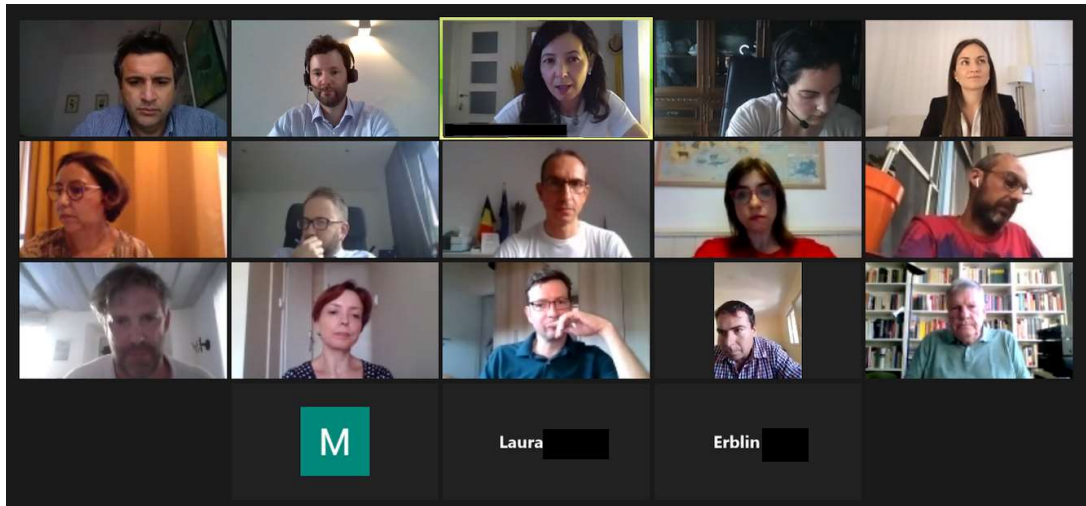


SUMMARY REPORT



Executive summary

This was the first Webinar organised by the BAFE Association. Its aim was to reconnect the Bellevue Alumni with each other, and to deepen their knowledge on the EU recovery funds. About twenty Bellevue Alumni participated, together with the ex-chaperon of the Bellevue Programme, Ambassador Gröning. The Webinar addressed in particular the EU Next Generation Recovery Plan, its pillars and guiding principles, including the conditionality, according to which Member States must allocate at least 37% of their funds to climate change policies and 20% to digital transition. Participants gave input on various national recovery plans, as well as on the allocation and negotiation of the funds. The high-level experts' panel gathered the Vice-president of the Constitutional Court in Slovenia, M. Accetto, and the Professor of Law, Ms. Le Moli. In his speech, Judge Accetto addressed the rule of law in the EU, the conditionality of funds and its relation to the shared EU values, as well as the infringement procedures at the EU Court of Justice and the need for Guidelines to apply Regulation. Professor Le Moli focused on the environment policy and its relation to EU funds, the right for a healthy environment, the prevention principle and the need for a future Global Pandemic Treaty. The panel discussion was followed by a lively yet constructive debate among panellists and participants. Finally, the BAFE President and Vice-president concluded the seminar with a wrap-up and invited the participants to the next Webinars to be organised by the BAFE association in 2021.

1. Welcome address

Jean-Baptiste Perrin explained that this very first Webinar organised by the [BAFE Association](#) webinar is part of a larger project, which aims at reconnecting the Bellevue community. Samira Irsane presented the agenda of the webinar and made an introductory statement on the COVID-19 recovery fund. Both addressed a warm greeting to Ambassador Gröning, who accompanied the Bellevue programme for many years. Ambassador Gröning delivered a few words expressing his pleasure at being present and seeing familiar faces.

2. Informal Break-out sessions

Participants were given the opportunity to discuss informally, catching up with known fellow alumni or getting to know new ones, through two informal break-out sessions of 10 minutes each, in groups of 2 to 3 persons.

3. The EU recovery plan: presentation and practical examples

Presentation

Dr. Mátyás Szabó presented the financial architecture of the recovery plan.

The long-term investment involves two packages, namely the reinforced Multiannual Financial Framework (overpassing 1 trillion euro) and the NextGenerationEU, which were approved by the European Commission and the Parliament for the recovery plan. To raise the necessary funds, the Commission will borrow on the capital markets on behalf of the EU, for a total up to €750 billion, and will collect its first own resource as a contribution based on non-recycled plastic packaging waste, already as of 1st January 2021.

Next generation EU entails specific programmes which have been distributed in three pillars:

- Recovery and resilience facility, React-EU, Rural Development, Just Transition Fund
- Solvency support instrument, InvestEU, Strategic Investment Facility
- Health programme, rescEU, Horizon Europe, Neighbourhood, Development and International Cooperation, Humanitarian Aid.

The Recovery & Resilience facility (RFF) will finance investments and reforms in all Member States, worth EUR 672.5 billion in total. The guiding principles for national recovery and resilience plans are environment, fairness, stability and productivity, all of which contribute to a general competitive sustainability. National plans must allocate at least 37% of the total funds to measures supporting the climate transition and 20% on fostering the digital transition.

