EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2020) 2335 final

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Brussels, 27 May 2020

TEXTE EN

MINUTES

of the 2335th meeting of the Commission

held in Brussels

(Berlaymont)

on Wednesday 29 April 2020

(morning)

TABLE OF CONTENTS

<u>Single sitting</u>: Wednesday 29 April 2020 (morning)

The sitting opened at 9.00 with Ms von der LEYEN, President, in the chair.

<u>Present</u>:

Ms von der LEYEN	President

<u>The following members attended by videoconference or teleconference</u>:

Mr TIMMERMANS	Executive Vice-President
Ms VESTAGER	Executive Vice-President
Mr DOMBROVSKIS	Executive Vice-President
Mr BORRELL i FONTELLES	High Representative/Vice-President
Mr ŠEFČOVIČ	Vice-President
Ms JOUROVÁ	Vice-President
Ms ŠUICA	Vice-President
Mr SCHINAS	Vice-President
Mr HAHN	Member
Mr HOGAN	Member
Mr SCHMIT	Member
Ms GABRIEL	Member
Mr GENTILONI	Member
Mr WOJCIECHOWSKI	Member
Mr BRETON	Member
Ms FERREIRA	Member
Ms KYRIAKIDES	Member
Mr REYNDERS	Member
Ms DALLI	Member
Mr LENARČIČ	Member
Ms VĂLEAN	Member
Mr VÁRHELYI	Member
Ms URPILAINEN	Member
Ms SIMSON	Member
Mr SINKEVIČIUS	Member

Absent:

Ms JOHANSSON	Member

<u>The following sat in by videoconference or teleconference to represent an absent Member of the Commission</u>:

Ms WEBBER	Chef de cabinet to Ms JOHANSSON

<u>The following also sat in</u>:

Mr SEIBERT	Chef de cabinet to the PRESIDENT	
Mr MAMER	Head of the Spokesperson's Service and Chief Spokesperson of the Commission	
Ms RISO	Deputy Chef de cabinet to the PRESIDENT	
Mr WHELAN	Adviser in the PRESIDENT's Office	Item 8
Mr USTUBS	Adviser in the PRESIDENT's Office	Item 10
Ms HILI	Adviser in the PRESIDENT's Office	Items 8 and 11
Mr VALERO	Secretariat-General	
Ms SPINANT	Commission Spokesperson's Service	

<u>The following also sat in by videoconference or teleconference</u>:

Mr ROMERO REQUENA	Director-General, Legal Service
Ms AHRENKILDE HANSEN	Director-General, DG Communication
Mr LEARDINI	Deputy Secretary-General
Ms GAUER	Deputy Secretary-General
Ms PETKOVA	Director of Coordination and Administration in the PRESIDENT's Office
Ms VILA NUÑEZ	Policy Coordinator in the PRESIDENT's Office
Ms ALLOUIS-LE LOSTEC	Secretariat-General
Ms STANCIULESCU	Secretariat-General

Secretary: Ms JUHANSONE, Secretary-General, present, assisted by Mr AYET PUIGARNAU, Director in the Secretariat-General, attending by videoconference.

1. AGENDA
(OJ(2020) 2335/FINAL)

The Commission took note of that day's agenda.

2. WEEKLY MEETING OF CHEFS DE CABINET
(RCC(2020) 2335)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 27 April 2020 by videoconference and teleconference.

3. APPROVAL OF THE MINUTES OF THE 2333RD AND 2334TH MEETINGS OF THE COMMISSION (8 AND 22 APRIL 2020)
(PV(2020) 2333; PV(2020) 2333, 2ND PART)

The Commission approved the minutes of its 2333rd meeting and decided to hold over approval of the minutes of its 2334th meeting for a later meeting.

4. INTERINSTITUTIONAL RELATIONS
(RCC(2020) 57)

The Commission took note of the record of the virtual meeting of the Interinstitutional Relations Group (IRG) held by videoconference and teleconference during the week of 20 to 24 April 2020 (RCC(2020) 57).

It paid particular attention to the following points.

4.1. HORIZONTAL ITEM

i) 2021-2027 Multiannual Financial Framework – Council

– Proposal presented to the Council by the High Representative of the Union for Foreign Affairs and Security Policy, with the support of the Commission, for a Council Decision establishing a European Peace Facility – HR(2018) 94

The Commission approved the line set out in SI(2020) 97/3.

4.2. RESPONSE TO THE COVID-19 PANDEMIC

ii) Handling of delegated acts and measures under the regulatory procedure with scrutiny in view of COVID-19 related restrictions on the side of the European Parliament and the Council

The Commission approved the line set out in SPI(2020) 12 and /2.

iii) Possible postponement of the entry into application of the VAT e-commerce package due to COVID-19 crisis

The Commission approved the line set out in SI(2020) 135.

4.3. OTHER BUSINESS

iv) Interinstitutional Agreement on a Mandatory Transparency Register

The Commission approved the line set out in SPI(2020) 10/2.

v) Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community – Work of the Joint Committee, and preparation of the first meeting of the Specialised Committee on issues related to the implementation of the Protocol on Ireland/Northern Ireland

The Commission took note of the information in SI(2020) 137.

5. COORDINATION OF EXTERNAL ACTION (RCC(2020) 54)

The Commission took note of the operational conclusions in RCC(2020) 54 of the meeting of the Group for External Coordination (EXCO) held by videoconference and teleconference on Wednesday 22 April 2020.

6. WRITTEN PROCEDURES, EMPOWERMENT AND DELEGATION OF POWERS

6.1. WRITTEN PROCEDURES APPROVED (SEC(2020) 141 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 20 and 26 April 2020.

6.2. EMPOWERMENT (SEC(2020) 142 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 20 and 24 April 2020.

6.3. DELEGATION / SUBDELEGATION OF POWERS (SEC(2020) 143 ET SEQ.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation and subdelegation procedure between 20 and 24 April 2020 archived in D*e*cide.

6.4. SIGNIFICANT WRITTEN PROCEDURES (SEC(2020) 144 AND /2)

The Commission took note of the significant written procedures for which the time limit expired between 27 and 30 April 2020.

