

Speaking points

Introduction

- ❖ I'm delighted to see you all again so soon, (just a bit more than one month) after our last meeting in Madrid. The Madrid meeting was my first COSAC meeting and I found the discussions particularly interesting and enriching; it is an exciting time for national Parliaments and COSAC and I feel privileged to be able to follow your discussions closely, and I hope to contribute also.

- ❖ Although only one month has passed since we last met, a lot has happened since then, politically and institutionally.

- ❖ Let me therefore brief you on some of the most important developments, before turning more specifically to the relations between the Commission and national Parliaments.

Framework Agreement

- Negotiations on the revised FA with the Parliament came to a conclusion last week (Wednesday, 29 June); after ten, sometimes difficult negotiation rounds between March and end of June, Commission and EP successfully reached consensus on the entire text of the FA, including the two points, which were still pending one month ago: international negotiations and the handling of confidential information.
- As regards the institutional context, one of the main purposes of the revision exercise was to adapt the existing FA to the Lisbon Treaty.
- I think nobody would question that the new Treaty introduces some significant changes. In particular, it strengthens the role of the European Parliament, on legislative, budgetary or international negotiations. This was acknowledged by the President of the Commission once he endorsed the EP resolution on 9th of February which represented the political mandate to update the FA.
- The revision of the FA should be seen as a means to implement these new Treaty provisions and, at the same time, to promote efficient and productive collaboration between the institutions.
- Such an agreement is something of a practical necessity for both EP and Commission. It is quite wrong to see it as designed to weaken the Council – and therefore, indirectly, the ability of national Parliaments to influence European policy. Indeed, we had a clear preference for a full inter-institutional agreement involving the Council as well.

- Let me ensure you that, through the whole negotiation, the Commission was very attentive to make sure that the revised FA respects the institutional balance as defined by the Treaties.
- Let me give you a few examples:
 - There are no provisions on the **European External Action Service** in the FA, as the EEAS was the subject of specific negotiations in parallel, involving not only the Parliament and the Commission but also the Council and the High Representative.
 - The issue of **programming** was difficult to resolve in the context of these bilateral negotiations because the implementation of new provisions of Article 17 also concerns the Council.

In the end, we found a balanced compromise which is limited to updating the existing procedures for the preparation of the Commission's Work Programme and at the same time calls on the Council to engage in discussions on the Union's programming.

- **International agreements** were another difficult issue. In line with Treaty provisions, the Commission is committed to do its part to provide full and immediate information to Parliament at all stages of negotiation and conclusion of international agreements, subject to the application by

Parliament of appropriate security standards for confidential information.

In line with the resolution, we have also agreed to facilitate MEP access as observers to certain international meetings, albeit only in particular circumstances and on a case-by-case basis.

- The Parliament and the Commission will now launch their respective procedures for validation of the negotiation outcome. The revised Framework Agreement could then probably enter into force in early autumn.

EEAS

- Last month, we also saw the institutions reach a political agreement on the EEAS. This agreement is very welcome. We all want to see a coherent and effective EU external policy: the agreement should mean that we will have the full range of structures for the EU's external action in place by the end of the year. The EEAS is an important part of this – working alongside the institutions and with the same rules of accountability as any other part of the European public service.
- The COM will work hard with all institutions involved to ensure that the EEAS is up and running as soon as possible; and to ensure that when the EEAS is in place, the aspects of external policy on which the Commission services lead will work in the closest

cooperation with the aspects of external policy on which the EEAS will lead.

European Citizens' Initiative

- On 14 June, the General Affairs Council adopted a General Approach on the European Citizens' Initiative.
- I know that the ECI is an issue, which is of great interest to the national Parliaments, and the Commission is very grateful for the opinions it has received from you following its Green Paper on the Citizens' Initiative and more recently following its legislative proposal.
- The European Commission put forward its proposal for a Regulation on 31st March. Since then, discussions have moved very fast within the Council.
- In its General Approach on the draft, the Council proposes two key changes to the Commission's proposal:
 1. Firstly it has proposed to lower the threshold for triggering the admissibility decision for proposed ECIs to 100.000 signatures (the Commission had proposed 300.000)
 2. Secondly it has considerably broadened the provisions as regards what personal data signatories will be required to provide in order to sign up to an initiative. The purpose

of this change is to reflect the different traditions of the different Member States.

