



European Commission launches infringement proceedings against the UK following its failure to name a candidate for EU Commissioner

Brussels, 14 November 2019

As the Guardian of the Treaties, the European Commission has today sent a letter of formal notice to the United Kingdom for breaching its EU Treaty obligations by not suggesting a candidate for the post of EU Commissioner. The UK authorities have until Friday 22 November at the latest to provide their views. This short time period is justified by the fact that the next Commission must enter into office as soon as possible.

Following the UK's reply on 13 November to the two letters sent by President-elect Ursula von der Leyen recalling the UK's obligations under the EU Treaty – and the [European Council decision](#) of 29 October 2019 extending the Article 50 period (1) –, the Commission has now analysed this reply and considers that the UK is in breach of its EU Treaty obligations.

In its letter, the UK authorities consider that they are not in a position to suggest a candidate for the post of EU Commissioner in view of the upcoming general election. The European Commission recalls that, in accordance with established EU case-law (2), a Member State may not invoke provisions prevailing in its domestic legal system to justify failure to observe obligations arising under Union law.

Next Steps: In accordance with Article 258 of the Treaty on the Functioning of the European Union, the United Kingdom is invited to submit its observations on the letter of formal notice at the latest by Friday 22 November 2019. After examining these observations, or if no observations are submitted within this time-limit, the Commission may, if appropriate, issue a Reasoned Opinion.

For More Information:

[EUROPEAN COUNCIL DECISION](#) taken in agreement with the United Kingdom extending the period under Article 50(3)TEU

(1) See notably recital 11: *"This further extension cannot be allowed to undermine the regular functioning of the Union and its institutions. Furthermore, it will have the consequence that the United Kingdom will remain a Member State until the new withdrawal date, with full rights and obligations in accordance with Article 50 TEU, including the obligation to suggest a candidate for appointment as a member of the Commission."*

(2) Court of Justice of the EU, judgment of 5 February 2015, case C-317/14, Commission v Belgium, paragraph 33.

IP/19/6286

Press contacts:

[Mina ANDREEVA](#) (+32 2 299 13 82)

[Eric MAMER](#) (+32 2 299 40 73)

[Dana SPINANT](#) (+32 2 299 01 50)

General public inquiries: [Europe Direct](#) by phone [00 800 67 89 10 11](#) or by [email](#)