7. ADMINISTRATIVE AND BUDGETARY MATTERS (SEC(2020) 145 AND /2)

ADMINISTRATIVE MATTERS (PERS(2020) 35)

7.1. DG HUMAN RESOURCES – MEASURES TO ENSURE THE SWIFT RECRUITMENT OF STAFF IN THE CONTEXT OF THE COVID-19 PANDEMIC

The Commission took note of the information in point 1 of PERS(2020) 35, and, in order to address the urgent staffing needs of Commission departments in the context of and following the Covid-19 pandemic, on a proposal from Mr HAHN, in agreement with the PRESIDENT, it decided to authorise, until 31 December 2020, the authority empowered to conclude contracts of employment (AHCC), as defined in Commission Decision C(2013) 3288, to publish vacancy notices and conclude contracts of employment for the temporary and contract staff members, subject to subsequent confirmation that candidates complied with the requirements set out in Article 12(2)(c) and (d) and Article 82(3)(c) and (d) of the Conditions of Employment of Other

Servants (CEOS), provided that the following conditions were met:

- the overriding interest of the department in the person taking up their duties before the Medical Service was able to confirm their physical aptitude, or before the person was able to produce the character references required, must be duly justified by the Directorate-General or the department concerned;
- compliance by the candidate with the requirements set out in Article 12(2)(c) and (d) and Article 82(3)(c) and (d) of the CEOS should, in principle, be demonstrated as soon as possible, and in any case, within five months of taking up their duties;
- to this end, the following contractual provisions must be complied with for temporary staff members recruited under Article 2(a), (b) and (d) of the CEOS, and for contract staff members:
    - the initial contract proposed must be established for the period set out by the recruiting department, within the limits under the CEOS and the rules on the duration of contracts applicable at the Commission;
    - the contract must provide that it would automatically end after six months if the person had not demonstrated compliance with the requirements set out in Article 12(2)(c) and (d) or Article 82(3)(c) and (d) of the CEOS within five months of taking up their duties;
    - in the exceptional event of the Medical Officer of the institution or the medical committee referred to in the second paragraph of Article 33 of the Staff Regulations being unable to take a definitive position on compliance with the requirement set out in Article 12(2)(d) or Article 82(3)(d) of the CEOS within five months from the date of entry into service, the contract would provide that it would automatically end 12 months from the date of entry into service, except where compliance with that requirement was confirmed within

11 months from the date of taking up duties, in which case the contract would run for the period specified by the recruiting department.

This decision would take effect immediately.

7.2. DG HUMAN RESOURCES AND SECURITY – EXTENSION OF CONTRACTS BEYOND THREE YEARS FOR CERTAIN CATEGORIES OF TEMPORARY STAFF, WITHOUT SELECTION

The Commission took note of the information in point 2 of PERS(2020) 35 and in order to offer its services sufficient flexibility to enable them to cover their staff needs in the context of the COVID-19 pandemic, on a proposal from Mr HAHN, in agreement with the PRESIDENT, decided:

- to authorise, until 31 December 2020, DG Human Resources and Security to extend beyond three years, at the duly justified request of the services, the contracts of temporary staff members recruited under Article 2(b) and (d) of the Conditions of Employment of Other Servants of the European Union (CEOS) (TA2b/d), without requiring a selection procedure as set out in the third subparagraph of Article 3(2)(a) of Commission Decision C(2013) 9049 of 16 December 2013 on policies for the engagement and use of temporary agents, if the initial contract of the person concerned was due to expire no later than 30 April 2021;

- to authorise, until 31 December 2020, DG Human Resources and Security to amend the duration of any extensions already granted for TA2b/d contracts within the limits set in Article 8 CEOS at the duly justified request of the services, providing the following cumulative conditions were met:

    - the initial extension was for a period of less than two years;

    - the contract of the person concerned would end no later than 20 April 2021 under normal circumstances;

- the person concerned agreed to such an extension.

These decisions would take effect immediately.

7.3. DG HUMAN RESOURCES AND SECURITY – DEROGATION FROM COMMISSION DECISION C(2008) 6866 OF 12 NOVEMBER 2008 LAYING DOWN RULES ON THE SECONDMENT TO THE COMMISSION OF NATIONAL EXPERTS AND NATIONAL EXPERTS IN PROFESSIONAL TRAINING

The Commission took note of the information in point 3 of PERS(2020) 35 and, by way of derogation to Articles 33(1) and 35 of Commission Decision C(2008) 6866, on a proposal from Mr HAHN, in agreement with the PRESIDENT, decided to authorise DG Human Resources and Security to:

- extend the duration of the professional traineeship of the national experts in professional training (NEPT) who arrived in March 2020, if they so requested, subject to the agreement of their employer and the host department at the Commission; this agreement would specify the duration of the extension, which should not exceed two months;
- authorise the interruption of the professional training currently under way and authorise NEPT who arrived in March 2020 to participate in a future session, subject to the agreement of their employer and the host department at the Commission; participation in the October 2020 session or the March 2021 session would be possible without a new selection procedure; a request for participation in the October 2021 session would be possible by means of a standard selection procedure.

These decisions would take effect immediately.

7.4. OFFICE FOR INFRASTRUCTURE AND LOGISTICS - LUXEMBOURG – DEPUTISING FOR THE DIRECTOR

The Commission, on a proposal from Mr HAHN, in agreement with the PRESIDENT, decided, pursuant to Article 27 of its Rules of Procedure, that if the Director of the Office for Infrastructure and Logistics in Luxembourg (OIL) was not able to carry out his duties or if the post was vacant, the duties in question would be carried out by Mr Thomas KIRCHNER, Head of Unit ‘General Maintenance and Facility Management’ (OIL.03).

This decision would take effect immediately.

7.5. EUROSTAT - INTERNAL AND INTERINSTITUTIONAL (GRADE 14/15) AND EXTERNAL PUBLICATION (GRADE 14) OF A VACANCY NOTICE FOR TWO DIRECTORS (PERS(2020) 36; PERS(2020) 37)

The Commission, on a proposal from Mr HAHN, in agreement with the PRESIDENT and Mr GENTILONI, decided to authorise the publication under Articles 29(1)(a)(i) and (iii), 29(1)(b) and 29(2) of the Staff Regulations of the vacancy notices in PERS(2020) 36 and PERS(2020) 37, respectively, for the posts of Director of the ‘Sectoral and regional statistics’ Directorate and Director of the ‘Social statistics’ Directorate at Eurostat.

These decisions would take effect immediately.

