



Strasbourg, 11.2.2020
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COMMISSION DECISION

of 11.2.2020

**updating a number of empowerments in the light of the new allocation of responsibilities
among the Members of the Commission**

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on European Union,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to the Commission's Rules of Procedure¹, and in particular Article 13 thereof,

Whereas:

- (1) Decision of the President P(2019) 1 of 1 December 2019 on the organisation of responsibilities of the Members of the Commission lists the responsibilities allocated to the Members and explains the corresponding structural changes to Commission services². Further details on Members' responsibilities are included in the individual mission letters, sent to each Member by the President.
- (2) In the light of the new allocation of responsibilities, some powers previously conferred on individual Members of the Commission under decisions granting empowerments should therefore be transferred to different Members, whose responsibilities now include those areas.
- (3) The content of the conferred powers granted through the relevant empowerments should remain unchanged.
- (4) All subdelegations granted by the previously responsible Members to Directors-General or Heads of Department in accordance with those empowerments shall cease to apply.
- (5) In 2018, the Commission repealed a large number of empowerments that had become obsolete. The review of existing empowerments at the end of 2019 has resulted in the identification of other empowerments that are no longer applied. It should therefore be clarified that those empowerments shall cease to apply,

HAS DECIDED AS FOLLOWS:

Article 1

1. The empowerment concerning restrictive measures adopted on the basis of Article 215 of the Treaty on the Functioning of the European Union (TFEU), previously granted to the High Representative of the Union for Foreign Affairs and Security

¹ OJ L 308, 8.12.2000, p. 26.

² The corresponding structural changes in Commission's Directorates-General and services are provided in the Annex to Decision P(2019) 1.

Policy in its capacity of Vice-President of the Commission under Commission Decision C(2018) 6668³, shall be transferred to the Member of the Commission in charge of Financial Stability, Financial Services and Capital Markets Union⁴. The Directorate-General for Financial Stability, Financial Services and Capital Markets Union (DG FISMA) shall be the lead service that assists the Member in the exercise of that empowerment.

2. The empowerment to adopt decisions to conduct enquiries and adopt investigation orders provided under point 4.2 of Decision C(2011) 8179⁵, previously granted to the Member of the Commission in charge of Employment, Social Affairs, Skills and Labour Mobility shall be transferred to the Member of the Commission responsible for Statistics⁶. The empowerment to adopt the remaining measures granted under point 4.1 of Decision C(2011) 8179 shall continue to be exercised by the Member of the Commission in charge of Financial Policy, Financial Services and Capital Markets Union⁷.
3. The empowerment to prepare, negotiate and sign an agreement with the European Central Bank on the opening of an account on behalf of the lenders, previously granted to the Member of the Commission responsible for Economic and Monetary Affairs under Communication SEC(2010) 561⁸ in the context of the financial support to Greece provided by the euro area Member States, shall be transferred to the Member of the Commission responsible for Budget⁹. The empowerment to adopt the remaining measures granted under point (b) of Communication SEC(2010) 561 shall continue to be exercised by the Member of the Commission responsible for the Economy.
4. The empowerment in the field of economic and financial affairs concerning Union assistance and borrowings/loans providing assistance for Member States' balances of payments and macro-financial assistance for non-member countries, previously granted to the Member of the Commission responsible for Economic and Monetary Affairs under Decision (2011) 9428¹⁰, shall continue to be exercised by the Member responsible for the Economy.
5. The empowerment in the field of economic and financial affairs concerning the European financial stabilisation mechanism, previously granted to the Member in

³ Commission Decision of 10.10.2018 granting empowerment to adopt Commission Implementing Regulations amending certain annexes to Council Regulations concerning restrictive measures adopted on the basis of Article 215 of the Treaty on the Functioning of the European Union.

⁴ The Executive Vice-President with the portfolio 'An economy that works for people' in the von der Leyen Commission.

⁵ Communication to the Commission Memorandum from the President in agreement with Mr Rehn and Mr Semeta - Empowerment decisions in the field of economic and financial affairs.

⁶ The Member with the portfolio 'Economy' in the von der Leyen Commission.

⁷ The Executive Vice-President with the portfolio 'An economy that works for people' in the von der Leyen Commission.

⁸ Communication to the Commission by Mr Rehn in agreement with the President on the role to be played by the Commission for the financial support to Greece provided by the euro area Member States. The Member with the portfolio 'Budget and Administration' in the von der Leyen Commission.

⁹ Communication from the President in agreement with Ms Ashton, Mr Rehn, Mr Piebalgs, Mr Lewandowski and Mr Füle - Empowerment in the field of economic and financial affairs concerning Union assistance and borrowings/loans providing assistance for Member States' balances of payments and macro financial assistance for non-member countries.

charge of Economic and Monetary Affairs under Communication SEC(2010) 941¹¹, shall continue to be exercised by the Member responsible for the Economy.

