Council Decision (EU) 2019/1949 taken by common accord with the President# elect of the Commission of 25 November 2019 adopting the list of the other persons whom the Council proposes for appointment as Members of the Commission, and repealing and replacing Decision (EU) 2019/1393

COUNCIL DECISION (EU) 2019/1949

taken by common accord with the President#elect of the Commission

of 25 November 2019

adopting the list of the other persons whom the Council proposes for appointment as Members of the Commission, and repealing and replacing Decision (EU) 2019/1393

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 17(3) and (5) and the second subparagraph of Article 17(7) thereof,

Having regard to European Council Decision 2013/272/EU of 22 May 2013 concerning the number of members of the European Commission[(1)],

Whereas:

(1) The mandate of the Commission appointed by European Council Decision 2014/749/EU[(2)] came to an end on 31 October 2019.

(2) 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.

(3) 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.

(4) On 5 August 2019, the European Council, in agreement with the President-elect of the Commission, appointed Mr Josep BORRELL FONTELLES as High Representative of the Union for Foreign Affairs and Security Policy in accordance with Article 18(1) of the Treaty on European Union (TEU).

(5) By Decision (EU) 2019/1393[(3)], 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 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,

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2019/1949. (See end of Document for details)*

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 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 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 Council notes that, although only 27 persons are proposed for appointment 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 common accord with the President-elect of the Commission, Decision (EU) 2019/1393 should be repealed before the list contained in it is subject to the vote of consent of the European Parliament and should be replaced by this Decision.

(11) In accordance with Article 17(7), third subparagraph, TEU, the President, the High Representative of the Union for Foreign Affairs and Security Policy, and the other Members of the Commission are subject as a body to a vote of consent by the European Parliament,

HAS ADOPTED THIS DECISION:

Article 1

By common accord with Ms Ursula VON DER LEYEN, President#elect of the Commission, the Council proposes the following persons for appointment as Members of the Commission until 31 October 2024:

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
Mr Olivér VÁRHELYI
Ms Margrethe VESTAGER
Mr Janusz WOJCIECHOWSKI,

in addition to:

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

Article 2

This Decision repeals and replaces Decision (EU) 2019/1393.

Article 3

This Decision shall enter into force on the date of its adoption.