



Council of the European Union
General Secretariat

Brussels, 19 June 2020

CM 2411/20

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Subject: Draft Council Recommendations on the National Reform Programmes
2020 to each Member State, delivering Council Opinions on the updated
Stability or Convergence Programmes
– Outcome of the written procedure initiated by CM 2409/20

Delegations are informed that the written procedure, opened by CM 2409/20 of 10 June 2020, was completed on 19 June 2020 at 12:00 and that all delegations, except for Poland that abstained, voted in favour of:

the approval of the contribution on economic/financial and MIP-related aspects of the draft COUNCIL RECOMMENDATIONS on the National Reform Programmes 2020 to each Member State, and the UK, delivering Council Opinions on the updated Stability or Convergence Programmes as set out in document ST 8449/2/20 REV2, and the accompanying COUNCIL EXPLANATORY NOTE as set out in document ST 8410/20 +COR1.

The required qualified majority, including the Member State in question, has been reached in both acts. Therefore, the above acts of the Council are approved.

The statements by Poland and the Netherlands are reproduced in the Annex to this CM.

The above statements will be included in the summary of acts adopted by the written procedure as statements to be entered in the Council minutes, in accordance with the third subparagraph of Article 12(1) of the Council's Rules of Procedure.

Statement by the Netherlands

The Netherlands recognizes that these are difficult times that need CSRs to focus on the immediate challenges resulting from the crisis. We therefore support the overall package of the CSRs for 2020. However, we are convinced that the medium to long term structural challenges remain pressing, especially in the context of economic recovery. Although we appreciate the reference made in the recitals to the continued pertinence of the 2019 CSRs, the CSRs for 2020 do not fully address the structural challenges.

Therefore our support of the 2020 CSRs does not mean we consider them as sufficient for the proposed link between the Semester and the Recovery and Resilience Facility. It is imperative that the 2019 CSRs on structural challenges will remain relevant for identifying the challenges to be addressed in Recovery and Resilience Plans. The Netherlands will continue to work constructively towards addressing this issue.

Furthermore, we expect that the CSRs of 2021 will include all medium- to long term challenges again, in order not to lose sight of the reforms that have to be implemented to ensure sustainable economic growth and increase our resilience.

Statement by Poland

1. Poland would like to abstain from voting regarding the approval of the contribution on economic/financial and MIP-related aspects of the draft Council Recommendations on the National Reform Programmes 2020 to each Member State, delivering Council Opinions on the updated Stability or Convergence Programmes.
2. Poland does not support part of country specific recommendation 4 (CSR) where Commission advises to "*Enhance the investment climate, in particular by safeguarding judicial independence*".

In our opinion there is no evidence of any negative impact of changes in the judicial system on the investment climate in Poland.

Since 2017, when the Commission for the first time decided to align the legal certainty, trust in the quality and predictability of regulatory with the investment climate, Poland has been recording a steady increase in both public and private investment (about 22 per cent for last 3 years).

Poland has introduced many favourable changes important for investment and business environment. The improvement in investment performance was also confirmed by the Commission in 2020 Country report-Poland but even though the Commission decided to strengthen this issue in the CSR4.

Moreover, as stated in the recital 25, some of the CJEU proceedings are pending along with a debate over the scope of authority of the CJEU over the matters pertaining to the Member States' scope of competence, i.e. the organization of the judiciary. So far, Poland complies with the CJEU's guidelines, therefore we don't see a reason to underline the necessity to additionally safeguard the judicial independence.

3. We would like to stress the importance of the European Semester as a framework for enhanced economic policy coordination in Europe. This economic process should be based on facts and figures. Otherwise we can have political statements and recommendations without any economic underpinning and instead of strengthening this important coordination tool we would weaken its effectiveness. We also stressed that European Semester should not duplicate other EU procedures.