

Rule of Law: Commission launches infringement procedure to protect the independence of the Polish Supreme Court

On 3 July, 27 out of 72 Supreme Court judges face the risk of being forced to retire – more than one in every three judges – due to the fact that the new Polish law on the Supreme Court lowers the retirement age of Supreme Court judges from 70 to 65. This measure also applies to the First President of the Supreme Court, whose 6-year mandate would be prematurely terminated. According to the law, current judges are given the possibility to declare their will to have their mandate prolonged by the President of the Republic, which can be granted for a period of three years and renewed once. There are no criteria established for the President's decision and there is no possibility for a judicial review of this decision.

The Commission is of the opinion that these measures undermine the principle of judicial independence, including the irremovability of judges, and thereby Poland fails to fulfil its obligations under Article 19(1) of the Treaty on European Union read in connection with Article 47 of the Charter of Fundamental Rights of the European Union.

While the Polish Supreme Court law has already been discussed in the Rule of Law dialogue between the Commission and the Polish authorities, it has not been satisfactorily addressed through this process. The Commission believes that the introduction of a consultation of the National Council for the Judiciary (NCJ) does not constitute an effective safeguard, as argued by the Polish authorities. The NCJ's opinion is not binding and is based on vague criteria. Moreover, following the reform of 8 December 2017, the NCJ is now composed of judges-members appointed by the Polish Parliament – which is not in line with European standards on judicial independence.

Given the lack of progress through the Rule of Law dialogue, and the imminent implementation of the new retirement regime for Supreme Court judges, the Commission decided to launch this infringement procedure as a matter of urgency. The Polish government will have one month to reply to the Commission's Letter of Formal Notice. At the same time, the Commission stands ready to continue the ongoing rule of law dialogue with Poland, which remains the Commission's preferred channel for resolving the systemic threat to the rule of law in Poland.

Background

The rule of law is one of the common values upon which the European Union is founded. It is enshrined in Article 2 of the Treaty on European Union. The European Commission, together with the European Parliament and the Council, is responsible under the Treaties for guaranteeing the respect of the rule of

law as a fundamental value of our Union and making sure that EU law, values and principles are respected.

Events in Poland led the European Commission to open a dialogue with the Polish Government in January 2016 under the Rule of Law Framework. The Commission keeps the European Parliament and Council regularly and closely informed.

On 29 December 2017 the Commission launched an infringement procedure on the Polish Law on Ordinary Courts, also on the grounds of its retirement provisions and their impact on the independence of the judiciary. The Commission referred this case to the Court of Justice on 20 December 2017.

Also on 20 December 2017, the Commission invoked the Article 7(1) procedure for the first time, by submitting a Reasoned Proposal for a Decision of the Council on the determination of a clear risk of a serious breach of the rule of law by Poland^[1].

At the General Affairs Council hearing on Poland on 26 June, in the context of the Article 7(1) procedure, no indication was given by the Polish authorities of forthcoming measures to address the Commission's outstanding concerns. The College of Commissioners therefore decided on 27 June 2018 to empower **First Vice-President Frans Timmermans** to launch this infringement procedure. The Commission stands ready to continue the ongoing rule of law dialogue with Poland, which remains the Commission's preferred channel for resolving the systemic threat to the rule of law in Poland.

For more information

On the general infringements procedure, see [MEMO/12/12](#).

[\[1\]](#)Article 7.1 of the Treaty on European Union provides for the Council, acting by a majority of four fifths of its members, to determine that there is a clear risk of a serious breach by a Member State of the common values referred to in Article 2 of the Treaty (see Annex II). The Commission can trigger this process by a reasoned proposal.

May 2018 – Euro area unemployment at 8.4% – EU28 at 7.0%

The **euro area** (EA19) seasonally-adjusted unemployment rate was 8.4% in May 2018, stable compared with April 2018 and down from 9.2% in May 2017. This remains the lowest rate recorded in the **euro area** since December 2008. The **EU28** unemployment rate was 7.0% in May 2018, stable compared with April 2018 and down from 7.7% in May 2017. This is the lowest rate recorded in the **EU28** since August 2008. These figures are published by **Eurostat, the statistical**

office of the European Union.

[Full text available on EUROSTAT website](#)

Migration: Commission steps up emergency assistance to Spain and Greece

In view of increased arrivals, **Spain** will receive €25.6 million to improve the reception capacity for arrivals at its southern coast and in Ceuta and Melilla as well as to help increase returns. Another €20 million has been awarded to the United Nations High Commissioner for Refugees (UNHCR) to improve reception conditions in **Greece**, notably on the island of Lesbos.

