



**Brussels, 9 June 2020
(OR. en)**

**8537/1/20
REV 1**

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'I' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee (Part 1)

Subject: Country-Specific Recommendations: Recommendations on the National Reform Programmes 2020 to each Member State
- Decision to use the written procedure for approval

1. Under the European Semester 2020, the Commission submitted to the Council on 20 May, for 28 Member States, a Recommendation for a Council Recommendation on the National Reform Programme 2020, and delivering a Council Opinion on the updated Stability or Convergence Programme.
2. These recommendations combine economic and employment recommendations, based on Articles 121(2) and 148(4) of the Treaty on the Functioning of the European Union (TFEU), with Council opinions on stability and convergence programmes, based on Articles 5(2) and 9(2) of Regulation 1466/97, and, in certain cases, with recommendations on the preventive part of the macroeconomic imbalances procedure under Article 6(1) of Regulation 1176/2011.

3. Bearing in mind that recommendations falling within the scope of Article 148(4) TFEU form an integral part of the country-specific recommendations and that their content is inextricably linked to that corresponding to the Stability and Growth pact, the procedure under Article 121(2) TFEU should apply to both parts of the recommendations.
4. Following the discussion at the Council preparatory committees level, EPSCO was expected to approve the contribution on employment and social policies aspects of these recommendations, while ECOFIN was expected to approve the contribution on economic/financial and MIP-related aspects of these draft recommendations, ahead of their endorsement by the European Council, and to adopt the recommendations in accordance with Article 121(2) TFEU.
5. According to Article 2-ab(2) of Council Regulation (EC) No 1466/97, the Council is expected to, as a rule, follow the recommendations and proposals of the Commission or explain its position publicly. In respect of this ‘comply or explain rule’, the Council is expected to explain the changes agreed to Commission Recommendation for a Council Recommendation on the National Reform Programme 2020 on Member States on which the Commission is in disagreement.
6. However, due to the COVID-19 pandemic, the Council (EPSCO) session foreseen on 11 June cannot take place. The current exceptional circumstances make it impossible to approve the contribution on employment and social policies aspects of the draft Recommendations on the National Reform Programmes 2020 to each Member State in the manner initially envisaged in document 12642/19.
7. In view of the above, the Permanent Representatives Committee is invited to decide, in accordance with the first subparagraph of Article 12(1) of the Council's Rules of Procedure and Article 1 of Council Decision 2020/702, that the Council uses the written procedure for the approval of the contribution on employment and social policies aspects of the draft Recommendations on the National Reform Programmes 2020 to each Member State (set out in document 8449/1/20 REV 1) and the Council explanatory note (set out in document 8650/1/20 REV 1 + REV 1 COR 1 + REV1 COR2).