7.6. DG COMMUNICATION – EXTENSION OF THE POSTING OF THE HEAD OF THE EUROPEAN COMMISSION REGIONAL REPRESENTATION IN BARCELONA

The Commission took note of the information in point 6 of PERS(2020) 35 and, on a proposal from Mr HAHN, in agreement with the PRESIDENT, decided to derogate from Article 3 of Commission Decision C(2008) 3983 of 31 July 2008 on establishing rules on the rotation of officials in Representations, and, exceptionally, to further extend the period of posting of Mr Ferrán TARRADELLAS i ESPUNY as Head of the European Commission Regional Representation in Barcelona until 31 August 2020 owing to the COVID-19 crisis and to enable business continuity.

This decision would take effect immediately.

7.7. COMMISSION DECISIONS ON POST TERM-OF-OFFICE ACTIVITIES OF THREE FORMER MEMBERS OF THE COMMISSION C(2020)9016; C(2020) 9017; C(2020) 9018)

The Commission adopted the Decisions set out in C(2020) 9016, C(2020) 9017 and C(2020) 9018.

The Commission specifically decided that the professional activities envisaged by Mr Günther OETTINGER, Ms Cecilia MALMSTRÖM and Mr Tibor NAVRACSICS after leaving office as Members of the Commission were compatible with Article 245(2) of the Treaty on the Functioning of the European Union (TFEU) and with the Code of Conduct for Commissioners, subject to certain specific conditions and obligations.

7.8. DG COMMUNICATION – APPOINTMENT OF THE HEAD OF THE EUROPEAN COMMISSION REPRESENTATION IN ROME

The Commission took note of the decision of the Appointing Authority to appoint under Articles 29(1)(a)(i) and (iii) of the Staff Regulations Mr Antonio PARENTI to the post of Head of the European Commission Representation in Rome.

The decision would take effect on 1 June 2020.

BUDGETARY MATTER
(PERS(2020) 35/2)

7.9. DG BUDGET - DELEGATION OF IMPLEMENTATION TASKS TO EXECUTIVE AGENCIES FOR THE 2021-2027 EU PROGRAMMES (C(2020) 2880)

At the PRESIDENT's invitation, Mr HAHN presented during the meeting an additional proposal regarding the delegation of implementation tasks to the executive agencies for the EU programmes of the new 2021-2027 budgetary cycle. He pointed out that each new multiannual financial framework was accompanied by a discussion of the architecture of all the Union’s Executive Agencies and their respective roles in order to ensure that the management of the EU programmes for which they are responsible was as efficient as possible.

He therefore presented to the College proposals concerning these agencies for the next programming period, from 2021 to 2027.

Mr HAHN explained first that he advised maintaining six executive agencies with some adjustments.

On the one hand, he said that in view of the disappointing performance of the Consumers, Health, Agriculture and Food Executive Agency (CHAFEA) it made sense to transfer the tasks it was currently responsible for in Luxembourg to the five agencies based in Brussels. This rationalisation would make it possible to find synergies and improve efficiency through more coherent mandates and proximity to the reference Directorate-Generals.

He said that this redistribution of the CHAFEA agency’s tasks among the agencies based in Brussels did not compromise the Commission's respect of its obligation to maintain a presence in Luxembourg. In this respect he pointed out that some of the Commission’s initiatives had recently led or would in the near future lead to the creation of a significant number of posts in Luxembourg, in particular at the European Investment Bank and at the European Public Prosecutor's Office. Nonetheless, he asked for any requests from staff at the CHAFEA agency to remain posted in Luxembourg to be considered favourably.

He also suggested creating a European agency for innovation based in Brussels that would reflect the ambition of the current Commission's priorities for a European economy that was greener, more digital and more resilient.

Mr HAHN estimated that the names and mandates of each of the five existing agencies would have to be adjusted to take account of the Commission's political priorities, reflect the rationalisation efforts and find synergies between programmes. He also recommended ensuring that the adjective 'European' appeared in the name of each of these executive agencies for coherence and visibility.

The College agreed to all the proposals presented by Mr HAHN.

The Commission, on a proposal from the PRESIDENT, agreed to formally adopt the Communication in C(2020) 2880 by finalisation written procedure, the deadline for which was set at Wednesday 29 April 2020 at 15.00 (PE/2020/2716).

8. POLICY DEBATE ON THE IDENTIFICATION OF THE COMPONENTS OF A EUROPEAN RESPONSE TO ADDRESS THE IMPACT OF THE COVID-19 CRISIS ON THE TOURISM INDUSTRY (SEC(2020) 168 TO /3; INFO(2020) 16/4)

The PRESIDENT opened the policy debate by stressing that the tourism sector was seriously affected by the current health crisis, if not completely at a standstill. With summer approaching, she felt that it was the EU's collective responsibility to draw up a European framework to guide tourism professionals and consumers as they moved towards resuming activities while taking account of the wider context linked to the evolution of the COVID-19 pandemic. She announced that the Commission's guidelines would be ready for its meeting on 13 May.

Ms VESTAGER welcomed this policy debate, which was especially timely and in the interest of all the Member States, whose tourism operators were all affected by the consequences of the health crisis, with hundreds of thousands of jobs under threat in the whole of Europe. She added that tourism was an integral part of the

European way of life, promoted the EU's cultural heritage and contributed to citizens' wellbeing.

She therefore hoped that the Commission would draw up useful and concrete guidelines taking into account all the pieces of the puzzle, as part of a comprehensive approach, that would allow tourism to recover in the EU, i.e. health, given that the virus would not disappear in a matter of weeks, but also transport and the issue of borders. In addition, she favoured exploring the contribution of digital technologies to such a recovery, such as cross-border tracing of persons infected with COVID-19 or the detection of overcrowded tourist areas, while respecting privacy and protecting personal data.

She hoped that the policy debate being held that day would result in clear, specific and very practical guidelines designed to help companies in the tourism sector and consumers across the EU.

Mr BRETON confirmed that tourism was among the ecosystems that had been hardest hit by the health crisis. Firstly, he provided figures to illustrate the sector's importance to the European economy; the tourism sector provided 27 million direct and indirect jobs, thus accounting for 12% of all employment in the EU, and comprised 3 million operators, 90% of which were small- and medium-sized businesses. He then referred to the current economic forecasts, with revenue expected to fall by 50% for hotels and restaurants, by 70% for tour operators and travel agencies, and by 90% for cruise operators and airlines at EU level.

Having carried out extensive consultations with stakeholders in the sector and in close collaboration with the relevant members of the College, Mr BRETON presented the three prerequisites needed to ensure the success of the crisis exit strategy and the revival of tourism and which would guide the Commission's work.