Dimitris **Avramopoulos**, Commissioner for Migration, Home Affairs and Citizenship said: *“The Commission continues to deliver on its commitment to support Member States under pressure. Spain has seen arrival figures increase during the past year and we need to step up our support to help manage the numbers and return those who have no right to stay. And while the EU-Turkey Statement has greatly contributed to lowering the number of arrivals in Greece, the country is still facing significant migratory pressure, in particular on the islands. Over €1 billion has now been awarded in emergency assistance to help Member States manage migration.”*

With the new funding decisions an important milestone has been reached: In total, the Commission has now mobilised **over €1 billion** in emergency assistance to help manage migration under the current financial framework (2014-2020) – support that has gone to the Member States most affected such as **Italy, Greece, Bulgaria, Croatia, Germany, Sweden** and now also **Spain**.

Spain

- €24.8 million has been awarded to the Ministry of Employment and Social Security and the Spanish Red Cross for a project aimed at providing healthcare, food, and shelter to migrants arriving on the southern coast of Spain and in Ceuta and Melilla.
- A further €720,000 has been awarded to the Ministry of Interior to help improve the quality of return facilities and infrastructure for return transfers.

The emergency funding awarded to Spain comes on top of €692 million allocated to Spain for migration, border and security management under national programmes for the period 2014-2020.

Greece

- The additional €20 million awarded to the UNHCR will be used to help manage the reception facilities in the island of Lesbos, support local community projects and provide further emergency accommodation on the islands.
- It will also go towards stepping up measures for the protection of children, non-formal education and to prevent sexual and gender-based violence.

This funding decision comes on top of more than €1.6 billion of funding support awarded by the Commission since 2015 to address migration challenges in Greece.

Background

Border management and migration have been political priorities since the beginning of the Juncker Commission's mandate – from President Juncker's [Political Guidelines](#) of July 2014 to the latest [State of the Union address](#) on 13 September 2017.

However, the scale and urgency of 2015-16 refugee crisis took Europe by surprise. To avert a humanitarian crisis and enable a joint response to this unprecedented challenge as well as new security threats, the EU has been using all the flexibility in the existing budget to mobilise additional funds. From the original allocations for 2014-20 of €6.9 billion for the AMIF and ISF (Borders and Police) funds, an additional €3.9 billion was mobilised to reach €10.8 billion for migration, border management and internal security – and this does not even include the large amount of funding mobilised to address the refugee crisis outside the EU.

Learning the lessons from the past, the Commission is now proposing to double funding across the board, with €10.4 billion for migration, €9.3 billion for border management, €2.5 billion for internal security and €1.2 billion for safer decommissioning of nuclear activities in some Member States – reaching over €23 billion overall. In addition, support to EU Agencies in security, border and migration management will be increased from €4.2 billion to €14 billion.

More information

[Press release](#): EU budget: Commission proposes major funding increase for stronger borders and migration

[Daily News 02 / 07 / 2018](#)

Migration: Commission steps up emergency assistance to Spain and Greece

The European Commission has awarded an additional €45.6 million in emergency

assistance to support Spain and Greece respond to the migratory challenges they face. In view of increased arrivals, Spain will receive €25.6 million to improve the reception capacity for arrivals at its southern coast and in Ceuta and Melilla as well as to help increase returns. Another €20 million has been awarded to the United Nations High Commissioner for Refugees (UNHCR) to improve reception conditions in Greece, notably on the island of Lesbos. Dimitris **Avramopoulos**, Commissioner for Migration, Home Affairs and Citizenship said: *"The Commission continues to deliver on its commitment to support Member States under pressure. Spain has seen arrival figures increase during the past year and we need to step up our support to help manage the numbers and return those who have no right to stay. And while the EU-Turkey Statement has greatly contributed to lowering the number of arrivals in Greece, the country is still facing significant migratory pressure, in particular on the islands. Over €1 billion has now been awarded in emergency assistance to help Member States manage migration."* With the new funding decisions an important milestone has been reached: In total, the Commission has now mobilised over €1 billion in emergency assistance to help manage migration under the current financial framework (2014-2020) – support that has gone to the Member States most affected such as Italy, Greece, Bulgaria, Croatia, Germany, Sweden and now also Spain. You can find the full press release [here](#). (For more information: *Natasha Bertaud – Tel.: +32 229 67456; Tove Ernst – Tel.: +32 229 86764; Markus Lammert – Tel.: +32 229 80423*)