The flagship areas for investments and reforms are:

- **Power up** – Green technologies and renewables.
- **Renovate** – Energy efficiency of buildings.
- **Recharge and refuel** – Sustainable transport and charging stations.
- **Connect** – Roll-out of rapid broadband services.
- **Modernise** – Digitalisation of Public Administration.
- **Scale-up** – Education and training to support digital skills.

Discussion on national examples provided by Bellevue alumni

Nicholas Archontas spoke briefly about the **Greek** recovery plan. The Commission President visited Greece to present the "Greece 2.0" plan with the Greek Prime Minister. The plan is financed to the tune of 31.2 billion by the RRF (58% grants, 42% loans), which puts Greece in third place in terms of the share of funds allocated to the country's GDP. The 2,000-page document presents very concrete initiatives, including electronic mobility, self energy efficiency, electric interconnectivity of the islands, urban planning, land use, industry and tourism. A specific project is to use artificial intelligence and big data to fight tax evasion. In 2020, Greek GDP fell by 8.2%. The recovery plan is expected to increase GDP by 7% in 6 years and generate over 200,000 jobs.

David González described the **Spain** recovery plan, which includes 30 components and involves 12 Ministries. The European Semester had previously made country specific recommendations for reforms and investments that the plan had to include. Thus, there was little room to include additional items. In science, a recommendation was for example to increase coordination and synergies between the State and the 17 regions. Therefore, Spain designed an instrument to enable the cooperation between regions with a view to developing joint programmes. Finally, 700 M€ have been allocated to this initiative, a big part of the overall budget for science and innovation programmes (4,000 M€).

4. Panel discussion: "What will be the impact of the recovery plan on social cohesion, health and sustainability?"

In her introductory statement, Inmaculada Navarro recalled that the European Semester was the instrument introduced in 2010 by the EU as a response to the 2007 financial and economic crisis. Through the European Semester, national budget plans were collectively monitored by the MS and ghd EC issued CSR to the MS that were subject to surveillance.

On 12 February 2021, the EU Regulation 2021/241 establishing the Recovery and Resilience Facility was published. NextGenerationEU, which is the largest stimulus package ever financed in Europe with a total of €1.8 trillion, is expected to boost the EU recovery after the health, social and economic crisis caused by the pandemic by COVID-19.

She then introduced the speakers, [Judge Acceto](#) and [Professor Le Moli](#), and asked them to provide their views on the legislative EU funds framework, its suitability for this unprecedented crisis and the impact that we can expect on social cohesion, health and environment.

Judge Accetto focused his presentation on the legal aspects of EU funds and more specifically on how the rule of law has invited itself in the setting of this new financial instrument. This new mechanism, in Covid time, has represented an opportunity for the EU Commission and some MS to tackle and maybe to solve a heated and long lasting discussion concerning breach of fundamental values by MS. After reminding us of various attempts of introducing this principle in the EU, the financial path has prevailed to implement it. The protection of the rule of law was initially not specifically tied to the recovery funds, but it has been linked through conditionality.

The first suggestions have been to establish conditionality mechanisms to the implementation of the EU Budget for Member States. This provided a legal basis and effectiveness for Member States to comply with rule of law, if they want to have access to EU funds.

In December 2020 Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union Budget was adopted. According to this regulation, the European Commission can adopt actual measures including

the suspension of payments and of commitments, the suspension of the disbursement of instalments or the early repayment of loans, a reduction of funding under existing commitments, and a prohibition on entering into new commitments with recipients or to enter into new agreements on loans or other instruments guaranteed by the Union Budget.

However, the identification of breaches of the principles of the rule of law requires a thorough qualitative assessment by the Commission. That assessment should be objective, impartial and fair, and should take into account relevant information from available sources and recognised institutions, including judgments of the Court of Justice of the European Union, among other institutions. He concluded his presentation underlining that the legal basis implementing the conditionality seems to go beyond financial breaches and instate a general concern of breach of the rule of law.

Professor Le Moli focused her presentation on the decision to allocate 37% of the EU Recovery Funds to climate change measures within the broader EU environmental policy (Green Deal packet, climate law, Eu energy law...). The European Council endorsed in December 2019 the objective of making the EU climate-neutral by 2050, in line with the Paris Agreement. A regulation of the European Parliament and the Council establishing the framework for achieving climate neutrality (European Climate Law) should be adopted in the course of 2021.

Professor Le Moli explored and defined the scope of the principle of prevention in international and EU environmental law and pointed out the paradigm shift of the principle of prevention and climate change, and the right to a healthy environment under climate justice cases and under the drafted framework of the Global Pandemic Treaty.

She has recalled that Covid-19 recovery funds were approved in order to mitigate the effects of the COVID-19 pandemic, which some organisations consider emerged from wild life and the alteration of its living environment by humans. The environmental measures they encompass can contribute to prevent and mitigate pandemics.

