

*Brussels, 9 April 2014  
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*Dear Mr Tragakis,*

*On behalf of the Commission, I would like to follow up on the discussions held during the last COSAC meeting in Vilnius on 27-29 October 2013, and I am pleased to send you the official reply of the European Commission to the Contribution of the L COSAC.*

*The Commission is looking forward to continuing its exchanges with COSAC, individual national Parliaments and the European Parliament on the topics that have been in focus at the recent COSAC meetings, including the role of national Parliaments and democratic legitimacy and accountability, but also on other key issues like economic governance and the social dimension of the Economic and Monetary Union.*

*Our discussions at the COSAC Chairpersons' meeting in Athens under the Greek COSAC Presidency, which I had the pleasure to attend, clearly showed a continued interest in these matters, and I am convinced that the debates will be pursued also at the Plenary meeting in June 2014.*

*Yours sincerely,*



*Maroš Šefčovič  
Vice-President*

*c.c.: Mr Gediminas KIRKILAS*

*Mr Ioannis TRAGAKIS  
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Chairman of the Committee on European Affairs  
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**Reply of the European Commission  
to the Contribution of the L COSAC  
Vilnius, 27-29 October 2013**

**1. COSAC's contribution to the Strengthening of Inter-parliamentary Cooperation in the European Union**

The Commission welcomes COSAC's intention to strengthen inter-parliamentary cooperation in the EU. The Commission shares the view that an active role of national Parliaments in the EU decision-making process, in particular in the early phases, should be encouraged, and it finds that further cooperation between national Parliaments and the European Parliament to exchange information and best practices would be of mutual benefit and in the general interest of the EU and its citizens.

While the organisation of COSAC meetings is an issue to be agreed between national Parliaments and the European Parliament, the Commission remains committed to the continued discussions with national Parliaments and the European Parliament, and the Commission will continue to examine with particular care and interest any contributions that COSAC sends to it.

**2. Democratic Legitimacy in the EU and the Role of EU Parliaments**

The institutional architecture of the EU is based on a dual **legitimacy** on both national and European levels. At European level, democratic accountability and parliamentary scrutiny are ensured primarily by the European Parliament. At national level, national Parliaments will always remain crucial in ensuring the legitimacy of Member State positions in the European Council and the Council. The Commission therefore recognises that it is important that national Parliaments engage actively in parliamentary scrutiny.

The Commission also considers as crucial that substantial changes in the area of EU economic governance are followed by adequate mechanisms to ensure effective democratic legitimacy and accountability. Both national Parliaments and the European Parliament play a key role in this regard.

The Commission also supports efforts to reinforce the democratic legitimacy of the European Semester process. Given the interaction between the European and national levels in the context of economic governance, greater involvement of the European and National Parliaments in the decision-making process is essential.

Concerning national Parliaments' right to issue reasoned opinions under Protocol No 2 of the Lisbon Treaty, national Parliaments have so far triggered two **yellow card procedures**. Concerning the yellow card procedure on the Commission's proposal on the establishment of

the European Public Prosecutor's Office, the Commission refers to its Communication<sup>1</sup> adopted further to the review of the proposal in the light of the subsidiarity arguments raised by national Parliaments in their reasoned opinions. As stated in the Communication, the Commission took these objections seriously and carried out a detailed analysis of all the arguments related to subsidiarity. The Commission found that the proposal complied with the principle of subsidiarity and that an amendment or withdrawal of the proposal was not justified, and presented substantiated argumentation to explain this position. The Commission will take due account of the arguments of the national Parliaments in the on-going legislative process.

As regards COSAC's call on the institutions to demonstrate the **impact of reasoned opinions and political dialogue opinions**, the Commission would like to underline that the dialogue with national Parliaments is of great value and of mutual and broader benefit.

The added value for the Commission in receiving opinions from national Parliaments early in the legislative process is that it can conduct negotiations with the European Parliament and the Council in full awareness of the views expressed by national Parliaments. Furthermore, when the Commission decides which amendments from the co-legislators to accept or not, it does so in full awareness of the different positions expressed by national Parliaments on the respective issues. At the same time, it should be underlined that the Commission conducts the dialogue with national Parliaments in full respect of the respective prerogatives of the EU institutions, and of the institutional balance at EU level more generally. Therefore, should the Commission modify its position in the course of the legislative procedure, this will always be the result of the combination of several factors, which will then result in an overall political consideration.

The Commission would encourage national Parliaments to make both the European Parliament and their Member State's Council representatives aware of the content of their opinions and reasoned opinions.

Concerning the **timeliness and quality of Commission replies** to national Parliament opinions, the Commission considers that the political dialogue is most effective when the reply follows swiftly after the submission of the opinion.

The regrettable delays that have been seen in recent years – to a large extent a result of the success of the political dialogue itself – have been significantly reduced since measures have been taken to improve the Commission's internal procedures. These improvements have already resulted in improved performance and the Commission trusts that it will generally be able to respond within the self-imposed three month deadline.

The Commission remains fully committed to providing substantive replies to national Parliaments, and Commission services have intensified their efforts in that respect. It should be noted that there may be situations where a written reply cannot be as explicit and definitive as some would like it to be – because the institutions are engaged in political negotiations, or because it is still too early for the Commission to take a position on certain issues of substance, or because of a lack of clarity in the opinion.

Furthermore, if a national Parliament is not fully satisfied with the reply, it can of course always ask the Commission for further clarifications.

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<sup>1</sup> COM(2013) 851 final.

### **3. Political dialogue**

In addition to the comments above, the Commission would like to stress that it finds it important that the political dialogue goes further than an exchange of opinions and replies, and that it is complemented by meetings and other contacts. The Commission remains committed to appearing in front of national Parliaments, upon invitation, to discuss EU affairs, including the Commission's policies and proposals. The Commission remains attentive to any particular interests of national Parliaments in that regard.

The Commission is pleased to note that the 20<sup>th</sup> Bi-Annual Report confirms that many national Parliaments see the use of the political dialogue and the subsidiarity control mechanism as important tools of scrutiny and that they value that Commissioners or Commission representatives appear before national Parliament committees.

The Commission also agrees that the dialogue at inter-parliamentary conferences is very useful and of great importance. In this context, COSAC is a key forum, and it is a priority for the Commission that at least one Commissioner is present at COSAC meetings to discuss important EU topics with members of national Parliaments and of the European Parliament.

### **4. Implementation of the Europe 2020 Strategy**

National Parliaments ensure the legitimacy of Member States' actions in the European Council and the Council as well as of the conduct of national fiscal and economic policies. However, the Commission remains committed to developing a regular political dialogue with national Parliaments within the framework of the European Semester.

The Commission has identified two particular moments during the Semester when dialogue with national Parliaments could provide particular value added (i.e. first, following the publication of the Annual Growth Survey of the European Commission and second, following the adoption of country-specific recommendations). As stated already on several occasions, particularly at these key stages, the Commission is ready to discuss with national Parliaments both horizontal and country-specific questions and to provide further clarification of its positions.

In the context of the so-called 'two-pack' legislation, the Commission is also available to present its Opinions on the draft budgetary plans of euro area Member States to national Parliaments, if requested. Finally, in the 2014 Annual Growth Survey, the Commission also stressed that it is important to involve national Parliaments and other national actors more in the process to ensure key reforms are understood and accepted, particularly during the process of designing the National Reform Programmes ahead of their submission to the Commission.