Rule of Law: Commission launches infringement procedure to protect the independence of the Polish Supreme Court

Today, the European Commission has launched an infringement procedure by sending a Letter of Formal Notice to Poland regarding the Polish law on the Supreme Court. On 3 July, 27 out of 72 Supreme Court judges face the risk of being forced to retire – more than one in every three judges – due to the fact that the new Polish law on the Supreme Court lowers the retirement age of Supreme Court judges from 70 to 65. According to the law, current judges are given the possibility to declare their will to have their mandate prolonged by the President of the Republic. There are no criteria established for the President's decision and there is no possibility for a judicial review of this decision. The Commission is of the opinion that these measures undermine the principle of judicial independence, including the irremovability of judges, and thereby Poland fails to fulfil its obligations under Article 19(1) of the Treaty on European Union read in connection with Article 47 of the Charter of Fundamental Rights of the European Union. While the Polish Supreme Court law has already been discussed in the Rule of Law dialogue between the Commission and the Polish authorities, it has not been satisfactorily addressed through this process. Given the lack of progress and the imminent implementation of the new retirement regime for Supreme Court judges, the Commission decided to launch this infringement procedure as a matter of urgency. The Polish government will have one month to reply to the Commission. At the same time, the Commission stands ready to continue the ongoing rule of law dialogue with Poland, which remains the Commission's preferred channel for resolving the systemic threat to the rule of law in Poland. A full press release is available [here](#). (For more information: *Mina Andreeva – Tel.: +32 229 91382; Christian Wigand – Tel.: +32 229 62253; Tim*

McPhie – Tel.: +32 229 58602)

TRADE: EU comments on the US car imports investigation

The European Union submitted its formal comments to the United States Department of Commerce in the framework of an on-going investigation on the impact of automotive imports on the US national security. In the EU's view, this current investigation lacks legitimacy, factual basis and violates international trade rules, just as the similar investigation that led to the imposition of steel and aluminium tariffs earlier this year. In its submission, now [available online](#), the EU reiterates its firm opposition to the proliferation of measures taken on supposed national security grounds for the purposes of economic protection. This development harms trade, growth and jobs in the US and abroad, weakens the bonds with friends and allies, and shifts the attention away from the shared strategic challenges that genuinely threaten the market-based Western economic model. The EU and the US industry specialise in largely different market segments and over the last 5 years imports from the EU have been stable. While there is no economic threat to the US automobile industry which is healthy, imposing restrictive measures would in fact undermine the current positive trends of the US automobile sector. EU car companies operate in the US, they export about 60% of their US production to other countries, improving the US trade balance and providing 120,000 direct and 420,000 indirect jobs. Trade restrictions are likely to lead to higher input costs for US based producers, thus in effect becoming a tax on American consumers. The impact of potential new US tariffs on imported cars would be aggravated significantly by the likely countermeasures of US trading partners, as evidenced by the reaction to the US section 232 tariffs on steel and aluminium. The EU has also requested to participate in the public hearing to be held by the Department of Commerce scheduled for 19 and 20 July. (For more information: Daniel Rosario – Tel.: +32 229 56185; Kinga Malinowska – Tel.: +32 229 51383)

L'union douanière mise à l'honneur: le plus grand bloc commercial au monde fête ses 50 ans

L'union douanière de l'UE, l'une des plus grandes réalisations de l'Union européenne, fêtera son 50e anniversaire le 1er juillet. Née des accords historiques de l'après-guerre qui ont ouvert la voie à l'intégration européenne, [l'union douanière est devenue opérationnelle en 1968](#). En supprimant les droits de douane pour les échanges de marchandises au sein de ce que nous appelons aujourd'hui l'Union européenne, l'union douanière a franchi une première étape décisive pour faire de l'UE le plus grand bloc commercial au monde, avec 28 administrations douanières agissant comme une seule et même entité. Au cours des cinquante dernières années, l'union douanière est devenue l'un des fondements de notre marché unique, en préservant la sécurité des frontières de l'UE et en protégeant nos citoyens des marchandises interdites et dangereuses telles que les armes et les drogues. Elle facilite aussi un volume sans cesse croissant des échanges au niveau mondial: les douanes de l'UE ont assuré la gestion de 16 % du commerce mondial en 2017. Pierre **Moscovici**, commissaire chargé des affaires

