms of participation and leadership. Fourth, the Union itself needed to lead by example and achieve a better gender balance in the most senior management posts, including in EU delegations. Currently, only 40 of the 140 Heads of Delegation were women. Lastly, the Action Plan introduced a new quantitative, qualitative, and inclusive approach to monitoring the results achieved, which would make the EU more accountable to citizens and ensure the transparency of and access to information on its contribution to achieving gender equality around the globe.

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

- the College’s full support for the ambition and balance of the proposal;
- the need for the European Union to lead by example, including with regard to appointing women to senior management posts, not only in the EU delegations but also in the Commission representations in the Member States;
- the ongoing debate regarding the term ‘gender’, which in certain EU languages was equivalent to the term ‘sex’;
- the link between the Action Plan and the Gender Equality Strategy that had recently been adopted by the Commission, and thus the consistent approach in terms of what the European Union was requiring of third country partners and what it was requiring of the Member States;
- a statement to the effect that change could not come from women alone, and that men also needed to be part of the process to bring about a positive transformation in society;
- the importance of access to education in terms of women’s empowerment, including in third countries where gender-equality standards were not always as high as they ought to be;

- the need to help women to increase their self-confidence to enable them to apply for jobs and prepare for interviews;
- the role of innovation and, in that context, the importance of helping women to create businesses and secure funding;
- the benchmark that was the Istanbul Convention on preventing and combating violence against women and domestic violence, and the need to create greater awareness of it among citizens and authorities, including judges and political actors;
- a reference to the role of contraception in gender equality;
- the need to acknowledge violence against women and girls, including online violence;
- the fact that women were often at a disadvantage compared to men, since they accounted for around 85% of lone parents and the majority of healthcare workers and key workers, as had been demonstrated during the COVID-19 pandemic;
- the fact that women were under-represented in the digital sector;
- acknowledgement of women’s place in the fisheries and aquaculture sector, where they played a key role, without always having as much visibility as they deserved;
- the suggestion to link the awarding of EU funding to gender equality and female empowerment;
- with this in mind, a reference to the peace talks taking place in Afghanistan, and the importance of a clear position on women’s role in the country’s future.

To conclude the discussion, the PRESIDENT noted with satisfaction that the Union was recognised worldwide as a force for reconstruction, once peace processes were

under way. She supported the idea of linking financial support from the Union to specific gender-equality objectives.

Following this discussion, the Commission, on a proposal from the PRESIDENT, confirmed the adoption of the Joint Communication in JOIN(2020) 17/2 by the finalisation written procedure, the deadline for which was set at 9.30 on Wednesday 25 November 2020 (PE/2020/8373).

**9. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, AND THE COMMITTEE OF THE REGIONS – MAKING THE MOST OF THE EU’S INNOVATIVE POTENTIAL – AN INTELLECTUAL PROPERTY ACTION PLAN TO SUPPORT THE EU’S RECOVERY AND RESILIENCE
(COM(2020) 760 AND /2; RCC(2020) 184)**

The PRESIDENT asked Ms VESTAGER and Mr BRETON to present to the College the Action Plan on intellectual property proposed by the Commission, which aimed at unlocking the EU’s innovation potential, supporting its recovery and strengthening its resilience.

Ms VESTAGER described this Action Plan, stressing its importance for European competitiveness and highlighting its five key focus areas.

She placed particular emphasis on the need to establish a less complex intellectual property system that was more accessible to small and medium-sized enterprises. Allowing them to protect their intellectual property and to access third-party assets protected by intellectual property rights would benefit the economy and employment.

She felt there was justification for submitting this Action Plan to the College for approval at the same time as the Pharmaceutical Strategy for Europe. The health

crisis linked to the COVID-19 pandemic had clearly shown the importance of intellectual property considerations for medicines and vaccines.

Mr BRETON highlighted the significance of the role that intellectual property played in the current European economy and the need to modernise its framework in order to stimulate European growth and competitiveness and strengthen European technological leadership in the international arena.

In his view, this framework should encourage economic operators, including small and medium-sized enterprises, to make the protection of intellectual property and the management of intangible assets an integral part of their day-to-day and strategic concerns.

In this respect he explained that the modernised framework proposed in the Action Plan was structured around five key focus areas, which he briefly mentioned.

First Mr BRETON described the weaknesses of the current system for protecting intellectual property, in particular the lack of homogeneity across the EU, which often made it complex and costly.