Firstly, it was necessary to provide liquidity support to safeguard vulnerable businesses in the sector. He referred to the funding that had already been mobilised in the EU, particularly through the European instrument for temporary support to mitigate unemployment risks in an emergency (SURE) following the COVID-19 outbreak. He mentioned the issue of vouchers as an alternative to refunds when flights or travel packages were cancelled. The recent initiatives taken by the Member States in this regard differed and could be regarded as contrary to Union law. On that point, he stressed the need to strike a balance between protecting consumers and rescuing those companies that could be saved. He was in favour of a coordinated approach to the application of EU law on airline passengers and package travel, with guarantees to protect consumers against operators' insolvency. This approach would encourage Europeans to book their next holiday as soon as possible without the worry that they would lose any money paid out if a second wave of the epidemic were to hit. In parallel, he proposed exploring one possible option involving digital platforms in the tourism sector, whereby they would sponsor a system of vouchers that consumers could purchase now for a future hotel stay, for example, which would provide immediate cashflow for the participating establishments.

Secondly, he stressed that a relaunch of tourist activity would require borders to reopen and transport to operate again. He acknowledged that internal borders would be reopened at different times depending on how the pandemic evolved, but he felt that it was vital to coordinate border-crossing procedures, including health checks at borders. He issued a reminder that the Commission had announced EU guidelines for resuming passenger transport, which must go hand in hand with the resumption of tourism, the aim being to get businesses in the sector ready to resume their activities while ensuring the safety of their employees and of tourists. At the same time, it was necessary to draw up guidelines and protocols at EU level to allow tourist sites to welcome visitors from within the same country, from elsewhere in the EU and from the rest of the world when the time came, as lockdown measures and other restrictions were gradually lifted. Lastly, he called for support to be given to vulnerable businesses in the tourism sector, particularly those on islands or in outlying regions, by offering them COVID-19 kits to ensure that they followed health protocols or signed up to a certification programme for hotels and similar establishments.

Thirdly, Mr BRETON referred to the last prerequisite to be met, namely the need to prepare for after the pandemic by making the tourism sector a sustainable, innovative and resilient ecosystem. With this in mind, he was proposing to hold a European tourism summit in the autumn, or as soon as the health situation allowed, in order to launch a wide-ranging debate and to determine which tools to use to implement the roadmap to recovery while boosting the sector's resilience and furthering its green and digital transformations, with support from the Recovery Instrument and the next multiannual financial framework.

Ms KYRIAKIDES welcomed the fact that the background note fully emphasised the health aspects of the discussion. She stressed the very difficult economic situation in which the tourism sector found itself, but also the need to offer some signs of hope for Europe's citizens, who were suffering as a result of the recent lockdown measures and the current lack of positive prospects. However, she urged caution and called for the roadmap for exiting the COVID-19 crisis to be implemented based on epidemiological and scientific data and in a gradual manner so as not to undermine the considerable efforts made, stressing that going backwards would come at a high cost. She recommended prioritising health, with the overriding objective of preventing any further waves of infection.

Furthermore, Ms KYRIAKIDES reported on the work she was carrying out in cooperation with the European Centre for Disease Prevention and Control (ECDC) with the aim of recommending health protection measures for transport operators, the hotel sector and citizens.

She pointed to the extreme uncertainty regarding the second pandemic management phase that was now beginning, namely the gradual lifting of the emergency measures, which would inevitably lead to a further increase in the number of people contracting COVID-19. That was why the tourism sector would need to put in place measures to contain the spread of the virus, including social distancing measures, contact tracing for infected persons, and quarantining of people confirmed to have the virus.

Ms VĂLEAN noted that restoring transport services was a prerequisite for restarting many sectors, including tourism. That was why the Commission had prepared guidelines to coordinate this relaunch, setting out the main principles and cross-cutting measures. Since the resumption of activity could not be uniform across all transport modes, she felt that specific practical measures would also be needed. She would discuss this very topic that day at the meeting of European transport ministers, where different options would be explored. As the guidelines for resuming transport services would be ready the following week, she suggested bringing forward the date of their adoption by the Commission, scheduled for 13 May, particularly given that a number of Member States had already announced their own national measures.

On the question of passenger rights, Ms VĂLEAN advised adopting measures that would help consumers regain the confidence that had been undermined by tourist services being cancelled on account of COVID-19 and not being refunded, failing which these consumers would not make new bookings any time soon. She was therefore in favour of recommending the solution of providing insolvency guarantees for vouchers offered by operators when they made cancellations. For airlines alone, the total volume of refunds stood at EUR 9.2 billion. She also noted that a number of Member States were currently amending their legislation on vouchers. Hence the need for recommendations to be issued swiftly at EU level.

With regard to the cash flow difficulties of transport businesses, which were considerable, she mentioned the remedies proposed by the Commission in recent weeks, including the relaxation of the rules on State aid. However, she drew attention to the need to prevent the distortions of competition and competitiveness gaps to which this relaxation of the rules could lead across the EU for businesses in the same sector, depending on the scale of the funding allocated by each Member State.

Mr REYNDERS returned to the issue of vouchers, for which a fair balance would have to be found between the manifest cash flow problems of operators and the need to win back the trust of consumers. He pointed out that under EU legislation there was a right to a refund for cancelled travel, in the present case owing to the COVID-19 pandemic, and that travellers must have the choice of receiving a refund or receiving vouchers allowing them to defer their stays, under certain conditions. In any event, he considered that there was an urgent need to coordinate this issue in order to prevent the Member States from providing piecemeal responses to it, as was already the case for twelve of them which were applying a derogation from the EU Directive in force on package travel and linked travel arrangements.

He mentioned the three options that were therefore available to the EU, the first of which was that of recommendations leaving it up to each person to choose between a refund or a voucher, which would, however, be refundable if it was not used and would also be guaranteed against the insolvency of the operator. The second option was to amend the EU legislation to make it more effective, but such a revision involved a lengthy process – one, moreover, fraught with difficulties. Finally, the third option was to proceed first through recommendations – by their nature non-binding – which, if not correctly applied, could lead to a legislative initiative.