The EU policies against the pandemic not only would reinforce the existing link between health and environment, but also consolidate EU criteria and principles:

- No harm (due diligence and conduct)
- Prevention (prevent irreversible damage)
- Precautionary (enable decision- makers to take measures in case of lack of scientific evidence about environment or health)
- Polluter-payer practice

The principle of prevention includes the need to avoid whatever possible environmental damage which is difficult or impossible to repair. At EU level this principle is consolidated in article 191 of the TFEU, and the Court of Justice constitutes a further guarantee. This principle, which is a vehicle to adopt environmental measures, also affects agricultural policy. In addition, there are principles affecting the procedure, like cooperation, impact assessment (evaluating pros and cons), notification and institutional agreement.

These measures would be an important component in addressing the damage caused by the pandemic. Lockdowns have reduced pollution and emissions but they will rebound if governments do not invest sufficient money. National plans have to be adequately coordinated to make the results perceptible.

Discussion

After the presentations of the experts, the participants exchanged with them on numerous burning questions, among others:

- Do public health laws constitute a legal basis strong enough to restrict citizens' rights?
- Is the precautionary principle relevant when deciding about more or less restrictive measures to fight against Covid-19?
- What should the Global Pandemic Treaty cover, in order to address the nexus between health and environment?
- Is the reaction of the EU Commission to Member States passing laws restricting human rights efficient and rapid enough?
- Are the principles of “no harm”, “precaution” and “prevention” ambitious enough, considering the dramatic current environmental situation?
- Has there been a trade-off between prevention and rule of law in certain MS?
- Is it normal that the EU has to use conditionality for recovery funds, as a way to ensure that Member States respect such a fundamental principle as the rule of law?

5. Closing

In its closing statement, David González was glad to note that the webinar fully achieved the aim of reconnecting the Bellevue community, while tackling a topic important to all of us. The COVID-19 crisis, despite its dramatic consequences, and its negative effect on certain rights of EU citizens, was an opportunity to test the EU in various aspects:

- optimization of the use of European funds to support national policies.
- implementation of European policies in MS by means of the recovery facility, among other instruments.
- control of infringement to the rule of law through the conditionality of EU funding
- capacity of MS and European institutions to work hand in hand in the resolution of a global problem.

Giuseppe De Simone thanked all attendees, and specially mentioned the ambassador's cordial presence. He insisted that this session had just been the starting point of the reconnection Project, and that the BAFE Association will organize more meetings like this one in the course of the year. He ended the meeting by wishing all the attendees a *buona notte* from Palermo.

List of participants

Attendees (9)

- Nikolaos ARCHONTAS - Greece. Bellevue alumnus 2017
- Agata BADER – Poland. Bellevue alumna 2015
- Dorothée CAILLEUX – France. ADAFA
- Una DIXON - Ireland Bellevue alumna 2016
- Laura ENFEDAQUE DÍAZ – Spain. Bellevue alumna 2016
- Zdenko GROBENSKI – Germany. Bellevue alumnus 2016
- Friedrich GRÖNING – Germany. Ambassador. Honorific member
- Vanda PACHECO – Portugal. Bellevue alumna 2015
- Michael PERKINS – Ireland. Bellevue alumnus 2017

Organisation team (8)

- Giuseppe DE SIMONE – Italy. Bellevue alumnus 2016
- David GONZÁLEZ MARTÍNEZ– Spain. Bellevue alumnus 2016
- Samira IRSANE – France. Bellevue alumna 2014
- Fernando LÓPEZ-MENCHERO DÍEZ. Spain. Bellevue alumnus 2011
- Inmaculada NAVARRO – Spain. Bellevue alumna 2017
- Jean Baptiste PERRIN – France. Bellevue alumnus 2016
- Monica REDONDO - Spain. Bellevue alumna 2016
- Mátyás SZABÓ – Hungary. Bellevue alumnus 2017

Journalist (1)

- Erblin JAKU - Journalist covering the webinar for the BAFE association

Experts (2)

- Ginevra LE MOLI – Italy. Assistant Professor of Public International Law at the Institute of Public Law and the Grotius Centre for International Legal Studies at Leiden University
- Matej ACCETTO – Slovenia. Associate professor of EU law at the Faculty of Law of the University of Ljubljana, and Vice President of the Constitutional Court of Slovenia

Further references

Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union Budget:

<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32020R2092>

National recovery and resilience plans:

https://ec.europa.eu/info/business-economy-euro/recovery-coronavirus/recovery-and-resilience-facility_en#national-recovery-and-resilience-plans

Dutch court orders Shell to dramatically cut emissions, saying it's partly responsible for climate change:

<https://fortune.com/2021/05/26/dutch-court-shell-to-cut-emissions-climate-change/>

Carbis Bay G7 Communiqué:

<https://www.whitehouse.gov/briefing-room/statements-releases/2021/06/13/carbis-bay-g7-summit-communicue/>

The German Constitutional Court has blocked the EU's recovery fund. What happens now? (Euronews):

<https://www.euronews.com/2021/03/30/the-german-constitutional-court-has-blocked-the-eu-s-recovery-fund-what-happens-now>

In 2017, New Zealand granted legal personhood to the Whanganui River. Since then, other nations have followed suit in an effort to protect the environment (Travel):

<https://www.bbc.com/travel/article/20200319-the-new-zealand-river-that-became-a-legal-person>