He said that to improve this system, the Action Plan included a specific measure to promote the swift introduction of the unitary patent system in order to create a one-stop shop for protecting and applying patents across the EU.

He mentioned the second key focus area in the Action Plan, which was intended to encourage small and medium-sized enterprises to protect their intangible assets. The simplification of the intellectual property system mentioned earlier would help with this but it would also be necessary to encourage these companies to develop strategies to exploit their existing potential.

Among the specific actions proposed by the Action Plan in this regard, he mentioned the establishment, in collaboration with the European Union Intellectual Property Office, of a financial support instrument for small and medium-sized enterprises for the registration of their intellectual property rights and the provision

of strategic advice on intellectual property.

Mr BRETON explained that with its third key focus area, the Action Plan sought to facilitate access to and the sharing of intellectual property by improving the transparency and predictability of licensing for standard-essential patents, which was a major element of the digital transformation of European industry.

He also pointed out the value of the actions proposed to facilitate access to critical intangible assets at times of crisis while ensuring a fair return on investment.

Fourthly, he spoke about the need to step up the fight against counterfeiting and piracy, which represented considerable losses and reduced the effectiveness of intellectual property rights.

Lastly, Mr BRETON said that the fifth and final key focus area of the Action Plan aimed at increasing the EU's influence on the world stage in terms of intellectual property. The aim was to strengthen its role as a standard-setter in this area, in particular in international fora, as well as to combat unfair practices.

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

- the undeniable added value of the Action Plan presented that day, both within the EU and on the international stage, and the good timing of its presentation;
- the merit of the particular attention paid to small and medium-sized enterprises and the importance of simplifying the intellectual property framework as proposed;
- the importance of the measure envisaged to promote transparency and predictability in the licensing of standard-essential patents with the aim of limiting the risk of disputes and encouraging agreed solutions between manufacturers; the essential element that this measure would bring to the digital

transformation of European industry, in particular with a view to the deployment of connected cars or Internet of Things products;

- the need to ensure that creations or innovations developed with the help of European funds served the European economy;
- the importance of making international research cooperation subject to certain requirements in order to act as a deterrent against industrial espionage practices and attempts to misappropriate intellectual property;
- the relevance of the announced study on copyright and new technologies, which would focus on copyright data management and artificial intelligence;
- the importance of intellectual property rights for the rural economy as well, in particular through geographical indications.

Following this discussion, the Commission, on a proposal from the PRESIDENT, confirmed the adoption of the Communication in COM(2020) 760/2 by the finalisation written procedure, the deadline for which was set at 10.00 on Wednesday 25 November 2020 (PE/2020/8471).

10. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON EUROPEAN DATA GOVERNANCE (DATA GOVERNANCE ACT)

(COM(2020) 767 TO 4; SWD(2020) 295; SWD(2020) 296; SEC(2020) 405; RCC(2020) 180)

The PRESIDENT asked Ms VESTAGER and Mr BRETON to present the proposal for a Regulation on European data governance, also known as the ‘Data Governance Act’, which was the first practical application of the European data strategy, approved on 19 February 2020.

Ms VESTAGER began by noting the ever-increasing importance of data and the growing need to exchange it in order to maximise its potential. The management of the COVID-19 pandemic would also certainly have benefited from better data exchange.

In order to ensure the EU played a leading role in an increasingly data-driven economy, it was necessary to develop a reliable framework in which data, whether personal or not, could be exchanged with confidence.

It was by no means a question of forcing anyone to share data, but of establishing a clear legal framework to serve as a basis for a new form of European data governance in line with EU values and principles, such as the protection of personal data, consumer protection and competition rules.

Three elements should make it possible to achieve this objective.

First, a mechanism was to be established for re-using certain categories of protected public sector data, which was conditional on respect for the rights of others, in particular in order to protect personal data, but also to safeguard intellectual property rights and commercial confidentiality.

Second, the proposal sought to increase trust in sharing personal and non-personal data and lower transaction costs linked to B2B and C2B data sharing by creating a notification regime for data sharing providers.

Third, the proposal aimed to facilitate data altruism, i.e. data voluntarily made available by individuals or companies for the common good.

Mr BRETON referred to the objective of turning the EU into a world leader in the data field by creating a single market for data, open and faithful to European values, with trustworthy data flows between economic sectors and among Member States.

