



FRANS TIMMERMANS
First Vice-President

Brussels,

Dear Chairman,

I am pleased to send you the Commission's response to the Contribution of the LV COSAC Plenary adopted in The Hague last month.

The exchanges during the sessions I attended, on parliamentary scrutiny and the role of Parliaments in protecting the rule of law within the EU, reinforced my conviction that national Parliaments' have a central role to play in increasing the transparency and democratic accountability of decisions made at the European level.

Bridging the gap between the EU institutions and Europeans is more important than ever if we are to confront the many challenges the Union is facing in a coordinated and effective manner.

The Commission, for its part, remains committed to delivering concrete results where action at EU level is necessary to address the challenges that Member States alone cannot. It goes without saying that any action taken at EU level must respect the principles of subsidiarity and proportionality. In this regard, the Commission will continue to pay close attention to the opinions it receives from national Parliaments in the framework of the political dialogue and subsidiarity control mechanism and looks forward to future discussions in COSAC on strengthening the role of national Parliaments in the EU.

Yours faithfully,



Frans TIMMERMANS

Annex : 1

Mr L'uboš BLAHA, Chairman of the European Affairs Committee of the Národná rada

cc: Mr Tuur ELZINGA, Chair of the Standing Committee on European Affairs of the Eerste Kamer der Staten-Generaal

Mr Malik AZMANI, Chair of the Standing Committee on European Affairs of the Tweede Kamer der Staten-Generaal

**Reply of the European Commission
to the Contribution of the LV COSAC
The Hague, 12-14 June 2016**

1. Modes of parliamentary scrutiny

The Commission welcomes COSAC's invitation to EU institutions to take into account and support national Parliaments' ambitions to play an active role at EU level; this request is in line with Protocol n°1 to the Treaty on the European Union which encourages greater involvement of national Parliaments in the activities of the European Union and calls on them to express their views on draft legislative acts of the Union as well as on other matters which may be of particular interest to them. The Commission wishes to use this opportunity to reaffirm its commitment to forging a new partnership with national Parliaments. The Commission values the contributions that national Parliaments make in the framework of the political dialogue and the subsidiarity control mechanism. It remains ready to visit national Parliaments to engage in a dialogue on key Commission initiatives and proposals. In this regard, since this Commission entered office, there have been more than 300 direct contacts between members of the college and national parliamentarians, either in the form of visits to national Parliaments or meetings in Brussels. The Commission values these direct contacts and aims to maintain this rhythm.

The Commission Work Programme is a political programme, highlighting the key initiatives on which the Commission will focus its work in the year to come. It reflects also a political commitment of the entire College to deliver on these key initiatives in the following year.

Apart from the limited number of key initiatives highlighted in the Commission Work Programme, and for which the Commission collegially commits to deliver, the Commission is of course working on other initiatives, which often implement legal obligations or political commitments. Among those are for example proposals already announced in the major strategies or action plans, non-legislative policy Communications, delegated and implementing acts, international agreements, repeals of existing acts etc.

The list of all major Commission initiatives on which the Commission has launched preparatory work is published regularly and sent to the other institutions¹. This provides a realistic and transparent overview of the key initiatives the Commission is currently preparing. All major initiatives are also accompanied by Roadmaps or Inception Impact

¹ http://ec.europa.eu/atwork/key-documents/index_en.htm

Assessments, on which stakeholders and citizens can comment at a very early stage of the process through the "Contribute to EU law-making" website².

The overall number of Commission initiatives has not increased, but decreased over the last few years. For example, in 2013, the Commission adopted around 140 policy Communications and 160 legislative initiatives (co-decision, consultation and consent procedure). In 2014, it adopted around 90 policy Communications and 84 legislative proposals. In 2015, these figures went down to around 70 and 60 respectively.

3. The "yellow card" and the "green card" (enhanced political dialogue)

The Commission notes the conclusion reached at COSAC that any improvement to the subsidiarity control mechanism should not entail Treaty change.

As Commission First Vice-President Timmermans explained during the LV COSAC in The Hague, the Commission considers that extending the eight-week time limit for national Parliaments to send reasoned opinions after the transmission of Commission legislative proposals would require an amendment of the Treaty. Although the month of August is not taken into account by the Commission, for practical reasons, in the calculation of the eight-week period, further exclusions would slow down the legislative process even more, something which in the Commission's view would be neither desirable nor justified.

The Commission values all written communications received from national Parliaments. It has put in place processes to ensure that it provides national Parliaments with substantive and political responses in a timely manner and welcomes COSAC's support for its efforts.

The Commission has acknowledged that the threshold to trigger the procedure laid down in Article 7(2) of Protocol 2 has been reached in respect of its proposal to amend the Posting of Workers Directive³. The Commission considers reasoned opinions as an invitation to engage in a dialogue on the necessity and added-value of its proposals. In this context, the COSAC Chairpersons' meeting in Bratislava on 11 July 2016, which was attended by Commissioner Marianne Thyssen, provided an opportune forum for a discussion between the Commission and national Parliaments on the proposal. The views expressed by national Parliaments during the meeting and in their written opinions were carefully considered by the Commission when reviewing its proposal in the light of the principle of subsidiarity.