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

– confirmation of the need to consider the strategy for the recovery of tourism in a comprehensive manner, attaching due importance to health needs and taking into account all related aspects, in particular transport and border management; support for a pragmatic and balanced approach;

– the recommendation to send a positive message about the fact that the 2020 summer season would not be totally lost, but limited to ensure safe conditions for consumers;

– the reminder of the wide disparity of situations in the EU as regards tourism activity; thus, the tourism sector's very different shares of the gross domestic product of the Member States, which was very high in some countries;

- hence, the advisability of taking into account, on the one hand, the possibility that some countries had of compensating for the absence of foreign tourists by promoting domestic tourism, which would not be possible in all cases, and on the other, the geographical areas hardest hit by the COVID-19 crisis within the EU and the specific aspects related to, for example, island or landlocked regions;

- the advisability of also taking account of the diversity of the situations of tourism operators, from the large airlines and large hotel chains, which could receive State aid, to the SMEs in the sector and those SMEs benefiting indirectly from tourism;

- for some, the recommendation to lay down strict rules on State aid to be granted, for example to airlines, to preserve a level playing field; for others, the reminder of the fundamental dependence of some remote regions on air transport;

- the indisputable need to do whatever it takes to protect employment in the tourism sector by providing immediate support, giving priority to non-repayable aid to SMEs, micro-enterprises and the self-employed;

- the desire that the future guidelines should be guided by health considerations and should be simple, practical and operational in order to propose to the Member States common protocols which inspired trust;

- the difficulty faced by small businesses leasing holiday homes or apartments, which were often family businesses, in complying with those health safety standards;

- the need for specific guidelines and support for regions hosting the most tourism, possibly under existing programmes or the Just Transition Fund;

- the advisability, by 13 May 2020, of working in close cooperation with the Member States and with the European Centre for Disease Prevention and Control, but also of a political discussion on management of the internal and external borders, in the framework of the common toolkit put in place by the EU for exiting the crisis;

- a question about the scope of the future guidelines, which did not include external borders in the second stage of the strategy for exiting the health crisis; the warning against encouraging a resumption of tourism when 68,000 EU nationals were still waiting to be repatriated from all over the world; the need to coordinate this resumption with third countries;

- the rejection of any discrimination between EU citizens as regards the measures to lift the current restrictions on free movement and the resumption of tourism, which was why there was a need for coordinated action at EU level based on the primacy of health;

- the important role that the resumption of tourism would play in the EU's recovery strategy;

- the paradoxical finding that citizens had high expectations of the EU in a field, such as tourism, in which it had few competences, in the same way as in the fields of health and education;

- the contribution that cohesion policy could make immediately, through adequate financial margins, to the resumption of tourism activities, firstly by releasing liquidity support for SMEs and secondly, in the medium-term, by supporting investment in the economic recovery of the sector and diversification of activities, while taking into account the need for new rules of behaviour linked to the epidemic;

- in view of the cross-cutting nature of tourism activity, the possibility of using existing EU funding programmes to help the sector, without creating a specific budget line in the part of the multiannual financial framework that would be devoted to the recovery;

- the condition still to be fulfilled of the availability of voluntary tracing applications to allow the crossing of borders;

- the benefit of integrating in future Commission proposals support for cultural tourism, which occupied an important place in the demand of European consumers, represented 40% of total tourism activity, stimulated local economies and could contribute to sustainable tourism;

- the call for support for agritourism, through State aid and the funding available in rural development funds, to enable farmers to offset their current income losses; a similar call in favour of coastal and maritime tourism;

- the reminder of the economic importance of winter tourism, and from this perspective, the call to take account of the situation of the manufacturing industries associated with it, for example cruise ship building;

- support for the reasonable approach proposed on the question of vouchers; however, the need for clarification of the rules on refunds and vouchers under the two EU directives in force, and emphasis on the need to leave consumers the choice between these two options;

- a reminder, however, that travel agencies did not have liquidity to ensure refunds, since they had already paid the airlines the amounts relating to transport services; the observation that the banks were encouraging them not to make refunds and the huge problem that might arise as a result;

- the possibility of amending European legislation in order to suspend refunds for cancelled services by a year, while keeping open the possibility, at the end of that period and subject to the payment of interest, of converting vouchers into refunds; a mention of the benefits of such a measure, which would make it possible to safeguard travel agents economically while reassuring consumers;

- in the medium term, the importance of a communication campaign at EU level to ensure that the relaunch of tourism was in line with the European Green Deal and the objective of digitisation so as to develop sustainable tourism; the need, with these profound transformations, to raise the skills levels of workers in the sector in order to respond to new job opportunities, particularly for women, who represented 59% of the labour force in the field of tourism;

– in conclusion, the suggestion to be realistic and, looking beyond the summer tourism season, to start preparing now for the 2021 season.

At the PRESIDENT's invitation, Ms VESTAGER drew conclusions from the policy debate. She supported a horizontal approach to the gradual resumption of tourism activities, once health conditions had been met, in order to incorporate all the aspects involved.

She noted the remark concerning the possibility of bringing forward the date of 13 May still envisaged for the Commission to present its guidelines on the resumption of transport, which had already been drawn up, in view of the measures some Member States were already taking.

On State aid and the explanation of the differences between Member States, she stressed that although the Union had set the flexibility rules for State aid, decisions to grant such aid were taken by the Member States, some of which had the necessary fiscal headroom while others did not. With regard to the support granted to SMEs, most State aid programmes did not distinguish between undertakings in the tourism sector and other undertakings.

As regards the possibility of making travel vouchers refundable after a certain period of time with the guarantee of the Member States, she considered that this option should be the subject of a legislative act.

In conclusion, Ms VESTAGER asked the Members of the College concerned to work on concrete guidelines for all the matters raised during the discussion and also to examine all the possibilities that could be exploited with regard to domestic tourism.

The PRESIDENT highlighted the multiple facets of the issue discussed that day. She agreed that the Commission should present its recommendations as soon as possible, but called for priority to be given to the quality of its guidelines rather than the speed with which they were produced, since certain issues would inevitably lead to controversy. In view of the high expectations of operators and consumers, she wished for sound recommendations that would meet the needs in question.

The Commission took note of the contributions to the debate and its results, and of the background note and information note distributed as SEC(2020) 168/3 and INFO(2020) 16/4, respectively.

9. POLICY DEBATE ON THE MULTIANNUAL FINANCIAL FRAMEWORK FOR 2021-2027 – THE EU BUDGET POWERING THE RECOVERY PLAN FOR EUROPE (SEC(2020) 169; INFO(2020) 16/4)

The PRESIDENT introduced the College's policy debate on the EU's next budgetary framework, which would feed into the recovery plan for Europe. She stressed that it was important for the recovery plan to secure the support of the Member States so that it could be rapidly adopted and implemented, given the urgency of the current health and economic crisis.

