



European Council

Brussels, 21 July 2020

EUCO 12/20

LIMITE

JUR 346

OPINION OF THE LEGAL COUNSEL

Subject: Paragraph A19 of the Conclusions of the Special European Council of 17 to 21 July 2020
- Article 17(1) TEU and Article 317 TFEU on the powers of the Commission to execute the EU budget and manage EU programmes

1. It is recalled that Article 17(1) TEU confers on the Commission the power "*execute the budget and manage programmes*" and that Article 317, first paragraph, TFEU empowers the Commission to "*implement the budget (...) within its own responsibility (...) having regard to the principles of sound financial management*".

It is also recalled that under the principles of conferral of powers and institutional balance, "[u]nder Article 13(2) TEU, each EU institution is to act within the limits of the powers conferred on it in the Treaties, and in conformity with the procedures, conditions and objectives set out in them. That provision reflects the principle of institutional balance, characteristic of the institutional structure of the European Union (...), a principle which requires that each of the institutions must exercise its powers with due regard for the powers of the other institutions (...).¹

¹ Judgment of the Court (Grand Chamber) of 14 April 2015, Council v. Commission, Case C-409/13, ECLI:EU:C:2015:217, paragraph 64.

2. The text of a paragraph A19 of the Conclusions of the Special European Council of 17 to 21 July 2020, including its last subparagraph, does not affect the powers which the Treaties confer on the Commission as set out in Article 17(1) TEU, in the first paragraph of Article 317 TFEU and in the relevant EU legislation, notably the power to validate and authorise disbursement of payments.
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