He drew the Commission's attention to the scale of the data wave on its way, particularly as a result of the Internet of Things and 5G. The amount of data

generated by public bodies, businesses and citizens was set to increase fivefold between 2018 and 2025.

He also highlighted the potential of this data. As a form of industrial heritage, it was a major asset for transforming the economy, society, industry and employment.

Mr BRETON therefore stressed the need to set out the European approach to data without delay.

The proposal presented that day was the first in a series of four that would help to achieve Europe's digital ambition. While this first initiative sought to lay the foundations of the European data space in all sectors, the other three initiatives planned by the end of 2020 would focus on, first, organising the responsibility of platforms (*Digital Services Act*), second, organising a fair market in the information and digital space (*Digital Markets Act*) and, third, organising protection of that space (cybersecurity strategy).

Mr BRETON pointed out that that day's proposal established a set of cross-cutting rules on the basis of which sectoral European data spaces could subsequently be developed, for example in the health sector.

The aim was to encourage more data sharing in order to unlock data's economic and societal potential. The three strands of the proposal referred to by Ms VESTAGER were therefore primarily designed to establish trust among stakeholders, whether that be in sharing sensitive data held by the public sector, sharing data with platforms or donating data for the common good.

First, he briefly picked up on the proposed body of harmonised rules for sharing sensitive public data. He was satisfied with the efforts made to achieve balanced conditions for sharing such data with parties outside the EU, in line with the EU's rules and its international commitments. This balance would make it possible to attach stricter conditions to highly sensitive public data, including the possibility of restricting their transfer outside the EU.

The proposal created a framework conducive to the emergence of intermediaries, whose role would be to bring together data generators and data users within a reliable framework. The idea was to ensure that data shared with these intermediaries would not be misused, but would benefit European industry.

He noted a certain dynamism in this area among start-ups and small and medium-sized enterprises, which would benefit from these harmonised rules in developing their businesses. These intermediaries could pave the way for future European platforms.

Lastly, the proposal was careful to provide for a shield against requests for access by third countries that were in conflict with EU law, with due regard for judicial and police cooperation agreements. This was likely to further increase trust among stakeholders.

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

- the importance of that day’s proposal as a first step towards creating a European digital economy based on the free flow of data;
- the favourable conditions it created for individuals, businesses and authorities to share data in a secure and trustworthy manner, with the consent of those holding the rights to such data;
- broad support for the objective of promoting the flow of data in compliance with the EU’s international commitments, in particular in the context of the World Trade Organization, and with European rules on the protection of personal data and EU case-law;
- the need to identify and protect highly sensitive data, subject to adequacy decisions taken by the EU in relation to third countries;

- the latest adjustments made to Article 30 of the proposal for a Regulation in the light of the new rules proposed by the Commission to make it easier and faster for the police and judicial authorities to obtain electronic evidence;
- the importance of the proposal as a prerequisite for the emergence of sectoral data spaces;
- in the field of transport, for example, the fact that the creation of a common European mobility data space would allow the development of a multimodal ticketing system;
- in the same area, the new opportunities opened up by the possibility of exchanging data in real time;
- the need to continue to promote interoperability between the EU institutions and the Member States;
- the idea of creating a European cloud toolbox.

The PRESIDENT concluded the discussion by warmly thanking Ms VESTAGER and Mr BRETON for the tenacity they had shown and for their considerable efforts in recent weeks to achieve this collective outcome, despite the practical difficulties resulting from the health crisis.

Following these presentations, the Commission, on a proposal from the PRESIDENT, confirmed the adoption of the proposal for a Regulation in COM(2020) 767/4 by the finalisation written procedure, the deadline for which was set at 10.00 on Wednesday 25 November 2020 (PE/2020/8560).

11. COMMUNICATION FROM THE COMMISSION THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, AND THE COMMITTEE OF THE REGIONS –

PHARMACEUTICAL STRATEGY FOR EUROPE

(COM(2020) 761 TO /3; SWD(2020) 286 TO /3; RCC(2020) 185)

By way of introduction to the presentation on a pharmaceutical strategy for Europe, the PRESIDENT informed the College that a contract was about to be signed with pharmaceutical company Moderna for the supply of vaccines against COVID-19. The Commission had opted for an advance purchase strategy with a portfolio of six vaccines under development. None of these had failed, although some were still at the clinical trial stage. Thanks to a great deal of hard work, it was now possible to plan the deployment of the first vaccines. There was a glimmer of light at the end of the pandemic tunnel.

