



European Social Fund & Rule of law

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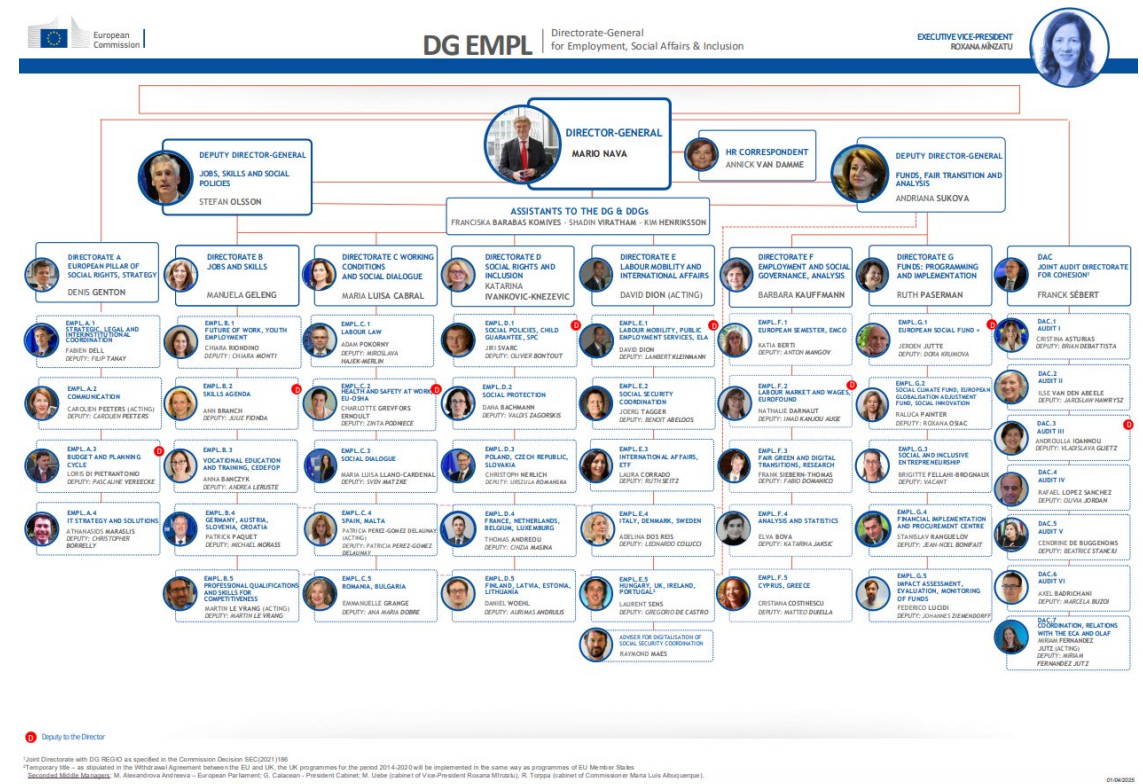
Head of Unit ESF Coordination DG EMPL

Background

- Official of the European Commission since 1995
 - Statistics, Cohesion Policy funds, control and discharge budget in the European Parliament, Economic and Social Policy governance (Semester), Geographical Unit (BG, RO) and now...
- European Social Fund
 - For 2021-2027 we want to support 149 million persons in Europe
 - Investment in employment policy, education and skills development, social inclusion pathways, material support for the most deprived
 - Budget: some EUR 20 bn a year

How does the COM work...?