économiques et financières, de la fiscalité et des douanes, a déclaré à ce propos: «L'union douanière est une réalisation majeure et unique. Elle permet aux Européens de tirer pleinement parti du marché intérieur, en maintenant la fluidité des échanges et en protégeant les consommateurs. Je tiens à remercier les milliers de personnes qui ont contribué à cette réalisation européenne ces 50 dernières années et qui continuent de le faire.» Un [communiqué de presse](#), [MEMO](#) et une [fiche d'information](#) sont disponibles en ligne. (Pour plus d'information: Vanessa Mock – Tel.: +32 229 58615; Patrick McCullough – Tel.: +32 229 87183)

RegioStars Awards 2018: vote for the best Cohesion Policy project of the year

As of tomorrow, people can start voting for the 2018 RegioStars' public choice award, among the [21 finalists](#) shortlisted this year. The 2018 RegioStars will reward the best Cohesion Policy projects in 5 categories: achieving industrial transition; promoting a low carbon lifestyle; making public services better and more accessible; dealing with migration in the long term; and preserving the EU's cultural heritage. Commissioner for Regional policy Corina **Crețu** said: "Each year our RegioStars Awards set the bar higher and higher and show how EU funds can be used in the best possible way. I'm looking forward to meeting the brains and talents behind these 21 great projects." Commissioner **Crețu** will indeed meet all finalists tomorrow in the European Parliament in Strasbourg. The event, which will take place at 16:00 CET in room C4.1 (LOW building), is open to accredited journalists. The 'RegioStars Awards' is a yearly competition that selects the best Cohesion Policy projects. The winners in all 5 categories will be announced on 9 October, in the context of the [2018 EU week of Cities and Regions](#). (For more information: Johannes Bahrke – Tel.: +32 229 56194; Sophie Dupin de Saint-Cyr – Tel.: +32 229 56169)

Mergers: Commission clears acquisition of part of the over-the-counter business of PGT by Teva

The European Commission has approved, under the EU Merger Regulation, the acquisition of part of the over-the-counter business of the joint venture PGT by Teva Pharmaceuticals Industries Ltd of Israel. PGT is currently controlled by The Procter & Gamble Company of the US, and Teva has a 49% non-controlling interest in the joint venture. Through this transaction, PGT will be dissolved. Teva will re-acquire control over the over-the-counter products (i.e., drugs sold without prescription in pharmacies) which it had previously contributed to PGT. The Commission concluded that the proposed acquisition would raise no competition concerns, because the companies' activities are generally complementary. The transaction was examined under the normal merger review procedure. More information is available on the Commission's [competition](#) website, in the public [case register](#) under the case number [M.8889](#). [ES](#). (For more information: Ricardo Cardoso – Tel.: +32 229 80100; Maria Sarantopoulou – Tel.: +32 229 13740)

Mergers: Commission clears the acquisition of ZPG by Silver Lake

The European Commission has approved, under the EU Merger Regulation, the acquisition of ZPG of the UK by Silver Lake Group of the US. ZPG operates property and household related digital brands primarily in the UK, including the property portal Zoopla and the comparison website uSwitch. Silver Lake is an investment group focused on private investments in large scale companies in technology markets. The Commission concluded that the proposed acquisition would raise no competition concerns because there are only minimal overlaps between the activities of ZPG and Silver Lake's portfolio companies. The transaction was examined under the simplified merger review procedure. More information is available on the Commission's [competition](#) website, in the public [case register](#) under the case number [M.8957.ES](#). (For more information: Ricardo Cardoso – Tel.: +32 229 80100; Maria Sarantopoulou – Tel.: +32 229 13740)

La Commission approuve une nouvelle indication géographique protégée d'Italie

La Commission européenne a approuvé la demande d'inscription de la «[Pitina](#)» dans le registre des indications géographiques protégées (IGP). La «Pitina» est une charcuterie faite pour la moitié de viande soit de mouton, chèvre, chevreuil, daim, cerf ou chamois et pour l'autre moitié de pancetta ou d'épaule de porc. La boulette obtenue est ensuite recouverte de sel, de poivre, d'ail et d'herbes aromatiques. La «Pitina» est produite dans la province de Pordenone située au nord-est de l'Italie, au pied des montagnes. Cette nouvelle appellation va rejoindre plus de 1425 produits déjà protégés dont la liste est disponible dans la base de données [DOOR](#). Pour plus d'informations, voir aussi les pages sur la [politique de qualité](#). (pour plus d'information: Daniel Rosario – Tel: +32 2 29 56185; Clémence Robin – Tel: +32 229 52 509)