6. The empowerment relating to the adoption of decisions in the field of economic and financial affairs concerning Euratom loans issued for the purpose of contributing to the financing of nuclear power stations, previously granted to the Member in charge of Economic and Monetary Affairs under Commission Decision C(2014) 4641¹², shall be transferred to the Member in charge of Budget. The Directorate-General for Budget shall be the lead service responsible for the borrowing and lending operations carried out on behalf of Euratom and shall assist the Member in charge of Budget in the exercise of that empowerment.
7. The empowerment relating to the Commission's opinion on European Investment Bank financing operations, previously granted to the Vice-President responsible for Jobs, Growth, Investment and Competitiveness under Commission Decision C(2017) 1666¹³, shall be transferred to the Member of the Commission responsible for the relations with the European Investment Bank¹⁴.
8. The empowerment concerning the adoption of decisions declaring formal investigation procedures relating to State aid ineffective and requiring an undertaking or an association of undertakings to provide information, previously granted to the Members of the Commission responsible for Competition, Fisheries and Agriculture under Commission Decision C(2014) 2370¹⁵, shall be transferred to the Member of the Commission responsible for Competition.
9. The empowerment on the professional secrecy within the framework of the State aid previously granted to the Members of the Commission responsible for Competition, Transport, Energy, Agriculture and Fisheries under Communication SEC(2004) 335¹⁶, shall be transferred to the Member of the Commission responsible for Competition.
10. The empowerment concerning decisions not to raise objections to aid that is clearly compatible under SEC(1977) 2746¹⁷, previously granted to the Member of the Commission responsible for Competition and to the Members responsible for Agriculture¹⁸, Fisheries and Transport, shall be transferred to the Member of the Commission responsible for Competition. The Directorates-General for Agriculture,

¹¹ Communication from the President in agreement with Mr Rehn and Mr Lewandowski - Empowerment in the field of economic and financial affairs concerning the European financial stabilisation mechanism.

¹² Commission Decision of 9.7.2014 granting an empowerment to adopt decisions in the field of economic and financial affairs concerning Euratom loans issued for the purpose of contributing to the financing of nuclear power stations.

¹³ Commission Decision of 22.3.2017 on an empowerment relating to the Commission's opinion on European Investment Bank financing operations.

¹⁴ The Executive Vice-President with the portfolio 'An economy that works for people' in the von der Leyen Commission.

¹⁵ Commission Decision of 9.4.2014 granting an empowerment to adopt decisions declaring formal investigation procedures relating to State aid ineffective in accordance with Article 6a(2)(a) of Council Regulation 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union, and requiring an undertaking or an association of undertakings to provide information in accordance with Article 6a(7) of that Regulation.

¹⁶ Communication de M. le Président en accord avec Mme Loyola de Palacio, M. Monti et M. Fischler - Habilitation en matière de décisions sur le secret professionnel dans le cadre des aides d'état.

¹⁷ PV(1977)440 and its subsequent modifications, including SEC(1981) 2003.

¹⁸ See Fiche 38, SEC (2002) 432.

Fisheries and Transport shall be formally consulted on State aid cases in their respective policy areas before the empowerment is exercised.

11. The empowerment concerning the closing of formal procedures in the field of State aid, such as decisions not to raise objections to non notified aid, finding that a measure does not constitute aid, information injunctions, on-site monitoring visits, closing of a formal investigation following the withdrawal of a notification, based on Communication SEC(2002) 664¹⁹, previously granted to the Member of the Commission responsible for Competition, Transport, Agriculture and Fisheries shall be transferred to the Member of the Commission responsible for Competition. Directorates-General for Transport, Agriculture and Fisheries shall be formally consulted for State aid cases in their respective policy areas before the empowerment may be exercised when the decision concerns the closing of formal procedures by decisions not to raise objections to non notified aid or finding that a measure does not constitute aid.

Article 2

The subdelegations granted under the empowerments referred to in Article 1 shall cease to apply.

Article 3

The following empowerments shall cease to apply:

1. empowerment on the repayment or remission of import or export duties, based on Communication SEC(1982) 1509²⁰;
2. empowerment with regard to decisions to be taken pursuant to Article 22(3) of Directive 2002/22/EC, based on Decision C(2013) 538²¹.

Article 4

This Decision shall take effect from 11 February 2020.

Done at Strasbourg, 11.2.2020

For the Commission
Ursula VON DER LEYEN
The President

¹⁹ Communication de M. le Président, en accord avec M. Monti - Habilitation générale visant à l'adoption de décisions en matière d'aides d'Etat.

²⁰ Communication de M. le Président en accord avec M. Narjes - Extension de l'habilitation dans le secteur de l'Union Douanière (remboursement ou remise des droits).

²¹ Commission Decision of 5.2.2013 granting a general empowerment with regard to decisions to be taken pursuant to Article 22(3) of Directive 2002/22/EC as amended by Directive 2009/136/EC - Communication from the President in agreement with Mrs. Kroes.