- One of the institutions
 - (Council, EP, European Court of Justice, European Court of Auditors...)
- One Commissioner per MS
- Over 30 « Directorate Generals »
 - For example for « Economic Affairs », « Budget », « Climate », « Regional Policy », etc.
 - Clear division of labour, and procedures



Budget and Rule of Law

EU budget (MFF 2021-2027)

Single Market, Innovation and Digital

149.5 (+ 11.5 from NGEU)

Cohesion, Resilience and Values

426.7 (+ 776.5 from NGEU)

Natural Resources and Environment

401 (+ 18.9 from NGEU)

Migration and Border Management

25.7

Security and Defence

14.9

Neighbourhood and the World

110.6

European Public Administration

82.5

Total: €2.018 trillion

NextGenerationEU
806.9

Long-term budget
1 210.9

RRF – milestones & targets
(Recovery and Resilience Facility)

General regime of conditionality
Horizontal enabling condition (**HEC**) under CPR
+ other possible conditionalities



COHESION POLICY 372.6

Cohesion Fund (CF)
48

European Regional Development Fund (ERDF)
226

European Social Fund+ (ESF+)
98.5

COMMON AGRICULTURAL POLICY (CAP) 378.5

European Agricultural Fund for Rural Development (EAFRD)
87.4

European Agricultural Guarantee Fund (EAGF)
291

NEW AND REINFORCED PRIORITIES 377.3

Connecting Europe Facility (Transport, Energy, Digital)
20.7

InvestEU
3.0

European space programme
14.9

Digital Europe programme
7.6

Single market programme
4.2

Justice, Citizens, Equality, Rights and Values
0.9

Neighbourhood, Development and International Cooperation Instrument
79.5

Just Transition Fund
8.4

Programme for Environment and Climate Action (LIFE)
5.4

Humanitarian aid
11.6

Erasmus+
24.6

Creative Europe
1.8

RescEU
1.3

EU4Health
2.4

Other
105

RECOVERY AND RESILIENCE FACILITY

Scope: Funds under the Facility

Lead DG: SG RECOVER and ECFIN

„Milestones & targets" of the national Recovery and Resilience Plans (RRPs)

CONDITIONALITY MECHANISM

Scope: EU budget (MFF and NextGenerationEU)

Lead DG: Budget (BUDG)

Assessment whether breaches of the RoL in a MS affect or seriously risk affecting the sound financial management of EU budget or the protection of the EU financial interests

HORIZONTAL ENABLING CONDITIONS

under the Common Provision Regulation (CPR)

Scope: Funds covered by the CPR (MFF and NextGeneration EU)

Lead DG: depending on fund (REGIO, EMPL, MARE, HOME)

Compliance with the Charter of Fundamental Rights

>> Lead DG EMPL

RECOVERY AND RESILIENCE FACILITY

Scope: Funds under the Recovery and Resilience Facility (NGEU)
Lead DGs: SG.RECOVER and ECFIN

Assessment whether

- the Recovery and Resilience Plans effectively address all or a significant subset of challenges identified in relevant Country-Specific Recommendations (example of relevant CSRs: reinforced anti-corruption framework, strengthened judicial independence);
- the proposed arrangements are expected to prevent, detect and correct corruption, fraud and conflicts of interests when using funds provided under the Facility.

CONDITIONALITY MECHANISM

Scope: EU budget (MFF and NGEU)
Lead DG: BUDG

Assessment whether breaches of the principles of the rule of law in a Member State affect or seriously risk affecting the sound financial management of the EU budget or the protection of the financial interests of the EU; such breaches must concern:

- proper functioning of the authorities implementing the EU budget, in particular in the context of public procurement or grant procedures;
- proper functioning of the authorities carrying out financial control, monitoring or audit;
- proper functioning of investigation and public prosecution services in relation to fraud, corruption and other breaches of EU law relating to the EU budget or financial interests of the EU;
- effective judicial review by independent courts of actions or omissions by authorities in relation to the above issues;
- prevention and sanctioning of fraud, corruption in relation to EU financial interests, and imposition of effective and dissuasive penalties;
- recovery of funds unduly paid;
- effective and timely cooperation with OLAF (and, for participating MS, with EPPO) in investigations and prosecutions;
- other situations or conduct of authorities relevant to the sound financial management of the EU budget or the protection of the EU's financial interests.