- The Commission was able to broadly accept the Council text, although we believe that some further improvements are needed.

In particular, we believe that the provisions on personal data requirements will need to be worked on further.

Discussions in the European Parliament, on the other hand, have only recently begun, within the Committee on Constitutional Affairs. The co-rapporteurs, Alain Lamassoure and Zita Gurmai, have drafted a working document as a basis for discussion, which raises a number of interesting ideas.

- I am confident that the Parliament will now be able to move forward rapidly in shaping its position and that we can have a first reading agreement by the end of this year.

June European Council

- Before turning more specifically to relations with national parliaments, I must say a few words about the work of the EU to tackle the economic crisis. This is of course uppermost in the minds of citizens across Europe. And I believe the June European Council showed how the EU is making a real difference. We now have three interlocking strands of action to tackle the frailties we have seen, and leave an EU economy not only more robust, but geared up for tomorrow's growth.

- I spoke in detail at our last meeting in Madrid on **economic governance**. The European Council has now backed the ideas outlined in the Commission's communication of 12 May, and the Commission has already followed up in another Communication last week – with more detail on how to reinforce coordination, surveillance, and remedial action.
 - The second area is **financial markets**. We all know that the job here is not yet complete. The European Council took up the target proposed by the Commission to have the next phase of financial services proposals agreed by the end of 2011. To make this possible, you will see a wide range of proposals from the Commission in the course of this autumn.
 - The European Council also took up our call to see a deal on outstanding legislative proposals as soon as possible, in particular the European supervision package;
 - The third, critical area endorsed by the June European Council is the **Europe 2020 strategy**. We all know that we can no longer rely on public spending stimulus to bring growth. But Europe 2020 offers an alternative route to growth. That is why it is critically important that we spend the next few months giving the strategy an early start – and there is a vital role here for national parliaments.
 - The focus is now on implementing the strategy. This means:

- Over the coming months, Member States will draw up their National Reform Programmes (with their national targets) so as to be finalised by April, to come forward at the same time as the presentation of their stability or convergence programmes, which cover the fiscal side in line with the Stability and Growth Pact.
- On that basis the Commission will assess how the EU is progressing towards the 5 agreed headline targets. The Commission will also present country specific recommendations to make sure the Union moves in the right direction.
- The role of the national Parliament's in implementing Europe 2020 will be key : essential to be closely involved to ensure :
 - 1) fiscal consolidation hand in hand with structural reforms and recreate conditions for return to growth and job creation.
 - 2) clear scrutiny and association in draft National reform programs and national targets. Thereafter national parliaments should monitor closely the implementation and the follow-up to Commission recommendations.
 - 3) Cosac could play an important role in exchanging good practices of how national parliaments are involved and monitor EU2020 reforms.

Relations Commission-national Parliaments

- As regards the Commission's relations with national Parliaments, what happened since we last met in Madrid?
- The Commission on 2 June adopted its **annual report 2009** on Commission-national Parliaments relations; the first one to be adopted by the new College and therefore an important strategic tool, which will guide us in the course of the next years;
- The report has indeed a strong forward-looking element, proposing different fields in which we could strengthen our cooperation and in which the Commission counts on national Parliaments' support; let me mention again Europe 2020, but also the implementation of the EU budget and the fight against fraud, as well as transposition of EU law more generally;
- President Barroso and I will personally send the report this week to the Presidents of your Chambers and to yourselves;
- We are looking forward to hear national Parliaments' views on these proposals and to discuss them further and in more detail with you;
- On the occasion of the College debate on this annual report, I debriefed my Colleagues on the discussions and results of the last COSAC meeting in Madrid, and in particular on the ongoing debate within COSAC and the Speakers' Conference as regards future patterns of interparliamentary cooperation;