ANNOUNCEMENTS

Commissioner Hahn visits Serbia

Johannes **Hahn**, Commissioner for European Neighbourhood Policy and Enlargement Negotiations, is in Belgrade, [Serbia](#) today to discuss the next steps in Serbia's accession process. Commissioner will have bilateral meetings with President Aleksandar Vučić and Prime Minister Ana Brnabić. During his visit Commissioner **Hahn** together with President Vučić will witness the Signing ceremony of the annual IPA (Instrument of Pre-Accession) Financing Agreement covering support to the Justice sector and the horizontal support to alignment to EU acquis, between Mrs Jadranka Joksimovic, Serbian Minister of European integration and Mr Sem Fabrizi, EU Head of Delegation to Serbia. Photo and video of the visit will be available on [EbS](#). (For more information: Maja Kocijancic – Tel.: +32 229 86570; Alceo Smerilli – Tel.: +32 229 64887)

[Upcoming events](#) of the European Commission (ex-Top News)

Migration: Commission steps up emergency assistance to Spain and Greece

In view of increased arrivals, **Spain** will receive €25.6 million to improve the reception capacity for arrivals at its southern coast and in Ceuta and Melilla as well as to help increase returns. Another €20 million has been awarded to the United Nations High Commissioner for Refugees (UNHCR) to improve reception conditions in **Greece**, notably on the island of Lesbos.

Dimitris **Avramopoulos**, Commissioner for Migration, Home Affairs and Citizenship said: *"The Commission continues to deliver on its commitment to support Member States under pressure. Spain has seen arrival figures increase during the past year and we need to step up our support to help manage the numbers and return those who have no right to stay. And while the EU-Turkey Statement has greatly contributed to lowering the number of arrivals in Greece, the country is still facing significant migratory pressure, in particular on the islands. Over €1 billion has now been awarded in emergency assistance to help Member States manage migration."*

With the new funding decisions an important milestone has been reached: In total, the Commission has now mobilised **over €1 billion** in emergency assistance to help manage migration under the current financial framework (2014-2020) – support that has gone to the Member States most affected such as **Italy, Greece, Bulgaria, Croatia, Germany, Sweden** and now also **Spain**.

Spain

- €24.8 million has been awarded to the Ministry of Employment and Social Security and the Spanish Red Cross for a project aimed at providing healthcare, food, and shelter to migrants arriving on the southern coast of Spain and in Ceuta and Melilla.
- A further €720,000 has been awarded to the Ministry of Interior to help improve the quality of return facilities and infrastructure for return transfers.

The emergency funding awarded to Spain comes on top of €692 million allocated to Spain for migration, border and security management under national programmes for the period 2014-2020.

Greece

- The additional €20 million awarded to the UNHCR will be used to help manage the reception facilities in the island of Lesbos, support local community projects and provide further emergency accommodation on the islands.
- It will also go towards stepping up measures for the protection of children, non-formal education and to prevent sexual and gender-based

violence.

This funding decision comes on top of more than €1.6 billion of funding support awarded by the Commission since 2015 to address migration challenges in Greece.

Background

Border management and migration have been political priorities since the beginning of the Juncker Commission's mandate – from President Juncker's [Political Guidelines](#) of July 2014 to the latest [State of the Union address](#) on 13 September 2017.

However, the scale and urgency of 2015-16 refugee crisis took Europe by surprise. To avert a humanitarian crisis and enable a joint response to this unprecedented challenge as well as new security threats, the EU has been using all the flexibility in the existing budget to mobilise additional funds. From the original allocations for 2014-20 of €6.9 billion for the AMIF and ISF (Borders and Police) funds, an additional €3.9 billion was mobilised to reach €10.8 billion for migration, border management and internal security – and this does not even include the large amount of funding mobilised to address the refugee crisis outside the EU.

Learning the lessons from the past, the Commission is now proposing to double funding across the board, with €10.4 billion for migration, €9.3 billion for border management, €2.5 billion for internal security and €1.2 billion for safer decommissioning of nuclear activities in some Member States – reaching over €23 billion overall. In addition, support to EU Agencies in security, border and migration management will be increased from €4.2 billion to €14 billion.

More information

[Press release](#): EU budget: Commission proposes major funding increase for stronger borders and migration