This crisis had highlighted the importance of establishing a genuine European health policy, of which the proposed pharmaceutical strategy formed an indispensable part.

She had referred to a comprehensive review of EU pharmaceutical legislation in her political guidelines in July 2019 without imagining at the time that a pandemic would make it even more necessary. Indeed, the COVID-19 crisis had revealed the Union's vulnerabilities and its dependence on foreign suppliers, including for generic medicines like paracetamol which were still widely used in Europe. Ultimately, the pandemic would enable considerable progress in the development of a European health policy, as illustrated by the proposed pharmaceutical strategy.

Mr SCHINAS confirmed that the pandemic had demonstrated the need for such a policy at Union level. In the current crisis situation, the Commission had made full use, without Treaty change, of all the room for manoeuvre which its limited powers in the health policy field allowed. Driven by necessity, it had taken unprecedented initiatives, such as the advance purchase of vaccines through EU-wide public procurement. The Commission had discharged its responsibilities in full and had learned from the crisis by rapidly putting in place the building blocks of a European health policy.

The process now under way was a major project that would require the Commission's engagement over a number of years and across a wide range of areas – industry, research, innovation, competition and trade, to name but a few.

In conclusion, he referenced the solid foundations underpinning the proposed strategy, which would enable the Union's pharmaceutical industry to remain competitive and innovative while meeting the needs of patients and healthcare systems.

Ms KYRIAKIDES said that the COVID-19 crisis had shown that Europe needed to make health protection a higher priority.

A few weeks previously the Commission had approved the first pillar of the European Health Union, which was designed to boost its crisis preparedness, in particular by strengthening the role and powers of its health agencies, the European Centre for Disease Prevention and Control (ECDC) and the European Medicines Agency (EMA), and by proposing the establishment of a European Health Emergency Response Authority (HERA) .

The pharmaceutical strategy proposed by the Commission represented the second pillar of the European Health Union. It addressed pharmaceutical policy in a holistic way with a view to tackling not just ongoing problems such as shortages of medicines, which had been further aggravated by an unprecedented health crisis, but also the challenges to come, by creating a future-proof and crisis-resilient pharmaceutical system.

The strategy was focused on four main strands. These were (i) improving patients' access to affordable medicines, (ii) fostering innovation and better addressing unmet medical needs, as in the case of paediatric cancers, taking advantage of advances in science and emerging technologies, while reducing the environmental footprint, (iii) developing the Union's strategic autonomy through resilient and diversified supply chains in order to address the root causes of shortages of medicines, and

lastly, (iv) developing the Union's influence and competitiveness at world level and ensuring a level playing field for its operators.

In order to achieve these objectives, Ms KYRIAKIDES said it would be necessary to reform pharmaceutical legislation, including legislation on medicines for paediatric and rare diseases.

The aim was also to (i) facilitate the development of new antibiotics and combat antimicrobial resistance, (ii) simplify the regulatory process so that patients in the Union could access innovative and affordable medicines more quickly, and (iii) provide incentives for research and development so that the Union's pharmaceutical industry could continue to be innovative and competitive at world level.

The strategy also proposed stepping up coordination between the main stakeholders, inter alia by launching a structured dialogue with actors in the pharmaceuticals manufacturing value chain, the authorities, non-governmental organisations and the research community with a view to providing sustainable solutions to vulnerabilities in the supply chain.

Ms KYRIAKIDES added that the strategy set out an ambitious programme of measures covering the entire lifecycle of medicines from research to clinical trials and from marketing authorisation to consumption and disposal.

She concluded by saying that in the coming weeks the Commission would put forward the third pillar of the European Health Union with its 'Europe's Beating Cancer Plan', which would further contribute to the development of a genuinely future-proof European health system.

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

- the paramount importance of research and innovation, particularly in the framework of Horizon Europe and public-private partnerships, in implementing a genuine policy to prevent health crises, especially epidemics;
- the fundamental role of small and medium-sized enterprises in innovation and the targeted support they should be provided with in this context;
- the special attention to be paid to young people, especially those with rare diseases;
- the need to promote skills and access to training and lifelong learning, in particular by encouraging mobility on the part of researchers;
- the relevance of the prospective studies undertaken by the Commission in order to anticipate crises wherever possible by identifying the Union’s vulnerabilities and addressing them more effectively;
- the direct link between climate change and the emergence of new health threats;
- the growing importance of data usage and exchange in the health sector, including the use of new digital tools;
- the lessons to be learned from the indirect health effects of the COVID-19 epidemic, for example the sharp reduction in prescriptions of antibiotics.