HORIZONTAL ENABLING CONDITIONS

under the Common Provision Regulation

Scope: Funds covered by the Common Provisions Regulation - European Regional Development Fund, European Social Fund Plus, Cohesion Fund, Just Transition Fund, European Maritime, Fisheries and Aquaculture Fund, Asylum and Migration Fund, Internal Security Fund and Border Management and Visa Instrument (MFF and NGEU)
Lead DG depending on fund: REGIO, EMPL, MARE, HOME

Assessment whether

- monitoring mechanisms are in place to cover all public contracts and their procurement under the funds in line with EU procurement legislation;
- effective mechanisms are in place to ensure compliance with the Charter of Fundamental Rights, which include:
 - arrangements to ensure compliance of the programme supported by the funds and their implementation with the Charter;
 - reporting arrangements regarding cases of non-compliance of operations supported by the funds and complaints regarding the Charter.

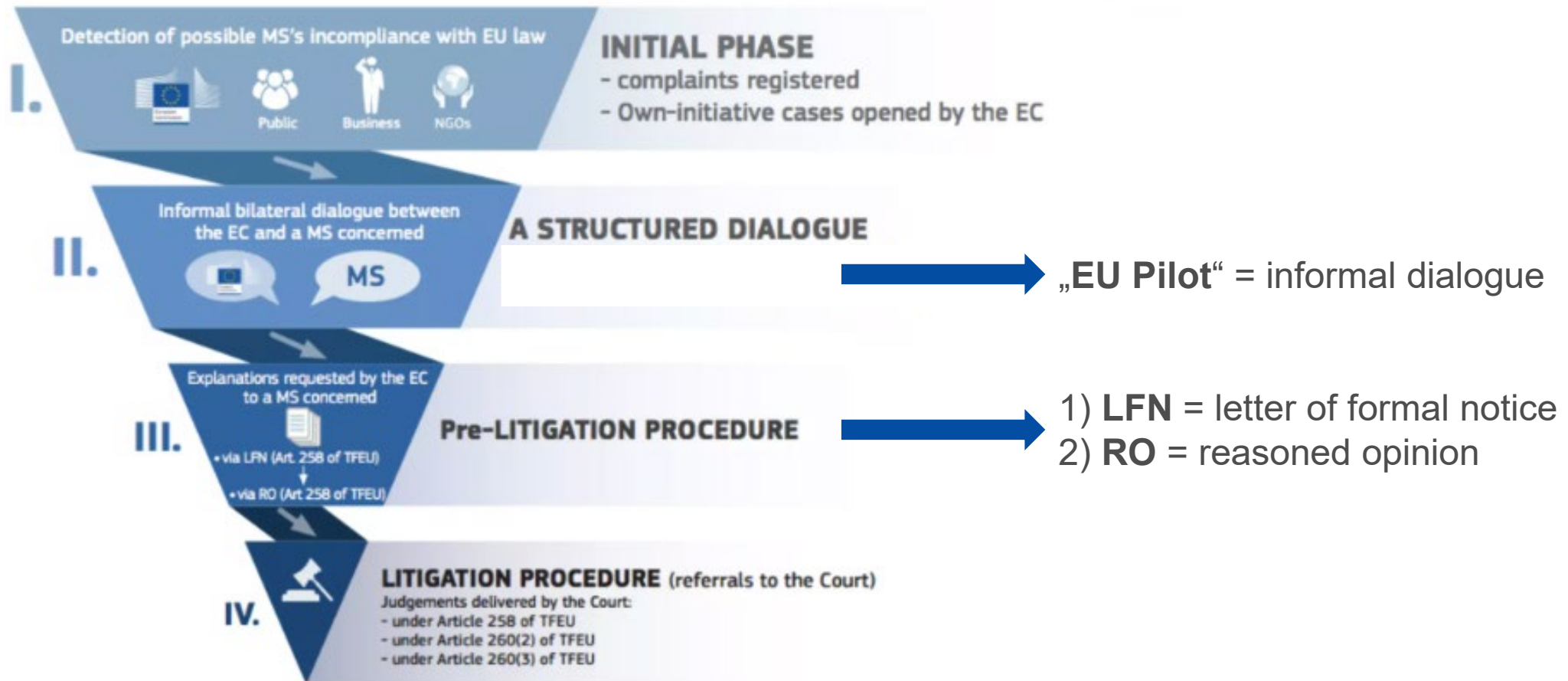


When do we « suspend funding »? (for Cohesion Policy)