- The President also strongly supported me in encouraging all Commissioners to work on intensifying their relations with all national Parliaments.
- The Commission is committed
 - to be accessible for NP and to assist them in their daily enquiries into EU policy;
 - to regularly visit NP and to enhance any kind of exchange with them;
 - to involve national Parliaments adequately in any pre-legislative consultation;
 - to make sure that the legislative proposals are based on a consistent and clearly-argued justification as regards the principle of subsidiarity, as requested by the Treaties;
- All my colleagues showed a very strong interest in issues related to national Parliaments and to the new role given to them by the Lisbon Treaty, as well as a clear political will to move this relationship further and to deepen it;
- And already next week I will again meet with the permanent representatives of your chambers here in Brussels, with whom the Commission has excellent contacts and with whom we share one of the main tasks, which is to contribute to bringing Brussels closer to the national capitals.

- June was also the moment to look back to a first experience of six months as regards the new **Treaty of Lisbon**; from national Parliaments' views, one of the key elements in this regard was certainly – at this stage - the implementation of the **subsidiarity control mechanism**;
- As you know, we started sending out the first proposals falling under the new mechanism in early February, immediately after the new College had taken up its functions, and so far we have not encountered any major difficulty;
- This is certainly also due to excellent contacts established between your and my services, which allow for a quick and informal exchange each time there is a technical problem, a question on procedures or scope for clarification as regards the way the Commission interprets this new mechanism.
- Since February, we have received 41 opinions referring to draft legislative proposals falling under the scope of the subsidiarity control mechanism. Four of them were negative reasoned opinions in the sense of Protocol 2.
- As in none of the cases the thresholds mentioned in Protocol 2 were reached, the Commission replied to these opinions as it usually does, in the context of the political dialogue.
- This is one reason why why it has been so important for us to maintain the political dialogue with national Parliaments also after the entry into force of the new Treaty: it allows us to

continue our direct exchanges also beyond the strict and limited frame of the new Treaty mechanism;

- Related to the four cases mentioned above, this means more concretely that the political dialogue allows us to give a substantial, formal and collegial reply from the Commission also in those cases where thresholds are not met;
- I am happy to see that many of your chambers are using this privileged channel of communication with the Commission more and more intensively;
- But I would also like to encourage those of you who have not yet engaged in this form of dialogue with the Commission, to consider this possibility of making your views on key documents and proposals heard, not only vis-à-vis your own government, but also vis-à-vis the Commission.
- We might indeed be able to provide important clarifications with regard to questions you may have, we might be able to explain in more detail what the driving force behind a given proposal was, and we will definitely take into account your views expressed, which are extremely helpful for us, especially if they arrive in a timely fashion.
- Let me emphasise also that the replies we give to your opinions are collegial replies, given in the name of the whole institution. The College has empowered me, as VP for relations with the NP, to sign these replies, but I do so only after all services and cabinets concerned have been consulted and have given their

agreement to the reply, which is then adopted collegially by a formal procedure.

- I fully understand that for you it might not always be easy to measure the concrete impact of your opinions;
- However, I would like you to be aware that
 - each time the Commission is negotiating legislative files with the legislators, it is now able to do so in full knowledge of the opinions expressed by national Parliaments.
 - when the Commission is deciding on its position to be defended in the European Parliament and the Council, it can be informed by the views expressed by national Parliaments on the relevant dossier.
 - In many cases opinions expressed by national Parliaments are reflected in the legislative process by either the Parliament or the Council, which clearly points to the added value of national Parliaments opinions: If delivered on time, and this is very important, they can act as an early warning system providing an outline of the main positions on the Commission proposal, which helps the legislative process by allowing all three institutions to reflect on the points raised in good time.
- And let me add that I see a great potential as regards national Parliaments role in the pre-legislative phase.

- Your participation in public consultations and your reactions to Communications and Green papers, for example, are highly appreciated and give you as national Parliaments the possibility to see very concretely how and to which extent your views are translated into concrete proposals.