The PRESIDENT thanked Mr SCHINAS and Ms KYRIAKIDES for their presentation. She wound up by returning briefly to the rolling-out of the future COVID-19 vaccines. The Union had ordered no fewer than 700 million doses of vaccine without knowing at that stage whether the six vaccines under development in its portfolio would be successful. In the light of the promising results, the Member States would be able to donate surplus doses to the EU’s third-country partners.

Following these presentations, the Commission, on a proposal from

the PRESIDENT, confirmed the adoption of the Communication in COM(2020) 761/3 by the finalisation written procedure, the deadline for which was set at 10.00 on Wednesday 25 November 2020 (PE/2020/8464).

12. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, AND THE COMMITTEE OF THE REGIONS – ACTION PLAN ON INTEGRATION AND INCLUSION 2021-2027 (COM(2020) 758 AND /2; SWD(2020) 290 AND /2; RCC(2020) 183)

The PRESIDENT asked Mr SCHINAS and Ms JOHANSSON to present to the College the Action Plan on Integration and Inclusion 2021-2027. She said that the aim of this plan was to promote the inclusion of everyone in European society, including migrants and EU citizens with a migrant background, and to address the obstacles that could hinder their participation. It was based on the principle that good integration needed efforts both from the people concerned and from the host community.

Mr SCHINAS said that integration and inclusion lay at the heart of the Union's values. The European way of life therefore meant not leaving anyone behind, by granting all citizens rights and giving them the means to flourish. He pointed out that these rights however went together with certain obligations and rules that had to be respected and confirmed the principle that integration was a two-way process.

He began by highlighting the new features of the new Action Plan and said that these features remained firmly grounded in the Union's values and democratic framework. First, this Action Plan was aimed at third-country nationals living in the EU and EU citizens with a migrant background. Second, through its choice of instruments, the Action Plan envisaged mobilising all the financing available in the next multiannual financial framework. Third, it established a scoreboard to measure Member States' progress.

The Action Plan focused on four basic paths to integration and inclusion: education and training, employment and skills, health and housing. Within these main areas, the plan set out 60 actions and proposed 30 recommendations to the Member States. As regards inclusive education and training, from early childhood to higher education, the central idea was to facilitate the recognition of qualifications and of continuous language learning. Another aim was to improve employment prospects and the recognition of skills so as to properly appreciate the contribution of migrant communities, in particular women, and help them make use of their achievements, especially through support for entrepreneurship. The third priority was to promote access to healthcare services by people with a migrant background, for example by ensuring that they were informed of their rights. Lastly, the fourth priority concerned access to adequate and affordable housing, and the fight against discrimination in the housing market.

Mr SCHINAS said that people who did not benefit from integration and inclusion policies and who felt marginalised and left behind by the public authorities could fall prey to extremists who exploited their vulnerability and sense of abandonment. This was why the Commission's initiatives must seek to fill the gaps in inclusion policies, provide opportunities for integration and mobilise financing to complement the action taken by the Member States. On the sensitive issue of radicalisation and the fight against terrorism, the Commission would present a set of proposals next month in the context of the Security Union.

Ms JOHANSSON said that to invest in integration and inclusion was to invest in the social cohesion and economy of the EU. She added that migrants and people with a migrant background were full members of European society and that their ambitions, skills and talents should not be underestimated, since these were assets that enabled them to flourish in their host society and contribute added value to it.

On the subject of the Action Plan itself, she said that it drew lessons from previous plans and stepped up their level of ambition. It proposed a balanced approach in which integration was beneficial for both individuals and society, provided

opportunities for self-fulfilment while requiring personal efforts to adapt, and sought to address vulnerabilities by building on migrants' strengths.

Considerable financing was available to implement these efforts provided that the Member States took ownership of the Commission's recommendations.

Returning to the main priorities of integration and inclusion, she stressed that employment, in particular, was fundamental and helped people to take part in society, for example by giving children with a migrant background a positive image of their parents' integration in the employment market. The employment rate of migrant women and women with a migrant background remained generally very low and those who were in employment were usually overqualified for the work they were doing.

