European Council Decision (EU) 2019/1989 of 28 November 2019 appointing the European Commission

EUROPEAN COUNCIL DECISION (EU) 2019/1989

of 28 November 2019

appointing the European Commission

THE EUROPEAN COUNCIL,

Having regard to the Treaty on European Union, and in particular Article 17(3) and the third subparagraph of Article 17(7) thereof,

Whereas:

(1) The term of office of the Commission appointed by European Council Decision 2014/749/EU[(1)] came to an end on 31 October 2019.

(2) In accordance with Article 17(5) of the Treaty on European Union (TEU), the European Council adopted Decision 2013/272/EU[(2)] concerning the number of members of the European Commission.

(3) A new Commission, consisting of one national of each Member State, including its President and the High Representative of the Union for Foreign Affairs and Security Policy, should be appointed until 31 October 2024.

(4) The European Council nominated Ms Ursula VON DER LEYEN as the person put forward to the European Parliament as President of the Commission, and the European Parliament elected her as President of the Commission at its Plenary Session of 16 July 2019.

(5) By Decision (EU) 2019/1330[(3)], the European Council, with the agreement of the President-elect of the Commission, appointed Mr Josep BORRELL FONTELLES High Representative of the Union for Foreign Affairs and Security Policy for the period from the end of the current term of office of the Commission until 31 October 2024.

(6) On 19 October 2019, the United Kingdom submitted a request for an extension of the period provided for in Article 50(3) TEU until 31 January 2020. By letter of 28 October 2019, the draft text of the European Council Decision, extending that period until the requested date, was transmitted to the United Kingdom for its agreement. By letter of 28 October 2019, the United Kingdom agreed, in accordance with Article 50(3) TEU, both to the extension and to the text of the draft European Council Decision. On 29 October 2019, the European Council adopted that Decision[(4)].

(7) By agreeing to Decision (EU) 2019/1810, the United Kingdom confirmed its commitment to act in a constructive and responsible manner throughout the extension period in accordance with the duty of sincere cooperation. It also agreed that the extension could not be allowed to undermine the regular functioning of the Union and its institutions. Finally, given that the consequence of the extension is that, in accordance

Changes to legislation: *There are currently no known outstanding effects for the European Council Decision (EU) 2019/1989. (See end of Document for details)*

with Article 50 TEU, the United Kingdom remains a Member State with full rights and obligations until the withdrawal date, the United Kingdom agreed that this includes the obligation to suggest a candidate for appointment as a member of the Commission. However, the United Kingdom did not suggest a candidate for Commissioner.

(8) On 6 November 2019, the Commission President-elect invited the United Kingdom to suggest one or more persons who, by their general competence, independence and European commitment, would be suitable to become a member of the next Commission. The United Kingdom did not respond to that letter. On 12 November 2019, the Commission President-elect sent a second letter with the same invitation, recalling the United Kingdom's obligations under the TEU, and Decision (EU) 2019/1810. On 13 November 2019, the United Kingdom replied to both letters and indicated that the United Kingdom was not in a position to suggest a candidate for the post of Commissioner in view of the upcoming general election. On 14 November 2019, the Commission launched infringement proceedings against the United Kingdom, following its failure to suggest a candidate for Commissioner, by sending a letter of formal notice to the United Kingdom in accordance with Article 258 of the Treaty on the Functioning of the European Union (TFEU). In that letter, the Commission recalled that, in accordance with established case-law of the Court of Justice of the European Union, a Member State may not invoke provisions prevailing in its domestic legal system to justify failure to observe obligations arising under Union law. The authorities of the United Kingdom had until 22 November 2019 to submit their observations on that letter of formal notice.

(9) The European Council notes that, notwithstanding the obligations under Union law which were recalled in Decision (EU) 2019/1810 and specifically agreed to by the United Kingdom, no candidate for a member of the Commission has been suggested by the United Kingdom. This cannot undermine the regular functioning of the Union and its institutions and thus cannot constitute an obstacle to the appointment of the next Commission in order for it to start exercising the full range of its power under the Treaties as soon as possible. The European Council notes that although only 27 persons are hereby appointed as Members of the Commission, the Commission is composed, in accordance with Decision 2013/272/EU, of a number of Members equal to the number of Member States. It also notes that after the Commission has been appointed, Article 246, second paragraph, TFEU will apply.

(10) By Decision (EU) 2019/1393[(5)], the Council adopted by common accord with the President-elect of the Commission the list of the other persons whom it proposes for appointment as Members of the Commission. By Decision (EU) 2019/1949[(6)], repealing and replacing Decision (EU) 2019/1393, the Council adopted by common accord with the President-elect of the Commission a new list of the other persons whom it proposes for appointment as Members of the Commission.

(11) By means of a vote held on 27 November 2019, the European Parliament gave its consent to the appointment, as a body, of the President, the High Representative of the Union for Foreign Affairs and Security Policy, and the other members of the Commission.

***Changes to legislation:** There are currently no known outstanding effects for the European Council Decision (EU) 2019/1989. (See end of Document for details)*

(12) The Commission should therefore be appointed,

HAS ADOPTED THIS DECISION:

Article 1

The following are hereby appointed to the European Commission for the period from 1 December 2019 to 31 October 2024:

— as President:

Ms Ursula VON DER LEYEN

— as Member, Vice-President, pursuant to Article 18(4) TEU:

Mr Josep BORRELL FONTELLES, High Representative of the Union for Foreign Affairs and Security Policy

— as Members:

Mr Thierry BRETON

Ms Helena DALLI

Mr Valdis DOMBROVSKIS

Ms Elisa FERREIRA

Ms Mariya GABRIEL

Mr Paolo GENTILONI

Mr Johannes HAHN

Mr Phil HOGAN

Ms Ylva JOHANSSON

Ms Věra JOUROVÁ

Ms Stella KYRIAKIDES

Mr Janez LENARČIČ

Mr Didier REYNDERS

Mr Margaritis SCHINAS

Mr Nicolas SCHMIT

Mr Maroš ŠEFČOVIČ

Ms Kadri SIMSON

Mr Virginijus SINKEVIČIUS

Ms Dubravka ŠUICA

Mr Frans TIMMERMANS

Ms Jutta URPILAINEN

Ms Adina VĂLEAN