Reply to COSAC Contribution:

- Let me conclude by providing you – orally - with the Commission's official answer to the main points of the last COSAC Contribution, by which the Commission was concerned, and to which we had already committed ourselves to reply. A written letter will follow along the same lines.
- As regards the point on **climate change** and preparations for Cancun, the Commission is determined to play a proactive part in preparing and in representing the EU in the next UN Climate Conference in Cancun.
- Our ultimate goal remains to reach a global and comprehensive legal agreement with the objective of keeping the increase in temperature below 2° C compared to preindustrial levels.
- A new phase for the Kyoto agreement cannot be an end in itself and we will not agree to be tied to a structure which would leave many of the world's major emitters outside. We need to bring them on board keeping in mind that even if they continue to resist a global legally binding agreement, they are taking steps to promote green growth and low carbon energy.

- In a world where competitiveness is inextricably linked to sustainability, we need to continue to work on implementing the climate-energy package, an effort that is central to the renewed Europe 2020 strategy for sustainable growth and employment.
- With regard to the **EU's accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms**, the Commission welcomes the COSAC support and shares the view that the European Union may take part as a co-respondent in proceedings before the European Court of Human Rights in cases brought against a Member State where there is an intrinsic link between the alleged violation of the Convention and a provision of Union law.
- As to the involvement of national Parliaments, the Recommendation for a Council decision authorizing the Commission to negotiate the Accession Agreement is not a "draft legislative act" within the meaning of Protocols n° 1 and 2, nor do negotiation directives usually fall within the scope of the political dialogue (as negotiating directives are not sent to the EP, they are as a consequence neither transmitted to NP);
- However, the negotiations will be conducted in consultation with a special committee composed by representatives of the Member States, in accordance with Article 218 (4) of the Treaty. The involvement of national Parliaments is therefore an internal matter for each Member State, bearing in mind, however, that governments of Member States are bound to

- ensure confidentiality both of the Council decision authorizing the Commission to negotiate the Accession Agreement and of the underlying Recommendation from the Commission.
- With regard to the points in your Contribution related to the **Framework Agreement**, I have already said a word earlier and would like to limit myself to reiterate that
 - The Commission recognises that the acts of the Council have a particular significance for national Parliaments which exercise control of this body through their respective Governments.
 - Therefore, we would like to reassure COSAC Members that, neither the special partnership between the Commission and the Parliament that President Barroso has been calling for, nor the revised Framework Agreement between the two institutions, aim at weakening the Council and indirectly the ability of national Parliaments to influence European policy.
 - On the contrary, it aims at implementing new Treaty provisions and promoting efficient and productive collaboration between the institutions.
 - As concerns the **definition of draft legislative acts** and the concerns expressed by some of you, we remain convinced that the Treaty leaves no room for interpretation regarding the definition of a legislative act;

- The Treaty says that a legislative act exists only there where the legal base explicitly refers to either the ordinary legislative procedure or a special legislative procedure; I note that all three institutions follow the same line on this matter;
- It is clear that these Treaty provisions need to be applied, and that ensuring a smooth and correct implementation of the Treaty is the particular responsibility of the Commission as Guardian of the Treaties.
- Let me add that I don't believe it is the Commission's role to provide interpretation of why particular provisions are drafted in a particular way;
- In any case, even with such an interpretation, we do not think national Parliaments' powers are particularly limited by our interpretation.
- As you know, the Commission sees the subsidiarity control mechanism as part of a wider political relationship between the Commission and national Parliaments. In the context of our political dialogue, we continue to encourage national Parliaments to express their views on any Commission document, be – formally speaking – a legislative or a non legislative one.
- For its part, the Commission will continue its practice to examine and to carefully weigh any comments it receives from national Parliaments in the context of the political dialogue.

- And finally, concerning our exchanges on the Commission's Work Programme, we are of course open to regularly discuss it with the COSAC, and let me add to this that individual Commissioners, including myself, will continue to visit your different chambers to talk about these programming issues.
- It goes without saying that these discussions will take place, in the framework of COSAC's institutional role and in full respect of the competences of the different institutions; as foreseen in the Treaties.
- Therefore, as concerns the practical modalities and the especially the exact timing, it is probably a bit too early to take commitments for us, and we suggest that this be further discussed between the Commission and the COSAC Presidency, namely in the light of the future interinstitutional programming cycle of the Commission.
- I am very confident that we will find a good solution which suits both sides.

Many thanks for your attention, I look forward to your questions.