She presented the essential principles and elements of the Recovery Instrument that the Commission planned to add to the EU's next multiannual financial framework, already under discussion, based on financial guarantees provided by the Member States in order to enable the Commission to raise funds on the financial markets. She pointed out that although the principle of this Recovery Instrument had been accepted, there were still deep divisions between the Member States on how to mobilise it, in the form of loans or grants. Compromise solutions should be reached combining these two elements in accordance with rules to be specified, in particular on how the grants were to be awarded. This debate raised both legal and political objections, so it was important for the solutions adopted to be legally sound and based on a detailed assessment of needs.

However, it was necessary to manage the expectations raised by the EU's recovery strategy, which would not overhaul the whole of the multiannual financial framework currently envisaged after two years of preparatory work. Instead, this structure would be supplemented by the addition of the Recovery Instrument, which would help to tackle the crisis due to the COVID-19 pandemic.

Mr HAHN confirmed that the drawing up of a recovery plan linked to the Union's multiannual financial framework for 2021-2027 would not lead to a complete overhaul of all the proposals adopted by the Commission in 2018. Rather, these initial proposals would be strengthened by creating an urgent recovery instrument, which must be temporary, targeted and provided with financial resources commensurate with the challenges it had to address. The proposals concerning the 2021-2027 budgetary framework would also be strengthened by the investments component aimed at effectively supporting the green and digital transition. He concluded on this point by explaining that the Union's capacity for action would be based on two pillars, namely the multiannual financial framework and the funds that the Commission would be able to borrow on the financial markets with the guarantee of the Recovery Instrument.

As regards how the additional funds made available were to be used, Mr HAHN explained that this should be done in three successive phases. The first, covering 2020 and focusing on the immediate response to the pandemic, would comprise the necessary emergency measures until the implementation of the new cohesion programmes in 2021 and would make it possible to provide the liquidity and support needed for the solvency of viable undertakings. The second, in 2021, focusing on the EU's resilience, would strengthen the support granted to the Member States for their investments and the reforms implemented, through a recovery facility, though the resilience that would be tied in with the programmes included in the European Semester and through the cohesion policy. The Union must then strengthen its strategic autonomy with the help of the modernised InvestEU programme and of additional support to the most strategic sectors. The third phase, from 2022, would be aimed at strengthening the EU's crisis resilience and preparedness through the support of new programmes, including in the field of public health.

In general terms, Mr HAHN pointed out that the EU budget would have to be more flexible in order to increase its efficiency and its capacity to react to future crises and contingencies. He stressed that the aim of the dual green and digital transition over the whole period remained the main point of reference for the Union's strategy.

Although the main elements of the EU's recovery plan and of the strengthening of its multiannual financial framework had been broadly defined, he considered that a precise and balanced gauging of the proposals to be tabled must be the subject of further discussions in order to reach agreement in the near future on this ambitious and innovative budget. He felt that the scale of the support envisaged and the instruments that the Commission intended to propose, whether loans, grants or guarantees, were of equal importance. However, he stressed that it was necessary to get the structure of the proposed package right, since it would determine both the shape of the future EU budget and the Member States' ability to respond quickly and effectively to the current crisis.

Mr TIMMERMANS considered that the real acid test of the current Commission's term would be to smooth out the differences between the Member States regarding the Union's next multiannual financial framework and the economic recovery plan for exiting the COVID-19 health crisis. He noted Member States' propensity for blaming the Commission despite their own failings, which made it more than ever essential to make proposals on the basis of sound analyses and assessments, in order to take this last opportunity to implement a coordinated recovery plan at Union level.

In view of the political realities, he considered that the combination of an ambitious multiannual financial framework and an economic recovery plan commensurate with the challenges to be met was the right formula for an orderly exit from the crisis. The discussions would continue to be difficult; the Commission should make use of the two parts of the crisis exit strategy throughout the negotiations.

Mr TIMMERMANS welcomed the fact that the PRESIDENT had vigorously argued in favour of maintaining the European Green Deal at the heart of the Union's growth strategy, and hoped that this aspect would be a clear feature of the proposals to be adopted by the Commission under the next multiannual financial framework and recovery plan. In addition, it was important to ensure consistency between all the instruments at the Union's disposal, in particular the European Semester, and to avoid any competition between sectoral policies. He stressed that the Union's priority was to act where it could offer real added value; some Member States had fiscal headroom to tackle the crisis, while others had none, risking directly affecting the integrity of the single market and the single currency. For this reason he urged everyone to be aware that loans would not be sufficient, and it would be essential to allocate grants in order to meet all needs. Therefore, a balanced combination of these two instruments ought to enable a compromise to be found on this complex and politically controversial issue.

With regard to the timetable for adoption, Mr TIMMERMANS considered that in view of the issues at stake, the need to coordinate Member States' actions and the fact that the Commission would not get a second chance to propose a crisis exit strategy, the priority had to be the soundness and content of the proposals, not hasty adoption.

Ms VESTAGER noted that after the crisis there would be no point reconstructing the world as it had been, and that this was an opportunity to accelerate the green and digital transitions, which had already been at the heart of the Union's growth strategy before the pandemic. This would a be complex task, since the Union would have to act quickly and create a long-term transition process whilst proposing a sound and balanced strategy that took account of all the issues at stake and the needs of the Member States who, being affected in different ways by the economic and social shock produced by COVID-19, were at risk of reverting to unilateral measures if no coordinated economic recovery plan was put in place.

Furthermore, it would be necessary to inform European citizens of the need to accelerate the green and digital transitions in the context of the Union's recovery strategy, and to mobilise the Member States, who would have to implement large-scale structural reforms.

Ms VESTAGER thus viewed revision of the multiannual financial framework and the planned structure of the recovery plan as forming a balanced whole that encouraged a targeted approach in the crisis exit strategy. This challenge should be met with a subtle approach, sector by sector, to show that the Union was from now on focusing its efforts on the economic recovery and increased resistance to unforeseen shocks.

Mr DOMBROVSKIS asked the College in its policy debate to put forward means to enable the Union to encourage investment to support the economic recovery. The Commission's proposals would have to be based on sound economic foundations and a precise evaluation of the financial needs in order to have a unifying effect and facilitate the decision-making process.