She also highlighted the teamwork that had marked the preparation of the Action Plan presented that day and the constructive collaboration that had resulted. Moreover, it was the result of extensive consultations. A group of experts and advisers who were themselves migrants had been set up and had carried out excellent work.

In conclusion, she hoped the Member States would welcome the Action Plan on Integration and Inclusion.

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

- a reminder that successful integration was an economic and social investment, a 'win-win' game for individuals and society, and a condition for the success of EU migration policy;
- a reference to the central role of education in the integration and inclusion of migrants;

- the imperative need to invest in the children of migrants and address their specific needs so as to tackle their feeling of exclusion and avoid a loss to the EU economy;
- the financing that could be mobilised under the European Social Fund and the valuable role that could be played by the future ‘Child Guarantee’, which was currently being formulated;
- the regional and local dimension of integration policy and the fact that rural areas were often more welcoming and conducive to inclusion;
- the importance of the Action Plan in the discussion to be launched in the context of the Conference on the Future of Europe;
- the synergies of the Action Plan with the strategies on Roma integration and gender equality, the Anti-Racism Action Plan and the strategy on persons with disabilities, which would make it possible to tackle at root all aspects of integration.

The PRESIDENT wound up the discussion by thanking Mr SCHINAS and Ms JOHANSSON for their excellent work.

Following these presentations, the Commission approved the Communication in COM(2020) 758/2 for transmission to Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions and, for information, to the national parliaments, together with the staff working document distributed as SWD(2020) 290/2, the contents of which were noted.

13. OTHER BUSINESS

LATEST DEVELOPMENTS IN EXTERNAL RELATIONS (INFO(2020) 38)

The PRESIDENT concluded the College meeting by reviewing some recent developments in current affairs.

She referred briefly to the G20 summit held by videoconference on 21-22 November, highlighting the constructive spirit that had marked it and the positive outcome achieved. The discussions had focused chiefly on management of the COVID-19 pandemic and on the global economic recovery. On these two key issues, the G20 members had expressed positions very similar to those of the EU.

On the first point, she underscored the significant efforts and resources that had been mobilised worldwide to support the research, development, manufacture and distribution of diagnostic products, treatments and safe and effective vaccinations against COVID-19. In particular, she referred to the G20's support for the Access to COVID-19 Tools Accelerator – ACT-A and for the COVAX mechanism, which was highly successful.

On the second point, the global economic recovery, she welcomed the G20's final declaration, which stressed the sustainable nature of the recovery and adopted the EU's arguments concerning the fight against climate change. She also referred to the decision on debt relief for the poorest countries, which were hard hit by the pandemic.

The PRESIDENT went on to say that a few days ago she and the President of the European Council, Charles MICHEL, had each held a first phone call with the President-Elect of the United States, Joe BIDEN. She welcomed the openness that Mr BIDEN had expressed towards the EU and the positive momentum he planned to give to collaboration between the EU and the United States in a number of areas, starting with the fight against climate change. She confirmed the future President's intention for the United States to rejoin the Paris Agreement at the start of his term of office. She welcomed this additional support for the EU in the fight for sustainable development, although continued vigilance would be needed. She

confirmed the new US leadership's commitment to rebuilding the Transatlantic cooperation programme.

The PRESIDENT went on to speak of the negotiations on the next multiannual financial framework and NextGenerationEU, which were currently being held up by two Member States who opposed the rule of law conditions that needed to be met in order to receive European funds. She did not conceal the seriousness of this stalling in the negotiations and hoped that the German Presidency of the Council would succeed in finding a way forward for the agreement between the three EU institutions. She stressed that a solution must be found rapidly to enable the financial framework and the recovery plan to be implemented from 1 January 2021.

With regard to the United Kingdom's withdrawal from the European Union, she said there had been some progress, but not yet enough, in what was now a race against time given that the transition period was due to expire on 31 December 2020. The European Parliament wanted enough time to debate the possible treaty on the future relationship between the EU and the United Kingdom before approving it, and might meet right at the end of December in order to do this. As regards the negotiation itself, the discussions on fishing were still very difficult, as were those on the level playing field, despite some recent progress. She stressed that the next few days would be decisive.

The Commission took note of this information and of the note distributed as INFO(2020) 38.

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The meeting closed at 15.45.