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COVER NOTE

From: Presidency
To: Delegations

Subject: Legislative programming
– Letter from the Presidency to the Commission

Delegations will find attached a letter on legislative programming from the Presidency to the European Commission as follow-up to the exchange of views held at the Council (General Affairs) meeting of 21 September 2021.



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Slovensko predsedovanje Svetu Evropske Unije
Slovenian Presidency of the Council of the European Union

6 October 2021

GAC 21 September 2021

Follow-up letter from the Presidency to the Commission on legislative programming

Dear President von der Leyen,

Dear Vice-President Šefčovič,

On behalf of the Council, I would like to thank you for the Letter of Intent of 15 September which, also on the basis of the Annual Foresight Report, sets out the main priorities envisaged by the Commission for 2022. The Commission's input has launched the annual legislative programming exercise which will continue over the autumn.

The coronavirus pandemic caused an unprecedented health, economic and social crisis, which the EU and its Member States had to face with rapid and decisive action during 2020 and 2021. In 2022, the EU will have to continue to act firmly to cope with and overcome the effects of the pandemic.

As you rightly stated in the Letter of Intent, delivery and implementation will become an even more important focus as we approach the second half of the legislature. This is why the Presidency remains fully committed to achieving progress on all proposals that are currently being negotiated and on new initiatives.

At its meeting of 21 September, the Council exchanged views on the Letter of Intent and the 2021 Strategic Foresight Report. I thank the Commission for its contribution to this debate and for the information provided on the next steps. As rightly pointed out by the Commission, strategic foresight is work-in-progress, we have to learn from the countries with good practices and together develop the capacity of the EU-wide Foresight Network, which will enable our more timely and adequate reaction to future crises. Another point worth mentioning is the idea that also the Strategic Agenda of the EU could draw on the results of Strategic Foresight Reports and findings of the Network.

The overall reception of the Commission's input at the Council level was very positive. The positions expressed in relation to individual policy areas and initiatives naturally varied among delegations, while showing however a considerable degree of convergence in terms of priority actions. You will find below an overview of the broad lines emerging from our discussion.

General considerations

In general, there was broad support for the Commission's headline ambitions as laid out in the Letter of Intent. Furthermore, many delegations emphasised the added value and timeliness of strategic foresight, both at national and EU level, and expressed great appreciation of this year's Foresight Report's focus on open strategic autonomy. The need to strengthen the EU's resilience in different sectors, such as health and cyber security, was a common thread across many of the interventions.

Delegations also acknowledged the results achieved during 2020 and 2021, at a time of the health, economic and social crisis, which the EU and its Member States faced together effectively.

Single Market, the economy and taxation

In the Council discussion, Ministers concurred on the need to strengthen the single market, ensure its integrity, eliminate remaining barriers and prevent future fragmentation. In this regard, the proposal for a Single Market Emergency Instrument was welcomed by some Ministers, who also called for further initiatives beyond crisis measures. Good cooperation will be needed between the EU institutions and the Member States regarding the review of economic governance, the NextGenEU and the implementation of Recovery and Resilience Plans. Several delegations also indicated as a priority to step up the review of the competition policy, including state aid rules, while many welcomed the proposed implementation of the OECD global agreement on minimum effective taxation as well as the upcoming proposals from the Commission on new own resources. The importance of the proposals on sustainable corporate governance was also recalled. Furthermore, a few delegations raised the issue of equal access to medicines and pharmaceutical products as an area deserving attention.

Green and digital transitions

Ministers agreed on the importance of the twin transitions. The Green Deal is seen as a key framework for developing actions for sustainable and inclusive growth, and was mentioned mostly in connection with the need to advance proposals already presented. The need to regulate the natural soil protection was also singled out in this context. Furthermore, several delegations advocated for combining ambitious climate neutrality goals with both a fair transition that leaves no one behind and a realistic approach safeguarding the competitiveness of European industry. With respect to the digital transition, delegations emphasised the importance of new initiatives including the European Chips Act and the European Cyber Resilience Act, while also recalling the centrality of proposals, such as Digital Services Act, Digital Markets Act and regulation on artificial intelligence, being negotiated currently.

Health and social policy

Several delegations emphasised the continued importance of strengthening the EU's preparedness and resilience in this domain, with some referring specifically to recent proposals, such as HERA. Many underlined the importance of reaching a timely agreement on the proposals on the European Health Union. The need to adopt measures to implement further the European Pillar of Social Rights has also been recalled by some delegations, including the upcoming proposal of the Commission to improving the working conditions in platform work.

Justice and home affairs

Delegations called for increased efforts in the area of fighting organised crime, with several specifically referring to the need in the long term for a regulatory framework for data retention to provide law enforcement with the tools to investigate cross-border crime.

Furthermore, the need for functioning migration and asylum policies was emphasised by several Ministers. In addition, several Ministers mentioned the protection of the EU's external borders with specific references to protection from hybrid and cyber threats.

Democracy and the Rule of Law

In this area, Ministers reaffirmed their strong commitment to protecting the Rule of Law and core EU values and appreciated the Commission's continued commitment in this regard. In particular, reference was made by many delegations to the proposal for a European Media Freedom Act as a necessary safeguard and welcome initiative.

Role of the EU in the world

The importance of strengthening the EU's role as a global player was recalled. The Global Gateway initiative on connectivity was received positively by many Ministers. With regard to global partnerships and the EU's neighbourhood, the Western Balkans, the Eastern Partnership, the EU's Southern neighbourhood and the strengthening of multilateral partnerships were mentioned as priorities, as well as Africa and the Indopacific.

Security, defence and external borders

The need to step up cooperation in this area was underlined during the debate, with some Ministers referring specifically to the Roadmap on security and defence technologies. Proposals aiming to ensure that the EU is better equipped with respect to its open strategic autonomy were also regularly mentioned, as well as the contribution of the Commission to relevant areas of the work on the Strategic Compass with a view to its adoption by March 2022. Several Ministers also mentioned the reform of the Schengen Area, including the planned revision of the Schengen Borders Code.

The above is a general overview of the first reactions within the Council. I hope that the Commission can take them into account when elaborating its detailed Work Programme for 2022 and in future discussions as regards the forthcoming exercise of annual legislative programming.

On behalf of the Council, I look forward to continuing the dialogue with the Commission and the European Parliament with a view to the Joint Declaration on legislative priorities for 2022, in accordance with the Interinstitutional Agreement on Better Law-Making.

Yours sincerely,



Gašper Dovžan
State Secretary