The economic and social impact of the COVID-19 pandemic was profound, with many uncertainties, while the drop in the Union's gross domestic product was already estimated by various institutions at least 7.5%. In the event of a rapid exit from the emergency measures, the economy ought to pick up again in 2021, but for the moment the spring forecasts would broadly confirm the recession in the Union's economy.

In general, this symmetric shock would require a symmetric response, in that all Member States had been affected and had had to adopt extraordinary lockdown measures, bringing their economies to a halt. The fundamental issue to be resolved was not only evaluating the severity of the crisis, but also the speed with which Member States' economies could restart in 2021.

Mr DOMBROVSKIS considered that the emergency economic measures adopted were appropriate in so far as their objectives were to protect jobs and revenue, to keep businesses afloat (with an emphasis on small and medium-sized enterprises), and to support the Member States as required. These measures were currently helping to mitigate the difficulties encountered in managing the crisis and lay the foundations of the recovery.

However, the crisis would have much more negative effects on those with low incomes and lower standards of living, especially in places where social protection systems were less developed or less generous. He also noted a rapid rise in unemployment in countries that did not have well-established short-time work schemes or that had a flexible labour market.

Some sectors were more severely affected by the consequences of the pandemic, such as tourism, the textile industry, retail, and the automobile, audiovisual and aviation industries, in which young businesses and SMEs were in a particularly difficult situation. In such cases, the need to provide immediate liquidity was still a major concern.

Mr DOMBROVSKIS also recognised that not all Member States were able to make use of all the room for manoeuvre allowed within the rules or to offer the same level of support to their economies. These differences would have an impact on the level playing field and would therefore make rebalancing measures necessary. He called for consideration of the possibility of a solvency instrument being set up to assist businesses throughout the Union.

Mr DOMBROVSKIS was moreover convinced that there would be no return to 'normality' either in economic activity or in patterns of production and consumption after the current crisis, which would probably accelerate the process of economic transformation begun in recent years. For this reason, he recommended taking advantage of this opportunity to develop resilience and competitiveness, to encourage reindustrialisation, and to set the Union's economy on the path to green and digital transitions, without leaving behind the sectors least affected by these transitions.

There would be substantial investment needs, and the multiannual financial framework would help to meet these if it was ambitious, allocated sufficient resources from 2021, and supplemented by the Recovery Instrument. The banking sector and the Union's capital markets would also have an important role to play in restarting investment, even if they were more developed in some Member States than in others.

The recovery had to be inclusive and must not be carried out to the detriment of the poorest Member States and regions. The multiannual financial framework therefore had to have a strong cohesion component. The single market dimension would be of the greatest importance to avoid widening the economic, social and political differences within the Union.

Mr DOMBROVSKIS concluded by stating that the Union's recovery could not come from financial support alone, but would require suitable economic, budgetary, financial and social policies to be put in place. As an example, he referred to the reform and investment support programme, which had a competitiveness and convergence budgetary instrument and thus provided a useful model.

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

- the full support of the College for substantially reinforcing the next financial framework by incorporating a new recovery instrument to allow the Union to coordinate its economic recovery and provide Member States with the necessary support; the resulting credibility test for the Commission, from the point of view of citizens and markets;

- the gap between European citizens' expectations of the Union and the resources and powers at its disposal to take all necessary measures to resolve the crisis;

- the need to act quickly and make the most of the current year to develop the tools needed for recovery and the governance system that was crucial to the allocation of available funds according to need and based on the solidary principle;

- the value of envisaging the mobilisation of a range of instruments, including loans, grants and guarantees, to be able to respond appropriately to each situation and the needs of each sector of the economy and society;

- for some, the priority to be given to awarding grants, rather than granting loans, in order to avoid increasing the debts of Member States and businesses given the extraordinary nature of the economic shock created by COVID-19;

- the need for the next multiannual financial framework to include a financing programme in the field of health and the fight against epidemics, so as to provide Member States with a coordination framework and allow the Union to be better prepared for, or prevent, the emergence of another epidemic;

- the central role played by research and innovation policy in developing the Union’s strategic autonomy and implementing its green and digital transitions, and by education in the acquisition of the skills needed for this transformation of the economy and society;

- the need to take account of the different timetables for exiting the crisis put forward by the Member States and the sectors under consideration, and the possibility of a second wave of the pandemic, for which the Union needed to prepare;

- the detailed understanding the Commission had acquired of the various ecosystems, which would enable it to devise the appropriate support, while highlighting the fundamental importance of the single market for maintaining their activities, which were highly integrated at EU level;

- an appeal, nonetheless, to avoid distinguishing any more than was necessary between economic sectors or Member States, insofar as all of them were affected by the consequences of the pandemic;

- the need, therefore, to adopt horizontal measures, such as guarantees, which could benefit every sector of the economy indiscriminately;

- the justification of a solid increase in the resources that would be allocated to the next multiannual financial framework in order to allow the green and digital transitions of the EU's economy and society to be accelerated;

- for some, the importance of the size of the next multiannual financial framework, which would need to be credible, efficient and unifying;

- the risk of the Union doing too little, too late, which would place a significant burden on capacities for economic recovery and job creation and lead to a high level of long-term structural unemployment;

- hence the value of envisaging the creation of new own resources, making it possible to fund the EU budget without putting pressure on those of the Member States;

- the need to take account of Member States' uneven capacity to benefit from the relaxation of State aid rules, even though some of them had only a small amount of fiscal headroom;

- the risks of divergence between Member States, in the aftermath of the crisis and in the context of the recovery process, which would break up the single market and weaken the euro.

- the high degree of uncertainty that divisions between Member States were creating in relation to the next multiannual financial framework and the crisis exit strategy, the main elements of which would need to be defined quickly to be able to reassure the markets, preserve the Union's financial stability and avoid the economic crisis worsening;

- the importance of reasserting the solidarity principle of the multiannual financial framework and its convergence objective, supported by the cohesion policy, but without penalising countries that had been able to rebuild fiscal headroom;

- hence the need for the recovery plan to benefit all Member States according to their needs and resources, not forgetting the EU candidate countries;

– the value of maintaining the conditionality within the multiannual financial framework as regards respect for fundamental rights and the rule of law;

– the opportunity represented by the next conference on the future of Europe for initiating dialogue with citizens on their expectations and the resources the EU should have in order to address them.