The Commission does not have a monopoly on good ideas and is open to discussing constructive proposals from national Parliaments. In this respect, the so-called 'green card' initiative on food waste in 2015 has shown that national Parliaments are able to play a constructive role within the existing Treaty framework and without the need for new mechanisms or for a separate procedure implying new rules as a number of their

² http://ec.europa.eu/info/law/contribute-law-making_en

³ COM(2016) 128 final.

suggestions on food donation, data collection and monitoring were subsequently reflected in the revised Circular Economy package. The Commission remains open to consider similar joint initiatives from national Parliaments in the future.

4. Trilogues

The Commission, under President Juncker, has made democratic change and transparency one of the ten political priorities for its mandate. The Commission is open to examine tools and practices to ensure transparency and accountability and to progress further, where necessary and appropriate.

In the new Interinstitutional Agreement on Better Law-Making, which entered into force in April of this year, the Commission, the Council and the European Parliament have jointly committed to further improving transparency in legislative procedures and will examine over the coming months how to follow-up on this commitment. The organisation of the legislative process falls first and foremost on the co-legislators, and the Commission is ready to offer its full support to them with a view to increasing the transparency of trilogues while preserving an efficient decision-making process.

6. Parliaments and the Rule of Law

The Commission welcomes the COSAC Contribution on Parliaments and the Rule of Law. The Commission believes in particular that an inter-parliamentary dialogue between the European Parliament and national Parliaments is important to discuss how to further promote and protect democracy, the rule of law and fundamental rights. Such inter-parliamentary dialogue is vital to promote a common vision at EU and at national level of our common values and could be a good way to exchange best practices.

7. Parliamentary diplomacy in the framework of the European Neighbourhood Policy

The Commission and the European External Action Service (EEAS) support parliamentary diplomacy – alongside traditional diplomacy – as a complementary means of promoting fundamental values, increasing mutual understanding, exchanging information and know-how and supporting and fostering peace, security and prosperity.

Twinning programmes are one of the tools used in promoting parliamentary cooperation between Member States' national Parliaments and those of the EU's Neighbourhood countries. Examples of this cooperation are two ongoing twinning projects that started in 2016: the first between the parliaments of Tunisia, France and Italy in the framework of the European Neighbourhood Instrument support programme to Tunisia for the consolidation of the fundamental elements of democracy in the country and the second between the parliaments of Morocco, France and the United Kingdom for building the institutional and administrative capacity of the Moroccan House of Representatives in the context of the 2011 constitutional reform. There is also a twinning project under preparation between the parliaments of Ukraine, Lithuania and Austria, to strengthen the capacity of the Ukrainian institutions by improving the legislation in the field of the

human rights protection and the functioning of the Ombudsman in compliance with international standards.

In addition, the Commission works with the Council of Europe's Parliamentary Assembly to organise peer to peer seminars for Members of Parliament and information and training workshops for staff of national Parliaments from both the Southern and Eastern neighbourhoods. These are arranged around four main themes: protecting and promoting human rights; combating threats to the rule of law; addressing challenges of the information society and promoting democratic governance.

8. Migration

The Commission fully endorses the emphasis placed by COSAC on migration, and the external dimension in particular. Since the adoption of the European Agenda on Migration in May 2015, a series of actions have targeted the need to address both specific challenges and long-term root causes. This includes the Valletta Summit, which in November 2015 brought migration issues to the heart of the EU's relations with African countries, and the EU-Turkey Statement, which established – with an immediate impact – new ways to bring order into migration flows and save lives in the eastern Mediterranean.

Building on such efforts and to respond in a meaningful way to the continuing humanitarian crisis, the Commission proposed on 7 June 2016 the establishment of a new Partnership Framework with third countries. This Partnership Framework was endorsed by the European Council and would enhance support for those in need in their countries of origin and transit; help develop safe and sustainable reception capacities and provide lasting prospects close to home for refugees and their families in third countries affected by migratory pressure; create genuine prospects of resettlement to the EU to discourage irregular and dangerous journeys; and aim at returning illegally staying third country nationals in full respect of human rights and the dignity of the persons concerned, as well as the principle of non-refoulement. As such, it would address the root causes of migration and also give a new priority to working with partners to see effective migration management and support across countries of origin and transit.

At the same time, the Commission continues to support the full implementation of the agreed measures and policies to address the refugee crisis and alleviate pressure from frontline Member States, as COSAC also highlights. In this context, it is particularly important to accelerate relocation from Greece and Italy, ensure the full deployment of Member State experts to support the work in the Mediterranean, as well as to consolidate the progress made in the implementation of the EU-Turkey Statement, as the situation is still fragile. The recent agreement on the European Border and Coast Guard opens the door to the swift operationalisation of a new approach to mutual support on the external border. The current crisis management should strengthen our resolve and determination to lay the foundation for a sustainable and fair asylum system for the future. The Commission therefore welcomes COSAC's support for the reform of the Common European Asylum System for which it adopted legislative proposals in May and July.