- ***Charter of Fundamental Rights*** includes « Judicial Independence »
- ***What if a MS is suspected of not respecting it?***
 - Collect information > variety of sources
 - Court records, interviews, audit IT systems, civil society evidence, etc
 - Show that the issue is systemic and substantive
 - Discuss between DG's notably including Secretary General and Legal Service
 - Build the case, inform the MS of objections, and give opportunity to respond
 - If the case remains strong, move towards adoption « suspension decision »
 - Include expected remedial action
 - Engagement, and control solutions >> if resolved, lift suspension

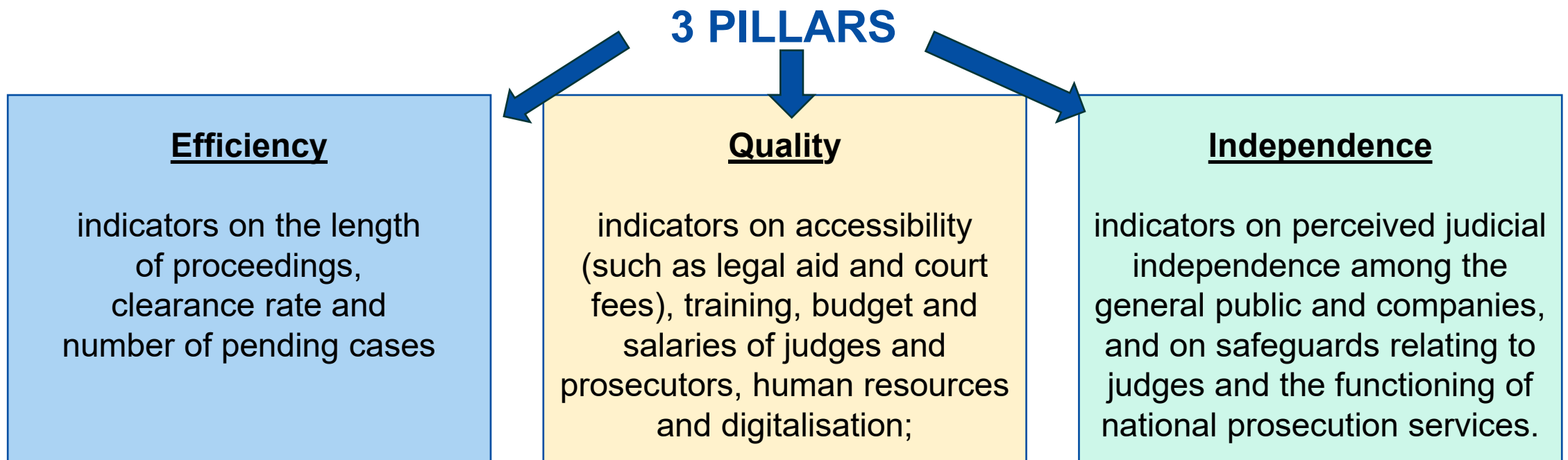
Other tools

Infringement Procedures



EU Justice Scoreboard

- **Annual** overview of indicators on the efficiency, quality and independence of justice systems
- Last edition (12th) published in June 2024



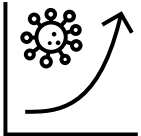
Technical Support Instrument (TSI)



€864 million for the period 2021-2027



The European Commission's Directorate-General for [Structural Reform Support](#) (DG REFORM) manages the TSI.



A pillar of the EU's initiative to help Member States mitigate the economic and social consequences of the outbreak of the COVID-19 crisis.

Thank you.