The PRESIDENT wound up the discussion by thanking the Members of the Commission for their contributions to this very valuable policy debate and pointing out that, three weeks earlier, the College had still been considering the possibility of a provisional budget of just one year. She noted that, in the meantime, discussions had evolved considerably and now pointed to a much more ambitious approach commensurate with the challenges ahead, based on a reinforced 2021-2027 multiannual financial framework supplemented by a recovery instrument, which now had the support in principle of the European Parliament and the Council. She welcomed the fact that the multiannual financial framework had been chosen as the main instrument of economic recovery in the Union, which offered a framework for action that was transparent and would ensure strict equality of treatment between Member States, with no distinction between those in the euro area and the rest.

On the topic of the recovery plan, she specified that it would be based on four pillars, namely (i) macro-economic support for Member States, (ii) investments primarily in the green and digital transitions, (iii) the enhanced resilience of the Union and (iv) the external dimension, which reflected the priority that the Union placed upon its international role and the close relations it had with neighbourhood countries.

The PRESIDENT explained, however, that a balanced compromise on the correct proportion of loans and grants that would be granted within the expanded scope of the next financial framework was yet to be reached. Each of these instruments had its advantages and disadvantages, and these parts of the recovery strategy were still creating deep divisions between Member States. For this reason, the Member States needed to be brought together around a joint approach making it possible to define in detail the arrangements for implementing the next multiannual financial framework and the Recovery Instrument. To this end, she was consulting the Member States closely upstream, to enable the Commission to finalise its proposals while making sure that they were supported and guaranteeing that they would be adopted and implemented as quickly as possible.

Concluding the policy debate, the PRESIDENT indicated that, depending on the progress of talks with the Member States on the strengthening of the multiannual financial framework for the period from 2021 to 2027, the Commission's proposals might be submitted for the approval of the College during the second or third week of May.

The Commission took note of the contributions to the debate and its results and of the background note and the information note in SEC(2020) 169 and INFO(2020) 16/4 respectively.

10. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – SUPPORT TO THE WESTERN BALKANS IN TACKLING COVID-19 AND THE POST-PANDEMIC RECOVERY

THE COMMISSION'S CONTRIBUTION AHEAD OF THE MEETING OF THE LEADERS OF THE EU AND THE WESTERN BALKANS ON 6 MAY 2020

(COM(2020) 315)

The PRESIDENT then asked Mr BORRELL and Mr VÁRHELYI to present to the College the Communication entitled 'Support to the Western Balkans in tackling COVID-19 and the post-pandemic recovery' which was submitted for its approval that day.

Mr BORRELL explained that the Communication represented the Commission's contribution to the meeting of leaders of the European Union and the

Western Balkans to be held by videoconference on 6 May. It reflected the support that the EU planned to give its partners in the region in tackling the pandemic and in bringing about a recovery in their economies once the health crisis was over. Among the main points, the Communication emphasised the European perspective of the Western Balkans, provided for financial support of EUR 3.3 billion to address the consequences of COVID-19 and immediately exempted the countries of the region from the EU's export authorisation scheme for EU personal protective equipment.

In his view, the European Union was doing a lot more and a lot more rapidly to help the Western Balkans than many other international partners, but without publicising it sufficiently. He would like to see better coverage of the role of the EU in the region and the geopolitical significance of the Western Balkans.

Mr VÁRHELYI explained that the Communication fitted into the new methodology concerning the Enlargement Policy adopted at the beginning of the current Commission's term of office. This new methodology, which emphasised the Western Balkans, had enabled accession negotiations to be opened with the Republic of North Macedonia and Albania and had led to the decision to organise a summit on 6 May (although it would, in the end, have to take place via videoconference rather than in Zagreb as initially planned) to launch a large-scale EU investment plan in the region.

In view of the ongoing pandemic, EU support in the Western Balkans had become even more urgent, not only in order to offset its impact but also to help towards an economic recovery. He let it be known that the decision had been taken to postpone the investment plan part until the autumn, once the multiannual financial framework had been clarified, but confirmed that the investment plan remained a priority for the European Union.

As for the Communication itself, Mr VÁRHELYI emphasised that the European Union was seeking, within the context of tackling the pandemic, to make sure that the Western Balkans continued to abide by its strategy to combat

COVID-19, which was the case. In terms of the aid provided, it consisted of (i) personal protective equipment, tests and ventilators funded by reallocations from the Instrument for Pre-accession Assistance, (ii) macro-financial assistance to cover economic, social and humanitarian requirements during and after the crisis, and (iii) aid aimed at bolstering the resilience of the health and social protection systems and labour market access. He pointed out that the European Union was still the region's leading aid donor.

The European aid was aimed at bringing the Western Balkans and the European Union even closer together and at contributing towards greater economic and social integration between the two regions through support, *inter alia*, in the fields of transport, education, health and small and medium-size enterprises. The interest from the EU's point of view lay in increasing its economic and political influence in its immediate neighbourhood, which was of strategic significance for it.

In the course of the short discussion that followed, the Commission approved the EU's message of solidarity towards the Western Balkans, while calling for continued close monitoring of respect for fundamental rights and the rule of law in these fledgling democracies, in particular by examining the proportionality of the emergency measures taken as part of the effort to combat the COVID-19 pandemic, and for stepped-up cooperation by the EU on democratic resilience, support for press freedom and tackling disinformation in the region.

The Commission approved the Communication in COM(2020) 315, for transmission to Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, and, for information, to the national parliaments.

11. MONITORING THE APPLICATION OF EUROPEAN UNION LAW

INFRINGEMENTS – URGENT INDIVIDUAL CASE
(SEC(2020) 170)

– **2020/2182 – Poland – Violation of EU law by the legislative changes affecting the judiciary**
<u>Decision</u>: Letter of formal notice pursuant to Article 258 of the Treaty on the Functioning of the European Union,

At the PRESIDENT's request, Ms JOUROVÁ and Mr REYNDERS outlined the issues raised by the law which entered into force on 14 February 2020 changing the organisation of the Polish judiciary in terms of its compatibility with EU law.

At the end of a discussion, the Commission decided to initiate infringement proceedings against Poland concerning the breach of EU law by the legislative changes recently made to the country's judiciary, as set out in SEC(2020) 170, by sending a letter of formal notice to the Polish authorities, and giving them two months to reply, pursuant to Article 258 of the Treaty on the Functioning of the European Union.

It also decided to pursue a constructive dialogue with the Polish authorities.

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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 12.26.